



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 21 November 2018

Time: 2.30 pm

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

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

Corporate Director for Strategy and Resources

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

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES**
 - a To agree the minutes of the meeting held on 19 September 2018** 3 - 8
 - b To agree the minutes of the meeting held 17 October 2018** 9 - 14
- 4 DRAFT WATERSIDE SUPPLEMENTARY PLANNING DOCUMENT (SPD)** 15 - 18
Report of the Corporate Director of Development and Growth
- 5 PLANNING APPLICATIONS**
Reports of the Chief Planner
 - a Broadmarsh Car Park, Collin Street** 19 - 42
 - b Horizon Factory , Thane Road** 43 - 64
 - c Playing Field And Pond North East Of Tennis Centre, University Boulevard** 65 - 82
 - d Former Meadows Police Station, Crammond Close** 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 19 September 2018 from 2.32 pm - 3.35 pm

Membership

Present

Absent

Councillor Chris Gibson (Chair)
Councillor Brian Parbutt (Vice Chair)
Councillor Leslie Ayoola
Councillor Cheryl Barnard
Councillor Graham Chapman
Councillor Azad Choudhry
Councillor Josh Cook
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Andrew Rule
Councillor Mohammed Saghir
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Linda Woodings
Councillor Cate Woodward
Councillor Steve Young

Colleagues, partners and others in attendance:

Rob Percival	- Area Planning Manager
Councillor Michael Edwards	- Ward Councillor - Bridge
Lisa Guest	- Principal Officer, Highway Development Management
Paul Seddon	- Director of Planning and Regeneration
Nigel Turpin	- Team Leader, Planning Services
Zena West	- Governance Officer
Tamazin Wilson	- Solicitor

30 CHANGE OF MEMBERSHIP

RESOLVED to:

- (1) note that Councillor Rosemary Healy has left Planning Committee;**
- (2) note that the vacancy has been filled by Councillor Leslie Ayoola;**
- (3) extend the thanks of Planning Committee to Councillor Rosemary Healy for her contribution to Planning Committee.**

31 APOLOGIES FOR ABSENCE

None.

32 DECLARATIONS OF INTEREST

Councillor Chris Gibson declared an interest in agenda item 5b – Plumb Centre, Waterway Street West. This interest did not preclude him from discussing, debating or voting on the item.

33 MINUTES

The minutes were confirmed as a correct record, and signed by the Chair.

34 11 - 19 STATION STREET

Councillor Michael Edwards, Ward Councillor for the Bridge ward, spoke in opposition to the application, stating that local residents continue to lobby against this development, and that he feels the design needs further work. Councillor Michael Edwards then left the meeting whilst the Committee discussed and voted on the item.

Rob Percival, Area Planning Manager, introduced application 18/00916/PFUL3 by Franklin Ellis on behalf of Bildurn (Properties) Ltd for the demolition of existing buildings and erection of a five storey office building with associated undercroft parking, external works, and roof plant area. The application was brought to Planning Committee because it relates to a major development on a prominent site where there are important design and heritage considerations. The application was deferred at Planning Committee on 15 August 2018 pending changes to the architecture and materials.

Rob Percival gave a presentation to the Committee, showing aerial photos and maps of the site, photos showing the condition of the building to be removed, views of the previous proposed scheme including long views from Queens Walk, and views of the new proposals. He highlighted the following points:

- (a) the previous comments from the Committee mentioned a desire for a stronger architectural style, and raised concerns regarding the glazed link, the barcode style of the window placement, and the use of a dark brick to the rear of the building;
- (b) the new proposals strengthen the rhythm of the building, and reference to the architectural style of those adjacent to it. The greater use of stonework and this being carried down to the pillars lightens the appearance of the building and strengthens its verticality, and the palette better respects the neighbouring buildings;
- (c) the glazed link section is now set back and lower, and the previous dark brick to the rear of the development has been replaced with a much lighter grey buff brick, with some brick detailing to the rear windows.

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

- (d) Councillors welcomed the proposed grade A office accommodation on the site, and offered their congratulations to the architects for listening to the

Committee's concerns. The revised scheme drew much praise, and Councillors welcomed the lighter feel of the proposals;

- (e) some Councillors felt that more should be done to attempt to keep the façade of the current buildings, whilst other Councillors noted that this would not be practical for offering a grade A office environment, which requires larger windows, higher ceilings, and space between floors for wiring;
- (f) the images of the pillars at the base of the building and the gaps either side give the appearance of the proposed scheme extending forward beyond the line of neighbouring buildings. Planning colleagues assured the Committee that this was an optical illusion, and that the front of the building would be in line with neighbouring properties;
- (g) there are 76 bike spaces in the undercroft parking area, and recycling and waste facilities are adequate. A green roof and other drainage options can be explored further with the developers.

RESOLVED TO:

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

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

35 PLUMB CENTRE, WATERWAY STREET WEST

Councillor Michael Edwards, Ward Councillor for the Bridge ward, spoke in opposition to the application, raising the following points:

- (a) the development is concerning to a significant number of citizens in the Meadows;
- (b) the revised design is an improvement, but it still results in a loss of the view of Nottingham Castle from the Meadows Recreation Ground and certain properties in the Meadows. It is a special and important view;
- (c) further advice from Planning colleagues regarding the extent of the loss of the view has not been forthcoming.

Councillor Michael Edwards then left the meeting whilst the Committee discussed and voted on the item.

Rob Percival, Area Planning Manager, introduced application 18/00819/PFUL3 by RPS on behalf of Southern Grove Traffic Street Ltd for the demolition of the 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 was brought to Planning 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. The application was deferred at Planning Committee on 18 July 2018 to allow for further design revisions.

Rob Percival gave a presentation to Councillors showing aerial photos, maps, views from nearby streets of the existing site, an indication of proposed neighbouring developments, previous scheme photos, views of the existing site and proposed scheme from Kirkwright Walk, and images of the new proposals showing changes to the tower elements, including a reduction in height of one element and the narrowing of the other. The new scheme also includes the introduction of vertical glazed sections, and there is a clearer distinction between the two tower elements. The top two floors of the taller tower element are more extensively glazed, as is the point of the trapezoid element, and the lower floor.

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

- (d) a number of Councillors welcomed the introduction of additional city centre student housing, having seen the positive impact on Houses in Multiple Occupation (HMOs) which are prevalent in some wards;
- (e) some Councillors felt that the design was much improved on the previous scheme;
- (f) there is an expectation of 24 hour contact available with the management company; a detailed management plan will be a requirement of the development;
- (g) whilst some Councillors admired the new design, other Councillors felt that it was out of place;
- (h) there was a difference of opinion relating to the large lettering in the new vertical glazed element. Some Councillors did not like it, some did not mind it. Councillors felt that the name of the building should be inspired by the locality;
- (i) it was noted that students will help to sustain Nottingham's retail offer, particular in the Broadmarsh Centre if students are situated within and on the edge of the city centre. Currently some Nottingham Trent University students are commuting from Derby, due to a lack of suitable student accommodation in Nottingham.

RESOLVED to:

- (1) grant planning permission, subject to:**
 - (a) prior completion of a Section 106 Planning Obligation to secure:**

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NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 17 October 2018 from 2.30 pm - 3.35 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Brian Parbutt (Vice Chair)
Councillor Leslie Ayoola
Councillor Cheryl Barnard
Councillor Graham Chapman
Councillor Azad Choudhry
Councillor Josh Cook
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Andrew Rule
Councillor Mohammed Saghir
Councillor Wendy Smith
Councillor Linda Woodings
Councillor Cate Woodward
Councillor Steve Young

Absent

Councillor Malcolm Wood

Colleagues, partners and others in attendance:

Ann Barrett	- Team Leader, Legal Services
Rob Percival	- Area Planning Manager
Martin Poole	- Area Planning Manager
Paul Seddon	- Director of Planning and Regeneration
Richard Taylor	- Environmental Health and Safer Places Manager
Jane Garrard	- Senior Governance Officer

36 APOLOGIES FOR ABSENCE

Councillor Malcolm Wood – Other Council Business

37 DECLARATIONS OF INTEREST

Councillor Steve Young declared an interest in Agenda Item 4d University Hospital NHS Trust Queens Medical Centre, Derby Road as he lives close to the Queens Medical Centre site and left the room during discussion of the item.

In relation to Agenda Item 4a Site of Fairham House, Green Lane Councillor Chris Gibson and Councillor Steve Young declared that they had publicly supported the development of a Lidl store on part of the Site covered by the original planning permission. However as this application was for the approval of reserved matters for

the residential development (for which the principal of that development had already been approved) and following advice they felt that this did not preclude them from discussing, debating or voting on this item.

38 MINUTES

The Chair noted that the minutes of the August meeting had been mistakenly attached to the agenda instead of the minutes of the September meeting. Therefore approval of the Minutes would be deferred to the next meeting.

39 SITE OF FAIRHAM HOUSE, GREEN LANE

Rob Percival, Area Planning Manager, introduced application 18/01120/PRES4 by Cedar House Investments Ltd for approval of reserved matters in relation to the layout, appearance and landscaping for the 24 apartments and associated works approved under planning permission 16/02648/PFUL3. The application was brought to Planning Committee because it relates to the reserved matters of an outline application that was previously considered at Planning Committee.

Rob Percival gave a presentation showing a map of the site, a map of the proposed layout, elevations and CGIs to give an idea of the proposed appearance of the building including options for red or buff brick. He highlighted the following points:

- (a) the proposal involves 24 apartments over 3 storeys – the scale of which has already been approved;
- (b) it is proposed that the ground floor apartments will have their own front garden;
- (c) it is proposed that the communal outside space will include a bicycle store and bin store and car parking adjacent to the retail units;
- (d) some trees are protected by Tree Preservation Orders and the proposal includes retention of some trees within the outside space.

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

- (e) the site is surrounded by railings but some councillors were concerned that the car park could attract anti-social behaviour and fly-tipping and be used by shoppers at the nearby retail units. It was suggested that consideration be given to additional security for example access via a secure gate and CCTV;
- (f) the property will be managed by Nottingham City Homes and there is an expectation that they will put in place appropriate arrangements for management and maintenance of the property;
- (g) while some councillors supported the option of a buff brick finish, other councillors favoured the use of red brick;

- (h) some councillors felt that there could be more detailing around the windows and that some of the windows at the front were too small;
- (i) the bin store has space for 4 large commercial scale bins, including 2 for recycling, and there is capacity for a further 2 bins to be added.

RESOLVED to grant reserved matters approval subject to conditions substantially in the form of the indicative conditions listed in the draft decision notice at the end of the report but subject to the Director of Planning and Regeneration being given delegated power to review the size and detailing of the windows and options for securing the front entrance to the car park and power to determine the final details of the conditions.

Councillor Josh Cook asked that his abstention on the above item be recorded.

40 23 HIGH PAVEMENT: I) FOR PLANNING PERMISSION, II) FOR LISTED BUILDING CONSENT

Rob Percival, Area Planning Manager, introduced 2 applications by Globe Consultants Ltd on behalf of First Provincial Properties Ltd: application 18/00225/PFUL3 for a change of use to mixed use development comprising retail (A1), restaurant with ancillary bar (Class A3/A4), office and meeting space with ancillary café/bar (Class B1) and 3 serviced apartments (Class C3), a single storey and first floor rear extension and associated works; and application 18/00226/LLIS1 for Listed Building Consent for a single storey rear extension, internal works including removal and reversing of an existing staircase and external works. The applications were brought to Planning Committee given the important heritage and land use considerations.

Rob Percival gave a presentation showing images of the current condition of the building both externally and internally, a map of the existing building layout and proposals for the layout of the ground floor, first floor and second floor. He highlighted the following points and referred to the additional information contained in the 'update sheet' provided to the Committee:

- (a) the proposal relates to a Grade II listed building which has been disused since the early 1990s and has suffered significant deterioration inside. Ceilings have collapsed, the stairs are collapsing and there is currently no access to the second floor;
- (b) given its Listed Status, the existing floor layouts make it difficult to find a new use for the building as it currently stands;
- (c) there has been a lot of negotiation with neighbours and other stakeholders which has resulted in changes. There has been strong representation from neighbours which has been responded to, for example it is proposed that the outdoor space is restricted to restaurant activity only and that it will initially be for one year only and then subject to review;
- (d) Historic England has now stated that they have no objections on heritage grounds and, in respect to the Listed Building Consent, they have stated that

bringing the building back into a sustainable use would be an important heritage benefit and public benefit;

- (e) the Police Architectural Liaison Officer is now supportive of the proposal;
- (f) the proposal is the best option for securing the future of the building.

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

- (g) the main staircase will remain but it is proposed to reverse the secondary staircase to provide a second entrance to the upper floors. It is also proposed that a lift will be located in this area. Historic England have accepted this proposal;
- (h) the revised proposal is for the uses being specific to particular areas of the building;
- (i) the absence of a secondary fire escape is an issue that the developers will need to overcome. It will be dealt with through Building Regulations;
- (j) the outdoor space is not large and the proposed conditions are intended to prevent it becoming an ancillary drinking space;
- (k) some councillors were concerned about the impact of noise and lighting on neighbours. It is not currently known who owns the rear wall of the courtyard and this is being explored. If it is the applicant then consideration will be given to requiring them to put acoustic protection in place to reduce noise. If it does not belong to the applicant then whoever is the owner could extend the current wall. The proposed conditions currently don't seek to control lighting but this could be added;
- (l) councillors felt that it is positive that a proposal has come forward to bring the building back into use.

RESOLVED to

- (1) grant planning permission subject to conditions substantially in the form listed in the draft decision notice at the end of the report together with an additional condition to control lighting in the courtyard and prevent it from becoming a nuisance; and**
- (2) grant Listed Building Consent subject to conditions substantially in the form listed in the draft decision notice at the end of the report and the additional condition contained in the update sheet relating to the secondary access core and delegate authority to determine the final details of the conditions to the Director of Planning and Regeneration.**

41 117 MORLEY AVENUE

Martin Poole, Area Planning Manager, introduced application 18/01196/PFUL3 by Melanie Dearing Architects on behalf of Mr Andrew Lawless for a new dwelling. The application was brought to Planning Committee at the request of a local ward councillor.

Martin Poole gave a presentation showing a photo of the site, the floor plan and elevations of the proposed building compared to other properties. He highlighted the following points:

- (a) the proposal is for a 3 storey property;
- (b) many of the other gardens on Morley Avenue have already been developed. There is a gap to similar new dwellings but that is not an issue;
- (c) there is 22/23 metres to other properties on Morley Avenue which is the minimum distance that would be expected.

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

- (d) the proposal includes a carport on the ground floor with a door at the rear to access the house;
- (e) the proposal will not result in a loss of parking on Morley Avenue because the new dwelling will be accessed from Mapperley Rise and includes parking for one vehicle.

RESOLVED to

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

42 UNIVERSITY HOSPITAL NHS TRUST QUEENS MEDICAL CENTRE, DERBY ROAD

Further to minute 37: Declarations of Interests, Councillor Steve Young left the room for the duration of this item.

Rob Percival, Area Planning Manager, introduced application 18/01091/PFUL3 by C G Partnership Architects LLP on behalf of Nottingham University Hospitals NHS Trust for the construction of a single storey generator house and transformer building. The application was brought to Planning Committee because it generated representations from local ward councillors and significant public interest.

Rob Percival gave a presentation showing a site map, photos of the two sites concerned and their context, and drawings of the proposed buildings. He highlighted the following points:

- (a) the proposal is for the construction of a transformer building and generator house to house an emergency generator which is critical to the operation of the hospital;
- (b) representations had been received referring to the previous and existing generators on the site;
- (c) in response to concerns about noise, a noise assessment had been submitted which had been interrogated by the Environmental Health Team and further assessment requested. Additional noise abatement technology has been included as part of the generator scheme and the Environmental Health Team is now supportive of the proposal.

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

- (d) Richard Taylor, Environmental Health and Safer Places Manager, stated that the change in ground level helps to reduce the impact on neighbouring properties. Modelling shows that noise from the generator should not be audible over background noise, including at night. Environmental Health has investigated previous complaints about air pollution from the generator but due to the age of the equipment the concerns could not be resolved. However, the equipment being used in this proposal is a considerable technological improvement. It has been tested to check that it meets the air quality objectives including under a range of meteorological conditions. The technology being used reduces emissions by over 90% compared to the original and there should be no measurable impact;
- (e) some councillors were concerned that the proposal may not relate to a single testing period of 3 hours each month but could be shorter, more frequent testing adding up to 3 hours over the course of a month which may be more disruptive. It was suggested that testing should only take place during the day on weekdays when there is other background noise. Richard Taylor said that the technology had been tested for sustained periods and should operate without intrusion at any time. Rob Percival suggested that the proposed conditions could be amended to further control when testing may take place.

RESOLVED to

- (1) grant planning permission subject to conditions substantially in the form listed in the draft decision notice at the end of the report amended to control the times when testing may take place; and**
- (2) delegate authority to determine the final details of the conditions to the Director of Planning and Regeneration.**

PLANNING COMMITTEE – 21 NOVEMBER 2018

Title of paper:	Draft Waterside Supplementary Planning Document (SPD)	
Director(s)/ Corporate Director(s):	Chris Henning, Corporate Director of Development and Growth	Wards affected: Dales, Bridge
Report author(s) and contact details:	Kate Perrey, Planning Officer, 0115 876 3964 kate.perrey@nottinghamcity.gov.uk	
Other colleagues who have provided input:		
Date of consultation with Portfolio Holder(s)	17 September 2018 (Councillor Jane Urquhart)	
Summary of issues (including benefits to citizens/service users):		
<p>Nottingham City Council is committed to maintaining and enhancing Nottingham as a prosperous and vibrant place in which to live, work and to visit and to ensure that new development respects and connects with surrounding communities. Development of the Waterside area (bounded by Meadow Lane / Daleside Road, Trent Lane, the River Trent, and the Nottingham & Beeston Canal) is an important element in securing our vision for the City, and the City Council's vision is for this area to be transformed over the next 15 years into a new sustainable residential community.</p> <p>To help shape development proposals for Waterside, the Council has prepared a draft Supplementary Planning Document (SPD), which sets out the type, form, scale and density of development expected at the Waterside. Once the guidance is adopted by the Council, the SPD will be a key consideration in how planning applications for development at the Waterside are determined.</p> <p>The SPD will be supplementary to the adopted Local Plan Part 1: Nottingham City Aligned Core Strategy (2014), and in conformity with the emerging Local Plan Part 2: Land and Planning Policies document, due to be examined in November/December 2018. The SPD was approved for consultation by the Executive Board on 16 October 2018. The consultation period will run for a 6 week period from Monday 5 November to Monday 17 December (5pm) 2018.</p> <p>The draft document and information on how to comment can be viewed at: www.nottinghamcity.gov.uk/waterside</p>		
Recommendation(s):		
1	To note that the draft Waterside SPD has been published for consultation and the period for making comments ends on Monday 17 December at 5pm.	
2	To note that the costs are to be met from existing internal resources earmarked for this purpose.	

1 REASONS FOR RECOMMENDATIONS

- 1.1 Production of the Waterside Supplementary Planning Document (SPD) will help to ensure that development delivered in the Waterside meets the Council's aspirations for the area in terms of nature and disposition of uses and phases of development.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 SPDs are documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on

particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the statutory development plan.

- 2.2 Located to the south-east of the city centre, and to the north of the River Trent, the SPD covers approximately 27 hectares. Waterside has been a long standing regeneration ambition for the City. There is a need for intervention across the SPD area to ensure new development is integrated, well planned and that essential social infrastructure is provided.
- 2.3 The SPD includes a vision for the development of Waterside, and provides the national and local planning policy context. It includes appropriate uses for the Waterside, layout, public realm and transport requirements.
- 2.4 The SPD seeks early regeneration and accelerated development, leading to:
 - High quality new homes
 - A new primary school
 - A new Riverside Path
 - New facilities to complement the residential development
 - New streets and routes
 - New high quality open space and public realm
 - Provision of parking appropriate to the scale, layout and design of new development
 - Green infrastructure
- 2.5 Prior to adoption, the SPD must be subject to consultation. A 6 week formal consultation period is underway and notice has been given to statutory consultees, local and neighbouring residents/occupiers and businesses, persons with an interest in the area and local and other interest groups. The results of the consultation will be considered and the SPD will be amended, if appropriate before it is reported to Executive Board, to consider its adoption.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 None.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 The preparation and consultation of the Waterside SPD is part of the statutory planning process. The costs of this activity will be met from existing internal resources earmarked for this purpose and places no pressure on the service budget. There are no financial implications arising from the Waterside SPD.

Roma Patel – Commercial Business Partner – 13/11/18

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 SPDs add more detail and site specific development guidance to local plan policies and are capable of being a material consideration in planning decisions. The Committee's remit includes being consulted on strategic planning applications. It

therefore appears appropriate that the Committee be consulted on the content of the SPD which may inform such applications that it may be required to determine.

Judith Irwin – Senior Solicitor, Legal Services – 13/11/18

6 EQUALITY IMPACT ASSESSMENT

- 6.1 Waterside EIA is part of the EIA for the Local Plan Part 2 (Land and Planning Policies document) and can be viewed at: <https://www.nottinghamcity.gov.uk/planning-and-building-control/planning-policy/the-local-plan-and-planning-policy/lapp-local-plan-part-2-examination/examination-library/core-documents/> (see documents with references LAPP-CD-REG-10, LAPP-CD-REG-11, LAPP-CD-REG-12).

7 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 7.1 None

8 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 8.1 Nottingham City Land and Planning Policies Development Plan Document,(Local Plan Part 2) Submission Version, March 2018.
- 8.2 Greater Nottingham, Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies (Part 1 Local Plan) September 2014.

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WARDS AFFECTED: Bridge

Item No:

**PLANNING COMMITTEE
21st November 2018**

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

Broadmarsh Car Park, Collin Street

1 SUMMARY

Application No: 18/02038/PFUL3 for planning permission

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

Proposal: Provision of a new bus station and car park structure with a public library (Use Class D1), commercial space (Use Classes A1, A2, A3, A4 & A5), ancillary public facilities including a travel centre and a link footbridge.

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

To meet the Council's Performance Targets this application should be determined by 31st December 2018

2 RECOMMENDATIONS

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

3 BACKGROUND

The site

- 3.1 The application relates to the site of the former Broadmarsh multi storey car park and bus station, which is bounded by Collin Street, Middle Hill, Canal Street and Carrington Street. Prior to demolition it comprised a 1970s concrete and brick structure constructed contemporaneously with the Broadmarsh shopping centre, which is located immediately to the north, which housed a bus station and various ancillary facilities on the ground floor, with a car park providing 1179 spaces on the upper floors.
- 3.2 To the east is Middle Hill and the NET viaduct, beyond which a City Hub for Nottingham College is currently under construction. To the south are Canal Street and the Crown Court building. To the west is Carrington Street which accommodates a mix of retail and office uses.

- 3.3 The west side of Carrington Street opposite the former Broadmarsh car park and the east side of Carrington Street that sits to the southern end of the former car park are situated within the Canal Conservation Area.

Context

- 3.4 The proposals for the Broadmarsh car park form part of a wider programme of works to transform the southern part of the City Centre, including a redeveloped Broadmarsh shopping centre and reconfigured road network, which it is anticipated will bring the following benefits:
- Boost the local economy by £1.1 billion per annum;
 - Create 2,900 more jobs (with local training and recruitment);
 - Attract three million more annual visitors to experience new retail, education, and leisure;
 - Restore the City Centre's profile and reputation;
 - Bring £25 million extra spend to the city per year;
 - Create a high quality modern car park for visitors to the City Centre;
 - Create a new education hub for Nottingham College;
 - Link this part of the City to the Castle, which will be transformed into a world class destination through a £24m scheme;
 - Create a high quality, modern Broadmarsh bus station.
- 3.5 The improvement of the Broadmarsh area is therefore a high priority for the City Council and is seen as vitally important to the successful future of the southern part of the City Centre. The new car park and bus station are an integral part of this transformation.
- 3.6 Planning permission (15/00950/PFUL3) was granted for a major refurbishment of the Broadmarsh shopping centre in January 2016. Additionally there is a programme of wider initiatives to improve the environmental quality of the surrounding streets, to create better pedestrian priority and public realm. This will involve the pedestrianisation of Collin Street and Carrington Street, and the remodelling of sections of Canal Street and Middle Hill as shared spaces. Whilst these wider public realm proposals are being developed concurrently with the proposals for the former Broadmarsh car park site, they do not form part of these planning proposals but, rather, are the subject of separate legal processes under the Highways Act.
- 3.7 Planning permission was granted in 2016 (app ref 15/03034/NFUL3) for the refurbishment and redevelopment of Broadmarsh multi storey car park, including change of use and extensions to Carrington St and Collins St frontages to provide uses within Class A1- A5 (shops, financial and professional services, restaurants and cafes, drinking establishments and hot food takeaways) and ancillary public facilities; re-cladding of car park structure; reconfigure bus station layout and relocation of car park entrance to Middle Hill.
- 3.8 Advertisement Consent was granted in 2017 (application ref 17/00216/ADV2) for three digital media screens to be added to the redeveloped Broadmarsh car park and bus station.
- 3.9 In February 2018 a permission was granted for this site under application 17/02817/PFUL3, comprising a new bus station and car park structure with

commercial space (Use Classes A1, A2, A3, A4 and A5), ancillary public facilities including a travel centre and cycle services, and a link footbridge. An accompanying application, 17/02819/ADV2, granted advertisement consent for the display of three digital media screens on this new Broadmarsh bus station/car park.

- 3.10 The appearance of the building was based upon a metal frame with curved corners that would be clad with terracotta rain screen cladding. The precise colour of the cladding was still to be determined but it was intended to reflect the materials used on buildings in the vicinity. At the car park levels the terracotta clad framework was proposed to be infilled with hit and miss opaque structural glass with metal cladding set behind terracotta fins. The street level frontages to Carrington Street, Collin Street and Canal Street, and the northern and southern ends of the Middle Hill frontage, incorporated clear glazed curtain walling. Three full motion digital media screens were to be integrated into the building.
- 3.11 The upper level of the car park was proposed to be set back from the edges of the building on the Canal Street and Middle frontages and enclosed by a metal cladding system. A lightweight roof was proposed over this which would accommodate photovoltaic panels.
- 3.12 The design and appearance of the link bridge across Collin Street was still to be developed and these details were subject to further approval by condition.

4 DETAILS OF THE PROPOSAL

- 4.1 The current planning application presents a revised scheme to 17/02187/PFUL3, referred to above. Whilst this current scheme includes minor alterations to both the bus station and car park previously approved, the most significant change relates to the introduction of a new public library wrapping around the north west corner of building, occupying the lower two floors of the building fronting Collin Street and the first floor fronting Carrington Street, above retail units below.
- 4.2 The new library would be accessed on the corner of Carrington Street with Collin Street, and would occupy the full frontage of the first floor to Carrington Street and the majority of the ground floor to Collin Street. The ground floor to Collin Street would be double storey in height, with an additional floor above this running from Carrington Street to the bridge link to the Broadmarsh shopping centre. The library would have a floor area of 3,050 sqm. To make provision for the library the following changes have been made:
- 4.3 *Lower Ground floor* – The previous scheme proposed 5 retail units on the lower ground floor; 3 units are proposed, 2 with frontages to Carrington Street and one facing the internal concourse serving the bus station. The bus station remains at lower ground floor level, accessed from Carrington Street for pedestrians and Canal Street for buses.
- 4.4 *Level 00 (Collin Street level)* - The ground floor of the library would occupy the space previously proposed for 3 commercial units and a cycle hub, which have been omitted from the scheme.
- 4.5 *Level 01 to 06* - Car parking would be provided on floors 1 to 6 with provision made for 1,208 spaces, a reduction of 165 car parking spaces upon the previous scheme but in relation to the demolished car park, there would be a gain of 29 spaces. Some of the area proposed for car parking on levels 01 and 02 would be lost to the

proposed library. Car parking spaces with electric charging points would be provided on floors 01, 03 and 04.

- 4.6 The proposed building follows the same footprint, scale, form and design as the previously approved scheme, though to accommodate the library some minor changes have been made to the Collin Street and Carrington Street elevations, particularly at the corner where these two meet. The glazing proposed at the corner has been increased in height to cover both the ground and first floors. The area where the media screen was previously proposed has been reduced in size. Part of the building adjacent to the proposed link to the Broadmarsh centre has also been increased in height, by half a storey, to provide additional height to the car park area.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The occupiers of properties surrounding the site have been notified of the application and it has been advertised on site and in the press. The expiry date for comments was 31.10.2018. No representations have been received as a result of this publicity, other than from Nottingham Civic Society whose comments are set out below.

Additional consultation letters sent to:

Highways: No objections.

Environment Agency: Object on the basis that an updated Flood Risk Assessment (FRA) has not been provided.

Drainage: No objections.

Ecology: A request has been made for further landscaping details to be provided.

Historic England: Historic England has no objection to the application on heritage grounds. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

They have however, reiterated the need to ensure that the materials used are of the highest quality. It is noted that the current application proposes a wider palette of materials than the previous scheme. It is critical that the scheme is not compromised by poor quality detailing, materials and finishes and that the materials help to break down the massing and create interesting forms within the townscape and on the skyline, without being over fussy and visually distracting.

Civic Society: Nottingham Civic Society welcomes the inclusion of the replacement Central Library in the mixed use Broadmarsh Bus Station / Car Park development previously approved. In this accessible location, the new library could greatly benefit the proposed new Collin Street public space provided the 'screen-printed glass panels' specified in the drawings create an exciting and transparent building edge, revealing the activities inside and creating a suitable backdrop for events

associated with the library taking place in the open air outside. The new library in this location has the potential to benefit the regeneration of Carrington Street and Southside generally, positioned on the strong north-south pedestrian route from the historic core to Nottingham Station and close to the proposed new Nottingham College.

The Civic Society would like to understand how the change in street level in Carrington Street (rising up from south to north) is to be handled around the new library entrance at the corner of the building. This has the potential to be a busy hub of activity but the positioning of steps and ramped slopes needs careful design to accommodate different pedestrian flows around the library and bus station entrances whilst preserving the integrity of the street scene. Designs for the proposed public square should also acknowledge the presence of the library, with the placement of seating and public art designed to facilitate library-related cultural events.

The Civic Society is pleased that the floor space for the proposed new library is comparable with that currently in use at Angel Row and hopes that the highly-regarded Local Studies Library with its on-site archive will be able to continue to foster an interest from Nottingham's citizens in the city's past, present and its future.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and competitive economy, supporting strong, vibrant and healthy communities by creating high quality built environments with accessible local services that reflect the communities needs and which supports its social wellbeing by protecting and enhancing the natural, built and historic environment.
- 6.2 Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.
- 6.3 Paragraphs 85 to 90 set out the approach to ensuring the vitality of town centres. It recognises town centres as the heart of their communities and advises policies should be pursued to support their viability and vitality. It promotes competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. A range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres should be allocated.
- 6.4 Paragraph 124 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development. Paragraph 127 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development.
- 6.5 Paragraph 155 advises that inappropriate development in areas at risk of flooding should be avoided, but where it is necessary it should be made safe for its lifetime without increasing flood risk elsewhere.

- 6.6 Paragraphs 184 to 202 consider the requirement to conserve and enhance the historic environment when determining planning applications. It is advised the applicant should be required to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This assessment should take into account the need to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.
- 6.7 Annex 1 states that the policies in the NPPF are material planning considerations which should be taken into account in dealing with planning applications. For the purpose of decision-taking, the policies in the Local Plan are to be afforded weight in accordance with their consistency with the NPPF.

Nottingham Local Plan (November 2005):

S1: New retail development in the City Centre

S7: Food and Drink

C1: Community Facilities

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

BE12: Development in Conservation Areas (or in the vicinity of)

BE16: Archaeological constraints

BE19 Advertisements

NE3: Conservation of species

NE5: Trees

NE9: Pollution

NE10: Water quality and flood protection

T1: Location of development and sequential approach

T3: Car, cycles and servicing parking

T5: Car parking

T7: Major development and public transport

T15: City Centre car parking

Aligned Core Strategy (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 4: Employment Provision and Economic Development

Policy 5: Nottingham City Centre

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Nottingham City Centre Urban Design Guide (May 2009)

This guide provides a physical framework and promotes the highest standard of urban design and architecture for the city centre. The Broadmarsh development site falls within the area identified as the 'zone of reinvention' which is defined as areas in which the urban form is largely beyond repair. Broadmarsh is specifically identified as being reinvented through the proposals for the shopping centre and its surroundings.

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

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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main issues

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

(i) Land use and impact upon the southern gateway of the City Centre (Local Plan policies S1, S7 and CE1, and Aligned Core Strategies policies A, 4 and 5)

- 7.1 The principle for redeveloping the Broadmarsh car park and bus station together with the provision of commercial units has already been established through the granting of the previous permission 17/02817/PFUL3. The main change to this application is the introduction of the library into the scheme. Fundamentally the library meets the aspirations of ACS policy 5 which seeks to promote the City Centre as the region's principal shopping, leisure and cultural destination. Policy CE1 of the Local Plan permits the provision of new community facilities where they would be accessible by a choice of means of transport, are located within town centres, are compatible with adjoining and nearby users, would not result in traffic congestion nor result in an adverse impact on residential amenity. The proposed library use fulfils all of these criteria and furthermore would help to facilitate regeneration of the southern part of the City Centre. It is also noted that the space

to be provided for this facility is comparable to the size of existing library at Angel Row, from where it would be relocated.

- 7.2 The other elements of the scheme accord with the Local Plan policies S1 and S7 and the Aligned Core Strategies policies A, 4 and 5 for the reasons outlined in the February report to this Committee in relation to application 17/02817/PFUL3.

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

- 7.3 The introduction of the library has not resulted in a substantial change to the external appearance of the building from that approved in permission 17/02817/PFUL3. Provision of additional glazing to the corner of Collins/Carrington Street is considered to be an improvement to the building. The hit and miss opaque structural glass on the upper floors of the Collin Street elevation and at the northern end of the Carrington Street elevation are no longer required to screen the car park and have been replaced with metal panels laser cut with a lettering design, to better reflect the function that they now enclose. The detail of this are to be developed further and dealt with as part of the condition requiring approval of all external materials. The use of such a condition will also address the comments made by Historic England.

- 7.4 As indicated by the Civic Society in their comments, there is a change in street level in Carrington Street (rising up from south to north) to Collin Street. As this corner has the potential to be a busy hub of activity, careful consideration needs to be given to the positioning of steps and ramped slopes to accommodate different pedestrian flows around the library and bus station entrances, whilst preserving the integrity of the streetscene. This area falls beyond the application site and these works will be dealt with as part of the scheme of accompanying public realm improvements surrounding the site. The point is well made and will be addressed as the detailed proposals for this public realm are developed.

- 7.5 As with the previous scheme, the design and appearance of the link bridge across Collin Street has yet to be developed so these details will therefore be subject to further approval by condition.

- 7.6 Overall, (and as outlined in the February report to Committee in relation to 17/02817/PFUL3,) the proposed development is considered to be acceptable in terms of its layout, scale, mass, design and external appearance. The scheme is a welcomed as part of the wider regeneration that will significantly enhance the built environment of this part of the City Centre, and setting of the adjacent Conservation Area and listed buildings. Local Plan policies BE10 and BE12 and Aligned Core Strategies policies 10 and 11 are therefore satisfied.

(iii) Flood Risk (Local Plan Policy NE10 and paragraph 155 of the NPPF)

- 7.7 Drainage have raised no objection to the proposed scheme. Environment Agency have however objected on the basis that the FRA has not been updated. It is however noted that they did not object to application 17/02817/PFUL3, subject to conditions being added to that permission to ensure that the development was carried out in accordance with the FRA and the submission of a remediation strategy to prevent pollution of controlled waters. Given that the previous FRA was

completed in September 2017, and application 17/02817/PFUL3 was submitted in December 2017 and granted permission in February this year, it is not felt to be reasonable to require the FRA to be revised, particularly given that the previous scheme could be implemented until February 2021. This matter is being pursued further with the Environment Agency and an update will be provided at Committee, however it is felt that through the imposition of the same conditions as those proposed on permission 17/02817/PFUL3 that the proposal would comply with Policy NE10 of the Local Plan and meets the requirements of paragraph 155 of the NPPF.

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

- 7.8 The transport statement submitted with the application has been reviewed by Highways who have raised no objections to this revised scheme. The reduction in the number of car parking spaces is considered to be acceptable and it is noted that the scheme still includes provision for electric vehicle charging points. The library will take up the area proposed for the cycle hub, however cycle parking is still to be provided as part of the scheme. Conditions are recommended to secure the submission of details of the proposed cycle parking, parking for powered two wheelers and disabled parking bays, and their provision when the development is complete. Local Plan policy 15 requires that new car parks in the City Centre should be limited to short or medium stay use to encourage adequate car parking for visitors and shoppers. It is anticipated that the main use of the new car park would be orientated towards shoppers and leisure users, particularly following the refurbishment and expansion of the Broadmarsh shopping centre. A condition is also proposed requiring the submission of a car park management plan to enable further control of this matter.
- 7.9 Local Plan policies T1, T3, T7 and T15 and Aligned Core Strategy policy 14 are therefore satisfied.

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

Impact upon amenity

- 7.10 The scale, mass and footprint of the proposed building is comparable in general terms, when compared with the former Broadmarsh bus station and car park, , although it is recognised that the proposed building is taller. However, having regard to the nature of the buildings surrounding the site, which do not contain and residential use and are separated from the site by roads of generous scale, it is not considered that the proposal would significantly alter the physical impact of a building on this site upon the occupiers of the adjacent premises.
- 7.11 The uses proposed for the new retail units, falling within Classes A1-A5, are compatible with the City Centre location, as is the D1 library use. The imposition of conditions recommended by Environmental Health and Safer Places in relation to the previous application, regarding extraction equipment and noise from plant and air handling equipment, will ensure that there are no noise or odour issues for nearby occupiers.

Contamination

- 7.12 Conditions are recommended to ensure that there is no contamination of ground water, as previously required by the Environment Agency and Environmental Health and Safer Places.

Archaeology

- 7.13 As with the previously approved scheme, a condition is recommended to ensure that any archaeological remains affected by the development are properly investigated and recorded.
- 7.14 Overall, therefore, Local Plan policies S7, NE9, NE10 and T3 and ACS policy 10 are satisfied regarding these matters.

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

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

Trees

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

Biodiversity

- 8.4 With regard to landscaping, it is anticipated that these will be significant planting as part of the pedestrianisation of Carrington Street and Collin Street, which will bring ecological benefits in addition to enhancing the setting of the building.
- 8.5 Local Plan policy NE3 and NE5 and Aligned Core Strategies policies 1 and 17 are therefore satisfied regarding these matters..

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

Provision of accessible buildings.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

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

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

Neighbourhood Nottingham: Redevelopment with a high quality development

14 CRIME AND DISORDER ACT IMPLICATIONS

Improved surveillance and community safety.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/02038/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PFSZCZLYMRC00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Nottingham City Centre Urban Design Guide (May 2009)

National Planning Policy Framework (March 2012)

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

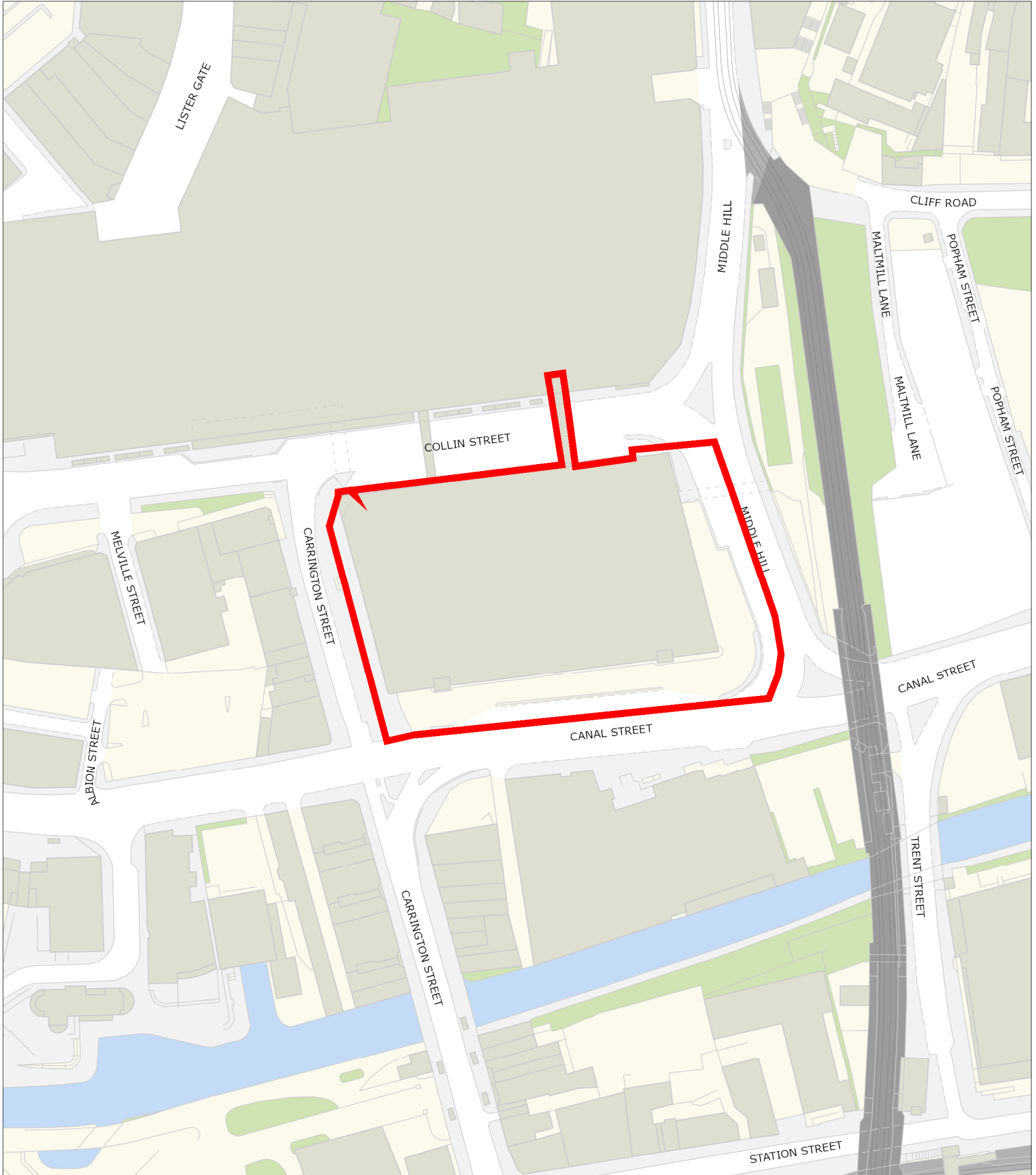
Report to Planning Committee of 21 February 2018 in relation to application 17/02817/PFUL3

Contact Officer:

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NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 18/02038/PFUL3 (PP-07299555)
Your Ref:
Contact: Mrs Jennifer Curry
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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City Planning
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Tel: 0115 8764447
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Leonard Design Architects Mr Ben Bowley
4th Floor Albion House
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United Kingdom

Date of decision:

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

Application No: 18/02038/PFUL3 (PP-07299555)
Application by: Nottingham City Council Mr Ben Bowley
Location: Broadmarsh Car Park, Collin Street, Nottingham
Proposal: Provision of a new bus station and car park structure with a public library (Use Class D1), commercial space (Use Classes A1, A2, A3, A4 & A5), ancillary public facilities including a travel centre and a link footbridge.

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

Time limit

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

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

Pre-commencement conditions

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



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Not for issue

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Continued...

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

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

3. The development shall not be commenced until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - (a) all previous uses;
 - (b) potential contaminants associated with those uses;
 - (c) a conceptual model of the site indicating sources, pathways and receptors; and
 - (d) potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

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

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

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

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

The archaeological investigation and works approved under this condition shall be carried out in accordance with the Written Scheme of Investigation.

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

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

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

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

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

8. Prior to the commencement of any above ground development, the following shall be submitted to and approved in writing by the Local Planning Authority:
- (a) Large scale elevations and sections at a scale of 1:50;
 - (b) Details of the external materials, including a sample panel;
 - (c) Large scale drawings showing the change in levels between Carrington Street and Collin Street and the forecourt area to the entrance of the proposed Library
- The development shall be implemented in accordance with the approved details.
- Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area and the character or appearance of the Nottingham Canal Conservation Area, and to ensure that there is no potential conflict in the movement of people around the building to accord with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.*
-
9. No work on the footbridge shall be commenced until the following details of the footbridge have been submitted to and approved in writing by the Local Planning Authority:
- (a) Large scale elevations and sections at a scale of 1:50 or greater;
 - (b) Details of the external materials.
- The development shall be carried out in accordance with the approved details.
- Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area in accordance Policy 10 of the Aligned Core Strategy.*
-
10. Prior to the commencement of the development, an air quality assessment of the contribution and impact of the development on the air quality in the area shall be submitted to and be approved in writing by the Local Planning Authority.
- Any air quality management scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.
- Reason: In the interests of ensuring that air quality objectives are met in accordance with Policy NE9 of the Local Plan.*

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

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

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

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

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

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

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

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

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

Pre-occupation conditions

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

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

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

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

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



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

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

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

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

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

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

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

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

Regulatory/ongoing conditions

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

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

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

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

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

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

Reason: To prevent the increased risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and to reduce the risk of flooding to the proposed development and future users in accordance with Policy NE10 of the Local Plan.

Standard condition- scope of permission

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



documents comprising the application as validated by the council on 1 October 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. 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:

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

4. Highway related

1. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

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

3. Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance

where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

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

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

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

5. Trees

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

6. Air Quality

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

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

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

7. Commercial Noise

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

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

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

8. Control of Odour & Provision of Adequate Ventilation

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

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires.

The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

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

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

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

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

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

Adequate Ventilation

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

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

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

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

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.



DRAFT ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 18/02038/PFUL3 (PP-07299555)

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: Dunkirk & Lenton

Item No:

**PLANNING COMMITTEE
21st November 2018**

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

Horizon Factory , Thane Road

1 SUMMARY

Application No: 18/01455/POUT for outline planning permission

Application by: Henry Boot Developments Plc

Proposal: Outline planning permission for the development of up to 46,556 m² of B1, B2 and B8 industrial space, up to 12,115 m² for a potential car showroom (use class Sui Generis) and with all matters reserved, except consideration of access.

The application is brought to Committee as it is a major application where there are important land use considerations.

To meet the Council's Performance Targets this application should be determined by 30th November 2018

2 RECOMMENDATIONS

- 2.1 **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of the conditions to be delegated to Director of Planning and Regeneration.

3 BACKGROUND & SITE

- 3.1 This application relates to part of the former Imperial Tobacco site, which as a whole comprises of the existing Horizon Factory Building, RDC building, car parking areas, service yard and plant areas. The RDC Building is to be retained as a distribution facility by Imperial Tobacco with the Horizon factory forming the application site.
- 3.2 The Horizon Factory building has been closed for some time and a Prior Notification granted in May 2018 allows for the demolition of the existing building. This is scheduled to commence later in 2018.
- 3.3 The factory building to be demolished currently comprises of four storeys and covers an area of approximately 3.31 hectares. Office and administrative areas are located on mezzanine floors in the western part of the factory.
- 3.4 The site is bounded to the north by the RDC Building, to the south by Thane Road and beyond this the Riverside Family Golf Centre and Powerleague, to the west by the Beeston Canal, and to the east by Bull Close Road and beyond this a car

dealership, office buildings and industrial units. The site has direct access via Thane Road onto the A52 Clifton Boulevard.

3.5 The area around the site is industrial in nature and comprises buildings of mixed size and scale, set out in a typical industrial park arrangement.

3.6 The River Trent is approximately 550m south of the site.

4 DETAILS OF THE PROPOSAL

4.1 Outline permission is sought for an industrial development of B1 (light industrial) / B2 (general industrial) / B8 (warehouse/storage) uses, and potentially a car showroom. Three alternative, indicative layouts are have been submitted to give an indication of type of development envisaged, which comprise the following accommodation:

- Option 1 – approximately 44,048 m² Gross Internal Floor Area (GIA) of Class B2 and/or B8 accommodation, including ancillary office and welfare facilities. The office and welfare facilities would be distributed across two upper levels within the main body of the building. This option also includes three detached employment use buildings (B1/B2/B8) that would provide a total of 2,080 m² gross internal floor area
- Option 2 – approximately 35,557 m² GIA of Class B2 and/or B8 accommodation, including ancillary office and welfare facilities. The office and welfare facilities would be distributed across two upper levels within the main body of the building. This option also includes three detached employment use buildings (B1/B2/B8) that would provide a total 2,007 m² gross internal floor area, and a separate plot of approximately 1.2 hectares for a car dealership (Sui Generis use)
- Option 3 – two detached industrial buildings – Unit 1: Approximately 32,327 m² GIA of Class B2 and/or B8 accommodation, including ancillary office and welfare facilities. The office and welfare facilities would be distributed across two upper levels within the main body of the building. Unit 2: Approximately 14,229 m² of Class B2 and/or B8 accommodation, including ancillary office and welfare facilities. The office and welfare facilities would be distributed across a single upper level within the main body of the building.

4.2 The applicant is currently in negotiations to secure an occupier/s for the development so their requirements in terms of building size, layout and servicing are not yet known. At this stage permission is not being sought for these indicative layouts but rather to develop the site with up to 46,556 m² of B1, B2 and B8 industrial space, and up to 12,115 m² for a potential car showroom (use class Sui Generis).

4.3 The maximum height of any new building on the site would not exceed 25m, compared to the height of the current Horizon Factory which is 22m.

4.4 Access to the proposed development would be taken from Thane Road and Bull Close Road as existing. However, there would be a requirement to make changes to the access points from these roads, with one option being a revised position for the Thane Road access.

- 4.5 Detailed consideration at this stage is limited to the access arrangements, with details of layout, scale, appearance and landscaping to be reserved for future approval (the Reserved Matters).
- 4.6 The applicant is also committed to working with the Council to deliver local employment and training initiatives through both the construction and operation of the development, to be delivered by way of a S106 Unilateral Undertaking.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

11 neighbouring properties have been notified in writing of the proposal. The application has also been publicised through site and press notice. No representations have been received.

Additional consultation letters sent to:

Highways: No objection subject to conditions relating to: the provision of parking, turning and servicing areas; cycle parking; visibility splays; submission of a travel plan; construction management plan; and details of the new road. A condition is also requested to safeguard the Highway Improvement Line along Thane Road as indicated within policy TR2.12 (Thane Road) of the submission version of the Local Plan part 2 (Feb 2018), in accordance with Section 73 of the Highways Act 1980.

Environmental Health and Safer Places: No objection to the development subject to conditions relating to a contamination remediation strategy, environmental noise assessment and sound insulation scheme, and Air Quality – Heat and Power Generation.

Drainage Officer: No objection.

Biodiversity and Greenspace Officer: No objection subject to conditions relating to retention of the hedgerow and woodland areas especially along the boundary, working method statement to manage the Japanese knotweed, the inclusion of a peregrine nest box on the new building and use of hedgehog fencing.

Environment Agency: Comments to be reported at Committee.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018):

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.

There are a number of sections of the NPPF that are relevant to this application. Paragraphs 80-82 support building a strong, competitive economy. Paragraph 80 requires decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The Paragraphs 124-132 are focused on

achieving the creation of high quality buildings and places. Paragraphs 155-167 requires flood risk to take into consideration in making planning decisions.

Aligned Core Strategy (September 2014):

Policy 1 – Climate Change

Policy 4: Employment Provision and Economic Development

Policy 10 – Design and Enhancing Local Environment

Policy 14: Managing Travel Demand

Policy 17 – Biodiversity

Nottingham Local Plan (November 2005):

Policy ST1 – Sustainable Communities

Policy R1- Open Space Network

Policy NE3 – Conservation of Species

Policy NE5 – Trees

Policy NE10 – Water Quality and Flood Protection

Policy NE12 – Contaminated Land

Policy T3 – Car, Cycle and Servicing Parking

Emerging Local Plan (Land and Planning Policies (LAPP))

The site is allocated in the emerging Local Plan (part 2). The entire site is included as an employment allocation (Policy PA86).

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development
- ii) Scale and impact on its surroundings
- iii) Access and highways impact
- iv) Biodiversity and green infrastructure
- v) Flood risk and drainage

i) Principle of the development (Policy 4 of the ACS and Policy E3 of the Local Plan)

- 7.1 The site is currently within the major business parks/industrial estate as defined by the proposals map of the Local Plan. Policy E3 of the Local Plan requires that such business park/industrial estate should remain in employment use (B1, B2, and B8)

except for ancillary uses necessary to serve the development. The proposal is mainly for B2 and B8 use with a small amount of B1 and Sui Generis (car dealership) use. Whilst the proposed car showroom does not fall within the uses supported by this policy, it is still an employment generating business with its component elements, excluding the usually relatively modest sales area, largely comprising B2 (car repair) and B8 (car storage) uses. The car showroom would be approximately 20% of the site and not out of keeping as there are similar uses within the area. In any event the car showroom is included within only one option and it is possible the whole site could still come forward for solely B1/B2/B8 uses. The proposal as a whole would ensure appropriate use of the supply of employment land within the City as a basis for continuous and sound economic growth.

- 7.2 The supporting text of Policy 4 of the ACS highlights a decline in manufacturing and warehousing employment in Nottingham up to 2016 and this decline is expected to continue beyond this date. To address this issue policy 4 of the ACS seeks to maintain an identified supply of land across the plan period to 2028 for manufacturing and warehousing uses. The proposed development would help to meet this identified need for manufacturing and warehousing uses in Nottingham.
- 7.3 Whilst not adopted yet, the site is also allocated in the emerging Local Plan (the LAPP) for employment (B1, B2, and B8) uses. Although the LAPP is at a relatively advanced stage of its preparation it has not yet undergone public examination and therefore little weight can be afforded to its policies. The allocation does however reflect and continue the Planning Authority's intention to protect its supply of employment land as highlighted in existing Policy 4 of the ACS and E3.
- 7.4 The application supports economic growth and productivity in Nottingham by retaining the land in employment uses.
- 7.5 It is concluded that the principle of the development is acceptable and the proposal accords with the Policy 4 of the Aligned Core Strategy, Policy E3 of the Local Plan, and paragraphs 80-82 of the NPPF.

ii) Scale and impact on its surroundings (Policy 10 of the ACS)

- 7.6 The proposed development (all three options) are large in scale. Option 2 could result in development of up to 49,679 m² including a car showroom. The height of the buildings would be up to a maximum of 25m. The proposed layouts are indicative only and not a matter for approval at this stage. They are however based on typical market requirements and demonstrate the type and scale of building likely to come forward for the site.
- 7.7 The proposal, with such a large scale and height, could be imposing and visually dominating in the surrounding area. However, the site is within a large and long established business park/industrial estate. The existing Horizon Factory (to be demolished) is also a large scale building and 22 m high. Whilst the proposed buildings could exceed this height in the context of the wider area they would only marginally do so and it is not considered that this difference would have a significantly greater impact than is currently the case. Whilst the proposed new industrial buildings would also be closer to the adjacent road frontages, it is proposed to provide a landscape buffer alongside both of these to soften their impact. The details of the landscaping buffer, including its depth, will be a matter for future approval at reserve matter stage.

- 7.8 The visual impact of the development would also be minimised by the quality of the design and materials for the very large buildings in particular. The detail of the design is not a consideration for this outline application but the supporting application documents state that the development would provide buildings of high quality modern design and construction, reflecting current trends for large scale industrial/logistics development.
- 7.9 It is intended that the detailed scheme would include a strong and coherent approach to the façade treatments, using different cladding types, colours and articulation to ensure an appropriate visual appearance for these large industrial buildings.
- 7.10 Overall, it is considered that the scale of the development that permission is sought for is capable of being accommodated on this site, although no approval is given for the indicative layout options at this stage and certain elements, like the landscape buffer to the road frontages, would need to be considered further once a detailed scheme emerges. The proposal is therefore capable of according with Policy 10 of the Aligned Core Strategy.

iii) Access and highways impact (Policy 14 of the ACS and Policy T3 of the Local Plan)

- 7.11 Access to the site is proposed to be taken from Thane Road and Bull Close Road. However, the points of access vary with the three proposed development options.
- 7.12 For option 1, the service yard for the large industrial unit would be accessed off Bull Close Road, with the car parking and three small employment units being accessed off Thane Road. These access arrangements are acceptable. However, with this option an emergency access is provided to the site onto Bull Close Road. It is not clear about the reason for this emergency access as the site can be accessed relatively easily from the other access points. There is also the risk that HGV access could be made using this access and the emergency service road. Whilst the Council has no major concern about this access, details to prevent the use of this access informally by HGVs/vehicles accessing the site are required.
- 7.13 For option 2, the access points for the industrial units would be the same as option 1, but with an additional access onto Bull Close Road for the car showroom. These access arrangements are acceptable.
- 7.14 For option 1 and 2, a gatehouse would be provided on the HGV access onto Bull Close Road. Highways advise that the gatehouse be setback from the highway at least 15m to ensure that a HGV can pull up to the gatehouse without blocking the adopted highway.
- 7.15 For option 3, the large two industrial units would be accessed by a single access point onto Thane Road with an emergency access onto Bull Close Road. The main access point onto Thane Road features a split style configuration between the entrance and exit routes for the site. Highways preference would be for a configuration similar to that proposed for options 1 and 2.
- 7.16 A transport assessment has been provided with the application. This indicates that there would be a maximum of 91 two-way trips in the AM peak and 70 two-way trips

in the PM peak. It is considered that each option would provide a substantial net trip reduction compared with the previous operation of the site.

- 7.17 There would a net loss of total parking spaces with all three options. The total number of parking spaces are however adequate for the scale of the development and considered acceptable.
- 7.18 Notwithstanding the issues regarding each access option for the site, it should be noted that this section of Thane Road has a designated highway improvement line as identified by policy TR2.12 of the emerging part 2 Local Plan, the LAPP. This designation is to allow for the potential widening of Thane Road with the provision of an additional lane as part of transport improvement works linked to the Boots campus, and includes a strip of land along the Thane Road frontage of the site. The proposed built development in all three options does not encroach on this land so does not conflict with this emerging policy. However, this may introduce issues associated with the landscaped buffer which will require further assessment once a detailed scheme emerges. This matter will be drawn to the applicant's attention by way of an informative on the decision notice.
- 7.19 Overall, the proposal would reduce traffic flows within the local area and surrounding highway network. The proposed access arrangements are also considered to be acceptable subject to details layout to be submitted at the reserve matter stage. The details of the new road would also be subject to S278 agreement of Highways Act and do not need to be controlled by the planning permission. It is therefore considered that the proposal is in accordance with Policy 14 of the ACS and policy T3 of Local Plan.

iv) Biodiversity and green infrastructure (Policy 17 of the ACS and Policy R1, NE3, NE5 of the Local Plan)

- 7.20 A small part of the site is defined as Open Space Network (OSN), as identified in the Local Plan. Policy R1 requires that development within the OSN be considered against the following criteria:
- whether the land is underused and undervalued, and is not required for open space use within the Network;
 - whether the development would have a detrimental effect on the open space, environmental, landscape character, or wildlife value of the Network as a whole;
 - whether the development will enhance the Network, particularly in areas of open space deficiency, and help to achieve the City Council's aims for the open space resource;
 - whether the land is a small part of a major open space and would not result in the loss of integrity of the open space or be detrimental to its function as part of the Open Space Network;
 - whether the proposal would involve partial development of a smaller open space as an amenity locally or as part of the overall Open Space Network.
- 7.21 The area of land in question represents an area of surplus land that was not required for the former manufacturing operations and was grassed over with limited tree and shrub planting. The public has no access to the site, which is located in an area where there is extensive alternative and better quality open space immediately to the south, west and along the adjacent canal. In addition, the area of public open space located between the canal and Thane Road (to the west of the gas governor)

does not form part of our planning application and will be unaffected by this proposal. The land is therefore underused and undervalued and is not required to be retained as open space use within the city's network. In any event, most of the area in question will be used for landscaping as part of the proposed development and represents an opportunity to enhance the local area.

- 7.22 The proposed development would not have a detrimental effect on the open space, environmental, landscape character, or wildlife value of the Network as a whole. There is not a deficiency of alternative open space in the immediate area and there is extensive landscaping proposed as part of this development that will offer the opportunity to enhance biodiversity and add wildlife value.
- 7.23 The development would not result in the loss of integrity of the open space or be detrimental to its function as part of the wider open space network. The development would have no impact on the overall function and continued operation of the remaining greenspace network to the south and to the west of the site.
- 7.24 The proposal would involve development of a small area of open space, when compared to the open space to the south of the site. However, the area of land in question is not accessible to the public and therefore does not perform any wider open space function that offers any amenity value to users.
- 7.25 In summary, impact on the Open Space Network is considered to be acceptable and the proposal accords with policy R1 of the Local Plan.
- 7.26 Notwithstanding with the above issues, the emerging LAPP, which is at an advanced stage and has been submitted for examination, identifies no protected open space within the site. As this particular matter has not been subject to any third party objection through the LAPP consultation process, it is very likely to be supported.
- 7.27 The Council's Biodiversity Officer has considered the proposal and is of the view that the proposed development would not have significant impact on the local biodiversity and protected species. Subject to conditions to include bird boxes in the new buildings, hedgehog fencing, method statement to manage the Japanese knotweed, provision of new landscaping and the retention of the existing woodland and hedgerows, the proposal would comply with aim of national and local planning policies related to biodiversity and green infrastructure.

v) Flood risk and drainage (Policy NE10 of the Local Plan)

- 7.28 Environment Agency (EA) mapping shows the whole of site to lie within Flood Zone 2. The River Trent lies approximately 550m to the south of the site and is indicated to be the primary source of flooding. The applicant has conducted a review of historical flood map records which shows that this indicative flood extent is based on a historical flood event from 1947. Since this event, significant changes have been made to flood defences in the area and as such the latest hydraulic model outputs indicate that the site is outside of the 1 in 1000 year and 1 in 1000 year plus climate change floodplain extents. Therefore, the site is considered to be at low risk from fluvial sources.
- 7.29 Flood risk from other sources including reservoirs, canals, groundwater and sewers has been assessed and is considered to present a low risk to the site. Any residual

risk can be addressed by raising any new finished ground levels and these being designed to direct any residual overland flows away from the built development.

- 7.30 Flood risk from surface water has been assessed as being a residual risk due to the small extent of localised flooding shown on the Environment Agency mapping for the existing situation. Due to the nature of the proposals and the intended use of the site, simple mitigation measures can be used to minimise any residual risk posed post-development.
- 7.31 A surface water drainage strategy will be required separately to address surface water mitigation for the site, to ensure there would be no detriment to flood risk off-site as a result of flows from development drainage which can be secured through condition.
- 7.32 Drainage have raised no objection to the proposal. The consultation response of EA are still awaited and an update will be provided at committee. Subject to the EA's comments, the mitigation measures proposed and suitable management of surface water runoff discharging from the site, the proposal complies with the requirements of NPPF and policy NE10 of the Local Plan.

Other Matters

Land contamination and ground conditions (Policy NE12 of the Local Plan)

- 7.33 Assessment of the site has identified numerous underground oil and mineral acid tanks and associated pipe work to be present. Ground conditions were also found to comprise "Made Ground" to 9m below ground level, comprising domestic landfill materials with an associated gassing regime.
- 7.34 The assessment concludes that should the whole site be redeveloped, it is likely that a piled foundation solution will be required. The report outlines that due to the presence of the underlying landfill material it will be necessary to conduct a Piling Risk Assessment prior to construction. It is also recommended that further geo-chemical testing be undertaken.
- 7.35 A Remediation Strategy will be required detailing mitigation measures and validation expectations for the topsoil cover, gas protection, soil contamination and contingency arrangements. Further monitoring of leachate discharge to Beeston Canal is also required.
- 7.36 Environmental Health has considered the proposals and are of the view that the above matters can be addressed by suitably worded conditions. The proposal is therefore in compliance with policy NE12 of the Local Plan.

8. SUSTAINABILITY (Policy 1 of the ACS)

- 8.1 The aim across the development is to integrate appropriate low energy, sustainable and traditional design techniques in order to minimise environmental impact and energy consumption. There are two main themes which would be considered in achieving this objective:
- the development of the buildings thermal envelope, having compliant thermal transmittance values and low permeability

- the application of energy efficient systems as part of the overall servicing strategy

- 8.2 There will be emphasis on incorporating natural light with the use of roof lights to encourage daylight into the heart of the buildings. Areas of glazing to the offices will be provided with suitable solar gain control measures, in order to maximise the natural daylight levels and limit the reliance upon artificial lighting. Energy efficient lighting would also be provided across the site, along roads, in car parking areas and pedestrian routes to the buildings.
- 8.3 The use of reclaimed and recycled materials within the construction on process would be encouraged and this would be considered in detail during the early design stages.
- 8.4 These measures are in themselves acceptable along with a more detailed package of sustainability measures that can be developed once a detailed scheme emerges. The proposal therefore complies with policy 1 of the ACS.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

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

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/04455/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PC5XCOLYJCU00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Nottingham City Aligned Core Strategy (September 2014)

Land and Planning Policies (LAPP) -Local Plan (part 2) (submission version March 2018)

Contact Officer:

Mohammad Taufiqul-Islam, Case Officer, Development Management.

Email: Mohammad.taufiqul-islam@nottinghamcity.gov.uk. Tel: 0115 8764044

NOMAD printed map



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0 0.1 0.2 km



Key



City Boundary

Description

No description provided



My Ref: 18/01455/POUT (PP-07032274)
Your Ref:
Contact: Mr Mohammad Taufiqul-Islam
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Mr Chris Creighton
Suite 9c Josephs Well
Hanover Walk
Woodhouse
Leeds
LS3 1AB

Date of decision:

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

Application No: 18/01455/POUT (PP-07032274)
Application by: Henry Boot Developments Plc
Location: Horizon Factory , Thane Road, Nottingham
Proposal: Outline application for the development of up to 46,556 sqm of B1, B2 and B8 industrial space, up to 12,115 sqm for a potential car showroom (use class Sui Generis) and with all matters reserved, except consideration of access.

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

Time limit

1. Application for the approval of the reserved matters of the planning permission (layout, scale, appearance and landscaping) shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

Pre-commencement conditions

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



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DRAFT ONLY

Not for issue

Page 55

- 1 -

Continued...

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 as a minimum include details of 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 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 development has no adverse impact on the local highway network to accord with policy 14 of the ACS and policy T3 of the Local Plan.

3. The development shall not be commenced until a scheme of landscaping and works for the retention of trees, woodland and shrubs 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 scheme shall also include a method statement to manage the Japanese knotweed. 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 landscape/ecological value of the site are satisfactory in accordance with Policies 10 and 17 of the Aligned Core Strategy.

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

a) A Site Investigation, based on 'Phase 1 and 2 Geo-Environmental Assessment' by BWB dated December 2017 BIM Document ref: BCR-BWB-ZZ-XX-RP-YE-0001_Ph1&2 Project No: LDS2414, 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.

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

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

Reason: To 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 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).

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

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

7. 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.

8. The development shall not be commenced until details of existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved site levels.

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

9. No above ground development shall be commenced until an ecological enhancement and management plan, which has regard to the preliminary ecological appraisal produced by Delta-Simons dated June 2018, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:

- The production and approval of a mitigation and enhancement strategy to include a Construction Environmental Management Plan and Landscape and Ecological Management Plan;
- Retention of trees on site
- Retention of boundary vegetation features to all boundaries
- The inclusion of bat friendly lighting throughout;
- A bat and bird box scheme;
- Hedgehog friendly fencing throughout the scheme;
- Details of landscaping and management for retained and newly created grasslands, meadows and buffers, including a specification for the attenuation pond;
- Timescales for the implementation of ecological enhancements.

The ecological enhancement and management plan shall be carried out in accordance with the approved details.

Reason: In the interests of ecological enhancement and in accordance with the aims of Policy 17 of the Aligned Core Strategy and Policy NE3 of the Nottingham Local Plan.

Pre-occupation conditions

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

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

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

11. Prior the installation of the heating and power generating plant at the development, an assessment of the proposals, which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:
- Air quality impact assessment
 - Stack height calculation
 - 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 minimise the effects of air pollution in accordance with Policy NE9 of the Local Plan.

12. No part of the development hereby permitted shall be occupied until the parking, turning and servicing areas are provided and are surfaced in a bound material with the parking bays clearly delineated in accordance with the approved drawings.

Reason: To ensure that the development has no adverse impact on the local highway network in accordance with policy T3 of the Local Plan and policy 14 of the ACS.

13. No part of the development hereby permitted shall be occupied until provision has been made within the application site for parking of cycles for each individual unit in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. Cycle provision shall be conveniently located to the main entrance/s, covered and secure.

Reason: To promote sustainable forms of travel to comply with policies 1 and 14 of the ACS.

Regulatory/ongoing conditions

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

14. A Travel Plan with up-to-date staff and visitor travel survey data shall be submitted for approval by the Local Planning Authority no later than 3 months after occupation of the first building within the development hereby approved. The Travel Plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets.
The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation, with a Travel Plan update to be submitted and approved by the Local Planning Authority within 3 months of each survey date.

Reason: To 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.

15. Visibility splays of 2.4 metres by 43 metres shall be provided on each side of the vehicular access points and thereafter the area within the splays shall be kept free of all obstructions, structures or erections exceeding 0.9 metres in height.

Reason: In the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.

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

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



17. The development hereby permitted shall be for no more than:

- a) 37,564 sqm (gross internal floorspace) for B1, B2 and B8 uses and 12,115 sqm (gross internal floorspace) for a car showroom, or;
- b) 46,556 sqm (gross internal floorspace) for B1, B2 and B8 uses only.

Reason: In order to control the scale of the development in accordance with Policy 10 of the Aligned Core Strategy.

18. The height of any part of any building shall be no more than 25 metres above ground level.

Reason: In order to control the scale of the development in accordance with Policy 10 of the Aligned 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 forms, drawings and other documents comprising the application as validated by the council on 14 August 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. 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.
4. 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.
5. 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.
6. The Highway Authority considers it prudent that as part of the proposed off site highways works a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Nottingham City Council at the expense of the developer. This is a separate legal process and the Applicant should contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

7. The applicant should provide a Travel Plan noticeboard to contain transport related information on the provision of sustainable modes of transport. The applicant is advised to contact Richard Mallender (Transport Strategy) 0115 8763387 or by e-mail on Transport.Strategy@nottinghamcity.gov.uk for further information.

8. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Liz Hiskens on 0115 876 5293.

9. Highways Network Management have advised that the applicant should make contact with the team to discuss the delivery arrangements for any portakabins associated with construction/demolition for the site as soon as possible; they can be contacted on 0115 876 5238. Any subsequent costs will be borne by the applicant.

10. 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:

- 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.

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

12. The development shall not prejudice the Highway Improvement Line along Thane Road as indicated by policy TR2.12 (Thane Road) of the submission version of the Local Plan part 2 (Feb 2018) . Details of any alterations, including boundary treatments and hard/soft landscaping, which falls within the proposed highway improvement line, must be submitted and agreed by the Local Planning Authority .

13. Air Quality - Heating & 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

14. 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.

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: 18/01455/POUT (PP-07032274)

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: Dunkirk And Lenton

Item No:

**PLANNING COMMITTEE
21st November 2018**

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

**Playing Field And Pond North East Of Tennis Centre, University Boulevard,
Nottingham**

1 SUMMARY

Application No: 17/02866/PFUL3 for planning permission

Application by: Nottingham City Council

Proposal: Three storey building providing undercroft parking, café, conference and meeting space at ground floor with office space above (Phase 1).

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

To meet the Council's Performance Targets this application should be determined by 22nd November 2018, subject to an extension of time agreed with the applicant

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to no material issues arising from the further ecological assessment and the indicative conditions listed in the draft decision notice at the end of this report, and any others arising from the further ecological assessment.

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

3 BACKGROUND

3.1 Nottingham Science Park was established in the 1980's by Nottingham City Council and provides incubator space for small companies, as well as premises for more established companies, some within their own bespoke buildings. In 2006 a masterplan and design guide was developed for the expansion of the site. The aim was to be the first socially responsible Science Park in the East Midlands embodying sustainability at the heart of the development concept. The initial phases of the new development produced two new buildings; No.1 Science Park, and the Highfields Automotive Training Centre.

- 3.2 The next phase of the development is proposed for the remaining 4.5 acres of the site, which is adjacent to the Tennis Centre and lies to the south-west of the existing Science Park. The land is allocated in the Local Plan as a Strategic High Quality Employment Site for B1 development and is itself to be developed in phases, with the current proposal comprising phase 1.

Site and Surroundings

- 3.3 This proposal relates to northern section of the remaining vacant land, which is accessed from the slip road off University Boulevard (George Green Way). The site is broadly rectangular and flat, currently overgrown with vegetation. The rest of the larger vacant site is to be developed in the future with three further buildings, but these are not under consideration at this time and no applications have been considered for these sites to date.
- 3.4 The site is located within Flood Zone 2, with the River Leen approximately 800m to the north east and the Beeston Canal 400m to the south west. Tottle Brook runs to the north of the site.

The Proposal

- 3.5 The proposal is for a large, three storey, contemporary office building containing 2316 sqm of net lettable office space, an additional 95 sqm of lettable conference space/meeting rooms, a café and associated facilities, undercroft parking and a further parking area next to the building. The café is proposed to serve the rest of the Science Park and act as a communal hub space.
- 3.6 The ground floor accommodates the lobby/reception area, lettable conference space/meeting rooms, shower facilities and a café, with a large undercroft parking area providing 36 spaces. A further car park is located to the south east of the building with a further 34 spaces, along with an additional 11 spaces for visitors to the café/hub in layby parking on George Green Way, alongside the north western elevation of the building. The first and second floors provide lettable office accommodation with the upper floor cantilevered forward over the main entrance, creating a striking focal point for the building. The building is to be finished in a metal cladding system with a vertical, standing seam.

4 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Site Notice and Press Advert posted. Consultation expired on 09.02.2018. No responses received.

Environmental Health and Safer Places: Recommend conditions relating to contaminated land, ground gas & groundwater contamination, odour and ventilation, commercial noise and air quality (heating and power generation).

Highways: A total of 70 car parking space are proposed and a total of 46 cycle parking spaces will also be provided, with up to 232 employees using

the building. The submitted Transport Assessment (TA) has been assessed and there are no objections, subject to conditions. It is noted that the (TA) is for the first phase of this development only and not for any future phases, which will need to consider the cumulative impact above the current projected flows. As a result a separate assessment will be required for future phases.

Environment Agency: Requested that the initial Flood Risk Assessment should be updated to set appropriate finished floor levels and identify flood risk from the Tottle Brook. Amendments have been made and the Environment Agency re- consulted (further comments awaited).

Biodiversity Officer: Recommended that because the site is adjacent to a Local Nature Reserve, additional biodiversity gains should be considered through incorporating more ecological features into the scheme. Further information was requested regarding:

- Details of a potential 'biodiverse roof'
- Details of SUDS proposals
- Details of the inclusion of bat and bird boxes around the site
- A landscaping scheme
- An assessment by an ecologist of the nearby slow worm population and current habitat quality

5 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018):

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.

There are a number of sections of the NPPF that are relevant to this application. Paragraphs 80-82 support building a strong, competitive economy. Paragraph 80 requires decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places. Paragraphs 155 – 165 focus on development and flood risk. Paragraphs 170-177 are focused on conserving and enhancing the natural environment.

Nottingham Local Plan (November 2005):

E1.1 – Strategic High Quality Employment Site

NE3 - Conservation of Species

NE10 - Water Quality and Flood Protection

NE12 - Derelict and Contaminated Land

NE14 - Renewable Energy

T3 - Car, Cycle and Servicing Parking

Aligned Core Strategy

Policy 4: Employment Provision and Economic Development

Policy 10 – Design and Enhancing Local Identity

Policy 14 – Managing Travel Demand

Policy 17 – Biodiversity

6 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development
- ii) Layout and design
- iii) Highways and parking
- iv) Flood risk
- v) Biodiversity and sustainability

i) Principle of the development (Policy 4 of the ACS and policies E1.1 of the Local Plan)

- 6.1 The application site, along with the wider area of vacant land to the south east, is allocated as part of the Nottingham Science Park extension, a Strategic High Quality Employment Site, specifically for B1 use by Local Plan Policy E1.1 This allocation is carried through in the emerging Land and Planning Policies (LAPP) document (policy EE2). The proposal also accords with policy 4 (Employment and Economic Development) of the ACS which, amongst its aims, places a particular emphasis on office development as part of providing for a science and knowledge based economy.
- 6.2 The wider site falls within one of the LEP (Local Enterprise Partnership – D2N2) Enterprise Zones. The scheme is part LEP funded and would help to deliver the ambitions of the Nottingham Growth Plan. The project will foster enterprise through encouraging Research & Development (R&D) activity, target knowledge intensive sectors, deliver 21st century infrastructure and support the creation of a more effective hub of commercial activity within the Science Park. The café/communal hub and conference facilities/lettable meeting rooms are particularly key features of the scheme which look beyond this particular development and seek to provide a central hub facility for the entire Science Park.

6.3 The proposal is therefore a welcomed, policy compliant scheme that would provide valuable B1 (office)/R&D office space and hub facilities for the Nottingham Science Park, also helping to promote further development of the larger allocated employment site.

ii) Layout and design (Policy 10 of the ACS)

6.4 The design concept for the building follows the layout, form and massing of the original Science Park masterplan, with a three storey linear building focused towards the central wetland feature and decked walkway. As with the two existing buildings to the east, the proposal also incorporates undercroft parking hidden behind perforated, metal cladding. The original submission has been altered with regards to the external finish, the current proposal comprising a dark coloured metal cladding system with a vertical standing seam. The result is a very striking building that is of an appropriate aesthetic to this Science Park location. The use of a single, dark cladding material for the majority of the building is intentionally in contrast to the existing multi coloured buildings on the Science Park extension. The solid mass that this creates is then subtly animated with a 'kink' in the length of the building, long horizontal window openings set in deep reveal, and the feature front elevation of the building. This comprises an almost entirely glazed groundfloor frontage, both single and double storey in height, and is where the café/communal hub space and entrance lobby are to be located, set beneath a dramatic oversail of the second floor and facing onto the central wetland of the Science Park extension, with its pedestrian, decked walkway. The lighter coloured, perforated screen to the undercroft car park provides a contrast to the darker mass that it supports and further reinforces the building's horizontal emphasis.

6.5 In conclusion this is considered to be a building appropriate to its function and setting that respects the concept of the original masterplan and would present a striking focal point for the communal hub that will serve the entire Science Park.

iii) Highways and parking (Policy 14 of the ACS and policy T3 of the Local Plan)

6.6 Access to the site is via George Green Way, which serves the existing Science Park and Tennis Centre, accessed off University Boulevard.

6.7 A total of 70 parking spaces are to be provided, including four disabled bays, some of which are undercroft parking and some to the side of the building. An additional 11 spaces are proposed for visitors to the café/hub and there would also be four motorbike spaces and parking for 46 cycles.

6.8 Highways have raised no objection to the application, subject to recommended conditions requiring a Construction Management Plan and Travel Plan.

6.9 The site is well placed to take full advantage of excellent pedestrian and cycle infrastructure, a wide range of bus services and the NET route along University Boulevard. The proposal therefore complies with Local Plan policy T3 and ACS policy 14.

iv) Flood risk (NE10 of the Local Plan)

6.10 The original Flood Risk Assessment (FRA) was not considered adequate to address the flood risk issues of the site. Amendments to the FRA have been submitted and revised comments from the Environment Agency are awaited, and will be reported at Committee.

6.11 **v) Biodiversity and sustainability** (Policy 17 of the ACS and policies NE3 and NE14 of the Local Plan)

6.12 Whilst raising no objection, the Biodiversity Officer has recommended the inclusion of ecological features in the scheme. During the life of the application the proposal for a biodiverse roof has had to be omitted for reasons of cost and viability. However, surface water is now to be addressed with an extensive SUDs scheme incorporated around the building, which will then discharge into the adjacent wetland. Details of landscaping, bird/bat boxes can be dealt with by condition.

6.13 In terms of sustainable building design, the proposal is to incorporate the following key features:

- a fabric first approach aimed at improving 'U' values and air permeability
- passive solar control to minimise the requirements for mechanical cooling systems
- 'on demand' control of ventilation, heating and lighting
- use of air source heat pumps to deliver heating and cooling
- inclusion of a south facing PV array on the roof.

6.14 It is noted that slow worms have previously been identified on a nearby site, but not within the application site itself. A further assessment by the applicant's ecologist has been requested to assess the slow worm population of the adjacent site and current habitat quality, to identify any mitigation measures required. Approval of this application is subject to this matter being satisfactorily resolved.

6.15 Subject to no material issues arising from the further ecological assessment and the conditions proposed to address the matters referred to above, the proposed scheme therefore satisfies policy 17 of the ACS and policies NE3 and NE14 of the Local Plan.

6.16 **Other Matters**

Environmental Health and Safer Places have recommended that remediation measures need to be implemented for both soil contamination and ground gas. These can be secured by condition, along with a condition for odour control given the proposed café. A noise level condition to control noise emissions for all plant and equipment is also recommended, therefore the proposal is in accordance with Policies NE10 and NE12 of the Local Plan.

6.17 The site is not in close proximity to any residential properties, therefore the proposal has an acceptable impact on residential amenity in accordance with ACS Policy 10.

7 FINANCIAL IMPLICATIONS

None.

8 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.

9 EQUALITY AND DIVERSITY IMPLICATION

None.

10 RISK MANAGEMENT ISSUES

None.

11 STRATEGIC PRIORITIES

World Class Nottingham: Would help to deliver the ambitions of the Nottingham Growth Plan and foster enterprise through R&D activity as part of providing for a science and knowledge based economy

Work in Nottingham: Opportunity to secure inward investment and job opportunities from tenants within the building, along with training and employment for local citizens through the construction of the development

12 CRIME AND DISORDER ACT IMPLICATIONS

Increased surveillance of adjacent routes.

13 VALUE FOR MONEY

None.

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

1. Application No: 17/02866/PFULS

15 Published documents referred to in compiling this report

Relevant documents can be found by using the following link to Public Access;

<http://publicaccess.nottinghamcity.gov.uk/online->

applications/simpleSearchResults.do?action=firstPage

Nottingham Local Plan (November 2005)
Aligned Core Strategy

Contact Officer:

Kathryn White, Case Officer, Planning Services.

Email: Kathryn.white@nottinghamcity.gov.uk. Telephone: 0115 8762529

NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 17/02866/PFUL3 (PP-06624716)
Your Ref:
Contact: Ms Kathryn White
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

CPMG Architects Ltd
FAO: Mr James Sweet
23 Warser Gate
Nottingham
NG1 1NU

Date of decision:

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

Application No: 17/02866/PFUL3 (PP-06624716)
Application by: Nottingham City Council
Location: Playing Field And Pond North East Of Tennis Centre, University Boulevard, Nottingham
Proposal: Three storey office building (B1) with undercroft parking, cafe, conference and meeting space at ground floor

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

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



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Continued...

2. Prior to the commencement of the development the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Remediation Plan, based on the findings and recommendations in 'Combined Phase 1 Desk Study and Phase 2 Exploratory Investigation' by Geodyne Ltd dated 30th Jan 2017 (Project No: 36231), 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, and drawings and details of the gas protection measures as they will be incorporated into the building).
 - b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) above are complete.

The site remediation 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 to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

3. The development shall not be commenced until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, 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 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 Local Plan Policy T3 and ACS Policy 14.

4. 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)

5. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

Reason: In the interests of the amenity of neighbouring residents in accordance with Local Plan policy NE9 and Aligned Core Strategy Policy 10.

<p>6. Prior to first occupation of the development, a detailed landscaping and planting scheme for the development indicating the type, height, species and location of all the replacement trees. Landscaping should include nectar, berry and nut producing species for bees and other pollinators. The landscaping scheme shall then be implemented in accordingly.</p> <p><i>Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy.</i></p>
<p>7. Prior to the first use of the cafe, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development shall be submitted in writing and approved by the Local Planning Authority.</p> <p>The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.</p> <p>The approved scheme shall be implemented and fully operational prior to the first use of the cafe.</p> <p><i>Reason: To protect the amenity of neighbouring occupiers in accordance with Local Plan Policy NE9 and Policy 10 of the ACS.</i></p>
<p>8. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:</p> <p>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.</p> <p>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.</p> <p><i>To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policies NE9 and NE12 of the Nottingham Local Plan.</i></p>
<p>9. The development shall not be brought into use until secure, covered cycle storage is provided in an accessible location, in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To promote sustainable forms of transport in accordance with Local Plan Policy T3 and ACS Policy 14.</i></p>
<p>10. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided and are 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.</p> <p><i>Reason: To ensure sufficient off-street parking provision is made in accordance with Local Plan Policy T3 and ACS Policy 14.</i></p>
<p>Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)</p>

11. A Travel Plan with up-to-date staff survey data must be submitted for approval by the Local Planning Authority no later than 3 months after 75% occupation. The Travel Plan shall be based on the framework version submitted as part of this planning application and will make reference to schemes and development that have occurred in the interim period. The Travel Plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator.

Reason: To promote more sustainable modes of travel in the interests of Highway Safety and in accordance with Local Plan policy T3 and ACS Policy 14

12. Prior to the prior to installation of the mechanical service plant and equipment, 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 protect the amenity of neighbouring occupiers in accordance with Local Plan Policy NE9 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 forms, drawings and other documents comprising the application as validated by the council on 21 December 2017.

Reason: To determine the scope of this permission.

Informatives

0. 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. 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.

0. 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

0. Construction traffic exiting the site will need to cross the NET tramline. The applicant will need to consider height clearances for construction traffic exiting the site. The applicant is advised to contact the Tram Operator at the earliest opportunity to agree a safe working method. 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.

0. Air Quality - Heating & 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

0. Informative

Control of Odour & Provision of Adequate Ventilation

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

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

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

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

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

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

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

Adequate Ventilation

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

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

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

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

0. 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.

0. 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

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

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

RIGHTS OF APPEAL

Application No: 17/02866/PFUL3 (PP-06624716)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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Not for issue

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WARDS AFFECTED: Bridge

Item No:

**PLANNING COMMITTEE
21st November 2018**

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

Former Meadows Police Station

1 SUMMARY

Application No: 17/02512/PFUL3 for full planning permission

Application by: Nottingham City Homes

Proposal: Demolition of existing police station building and construction of a 3 and 4 storey block of 21, two bedroom apartments with associated car parking and amenity spaces and the extension of Rutland Close to form a new vehicular junction with Meadows Way.

The application is brought to Committee at the request of a local Ward Councillor who has raised valid planning reasons

To meet the Council's Performance Targets this application should have been determined by the 28th September but an extension was agreed with the Applicant for determination by 30th November 2018

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

(a) Prior completion of a S106 Planning Obligation to secure an off-site Public Open Space financial contribution of £19 488.84 towards the restoration of the Victoria Embankment War Memorial.

(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 S106 Planning Obligation to be delegated to 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 & SITE

- 3.1 The application site is located within The Meadows, a relatively short distance to the south west of the City Centre. The area surrounding the site is predominantly residential, bordering the site to the north, east and south. The western boundary is formed by Meadows Way, including the Beeston leg of the NET tramline, with Queen's Drive and the NG2 Business Park beyond.
- 3.2 The site is currently occupied by the former Meadows Police Station and includes a number of existing buildings and a hardstanding parking/yard area. The western edge of the site comprises soft landscaping. Vehicular access is currently provided to the site via Saffron Way which is to the immediate north of the site.
- 3.3 The site is located at the western edge of the 'new' Meadows estate, a large neighbourhood developed in the 1970's. The police station was vacated in 2015 and has been acquired by Nottingham City Homes who wish to redevelop the site for market rent apartments, to broaden the housing choice available in The Meadows.
- 3.4 The proposed development site also includes a small portion of land that constitutes highway (Meadows Way) and land over which rights have been reserved for the benefit of the NET Tramline including access arrangements for servicing, and maintenance requirements.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal is for the demolition of the former Meadows Police Station and construction of a 3 and 4-storey building comprising 21x2 bed apartments and also comprising a car park, communal landscaped areas and some private gardens.
- 4.2 Pedestrian access is included from both Meadows Way and from the rear. The proposed vehicular access remains via Saffron Gardens. Bin storage and a cycle store are proposed within the parking area.
- 4.3 The proposed scheme also incorporates a short stretch of shared surface road with on-street parking bays along its southern edge. This would form an extension of Rutland Close and terminate in a new vehicular left turn only junction to link with Meadows Way.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application was advertised by way of 33 individual letters to neighbouring residents, and by press and site notices, with the latest consultation expiry date of 07/09/2018

Five representations of objection have been received, raising the following issues:

- Houses will be in shadow
- Reduced sunlight
- Impact on privacy
- Noise from people and additional cars

- Have been informed that no more flats would be built in the Meadows.

Ward Councillor: Has raised concern about the design of the scheme stating that the front of the development is too dull for a gateway entrance to the Meadows.

Additional consultation letters sent to:

Highways: Highways Authority: No objection subject to conditions relating to car and cycle parking, electric vehicle charging points, submission of a construction management plan, visibility splays, details of the new access road, details of the access arrangements for servicing, and maintenance requirements for the NET overhead masts.

Environmental Health: No objection subject to conditions relating to:

- A remediation strategy to deal with the risks associated with ground, groundwater and ground gas contamination of the site
- Sound insulation
- Electric vehicle charging scheme
- A noise and dust management plan

(Officer comment: These matters are addressed below. Regarding a noise and dust management plan, this is a matter addressed through environmental health legislation so it would not be appropriate to add a condition in this regard. However, an informative to cover this would be added, so that this is drawn to the applicant's attention)

Drainage: No objection subject to a condition relating to a detailed surface water drainage scheme for the betterment of existing drainage conditions on site.

Environment Agency: No objection.

Tree Officer: No objection.

Biodiversity Officer: No objection subject to a condition to ensure that the landscaping of the site comprises native, berry and nectar producing species for bees and other pollinating insects. Also fencing to be installed as part of the development should be hedgehog friendly.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018):

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.

There are a number of sections of the NPPF that are relevant to this application.

Paragraphs 59-61 support the Government's objective of significantly boosting the supply of homes where it is needed and that land with permission is developed without delay. Paragraph 91 requires decisions to achieve healthy, inclusive and safe places which, amongst other things, promote social interaction, are safe and accessible, and support healthy lifestyles. Paragraphs 124-132 are focused on

achieving the creation of high quality buildings and places. Paragraphs 155-165 requires flood risk to take into consideration in making planning decisions.

Aligned Core Strategy (September 2014):

Policy 1 - Climate Change

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Policy 16 - Green Infrastructure, Parks and Open Space

Policy 17 – Biodiversity

Policy 19 – Developers Contributions

Nottingham Local Plan (November 2005):

Policy ST1 – Sustainable Communities

Policy H2 - Density

Policy R2- Open Space in New Development

Policy NE9 – Pollution

Policy NE10 – Water Quality and Flood Protection

Policy NE12 – Contaminated Land

Policy T3 – Car, Cycle and Servicing Parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main issues

- (i) Principle of the development
- (ii) Layout, scale and design
- (iii) Impact on residential amenity
- (iv) Impact on highways and parking

i) Principle of the development (Policy 8 of the ACS and Policy ST1 of the Local Plan)

- 7.1 The application site is located within a Primarily Residential Area as defined by the Local Plan. The proposal is therefore acceptable in principle, provided that it complies with the other policies of the development plan.
- 7.2 Policy ST1 of the Local Plan promotes sustainable communities and developments that contribute to the provision of a balanced mix of housing size, type and affordability in an area. Aligned Core Strategy Policy 8 (Housing Size, Mix and

Choice) states that residential development should maintain, provide and contribute to a mix of housing tenure, types and sizes in order to create mixed and balanced communities.

- 7.3 The proposed development comprises 21 x two bedroom apartments which are to be for market rent. The neighbourhood predominantly comprises social housing in the form of two storey houses and bungalows. The proposed apartments would therefore contribute to a mix of housing types within the local area, to diversify the existing mix in accordance with the aims of the aforementioned policies.

ii) Layout, scale and design (Policy 10 of the ACS- Policy H2 of the Local Plan – Density)

- 7.4 The NPPF recognises the importance of design in making places better. Paragraph 127 states that planning decisions should ensure that developments - will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.5 Policy H2 of the Local Plan states that the City Council will seek a density of development on residential sites which has regard to the following criteria:
- a) compatibility with the characteristics of the site and its surroundings;
 - b) the need to safeguard living conditions in the development;
 - c) the accessibility of the site to public transport and services.

Lower densities will be more appropriate for family housing, whilst higher densities will be particularly appropriate where there is a good level of accessibility, especially in the City Centre and Town Centres. Where higher density development is proposed, it may be appropriate for certain permitted development rights to be removed, and satisfactory levels of sound insulation will be required.

The proposed density of the development is appropriate as it is close to the city centre location and given the sustainable transport links adjacent to the site.

- 7.6 The proposed building layout offers a strong frontage to both Meadows Way and the extended Rutland Close, rising from 3 storeys adjacent to the existing housing up to 4 storeys at the corner, which helps to create a distinctive landmark at this point. The proposed layout would create a sheltered communal space at the rear containing car parking and associated facilities, level access to the apartments and amenity space for residents. The proposed flat roof would in part be used as a garden and also to accommodate some photovoltaic panels.
- 7.7 The proposed height of the building is considered to be appropriate, responding to the prominence of the site and scale of the adjacent Meadows Way/Queens Drive, whilst also stepping down to reflect the height of the nearest adjacent dwellings.
- 7.8 The proposed external finishes of the apartments have been revised during the life of the application, changing from a metal cladding system to brickwork, to provide a high quality and durable finish for the building. The use of contrasting brick colour (blue/dark grey and buff multi) would help to create the desired individual character

and sense of place for the development. Details including generous window openings, deep reveals and feature corner windows provide important modelling to the elevations. The inclusion of the roof terrace and Juliet balconies will provide further variety and interest to the streetscene.

- 7.9 A local Councillor has raised concern regarding the design detail of the front elevation of the scheme. Whilst further negotiations regarding this matter are being undertaken with the applicant and an update will be provided at Committee, it is considered that the design of the scheme fits in with the form and layout of the surroundings and rises the standard of design in compliance with the NPPF.
- 7.10 It is considered that the proposed layout, scale and design of the development is appropriate for the surrounding area, creating a distinctive development that will have a regenerative effect on this prominent site. The proposed development is, therefore, considered to accord with Policy 10 of the ACS and Policy H2 of the Local Plan.

iii) Impact on residential amenity (Policy 10 of the ACS and Policy NE9 of the Local Plan)

- 7.11 Concerns have been raised by neighbouring residents regarding potential impacts on sunlight, privacy and noise generated from the development. The distance between the building and the neighbouring dwellings on Saffron Gardens to the east is more than 30m, which is considered to be adequate to avoid an adverse impact on the amenities of these neighbouring residents in terms of loss of light, privacy or overlooking. The nearest dwellings are the bungalows on Rutland Close, the closest of which sides onto the development with no overlooking windows. Similarly the adjacent elevation of the building has no overlooking windows and has a span that is less than the nearest bungalow, without projecting beyond its front or rear elevations. The relationship with the properties to the south, on the opposite side of Rutland Close, is also such that no amenity issues should arise. The flats themselves would have an appropriate outlook and the building has legible access points from the front and rear.
- 7.12 Local Plan Policy NE9 relates to the protection of the amenities of users of the development and adjoining occupiers from pollution. In this case the key pollutant is noise from traffic, including the tram. A noise assessment has been submitted with the application which demonstrates that noise impact can be adequately mitigated through sound insulation measures. Environmental Health are satisfied with its conclusions and have requested that this be secured through condition. Subject to this requirement, the proposal complies with policy NE9 of the Local Plan and policy 10 of the Aligned Core Strategy.

iv) Impact on highways and parking (Policy 14 of the ACS and Policy T3 of the Local Plan)

- 7.13 A total of 19 car parking bays are proposed (three with electric charging points), with an additional three parking bays being provided on the proposed Rutland Close extension. A total of 20 cycle parking spaces is also proposed for the development, within a secure cycle shelter. These provisions are considered acceptable to the Highway Authority and can be secured through condition.
- 7.14 The proposal would require a stopping up application/alterations to the highway on Meadows Way and would result in two of the tram overhead wire masts and a

service box being situated within an area that is proposed as amenity space/gardens within the development site. Highways have raised objection and state that that the northern most of the two masts (“Mast 3”) and the associated service box should remain on the public highway. This would require an amendment to the proposed site boundary line with minimal loss of amenity space to the development. This has yet to be resolved with the applicant.

- 7.15 A strategy regarding the NET tram masts and street lighting has been provided as part of the revised submission, which indicates that discussions regarding the tram masts are ongoing.
- 7.16 To resolve these matters Highways have recommended pre-commencement of development conditions that require submission and approval to the details of the access arrangements for servicing and maintenance requirements of the NET overhead masts which are proposed for inclusion within the curtilage of the site, along with any necessary NET permissions a or consents.
- 7.17 The proposal would also require a further stopping up application in relation to an existing parking bay adjacent to Meadows Way and a realignment of the existing pedestrian footway to enable the former highway land to be incorporated within the development site for use as amenity space/gardens.
- 7.18 Subject to conditions, the proposal is therefore in accordance with the aim of policy T3 of the local plan and Policy 14 of the ACS.

OTHER MATTERS

Flood risk and drainage (Policy NE10 of the Local Plan and Policy 1 of the ACS)

- 7.19 The flood risk assessment that accompanies the application has been reviewed and is considered to be acceptable. The Environment Agency has no objection to the proposal.
- 7.20 The Drainage team would like to see the reduction of the amount of surface water runoff by 30% compared to the sites previous use, ideally through SuDS. Details of the drainage scheme can be secured through condition. The proposal therefore complies with policy NE10 of the Local Plan and policy 1 of the ACS.

Land contamination and ground conditions (Policy NE12 of the Local Plan)

- 7.21 Based on historic land uses, the overall risk from ground contamination at the site is considered to be low to moderate for the proposed residential use. However, further intrusive investigation and a remediation strategy are required detailing mitigation measures and validation expectations for the topsoil cover, gas protection, soil contamination and contingency arrangements, which can be secured by condition. The proposal is therefore in compliance with policy NE12 of the Local Plan.

Planning obligations (Policies ST1 and R2 of the Local Plan, Policies 16 and 19 of the ACS, and the Open Space Supplementary Planning Guidance)

- 7.22 Residential development should provide local open space to serve the Development. As the constraints of the site are such that open space cannot be provided within the site a financial contribution of £19,488.84 has been agreed in

line with the above policies and the relevant SPG formula, towards the provision of off- site open space.

- 7.23 The public open space contribution would be directed towards the restoration of the Embankment War Memorial and would not exceed the permissible number of obligations that can be pooled according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010. The obligation would bind only the Land currently within the ownership of the developer. The financial contribution in lieu of on-site open space is necessary to make the development acceptable in planning terms, directly relates to the development and is fairly and reasonably related in scale and kind to the development.
- 7.24 The proposed development is not required to provide affordable housing as the thresholds in terms of the number of units within the scheme, does not exceed the requirement the policy requirement in this regard.

8. **SUSTAINABILITY / BIODIVERSITY** (Policies 1 and 17 of the ACS)

The development has been designed to achieve the standards required by Building Regulations and the CO2 emissions of that standard would be reduced by 10% with the addition of a 10kWp photovoltaic array located on the flat roof. The recommendations of the Biodiversity Officer can be addressed by condition.

9 **FINANCIAL IMPLICATIONS**

A financial contribution of £ 19488.84 towards off-site Public Open Space shall be secured 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**

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

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 17/02512/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Nottingham City Aligned Core Strategy (September 2014)

Open Space Supplementary Planning Guidance (SPG)

Contact Officer:

Mohammad Taufiqul-Islam, Case Officer, Development Management.

Email: Mohammad.taufiqul-islam@nottinghamcity.gov.uk. Tel: 0115 8764044


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Key

 City Boundary

Description

No description provided

My Ref: 17/02512/PFUL3 (PP-06488161)
Your Ref:
Contact: Mr Mohammad Taufiqul-Islam
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
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Loxley House
Station Street
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ARCUS CONSULTING
FAO: GORDON SNAPE
CORNER HOUSE
177 CROSS STREET
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MANCHESTER
M33 7JQ

Date of decision:

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

Application No: 17/02512/PFUL3 (PP-06488161)
Application by: Nottingham City Homes
Location: Former Meadows Police Station, Crammond Close, Nottingham
Proposal: Demolition of existing police station building and construction of a 3 and 4 storey block of 21, two bedroom apartments with associated car parking and amenity spaces and the extension of Rutland Close to form a new vehicular junction with Meadows Way.

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

Time limit

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

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

Pre-commencement conditions

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



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DRAFT ONLY
Not for issue

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Continued...

2. The development shall not be commenced until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, 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 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 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.

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

a) A Site Investigation, based on the submitted Desk top Study (Hydrock Project No: C-07635-C, Oct 2017), 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.

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

4. Prior to the commencement of development, a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To reduce the amount of surface water runoff from the site comparing to the previous use to comply with Policy NE10 of the Local Plan.

5. The development shall not be carried out until details of the access arrangements for servicing and maintenance requirements to the NET overhead masts which are in curtilage of the proposal, have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has no adverse impact on the local highway network



and the NET Tram Line to accord with policy T3 of the Local Plan.

Pre-occupation conditions

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

6. The development shall not be brought into use until a scheme of landscaping and works for the retention of trees and shrubs 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 scheme shall also include native, berry and nectar producing species for bees and other pollinating insects. 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 Policies 10 and 17 of the Aligned Core Strategy.

7. The development shall not be brought into use until a scheme for means of closure of the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development are satisfactory in accordance with Policies 10 of the Aligned Core Strategy.

8. Prior to first occupation of the development, verification that the approved sound insulation scheme (by Acute Acoustics, dated 26 August 2017, reference 2131 Nottingham -The Meadows Rep rev A) 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 development has no adverse impact on future occupants of the properties to accord with policy NE9 of the Local Plan.

9. Prior to first occupation of the development, a scheme of electric vehicle charging shall have been implemented and be fully operational in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable forms of travel to comply with 1 and 14 of the ACS.

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

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

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

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



11. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided and are surfaced in a bound material with the parking bays clearly delineated in accordance with the approved drawings.

Reason: To ensure that 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 and T3 of the Local Plan and policy 10 of the ACS.

12. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for cycle parking in accordance with details submitted to and approved in writing by the Local Planning Authority. Cycle provision shall be conveniently located to the main entrance, covered and secure.

Reason: To promote sustainable forms of travel to comply with policies 1 and 14 of the ACS.

13. No development shall be brought into use until highway works to extend Rutland Close and on Meadows Way shall have been provided as shown for indicative purposes only on the attached plans Arcus Consulting LLP Drawing A.03.3 Revision D.

Reason: To ensure that 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 and T3 of the Local Plan and policy 14 of the ACS.

Regulatory/ongoing conditions

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

14. Visibility splays of 2.4 metres by 43 metres shall be provided on each side of the vehicular access at Rutland Close/Meadows Way and thereafter the area within the splays shall be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: To ensure that the development has no adverse impact on the local highway network, the NET Tram Line to accord with policy T3 of the Local Plan and policy 14 of the ACS.

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

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

16. The side facing windows in the eastern elevation (closest to the bungalows at Rutland Close) shall be none other than obscure glazed and fixed shut below a height of 1.7m.

Reason: To ensure that the privacy of the neighbours is maintained in accordance with 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:
Drawing reference A.03.8 revision D, received 31 July 2018
Drawing reference A.03.3 revision D, received 31 July 2018
Drawing reference A.03.4 revision A, received 31 July 2018



Drawing reference A.03.5 revision A, received 31 July 2018
Drawing reference A.03.6 revision A, received 31 July 2018
Drawing reference A.03.9 revision C, received 31 July 2018

Reason: To determine the scope of this permission.

Informatives

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

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

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

4. Contaminated Land, Ground Gas & Groundwater
The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance. The Remediation Strategy must also provide details of:
- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are

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

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

5. The 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. Construction & Demolition

Proposed Method of Demolition

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

Noise Control: Hours of Work and Equipment

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

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

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

Equipment

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

Dust/Grit and Other Fugitive Emissions

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

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

Appropriate measures include;-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.



7. 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.

8. 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.

9. The Highway Authority considers it prudent that as part of the proposed off site highways works a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Nottingham City Council at the expense of the developer. This is a separate legal process and the Applicant should contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

10. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Liz Hiskens on 0115 876 5293.

11. The proposed development appears to require the stopping up public highway. The grant of planning permission for this development does not authorise the obstruction or the stopping up or diversion of this public highway and an unlawful obstruction to the highway is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up the public highway will be required. This is a separate legal process and the applicant will need to contact the Department for Transport at their earliest convenience to discuss this matter further. Their contact details as follows: The National Transport Casework Team, Department for Transport, 2nd Floor, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH (T) 0191 226 5216. It is strongly recommended that the applicant liaise with our Rights of Way Officer, John Lee who can be contacted on 0115 876 5246.

12. The works are within the Tram Hazard Zone and also certain works to the frontage on Meadows Way/Rutland Close 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.

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.



DRAFT ⁸ ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 17/02512/PFUL3 (PP-06488161)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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WARDS AFFECTED: Radford and Park

Item No:

PLANNING COMMITTEE
21st November 2018

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

Land To The Rear Of 11 Western Terrace, Nottingham

1 SUMMARY

Application No: 18/01400/PFUL3 for planning permission

Application by: Phoenix Planning (UK) LTD

Proposal: Erection of a single storey detached dwelling

The application is brought to Committee at the request of the local ward councillor who has raised valid planning reasons

To meet the Council's Performance Targets this application should have been determined by 10 September 2018. The applicant has submitted revised plans to try overcome concerns raised by the Council but no extension of time has been agreed.

2 RECOMMENDATIONS

REFUSE PLANNING PERMISSION for the reasons set out in the draft decision notice at the end of this report

Power to determine the final details of the reasons for refusal to be delegated to the Director of Planning and Regeneration.

3 BACKGROUND

- 3.1 The site is an area of open space located within the Park Conservation Area elevated from the road and enclosed by a dwarf stone wall approximately 1m in height. The site is approximately 27m in width and 15.8m in depth located on a slight hill. It is understood that until recently the site was enclosed by additional red brick walling and within the parcel of land were two large Oak trees to the front and two Limes to the rear, as well as a smaller Birch to the west of the site. Only the Lime in the rear (north west) corner remains which is protected by TPO. The land originally formed part of the garden area of 11 Western Terrace; the grand 2 storey white rendered property immediately to the north which is identified within the Park Conservation Plan (2005) as an original estate house (constructed pre 1918). The site has historically been segregated from 11 Western Terrace through the introduction of a close boarded timber fence along the northern boundary of the site. To the east and west of the site are garages belonging to neighbouring properties.

Relevant Planning History

03/02708/PFUL3. Erection of new dwelling. Application withdrawn

05/00088/PFUL3 - Erection of new dwelling. (Resubmission of planning application reference 03/02708/PFUL3). Refused 2005 due to impact upon the Park Conservation Area.

07/00486/PFUL3 – Erection of new detached dwelling. Refused 2007 due to impact upon the Park Conservation Area through sub-division of the garden area of No. 11. Subsequent appeal dismissed.

16/00051/PFUL3 - Part demolition and rebuilding of boundary walls and new entrance gates. Refused on grounds that the loss of trees would detract from the character and appearance of the Park Conservation Area. Subsequent appeal allowed in 2017 subject to the provision of a scheme for re-planting.

17/01956/PDS4 - Details submitted to discharge of conditions 3 (tree planting) in relation to previous planning application 16/00051/PFUL3. Approved 2017

18/01260/PVAR3 - Variation of condition 2 (boundary wall materials) of planning permission reference 16/00051/PFUL3. Approved 2018

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for the erection of a single storey two bed property with study. The property would be located within the north eastern corner of the site. It is proposed that the dwelling be approximately 10.5m wide by 10.2m deep with an overall height of approximately 2.8m. The levels submitted with the site block plan detail that the dwelling would be cut in to the site by approximately 1.5m in relation to the surrounding land. The submitted 3D views detail that the walls of the dwelling would largely be concealed from the roadside by the replacement boundary wall which would have an overall height of approximately 2.2m.
- 4.2 The plans submitted detail that the dwelling would be finished in an anthracite grey render with a flat sedum roof.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

10 – 11 Western Terrace
3, 5, 8 Pelham Crescent

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

Two letters of representation received, supporting the development and raising the following comments:

- The large oak tree on the site has been felled and the site is now waste ground and unsightly. If it is not built on it will remain unsightly and suffer from problems with anti-social behaviour
- What is proposed seems reasonable and well considered, however the respondent does not endorse that Pelham Crescent is an unsightly mess (generally and particularly in comparison with Cavendish Crescent). While not without various more or less well considered 20th/21st century additions, the part of Pelham Crescent nearby the site is not unsightly and retains a period/ Park conservation area 'feel'. Pelham Crescent would plainly be

improved if the planned building went ahead - so long as the boundary wall on Pelham Crescent is built up (using a suitable brick) to a similar height to the walls of adjacent properties

- Many of the houses in the road have trees, hedges, bushes, flowers and lawns which attract a wide range of birds, butterflies and even rural foxes. Leaving this area wild will not add significantly to wildlife diversity
- The proposed house will be almost hidden by the re-built wall on to Pelham Crescent and will not significantly affect the view from 11 Western Terrace, so will not detract from the neighbourhood
- There is a need for housing, especially within the City and this development would help alleviate the housing shortage in a small, but useful way
- In recent years the Council has permitted development at the rear of 9 Western Terrace and at 2, 5 and 7 Pelham Crescent. As these have been passed it seems reasonable that the Council should also look favourably on this Application.

Local Ward Councillor: It has been requested that the application be heard at committee for the following reasons:

The site is in a sustainable location and is currently a vacant piece of land which is attracting anti-social behaviour which is affecting local residents. Local residents are in support of the development. The character of Pelham Crescent is not estate houses with gardens and will therefore not be affected. The tree on site is fully protected by TPO and the replacement planting scheme proposed will further protect the tree.

Additional consultation letters sent to:

Conservation Officer – Objection. Initial comments:

This application relates to the construction of a new dwelling on a parcel of land to the rear of 11 Western Terrace, one of the Original Estate Houses in The Park Conservation Area. The land in question once formed part of the garden area to the Original Estate House, but was segregated from it by a timber fence following the former's subdivision to flats. The original garden area of this fine and substantial house has already been significantly eroded in the 20th century by its subdivision to facilitate the construction of two bungalows on the western part of the plot.

To permanently subdivide the plot through the further development of a new detached dwelling would unacceptably undermine the historic relationship between the original house and its garden and would be detrimental to the spacious and open character of the Conservation Area. Despite the land's current unsightly condition, its undeveloped nature allows views of the house's formal front elevation and it is still readable as part of its historic surroundings.

The development would therefore be contrary to the guidance set out in The Park Conservation Area Management Plan and would conflict with policy BE12 of the Nottingham Local Plan.

Comments based on revised plan:

The applicant's argument is mainly focussed around the fact that the visual impact of the development will be minimised by its low profile design and appearance similar to an outbuilding and the fact that the land around 11 Western Terrace is not

'well landscaped'. The design of the property is well considered and would not be a reason for refusal. The point about the site being unattractive scrubland however, is irrelevant as it is entirely within the applicant's power to rectify this. Furthermore, the Council could take action to improve its visual appearance through a Section 215 notice. The landscaping works resulting from the development cannot be considered a public benefit in the balance against 'harm'.

The case against the development is based around the further subdivision of the plot. The land formed part of the garden setting of 11 Western Terrace since the construction of the property. Permanent subdivision of the plot through development would harm the historic relationship between the property and its former garden. While the development of this individual piece of land would not be considered 'substantial harm', the precedent that this could set has the potential to affect the character of the whole of The Park Conservation Area. The relationship between Original Estate Houses and their substantial gardens is a key defining characteristic that contributed to The Park's designation as a heritage asset. The subdivision and sale of plots for further development has the potential to irretrievably erode this characteristic to a degree that could eventually lead to 'substantial harm'. For this reason the principle of the plot's development would conflict with the NPPF and policy 12 of the Nottingham Local Plan.

Tree Officer – Objection. Comments based on revised plans/comments from applicant:

The approved landscaping scheme (17/01956/PDS4) shows the planting of 2 common oaks to the south and a Caucasian lime to the north. The submitted shading plan is not quite accurate but, regardless of the shade cast by the one individual tree (the lime), when taken as a whole the trees (lime, plane street tree, 3 new trees and trees in neighbouring garden) shade most of the site. That combined with leaf fall and the fact that the only portion of garden that can be enjoyed by any residents is under the lime tree (a tree that can be unpopular due to honeydew secretions from aphids) makes the 'harmony' as described by BS 5837 lacking. Concern still remains regarding the trees:

1. The replacement trees - two are shown to be planted to the south of the proposed dwelling (both oak) and one to the north (lime). The two trees to the south of the proposed dwelling will cast shade in the afternoon. I do not feel it is appropriate to use fastigate trees as these trees are a replacement for those growing on site before they were removed as part of the appeal decision.
2. Shade from the lime – the applicants arboricultural consultant states the tree is to the north of the dwelling but it is to the west thus blocking the evening sun which is often that most desired by owner/occupiers.
3. Construction of the retaining wall through driven sheet piling; it is not considered any less damaging than excavation for a retaining wall. All the roots at the edge of the RPA on that side will be severed.
4. The fact that the lime is protected by a TPO will not prevent constant calls for pruning and removal as it could be said that the LPA allowed construction too close to the tree leading to an inharmonious situation - this from BS 5837 "Where tree retention or planting is proposed in conjunction with nearby construction, the objective should be to achieve a harmonious relationship between trees and structures that can be sustained in the long term."
5. The applicant's own arboricultural consultant has assessed the lime tree as 'middle aged' as they have the potential to grow much larger the tree will not

be able to reach its full potential due to the constraints imposed by having a house so close to it.

Nottingham Civic Society – Objection.

Nottingham Civic Society objects to the erection of a new dwelling on the garden of an Original Park Estate House within The Park Conservation Area. It would detract from the character and appearance of the Conservation Area and is contrary to the Adopted Park Conservation Area Appraisal and Management Plan (2007) which states that development such as this 'will be resisted'.

The gardens of original dwellings make a significant contribution to the character of the street scene because the principal elevations of the Original Houses faced over the gardens benefiting where possible from the southerly elevation. Therefore, not only is the mature landscape and Bulwell stone retaining wall a strong characteristic feature of the Pelham Crescent streetscape, it is enhanced by the distant view uphill of a significant dwelling seen through a landscaped screen. The applicant's own Heritage Statement illustrates this view admirably and because some of the mature vegetation has been removed from the application site, the additional view of the listed buildings on Western Terrace reinforces the relationship between principal dwelling and garden curtilage.

Whilst some original dwellings did have contemporaneously built coach houses at the foot of the garden, and these have been replaced with garages in the past, many original dwellings did not have any such building and their retaining stone walls make a significant contribution to the Conservation Area character. This would be eroded with the insertion of gates giving access to a new dwelling which would obstruct important views however modern the design. The application should be refused and the garden restored for the use of occupants of No.11 Western Terrace.

The Park Estate – Objection.

Support the pre-application advice given by the City Council prior to the submission of this application; that the erection of a dwelling to the rear of 11 Western Terrace would result in a permanent subdivision of the remaining plot which would have a harmful impact on the appearance and character of the original estate house. This would also fail to preserve or enhance the appearance and historical status of the Conservation Area.

The proposal is considered to be contrary to the Park Conservation Plan, the Aligned Core Strategy (Policy 11) and BE12 of the Local Plan.

The application would result in the loss of an original estate house garden area and open space

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities

BE12 – Development in the Conservation Area

NE6 – Trees Protected by TPO

Aligned Core Strategy (September 2014)

Policy A - Presumption in favour of sustainable development.

Policy 8 – Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity.

Policy 11 – The Historic Environment

Other Planning Guidance

The Park Conservation Plan 2005

National Planning Policy Framework

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

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

Furthermore, Paragraph 201 states that: not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of development
- (ii) Design and impact on the Park Conservation Area
- (iii) Impact on trees and impact on residential amenity of neighbouring residents and future occupiers

(i) Principle of development (Policies ST1 of Local Plan and ACS Policy 8)

- 7.1 The site is within a Primarily Residential Area, therefore residential development is acceptable in principle in this location, subject to assessment of all the relevant development plan policies. The proposal provides a two/three bedroom dwelling that aligns with Local Plan Policy ST1 and Aligned Core Strategy Policy 8.

(ii) Design and Impact on the Park Conservation Area (Policies 10 and 11 of the ACS and Policy and BE12 of the Local Plan)

- 7.2 As detailed in the above planning history, the site has been the subject of numerous applications for a new dwelling all of which have been refused or withdrawn. The most recent in 2008 (07/00486/PFUL3) for a property of a similar scale to that which forms the basis of this application, was dismissed by the inspectorate. In relation to the 2008 appeal decision the inspector commented that: *views of the unkempt appeal site are not apparent from Pelham Crescent and the site retains an undeveloped well landscaped appearance with No. 11 visible beyond it. Despite the use of the flat roof, the excavation into the site and screening that would be provided the house would be visible from Pelham Crescent. The characteristic historic relationship between the house and garden would therefore be compromised by the introduction of built development close to and readily apparent from Pelham Crescent. In reaching this conclusion I am aware that the house would not be as prominent in the street scene as indicated in the various views submitted.*
- 7.3 The appearance of the site has in recent years been eroded by the felling of a number of trees and demolition of the boundary wall. However the scheme to replace these would see the planting of 3 x 10/12cm select standard sized trees and the boundary wall rebuilt in an appropriate brick, considered by conservation colleagues to be appropriate for the site's setting within the Park Conservation Area. These details were secured by condition on the 2016 application which was refused and allowed on appeal; the conditions have been discharged, albeit the works not yet implemented. It is considered that once this work is undertaken the site would once again contribute positively to the character of the surrounding conservation area.
- 7.4 As detailed on the submitted elevations and 3D layout, views of the proposed property would be possible beyond the boundary wall which it is considered would result in the same relationship as that considered to be inappropriate by the inspector in his 2008 judgement. The erection of a dwelling in the proposed location would fundamentally compromise the historic character of No.11 Western Terrace, one of The Park's original estate houses and its garden setting, which would be to the detriment of the character and appearance of the Park Conservation Area. The Park Conservation Plan (2005) states that; *the original estate houses, set within their original garden areas are the key elements which define the special*

architectural and historic interest in The Park. Any proposals for new development in the original gardens which undermine this historic relationship will be resisted.

- 7.5 The applicant argues that the relationship between the proposed development site and No.11 has been incrementally and permanently degraded through a series of historic planning applications for the erection of 2 post war properties within the garden area to the west of No.11 and the sub-division of No.11 and its use as flats. The applicant states that the site is now an unusable piece of waste land that shares no relationship with No.11.
- 7.6 Officer's disagree with this view and consider that as detailed by the inspector in the 2008 judgement, once the boundary wall is re-instated fronting Pelham Crescent the site would still read as an area of landscaped garden associated with No.11 that positively contributes to the setting of the property.
- 7.7 Notwithstanding the design, scale and layout of the proposed dwelling, its introduction would undermine the historic relationship between the dwelling and its garden setting to the detriment of the Conservation Area. The proposal would therefore fail to accord with policy 11 of the ACS, policy BE12 of the Local Plan and The Park Conservation Plan, a material consideration.

(iii) Impact on trees and impact on residential amenity of neighbouring residents and future occupiers (Policies NE6 and BE12 of the Local Plan and Policy 10 of the ACS)

- 7.8 A number of trees have been permitted to be felled to facilitate the construction of a new access and parking area within the site, albeit the creation of this access would not appear to serve any functional purpose, given that No.11 is to the north and the development site are within separate ownership.
- 7.9 In relation to the current application, following the initial concerns from the Tree Officer the dwelling has been marginally relocated beyond the proposed Root Protection Area (RPA) for the Lime in the north western corner of the site, which is protected by TPO. However concern remains from the Tree Officer that given the proposed levels and that the dwelling would be cut into the site, damage would still result to the roots of the Lime. The applicant has stated that the retaining wall that would be constructed on the very edge of the RPA of the Lime to separate the proposed garden area from the sunken dwelling, would be constructed via sheet piling to reduce impact on the Lime. However, the Tree Officer is of the opinion that this method would be no less damaging than excavation and that roots on the edge of the RPA would still be damaged. The proposed development is considered to result in concern relating to the stability and longevity of the Lime tree in the north western corner of the site, which is considered to contribute positively to the character and appearance of the Conservation Area. The proposal is therefore considered to fail to accord with policy NE6 of the Local Plan.
- 7.10 Concern is also raised regarding the amenity of future residents given the proximity of the Lime tree in the north western corner of the site and the replacement trees. In relation to the replacement trees, these were approved last year as part of the discharge of condition relating to the application approved on appeal for the creation of a new vehicular access to the site. The trees are detailed as being 3 x 10/12cm select standard sized trees, 1 to the immediate north of the property and 2 to the south west, being a Lime and 2 Oaks. These trees were required by the inspector to ensure that the approved vehicle access to the site did not result in a significant loss of character to the Park Conservation Area. It is however

considered that given their close proximity to the proposed dwelling that the trees would result in a poor outlook for future residents. In particular the Oak tree on the northern boundary combined with the proximity of the boundary fence would result in a poor outlook for occupiers of bedroom 2. The 2 replacement Oak trees in conjunction with the existing substantial Lime tree would result in reduced light levels to the main habitable room of the dwelling, the lounge/dining/kitchen.

- 7.11 The existing Lime is detailed as being 'middle aged' by the applicant's tree consultant and therefore has the potential to carry on growing for a number of years. Its location due west of the property would result in significant overshadowing of the principal garden area of the property and the likelihood of annual leaf litter and sap, which would detract from the amenity of future residents. This would be contrary to the guidance of BS 5837 (Trees in relation to design demolition and construction 2012) which states that "*Where tree retention or planting is proposed in conjunction with nearby construction, the objective should be to achieve a harmonious relationship between trees and structures that can be sustained in the long term.*" The proposal would not result in a 'harmonious' relationship. Furthermore, when the proposed replacement trees are considered cumulatively with the existing protected Lime in the north west corner of the site, the Plane tree situated on the street to the south west and the trees situated within the neighbouring garden to the west, the proposal would be likely to result in pressure from the future occupiers to seek to fell the existing Lime tree and all or some of the approved replacement trees. The existing Lime is considered to positively contribute to the character of the Park Conservation Area and the replacement trees were specified to ensure the consent granted by the inspector did not degrade the overall character of the area. The future pressures for removal of all or some of the existing and proposed trees on the site would be to the detriment of the character and appearance of the Park Conservation Area. The proposal would therefore fail to accord with Policies NE6 and BE12 of the Local Plan, Policy 10 of the ACS and guidance contained within BS 5837.
- 7.12 It is considered that the proposed dwelling, given its siting and form, would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook.
- 7.13 Whilst the provision of an additional dwelling in a sustainable location is a positive benefit of the development, this is not considered to carry sufficient weight to overcome the harm to the Conservation Area and residential amenity as identified above. Furthermore, the difficulties of maintaining the land identified by the applicant would not in itself be a justification for the land to be developed.

8. SUSTAINABILITY / BIODIVERSITY

The proposed development as outlined in section (iii) above would threaten the retention of the Lime tree on site which is protected by TPO and the retention of replacement trees yet to be planted

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

None.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/01400/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PBR934LYI5A00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
The Park Conservation Plan (2005)

Contact Officer:

Mr James Mountain, Case Officer, Development Management.

Email: james.mountain@nottinghamcity.gov.uk. Telephone: 0115 8764043



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0 0.015 0.03 km



Key



City Boundary

Description

No description provided



My Ref: 18/01400/PFUL3 (PP-07116460)

Your Ref:

Contact: Mr James Mountain

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Phoenix Planning (UK) Ltd
FAO: Mrs Paula Daley
Diamond Centre
Diamond Avenue
KIRKBY IN ASHFIELD
NG17 7GQ

Date of decision:

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

Application No: 18/01400/PFUL3 (PP-07116460)
Application by: Phoenix Planning (UK) Ltd
Location: Land To The Rear Of 11 Western Terrace, Nottingham,
Proposal: Erection of a single storey detached dwelling

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

1. The proposed dwelling would result in the subdivision of the former garden plot of 11 Western Terrace, which would harm the historic relationship between one of the original estate houses and its garden setting. The proposal would therefore fail to preserve or enhance the character or appearance of the Park Conservation Area, contrary to policy BE12 of the Nottingham Local Plan (2005), policies 10 and 11 of the Aligned Core Strategy and the Park Conservation Plan (2005).
2. The proposed dwelling by virtue of its close proximity to the protected Lime tree in the north western corner of the site would through proposed excavations, building works and the subsequent occupation of the dwelling lead to pressure to prune and fell the tree due to overshadowing, litter and perceived tree instability. The loss of the tree would be to the detriment of the character and appearance of the Park Conservation Area. The proposal would therefore be contrary to policies BE11, BE12 and NE6 of the Nottingham Local Plan (2005) and policies 10 and 11 of the Aligned Core Strategy.
3. The proposed dwelling by virtue of its siting, orientation and close proximity to the protected Lime tree in the north western corner of the site and approved replacement trees; a Lime to the north and 2 Oaks to the south, would fail to provide a satisfactory residential environment for prospective occupiers due to overshadowing, poor outlook and leaf litter caused by the close proximity of the trees. The proposal would therefore be contrary to Policies NE6 and BE12 of the Nottingham Local Plan (2005) and Policy 10 of the Aligned Core Strategy.

Notes



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DRAFT ONLY

Not for issue

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Continued...

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



DRAFT ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 18/01400/PFUL3 (PP-07116460)

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

Any appeal must be submitted within 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.