



**NOTTINGHAM CITY COUNCIL**  
**PLANNING COMMITTEE**

**Date:** Wednesday 17 April 2019

**Time:** 2:30pm

**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**

A handwritten signature in cursive script, appearing to read 'G. Boudonell'.

**Corporate Director for Strategy and Resources**

**Governance Officer:** Adrian Mann **Direct Dial:** 0115 876 4468

- |          |  |                |
|----------|--|----------------|
| <b>1</b> | <b>APOLOGIES FOR ABSENCE</b>                                   |                |
| <b>2</b> | <b>DECLARATIONS OF INTERESTS</b>                               |                |
| <b>3</b> | <b>MINUTES</b>   | <b>3 - 10</b>  |
|          | Minutes of the meeting held on 20 March 2019, for confirmation |                |
| <b>4</b> | <b>PLANNING APPLICATIONS: REPORTS OF THE CHIEF PLANNER</b>     |                |
| <b>a</b> | <b>Island Site, City Link, Nottingham</b>                      | <b>11 - 50</b> |
| <b>b</b> | <b>Studio House, 22 Mount Street</b>                           | <b>51 - 62</b> |

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

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**NOTTINGHAM CITY COUNCIL**

**PLANNING COMMITTEE**

**MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 20 March 2019 from 2:30pm to 3:49pm.**

**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 Andrew Rule  
Councillor Wendy Smith  
Councillor Malcolm Wood  
Councillor Cate Woodward  
Councillor Steve Young

Absent

Councillor Sally Longford  
Councillor Mohammed Saghir

Councillor Michael Edwards (Substitute  
for Councillor Sally Longford)

**Colleagues, partners and others in attendance:**

Adrian Mann - Governance Officer  
Rob Percival - Area Planning Manager  
Martin Poole - Area Planning Manager  
Paul Seddon - Director of Planning and Regeneration  
Tamazin Wilson - Solicitor

**70 APOLOGIES FOR ABSENCE**

Councillor Mohammed Saghir - Council business

**71 DECLARATIONS OF INTERESTS**

None.

**72 MINUTES**

The minutes of the meeting held on 20 February 2019 were confirmed as a true record and signed by the Chair.

**73 SITE OF YORK HOUSE, MANSFIELD ROAD**

Martin Poole, Area Planning Manager, introduced application 18/02566/PFUL3 for planning permission, made by Freeths LLP on behalf of HYDROGEN YORK STREET LIMITED, for a purpose-built student accommodation building with cluster bedrooms, studios and associated amenity areas, over 4 to 10 storeys.

The application is brought to the Committee because it is a major application, with Section 106 obligations, which raises important local issues. The following points were discussed:

- (a) the cleared site is located on the east side of Mansfield Road. It is within the city centre Local Plan area. Flats with a retail/commercial ground floor are immediately to the north and a listed public house is immediately to the south, forming the corner with Union Road. The Intu Victoria Centre is further to the south and east, with the Victoria Bus Station also to the east and opposite the site across York Street. Terraced shops with residential accommodation on some upper floors are across Mansfield Road, to the west. An eight-storey 1960s office building that occupied the site was demolished in 2014 and the area was last used for car parking;
- (b) the application is for the redevelopment of the site for a purpose-built student accommodation building with a total of 422 bedrooms over 4 to 10 storeys, with a large ground floor communal amenity area with external courtyards and a gym. The proposed buildings are in a series of interconnected blocks of varying heights arranged around internal courtyard spaces, with a primary entrance from Mansfield Road. Cycle storage for 105 bikes is proposed, but no car parking will be provided on site;
- (c) the Civic Society raised concerns about the potential impact on a view towards the Council House dome. This has been reviewed using 3D modelling and the development will not obstruct this view. The parts of the cave system around the development are well-documented and the design has been checked by the City Archaeologist, to ensure that the level of impact upon them is limited;
- (d) the site was included within proposals for the northern extension of the Intu Victoria Centre, where it would have been developed as part of a reconfigured bus station, an enclosed service yard and a health club entrance, within a short terrace of three-storey buildings;
- (e) concerns were raised over whether greater capacity for student accommodation was required and sustainable in the long term, as the previously approved development of the site would have provided important facilities for the city centre. The projected need for student accommodation has been investigated in detail and it is considered that the proposals meet a clear demand, which is likely to continue to rise. The level of student accommodation available is not able to keep pace with current demand and conversations are underway with the local universities to put strategies in place, as students represent a positive contribution to the local life and economy. Intu is selling the land to the new developer as it was secondary to the core parts of the shopping centre expansion, for which there was still capacity in the future;

- (f) designated student accommodation is intended to free up housing in the wider city area for families and the simple fit-out could be converted into single-occupancy dwellings for people like young workers in the city in the future, if required. Other city centre residents are often concerned that student accommodation creates anti-social behaviour around it and a number of representations against the scheme have been made in this context. However, designated student accommodation has management structures and an on-site manager in place to limit such behaviour in a way that it is not possible with students living in other types of housing;
- (g) a representation from the adjacent public house expressing concerns about the blockage of light was raised. The pub used to sit tightly adjacent to the old York House offices and, in planning terms, it is appropriate for structures to be built closely together in an urban context, with the level of available natural light considered to be acceptable. The new building would not encroach beyond the previous envelope of York House and its overall massing is similar, stepping down in height towards the pub. Any matters of a particular property's legal right to light falls outside of the planning system;
- (h) effort has been put into the design of the bottom tiers of the proposed new building but, from the visuals used in the presentation to Committee, the top levels lack architectural interest. There are also solid square colour blocks of grey and yellow brickwork on the York Street elevation, which could benefit from further detailing to break up their mass. There is opportunity for a high-quality brick finish and it was felt that the proposed materials should be provided for review.

**RESOLVED to:**

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

- (a) the expiry of the response period for the additional consultation letters that have been issued and no further material planning issues being raised;**
  - (b) prior completion of a Section 106 planning obligation to secure:**
    - (i) a public open space contribution of £88,970.26 towards improvements to Elm Avenue, Corporation Oaks and Robin Hood Chase open spaces;**
    - (ii) a student management plan, to include restrictions on car use;**
  - (c) the indicative conditions substantially in the form of those listed in the draft decision notice;**
- (2) delegate authority to the Director of Planning and Regeneration, in consultation with the Chair, Vice Chair and Opposition Spokesperson, to determine the final approval of:**
- (a) the design and appearance of the exterior elevations of the top levels of the building;**

- (b) the detailing of the brickwork and the brick colour for the York Street exterior elevation;**
- (3) delegate power to determine the final details both of the conditions and the Section 106 obligation to the Director of Planning and Regeneration.**
- (4) The Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 has been complied with, in that the planning obligation sought is:**
  - (a) necessary to make the development acceptable in planning terms;**
  - (b) directly related to the development;**
  - (c) fairly and reasonably related in scale and kind to the development.**
- (5) The Committee is 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.**

**Councillor Josh Cook and Councillor Malcolm Wood requested that their votes against the above decision were recorded.**

#### **74 SITE OF BEECHDALE SWIMMING CENTRE, BEECHDALE ROAD**

Rob Percival, Area Planning Manager, introduced application 18/02651/PFUL3 for planning permission, made by Lidl UK GmbH, for the erection of a Lidl store (use class A1), 4 shop units (use class A1/A2/A3/sui generis (nail salon and/or tanning salon)), 2 shop units (use class A1/A2/A3/A5), a drive-through coffee shop (use class A1/A3/A5) and associated car parking, servicing, infrastructure works and landscaping.

A list of additional information, amendments and changes to the item since publication of the agenda was included in an update sheet, which was circulated at the meeting and appended to the agenda published online. This update includes additional conditions and further comments on the Retail Sequential Test and Highways Impact.

The application is brought to the Committee because it relates to a major development with important land use and design considerations. The following points were discussed:

- (a) the vacant, cleared site was occupied by the Beechdale Baths. It is located at the corner of Beechdale Road and Western Boulevard. It is allocated to retail in the emerging Local Plan. The new access will be from Beechdale Road to the north and there is a pedestrian subway from the eastern boundary that goes beneath Western Boulevard. The main part of the site sits approximately 2m below road level and slopes downwards from north to south, with a landscaped embankment on the eastern boundary with Western Boulevard;**

- (b) the application is for the erection of a Lidl supermarket to a standard design, with a parade of 6 shop units and a drive-through coffee shop, along with 153 car parking spaces (including 10 disability spaces, 8 parent and child spaces, and additional accommodation for up to 26 bikes), servicing, infrastructure works and landscaping. The supermarket will employ 40 staff and the other retail units are likely to create around 44 full-time equivalent jobs. Vehicular and pedestrian access will be retained from Beechdale Road with a single access/egress point at the north-west corner of the site. Separate pedestrian accesses will be provided in a more central position on the Beechdale Road frontage and from the subway beneath Western Boulevard;
- (c) 97 responses were received in support of the application, with 1 representation made raising concerns about the traffic impact. At a prior public consultation event, 520 responses were returned, with 97% in support of the development. The impact on other retail has been assessed: representations have been received from Asda objecting to the proposal in terms of retail and highway impact. Discussions have been held with the Local Highway Authority to overcome the road access challenges of the site. Councillors have received and considered representations on the application from both Asda and Lidl;
- (d) it is felt that the proposed development will create important facilities for local residents. Concerns were raised that, as the supermarket is set back from the site boundary, it is not sufficiently encouraging to public transport-using and pedestrian customers. The general principle is that shops should front onto the site boundary where possible, but the supermarket requires a flat surface for the whole of its floor area and the 2m level drop from the pavement means that this cannot be achieved closer to the site boundary. It is considered that the pedestrian entrances proposed are the best achievable in the context;
- (e) given that the traffic usage of the site will be different to when it was swimming baths, the Local Highway Authority has investigated the potential impact of the right-hand turn onto and off the site in some detail. It is felt that the current junction is suitable for the proposed usage following an update of the road markings and signage. The shopping development is intended to meet the needs of a local catchment, rather than to draw people in by car from the wider city area. A bus stop is adjacent to the site and, due to the drop in level from the pavement, the shop frontage should be more visible set further back from the road. There will be a ramp down into the site from the pavement, with a safe pedestrian route through the car park to the shops. A wall along the whole length of the front boundary should be considered, rather than merely the use of shrubs in some sections, to limit littering.

**RESOLVED to:**

- (1) grant planning permission subject to the indicative conditions substantially in the form of those listed in the draft decision notice and in the additional update sheet;**
- (2) delegate power to determine the final details of the planning obligation and conditions to the Director of Planning and Regeneration.**

**75 WILLIAM OLDS YOUTH CENTRE, 84 CHILTERN WAY**

Martin Poole, Area Planning Manager, introduced application 18/00143/POUT for outline planning permission (details of access, appearance, layout and scale submitted for approval with landscaping reserved), made by Tang and Associates Ltd (Chartered Architects) on behalf of LCAM (Nottingham) Ltd and Mr M. Aggarwal for the demolition of a building and the erection of 22 three-storey dwellings with associated car parking.

The application is brought to the Committee at the request of local Ward Councillors. The following points were discussed:

- (a) the site of the former William Olds Youth Club is located on the east side of Chiltern Way, adjacent to the Sandy Banks Local Nature Reserve. The west side of Chiltern Way is residential. There are some level changes across the site, which is owned by Nottingham City Council currently, but it has been vacant for more than 2 years and declared surplus, so the Council is in the process of disposal;
- (b) the application is for 22 houses on the site following the demolition of the existing youth centre building. A revised vehicular access is proposed so that it does not require land beyond the current site and the dwellings will be laid out in a cul-de-sac arrangement, with one car parking space per unit. The proposed dwellings will be two stories with dormers to provide additional accommodation in the roof space, and will be of a brick and render construction with pitched, tiled roofs;
- (c) concerns were raised about the parking impact on Chiltern Way, due to potential overspill. One parking space per unit is regarded as appropriate in planning terms within a development of this type and, although Chiltern Way is relatively narrow, it has houses on one side only, so this does not raise safety concerns for the Local Highway Authority.

**RESOLVED to:**

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

**(a) the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to include:**

- (i) a financial contribution of £31,561.20 towards off-site public open space;**
- (ii) a financial contribution of £59,418.39 towards education provision;**

**(b) the indicative conditions substantially in the form of those listed in the draft decision notice;**

**(2) delegate power to determine the final details of the planning obligation and conditions to the Director of Planning and Regeneration.**

**(3) The Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 has been complied with, in that the planning obligation sought is:**

**(a) necessary to make the development acceptable in planning terms;**

**(b) directly related to the development;**

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

**(4) The Committee is satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations in accordance with Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.**

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**WARDS AFFECTED:** Bridge

**Item No:**

**PLANNING COMMITTEE  
17th April 2019**

**REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

**Island Site, City Link**

**1 SUMMARY**

Application No: 18/01354/POUT for outline planning permission

Application by: Axis Mr David Jones on behalf of Conygar Nottingham Ltd

Proposal: Outline application for mixed use comprising; 17,274sq.m of Creative Market uses (i.e. 5,182sq.m of Class A1 (comparison), 3,455sq.m of Class A3/A4 and A5, 8,637sq.m of Class B1/B2 and Class D1 (exhibition) uses; 58,885sq.m of offices (Class B1); 14,413sq.m of non-residential institution (Class D1); 91,888sq.m of residential (Class C3); 4,153sq.m of local retail (Classes A1, A3, A4 & A5); 8,118sq.m of hotel (Class C1); 27,030sq.m of student accommodation (Class C3 and sui generis); and 1,796 car parking spaces; together with facilitating works including site clearance, demolition and groundworks, and site remediation; on and off-site highway works; pedestrian and cyclist facilities; new and enhanced areas of public realm incorporating hard and soft landscaping; foul and surface water drainage works incorporating SuDS features; and all necessary new, diverted and upgraded utility infrastructure, including gas compound and substations.

The application is brought to Committee because it involves the redevelopment of prominent brownfield site of strategic importance that has been vacant for many years. The application proposes a major mixed-use scheme on a prominent site and potential significant extension of the city centre district, where there are important land-use and heritage considerations.

To meet the Council's Performance Targets this application should be determined by 30 April 2019.

**2 RECOMMENDATIONS**

The Committee resolves:

2.1 That the requirements of regulations 18(3) and (4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("the 2017 Regulations") are satisfied by reason of the submission of the Environmental Statement and the Environmental Statement Addendum as part of the application which includes at least the following information:

- (a) a description of the development comprising information on the site, design, size and other relevant features of the development;
- (b) a description of the likely significant effects of the proposed development on the environment;

- (c) a description of the measures envisaged to avoid, prevent or reduce and offset likely significant adverse effects on the environment;
  - (d) a description of the alternatives studied by the developer and an indication of the reasons for the option chosen, taking into account to environmental effects;
  - (e) a non-technical summary of the information referred to at paragraphs 2.1(a) – (d);
- 2.2 That it be recorded in the resolution that the environmental information being the Environmental Statement and Environmental Statement Addendum has met the requirements of schedule 4 to the 2017 Regulations.
- 2.3 That it be recorded in the resolution that no further information pursuant to regulation 25(1) of the 2017 Regulations is required.
- 2.4 That it be recorded in the resolution that the environmental information (namely the Environmental Statement and the Environmental Statement Addendum together with any representations made by any body required by the 2017 Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development) has been examined and considered.
- 2.5 That it be recorded in the resolution that as required by regulation 26(1)(b) of the 2017 Regulations, the Committee has reached a reasoned conclusion on the significant effects of the proposed development on the environment, as contained in this report.
- 2.6 That in the opinion of the Committee the reasoned conclusion referred to at paragraph 2.5 above addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the development and the Committee is therefore satisfied pursuant to regulation 26(2) of the 2017 Regulations that the reasoned conclusion is up to date.
- 2.7 That it be recorded in the resolution that the Committee does not consider it appropriate to impose monitoring measures pursuant to regulation 26(1)(d) and regulation 26 (3) of the 2017 Regulations given the nature, location and size of the proposed development and its effects on the environment;
- 2.8 That following the determination of the application, the publicity and notification requirements pursuant to regulation 30(1) of the 2017 Regulations be complied with as soon as reasonably practicable and the Director of Planning and Regeneration be delegated authority to undertake the necessary requirements.
- 2.9 **TO GRANT OUTLINE PLANNING PERMISSION** for the reasons set out in this report, subject to:
- (a) prior completion of a planning obligation which shall include those matters identified in paragraph 7.56 of this report ; and
  - (b) planning conditions including those relating to the matters outlined in the list at Appendix A to this report.
- 2.10 To delegate power to determine the terms of the planning obligation at 2.9 (a) above to the Director of Planning and Regeneration provided that:
- (a) unless, in relation to any phase of the development, the applicant has

demonstrated to the satisfaction of the local planning authority that the development would not otherwise be viable, the obligations secured thereby shall not be substantially less than typically required by adopted planning policies;

- (b) the Director of Planning and Regeneration is satisfied that:
- (i) Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (“the 2010 Regulations”) is complied with, in that the planning obligation sought is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development;
  - (ii) Insofar as the planning obligation sought will relate to infrastructure, that it would not exceed the maximum number of obligations according to Regulation 123(3) of the 2010 Regulations

2.11 To delegate power to determine the planning conditions at 2.9(b) above to the Director of Planning and Regeneration.

### **3 BACKGROUND**

- 3.1 The boundary of the application site is defined by London Road and the Nottingham-Beeston Canal to the west, Manvers Street and Sneinton Hermitage to the east, the railway to the south and Poplar Street, Evelyn Street and Biocity to the north. The site comprises 11.4 hectares of previously developed, ‘brownfield’ land. Existing buildings within the application site include the derelict James Alexander Warehouse and Units W2a and b City Link (Gem 106 radio and vacant). The Grade II listed Great Northern Warehouse and Virgin Active/Low Level Station buildings are excluded from the application site, as are other existing buildings within the Island Quarter including the BBC’s East Midlands headquarters, Apex Court, Equinox House, Premier Lodge Hotel and NHS Direct’s Seaton House walk-in centre.
- 3.2 The application site falls within the Eastside Regeneration Zone and within the Creative and Canal Quarters of the City Centre. The Waterside area is directly to the south.
- 3.3 The application site has a long planning history reflecting various phases of piecemeal development. Throughout the site’s recent history, the City Council has been proactive in attempting to facilitate delivery by the private sector via site disposal and site remediation but the site has remained largely undeveloped.
- 3.4 The site was cleared for redevelopment as part of City Challenge in the early 1990s. Outline Planning Permission was then granted in November 1994 (Ref: 94/00989/POUT) for the development of office and workshop units, and site decontamination and the construction of City Link were carried out under this consent. The development of a number of buildings followed in the late 90s, including the BBC (96/01087/PFUL3); the NHS Walk-in Centre (99/02385/PFUL3); Apex Court (99/01110/PFUL3); and the Premier Inn hotel (99/01899/PFUL3).
- 3.5 The next significant phase of planning applications commenced in 2004, with the submission of Outline Planning Permission (04/01403/POUT) for the mixed-use development of the now ‘Extended Island Site’ for 269,391 sq.m of business, residential, retail, and leisure uses. This permission was granted on 1 April 2008

following the completion of a S106 planning obligation. Subsequent applications were then made for the approval of a detailed masterplan, phasing programme and design code (08/02227/PDS4); details of the southern link road (08/02345/PRES4), and flood protection (08/02772/PDS4). Details of a seven storey office building and those for the construction of a southern link road between Great Northern Close and Manvers Street were also approved (08/02345/PRES4 & 08/02849/PRES4).

- 3.6 An application for the erection of a retail store (Tesco) and associated uses was made in 2010 (10/03848/PRES4), however this scale of retail development was not supported and the application was withdrawn prior to a decision being made.
- 3.7 As works to implement the Outline Planning Permission did not commence, this consent therefore expired on 1 April 2011.
- 3.8 More recently, Planning Permission has been granted for the use of part of the application site as a public car park whilst works on the Broadmarsh multi-storey car park are being carried out. This permission has been granted for a temporary period of three years, expiring on 25 October 2020 (17/01986/NFUL3).
- 3.9 A Scoping Opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017 has been issued prior to the submission of this application (18/00091/EASCO), confirming that Environmental Impact Assessment is required as an urban development project where the proposed scale, nature and location has the potential to give rise to significant environmental effects. The Scoping Opinion has included the initial responses of statutory consultees in relation to potential environmental impacts.

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 This application is for Outline Planning Permission with all matters being reserved for future approval. The proposal is for the development of a strategic mixed-use regeneration scheme comprising the following full range and extent of uses:
  - 17,274m<sup>2</sup> of 'Creative Market' floorspace encompassing:
    - 5,182m<sup>2</sup> of Class A1 (comparison) use;
    - 3,455m<sup>2</sup> of Class A3/A4 and A5 uses; and
    - 8,637m<sup>2</sup> of Class B1/B2 and D1 (exhibition) uses;
  - 58,885m<sup>2</sup> of Class B1 office use;
  - 14,413m<sup>2</sup> of Class D1 (non-residential institution) floorspace;
  - 91,888m<sup>2</sup> of residential floorspace (907 residential units) (Class C3) comprising the following: -
    - 407 private rented sector units;
    - 500 private apartments and townhouses;
    - c282 podium parking spaces.
  - 4,153m<sup>2</sup> of community / local retail uses (Classes A1, A3, A4 and A5) at ground floor level within certain buildings);
  - 47,258m<sup>2</sup> of multi-storey car parking floorspace (1,241 spaces);
  - 8,118m<sup>2</sup> of hotel (Class C1) floorspace (194 bedrooms) plus at-grade car parking;
  - 666 student accommodation (166 No. Class C3 and 500 No. Sui Generis) units (27,030m<sup>2</sup> of floorspace);

- Demolition of existing structures / buildings;
  - A comprehensive scheme of site remediation;
  - Associated on-site and off-site highways and pedestrian / cyclist facilities
  - Re-provision of the Virgin Active Gym car park (246 spaces), to the east of the existing building;
  - The refurbishment of two historic buildings (one of which is Grade II listed) to accommodate the Creative Market uses (Note: The Great Northern Warehouse would be subject to a separate detailed / full application, given its listed status);
  - Extensive areas of new public realm, comprising hard and soft landscaping with integrated SuDS; and
  - New, diverted and upgraded utility infrastructure, including a gas compound and new substations.
- 4.2 The proposed development is identified to fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017: 'Urban Development Projects'. As such, the applicant has elected to undertake Environmental Impact Assessment, which is detailed within an Environmental Statement (ES). The ES evaluates the current (baseline) environment in the area, provides information relating to the predicted environmental effects, and details the proposed mitigation measures to alleviate those identified effects.
- 4.3 The ES provides an assessment of environmental impacts in relation to the following topic areas: air quality; transport; landscape; biodiversity; drainage; noise and vibration; cultural heritage; and ground conditions.
- 4.4 Parameter plans and elevations are provided to regulate the proposed horizontal and vertical limits of potential development, and are also accompanied by viewpoint analysis of potential visual impacts. An illustrative masterplan indicating how the proposed development might be configured within the scope of these regulating parameters is also provided. The status of this will remain as an illustrative.
- 4.5 The applicant envisages that the timescale for completing the proposed development would likely occur over a 10 to 15 year period and is therefore seeking a consent that will remain valid for a period of up to 15 years. The applicant acknowledges recognising that the terms of such a consent would require an appropriately worded phasing condition. The applicants' commitment to the provision of local employment and training opportunities throughout the period of the development of the site is also to be welcomed.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

- 5.1 Notification letters have been sent to 172 individual addresses within and surrounding the application site. The application has also been advertised by press and site notices as being accompanied by an Environmental Statement and as a departure to some of the saved policies of the Local Plan. Statutory and other consultees have also been individually notified, including additional consultation procedures carried out in line with the EIA Regulations 2017.
- 5.2 The above consultations have been carried out following receipt of the initial application submission and have been repeated upon the more recent submission of an Environmental Statement Addendum.

## **Additional consultation letters sent to:**

### **Internal and Statutory Consultees**

5.3 **Policy:** No objection. The Housing and Employment Delivery Appendices of the emerging Local Plan and adopted SPD identify the potential yield for the site as:

- 500 - 600 dwellings
- 43,900 - 64,400m<sup>2</sup> of offices
- 3,000 - 4,500m<sup>2</sup> of retail

The quantum of office development (58,885m<sup>2</sup>) is therefore in line with the identified potential yield.

5.4 The retail element is significantly in excess of the anticipated level of development. A separate policy response on this has concluded that the sequential and impact test have been appropriately undertaken and are passed.

5.5 The proposal is significantly higher than the anticipated yield in respect of residential units (907 residential units, 666 student units). However, this is considered acceptable in principle as the figures contained in the Local Plan are purely indicative, and do not preclude a more dense scheme coming forward. It is understood that the extent of ground contamination has proved to be significantly lower than initially thought, effectively meaning that the 'developable' area has increased.

5.6 The range of other uses proposed (non-residential institution, hotel, car parking) are considered appropriate within a mixed use development aimed at creating a new sustainable mixed use community within the City centre.

5.7 This is a brownfield site in a highly accessible location and that the proposals seek to develop a priority regeneration site and contribute to Nottingham's heritage by bringing the Great Northern Warehouse and the James Alexander Warehouse back into use are supported. This development can potentially provide high quality buildings and public realm, including a range of accessibility improvements both within and connecting the site. It could protect existing trees where appropriate and create additional open space, therein contributing to biodiversity net gain. This proposal is therefore considered to be policy compliant.

5.8 **Highways:** No objection subject to S106 and conditions. A Transport Assessment has been provided. The overall methodology of assuming "no traffic growth" as the baseline is considered acceptable. A detailed assessment has been provided relating to the Citylink/Manvers Street junction. The application proposes alterations to this junction in order to cater for development traffic accessing the site. The proposals also suggest alterations to the Great Northern Close/London Road junction, including the provision of a straight-across pedestrian crossing for the benefit of pedestrians and cycles. Whilst the principle of the revised crossing facilities is beneficial it is recommended that these works be incorporated into recommended wider S106 works. Whilst it is accepted that the majority of proposed trips would use Manvers Street to access the development, commentary regarding the City Link/London Road junction and any alterations to the existing redundant gatehouse as part of the access should be considered. A new indicative access to serve the proposed Creative Market and Virgin Active car park is illustrated very

close to the Manvers Street/Citylink junction. The operations of these signals may need to be linked to ensure suitable operation. Other junction and other connectivity requirements are recommended to be included within a S106.

- 5.9 The proposals include several outline options for public realm in terms of street design as well as the new public greenspace, a civic space in the development, and space adjacent to the canal. Request clarification from the applicant as to which areas are proposed to be adopted or are to be covered by a management company or other arrangement to ensure that responsibility for the maintenance of these spaces. Further detailed design regarding some aspects of the public realm spaces will be required when implementing the proposal. The Design and Access Statement accompanying the proposals indicate general street design principles that are broadly compatible with the Nottingham Time and Place Plan. Traffic Regulation Orders should be implemented across the development.
- 5.10 It is considered essential for the development to link into the city centre and wider urban fabric, with pedestrian and cycle connections into the City Centre, towards the Railway Station and into the residential area of Sneinton. These works would also require some improvements to traffic junctions to minimise severance between the site and these locations for pedestrians and cyclists, as well as ensuring that the wider traffic network can accommodate the scheme. An exercise has been undertaken to provide a set of proposed improvements to achieve this, which is recommended to form the basis of negotiations of a S106 contribution by the applicant.
- 5.11 A minimum of 5% of all parking spaces within the development should be provided with electric charging points, and the proposed multi-storey car parks will also be required to have an appropriate number of parking spaces for disabled users. The indicative level of parking proposed for the residential element of the scheme is considered acceptable, being roughly one parking space for every three residential units, reflecting the sites' sustainable location and general availability of car parking within the proposed development. The limited level of parking for the proposed hotel location off Great Northern Close is considered acceptable as long as a travel plan and car parking management plan is provided for both staff and visitors to the hotel to avoid any parking issues for the site. The ratio of car parking spaces for the proposed office uses, to be accommodated within the multi-storey car park to the north of the site is considered acceptable.
- 5.12 **Highways England:** No objection following receipt of further information.
- 5.13 **Historic England:** Remain concerned by the impact the proposed scheme would have on the significance of the Lace Market conservation area, St Mary's church and Nottingham Castle in particular. At a maximum height of approximately 81m, building BG7 (Manvers Street) would still be harmful to the significance and setting of St Mary's church and Nottingham castle as a dominant presence in the townscape. It would be an additional building which breaks the horizon when seen from the castle. However, the reduction in the footprint of the taller section of the building would mean that it would have slimmer proportions which would reduce the impact.
- 5.14 The increase in height of the eastern half of building BG1 (London Road) would have an increased impact when seen from Nottingham Castle as it would break the horizon. However, the reduced height of the western half means that a view of St

Mary's church would be retained from parts of Lady Bay Bridge which would reduce the impact on the setting and significance of the church.

- 5.15 Recommend that wirelines of the proposed scheme are provided from Manvers Street (viewpoints 3 & 4) so that the impact of the proposals on these views can be assessed and mitigated. The wireline provided for viewpoint 2 continues to show that the proposed scheme would have a harmful impact on the setting and significance of Green's Mill by appearing as dominant in a townscape that currently consists of low historic housing, which forms part of the Sneinton conservation area, with longer views out over the valley.
- 5.16 The reduction in heights of parts of buildings BG5 and BG6 would provide a better balance with the heights of the buildings on the south side of the route including the Grade II listed Great Northern Warehouse and would improve the sense of enclosure. However, we remain very concerned that the warehouse has not been included in the wider scheme. Historic England attended a site meeting at the warehouse in late 2018 with the applicant's agents to help provide a better understanding of the building and potential ways forward. We have not heard anything further. We continue to strongly recommend that the LPA takes the necessary steps to ensure that a sustainable future for the warehouse is secured as part of the proposed scheme with the necessary consents in place.
- 5.17 The LPA should ensure that you have received sufficient information from the results of any archaeological evaluation your specialist archaeological advisor indicates is necessary to inform your determination of this application.
- 5.18 **Natural England:** No objection. Consider that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.
- 5.19 **Biodiversity & Greenspaces:** No objection. The applicant has now defined parameters for the provision on on-site open space, which is stated to accord with the current Open Space Supplementary Planning Guidance. The emerging Open Space SPD will require that significantly more open space and an off-site contribution will be required in the future as well as the proposed on-site provision. There is concern that the open space being provided is largely of an amenity type and would not provide enough scope for recreation, which reinforces the need for an off-site contribution. The need to maximise biodiversity opportunities throughout the design is highlighted, particularly green and brown roof, is highlighted and we are keen to work with officers and the developer on the detailed designs in the future. Production of the proposed Landscape and Ecological Management Plan should be made a condition of any permission, as appropriate management will be pivotal in realising biodiversity potential for open spaces, incidental plantings and green and brown roofs. This LEMP document will also need to specify who will be responsible for all management operations and how the management plan will be funded. It should include consideration of necessary monitoring survey and remedial measures for habitats that do not develop as planned initially. A mitigation strategy for bats, which includes the results of up to date roost survey prior to licensing, adequate replacement roosting features, as well as enhancement measures and production of and adherence to an appropriate lighting strategy for onsite and offsite neighbouring open spaces should also be made a condition of any permission.
- 5.20 **Canal & River Trust:** Part of the western site boundary directly adjoins the canal, either side of the Grade II listed Turnover Bridge. The application site is elevated

well above the canal level and the current site boundary comprises a high retaining wall which adjoins the offside bank of the canal running north from Turnover Bridge.

- 5.21 The height parameters for the proposed hotel have changed so that there should be a less overbearing effect on the canal, with the building height stepping down towards the canal, rather than the reverse as originally suggested. Therefore do consider that a better relationship with the canal and basin is likely to be achieved if the detailed design observes this stepping down towards the basin. The maximum height of the hotel building further from the canal would be greater than previously identified, therefore some concern whether the overall scale of the hotel building as a whole is appropriate.
- 5.22 The construction of a new hotel and a new terrace to replace part of the retaining wall both have the potential to increase loadings on the canal structure and affect its overall integrity and/or stability. It would be appropriate and justified to secure submission of a construction methodology, including details of foundation design and means of construction and all earthmoving/excavation work required to be undertaken in relation to any works close to the canal. The overall proposal to create an accessible public realm looking out over the canal basin is a very positive aspect of the scheme and should help to achieve a more active frontage onto the canal as well as the potential to improve pedestrian access to the canal. It would be appropriate to secure a litter management condition. A site-specific Construction Environment Management Plan (CEMP) is also requested to be secured via a planning condition in order to minimise the risk of harmful effects on water quality in the canal during construction in order to further protect the biodiversity value of the canal. It will also be important to ensure that the public realm and other areas close to the canal are appropriately lit without illuminating the waterspace itself for the protection of bat foraging routes.
- 5.23 **City Archaeologist:** No objection. A programme of archaeological works should be required as a condition of planning permission. There is high potential for well-preserved organic material and for prehistoric, medieval and post-medieval remains of significance. The archaeological works should consist of a scheme of evaluation (borehole survey followed by excavation of trial trenches) and archaeological monitoring (as a watching brief) of ground investigations. Furthermore a scheme of historic building recording is required for buildings to be renovated.
- 5.24 **Drainage:** No objection from a flood management point of view. Will need further drainage details as the development progresses.
- 5.25 **Environment Agency:** No objection subject to conditions. Satisfied with further modelling information provided by applicant, subject to development being carried out in accordance with the submitted Flood Risk Assessment and included mitigation measures. Satisfied that the site investigation to date has been thorough and has targeted contaminant source areas as well as a wider coverage of the site in terms of both soil and groundwater investigation. The main concern at this site is that of the risk posed to controlled waters during the demolition and construction phase of the works. Recommend that no infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. Also recommend that piling or any other foundation designs using penetrative methods are not be permitted other than with the express written consent of the Local Planning Authority. 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 prior to each phase of development being brought into use.

- 5.26 **Environmental Health:** No objection subject to conditions. The extent of the soil contamination investigation and possible range of remediation strategies for removing the risk posed by soil contamination is acceptable given the information received at this time. The proposed gas monitoring is adequate to give an indication of the gas regime. It is considered that standard residential housing would not normally be acceptable without a further gas risk assessment and/or possible remedial mitigation measures to reduce and/or remove the source of gas. The development should not continue, unless the gassing source can be removed or reduced, or agreement can be reached regarding other detailed protection measures including full legal agreements to cover maintenance and any other issues.
- 5.27 Levels of carbon dioxide and methane have been significantly exceeded and high levels of volatile and semi volatile compounds have been found. Further work will have to be undertaken to show that residential houses with rooms on the ground floor can be adequately protected. As identified in the reports, this may involve removal of the source of the gases, treatment, further gas monitoring, modelling, and risk assessment. There also needs to be consideration of the size of the floor area to be ventilated and how settlement of the ground may affect gas protection measures over time (a potential issue on this site due to the importation of material to backfill features on site and previous capping for remediation purposed that has not been significantly compacted since). The restrictions of the site and remediation possible may preclude the inclusion of the types of dwellings indicated in the outline proposals, i.e. town houses with rooms on the ground floor. There should also be consideration of the off-site migration of gas and volatile compounds due to the development changing the gassing regime and potential odour issues.
- 5.28 The reports recommend that Remediation Strategies are produced on a phased basis either by area or by building. However, there may be a need to take a more holistic approach when considering how the development may affect the gassing regime and how potential large-scale source removal work will be managed. There may be a need for further monitoring to determine whether source removal has been effective prior to building commencing on site or to evaluate how development of an open site has effected the gassing regime.
- 5.29 The assessment and modelling of the air quality impacts of the traffic associate with the development, both during the construction phase and operational phase, is acceptable. The modelling has shown that there will not be a detrimental or significant impact on the air quality in the area that will require mitigation measures to be incorporated into the building designs to protect residents from pollutant from traffic. Modelling has assessed the impact of existing source on proposed residents, however they have only considered ground floor and first floor receptors. As there are tall buildings proposed on the site the developer must model the air quality impacts of the Eastcroft Incinerator and London Road Heat Station stacks on the taller buildings. Any proposed building CHP will also require modelling to show its impact on air quality.
- 5.30 Electric vehicle charging points are required for each dwelling with a dedicated off-street car parking space or at a ratio of 1 per 10 spaces for unallocated parking.

- 5.31 The submitted acoustic reports conclude that increase in traffic will not significantly increase noise levels in the area or impact the existing residential and that with proper management of the construction activities on site and acceptable hours of work that noise from those activities should have a manageable impact on the existing uses and on future occupiers of the site. Mitigation to achieve the required internal noise levels for residential properties can be determined through further survey work as development progresses.
- 5.32 **Network Rail:** No objection, subject to requirements. All surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures, with limitations in relation to the distance that features, e.g. SuDS are located proximate to the railway boundary. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, to be carried out in a "fail safe" manner. Security of the railway boundary to be protected and maintained at all times. Construction method statements to be agreed. Any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate 24hr soundproofing for each dwelling. Trees and shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Caution over the use of lighting adjacent to the operational railway to prevent dazzle. Therefore, recommend that drainage, boundary fencing, Armco barriers, method statements/OPE, soundproofing, lighting and landscaping should be the subject of conditions.
- 5.33 **Planning Casework Unit:** No objection.
- 5.34 **Education:** No objection. S106 education funding must be sought to support the accommodation of additional pupils generated by the development. By 2022, secondary place pressures are of greater significance than primary, as the higher cohorts are now moving through from primary to secondary. We are meeting the need for those pupils joining in Reception year of entry. However, Sneinton is still one of the areas in the city with the most acute primary school place pressures. Potential to expand existing primary schools in the Sneinton area is limited to site constraints, therefore S106 funding would be directed to alternative additional school capacity solutions, e.g. funding a new school or expanding other neighbouring schools. Secondary pupil projections are based on the percentage intake from each Primary School. Therefore there is a minimum number of places we need to provide and the actual numbers are usually higher, once the pupil growth generated by housing developments across the city, as well as inward migration, is also factored in. By 2022, across the schools located within 3 miles of the Island site, there is already a projected deficit.

### **Businesses and Groups**

- 5.35 **Cadent Gas:** No objection. Cadent Gas have an intermediate pressure gas pipeline and assets running through the proposed site and will require that this pipeline and assets are protected by any methods that we deem necessary. The applicant must ensure that proposed works do not infringe on Cadent's legal rights. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus.
- 5.36 **Virgin Active:** Support in principle. Part of the application site relates to land under the control of Virgin Active and, if approved, has the potential to impact upon

operations. Have held exploratory discussions with the developer and as such the proposals are not in any way unexpected. However, also not that commercial terms are yet to be agreed. Would be likely to supportive of proposals, noting the fairly substantial changes in the south-western part of the site where this would affect the car parking facilities and access to Virgin Active. Are still considering the wider implications of this proposed change and effects on customers. However, happy to confirm support for the outline application at this stage subject to acceptable car parking, access and visibility arrangements being agreed with the developer.

- 5.37 **FCC Environment (Eastcroft):** No objection with concerns that buildings are designed and laid out in a way that residents and business occupiers will have no material reason to object to the legitimate operations of the Eastcroft facility, including night time operations. Robust noise attenuation, air conditioning and visual screening should be provided to mitigate the existing impact of the Eastcroft facility.
- 5.38 **Nottingham Civic Society:** Continues to object to the height of the proposed hotel (BG1) and the parameters for its massing. The maximum height has been set much too high and the resultant building would fail to respect the long view of St Mary's church tower as seen from Lady Bay Bridge. Whilst its bulk would no longer actually obscure the medieval tower from Viewpoint 7, the overly assertive tall hotel building would interpose itself in the view, diminishing the impact of the medieval landmark and rendering the church tower less conspicuous.
- 5.39 At twenty storeys high, the hotel would be contrary to the adopted Council Guidance for this part of the city centre, contrary to Local Plan policy and the Adopted Heritage Strategy. Making the building blocks so tall and in a continuous slab, would deprive the newly created canal-side spaces immediately to the north of the hotel of much of the sunlight for a lot of the year, limiting the potential of the new canal side public realm as an evening gathering space. The hotel should become a landmark not because of its assertive size, but through the creativity of its design heralding the new Island Quarter whilst celebrating its adaptation to the historic canal-side environment in accordance with the aims of the Heritage Strategy.
- 5.40 Furthermore a twenty-storied building would overwhelm the character of the former Low Level Station - the Virgin Active Health Club, a Grade II listed building, damaging the setting of the listed building contrary to Local Plan policies. The proposal would have a damaging effect on the historic environment and the development parameters should be reconsidered.
- 5.41 Welcomes the scheme's intention to refurbish both the listed Great Northern Warehouse and the adjacent James Alexander Warehouse. However, concerned that there is insufficient detail covering the restoration of the warehouses. At present there is no application for listed building consent or planning permission for the Great Northern Warehouse. So omitting it from the outline application and all the supporting documentation and Environmental Assessment heightens the impression that the challenging development of the historic fabric is being left for a later date. A restoration strategy for both warehouses should form part of this application and be capable of being conditioned or made part of a legal agreement to ensure early commitment by the developer, which could give so much character and presence to the regeneration scheme. The outline development should not be supported until the warehouse restoration strategy and its implementation have been agreed by the Council.

- 5.42 **Lichfields on behalf of Intu:** Have previously raised concerns regarding the large amount of retail floorspace proposed, nearly three times higher than the top end of the floorspace envisaged in the LAPP for the application site (PA68). The development is therefore not in accordance with the Island Site SPD or the emerging site allocation in the LAPP. The applicant maintains that the A3-A5 uses are ancillary to the Creative Market and consider them to have no wider role. Given what is at stake for the City Centre, we would expect a cumulative quantitative impact assessment to be carried out for these uses, along with the other uses proposed. This assessment remains absent from the updated report.
- 5.43 The applicants acknowledge (in Section 3.0 impact) there will be cross over with food and beverage uses, but state that the Creative Market proposal will be complementary to these developments. Intu remains concerned that these food and beverage uses have the potential to undermine planned investment in the City Centre at intu Broadmarsh and Victoria. Furthermore, the community/local retail and Creative Market floorspace, if not appropriately controlled, could also undermine planned investment. The intu Broadmarsh redevelopment, which started on site this year, includes 3,741 sq.m of food and beverage – so is directly comparable to the food and beverage proposed on the Island site, and there is likely to be competition to attract the same occupiers.
- 5.44 By admission, the applicants are trying to create a large-scale retail/leisure attraction to draw a significant number of customers, presumably from a wide area. It is essential that the Council satisfies itself that this major new destination is not to the detriment of planned investment in the City Centre. At present, from the additional assessment provided has not clearly demonstrated how the development can be controlled in a way that is complementary to the City Centre, rather than competing for the same occupiers.
- 5.45 Notwithstanding the concerns outlined above, if the Council is minded to grant planning permission, Intu maintains that a range of conditions need to be imposed to ensure the development is implemented in accordance with that described in the application, and to ensure that development complements the city centre, and does not adversely impact on planned investment.
- 5.46 **Nottingham City Local Access Forum:** Overall the development looks positive for pedestrians, cyclists, residents and those working or using the services/ facilities on the site. The pedestrian and cycle improvements proposed are very welcome with distinctly improved permeability and connectivity, and a general reduction of motor vehicle dominance on the site. The NLA Forum would like to see improved connectivity between the west and south-west sides of the site and the canal towpath and improved pedestrian and cycle links between the site and the east end of Canal Street. It would also be helpful if the proposed pedestrian and cycle links could be extended over London Road. The proposed new vehicle access at the SE corner of the site on Manvers Street will need to have regard to the safety of cyclists and pedestrians crossing nearby. Support the retention of the existing City Link cycle path, however this needs to be brought up to current design standards.
- 5.47 **Pedals (Nottingham Cycling Campaign):** Cycle links in the proposals are generally very welcome, especially the improved east-west connections. The pedestrian and cycle improvements proposed will result in distinctly improved permeability and connectivity, and a general reduction of motor vehicle dominance on the site. Particularly welcome is the new east-west route through the proposed

linear park towards the south of the site. Glad also that the existing City Link cycle path is to be retained though this much needs to be brought up to current design standards. The most important further connection we would like to see (although involving some land outside the site) is to improve connectivity between the west and south-west sides of the site and the canal towpath. It would also be helpful if the proposed pedestrian and cycle links could be extended over London Road. The detailed layout of the proposed new vehicle access at the SE corner of the site on Manvers Street will need to have careful regard to the safety of cyclists and pedestrians crossing nearby.

- 5.48 **Nottingham Open Spaces Forum:** Whilst acknowledging the need for a significant urban regeneration scheme for this site it is unclear from the proposals that sufficient mitigation or detail is in place prevent substantial loss of habitat and species from a site which has been identified as of importance in the Nottinghamshire Biodiversity Action Plan. Welcome the inclusion of the linear park and other public spaces but would suggest that much more detail is required regarding the nature, delivery and future management of these spaces. Would also suggest that the potential for this area to fulfil a missing link in the green and blue infrastructure of the city, between the Sneinton Greenway and the Nottingham Canal, should be given much greater consideration.
- 5.49 **Nottinghamshire Wildlife Trust:** Objection. Whilst we recognise the requirements for large urban regeneration schemes such as this, we are concerned that in its delivery it could be unsympathetic to wildlife, not only through the overall net loss of habitat to buildings and roads but also in the conversion of wildlife rich habitats to amenity grassland or tree planting use and the use of non-native species in landscaping. It may be the case that it is not intentionally unsympathetic to wildlife, but this may result due to the inevitable piecemeal nature of the development and breakdown in information/ watering down of commitments from outline to reserved matters stage. The application describes some ecological planting areas and meadows within the linear park, brown roofs and SuDS plantings that could some way to address the adverse ecological impacts of the proposals, particularly in relation to loss of open mosaic habitats and invertebrate communities. However, we consider that the Environmental Statement fails to adequately assess the ecological impact of the scheme in the first place. It is critically important at this stage that a full breeding bird and invertebrate survey is available and that the extent of replacement habitat is known, so a full assessment can be carried out as to whether the ecological compensation offered is adequate. Furthermore, without this information or an adequate mechanism for securing compensatory habitats we find that the proposed mitigation for loss of open mosaic quality is inadequate.
- 5.50 **Biocity:** Support. Would be an important development for Nottingham and have strong interest in the site and the potential growth space it might offer Biocity companies. Site is currently an eyesore and there have been too many false starts so would strongly urge that the City Council supports the development and promotes its implementation. Important that the development is of high quality and would also be good to see a greater role for arts and culture and more space allocated to public realm.

#### **Responses from Other Local Businesses and Residents**

- 5.51 **City Business:** Whole heartedly support the long awaited development of the site. The proposals look well considered and it would be great to bring some construction vibrancy back to the City.

- 5.52 **City Business:** Support. Heartened by the optimism and ambition to get this much-stalled eyesore of a site redeveloped. Truly believe it will act as a catalyst for others. Have clients searching for Grade A office space, which the site will provide as well as well-connected homes.
- 5.53 **Resident:** Support. The scheme appears to be really well thought through, giving much needed residential space in a really positive format of clusters of different style buildings. Making the space largely pedestrianised is a real positive, as is the introduction of cycle links. The proposal to retain the existing warehousing is great and it would be good to see these buildings regularly maintained to preserve the positive impression when visitors arrive.
- 5.54 **Resident:** Am concerned about the lack of lower priced parking after the renovations. Fear as a neighbour is that people start to use my road for parking, when it is already crowded with residents. Otherwise the renovations are welcome.
- 5.55 **Resident:** Concerns. It was disappointing to see this land turned into a car park recently, with much of the wildlife and public access destroyed. Therefore it's positive to see plans for developing the area into something that potentially works for local residents and the city more widely. Concerned that there is truly affordable housing and social housing built into the plans and that will it provide spaces for independent, small, local businesses to thrive. Consider that community education facilities should be prioritised as these are currently under threat. Good to see the proposal for a linear park and green space in the plans (subject to these being biodiverse spaces) and positive to see the inclusion of pedestrian and cycle routes. Sustainable design should be at the heart of any new builds.
- 5.56 **Resident:** Concerns. It bears no relation to the existing communities around the site. Sneinton is already physically and psychologically isolated from the railway station and southern edge of the city centre. Rather than facilitating an easier transition, this development will further isolate the local community. Proposed purpose-built student housing will then be entirely unsuitable for other purposes and disappointing to see no provisions for social housing. The site could be so much more than yet another commercial development: office spaces could be combined with spaces available for community groups, local firms, artists, community gardening plots, etc. Whilst the proposal makes reference to a park, it is vague about the wildlife benefits this will provide. Would like to see the site's environmental potential maximized to a much greater extent.
- 5.57 **Resident:** Concerns. Do not oppose development but do feel very strongly that the development should be appropriate to this interesting site. Features that would honour its long-term previous value for wildlife and people should include significant areas of publicly accessible green space, both for through-access on foot and cycle, and for informal, quiet recreation; architecture that is not exclusive or hostile to the general public; genuinely affordable housing, rather than yet more student housing; excellent environmental performance; control over the number of car parking spaces and impact upon traffic congestion.
- 5.58 **Resident:** Good to see that biodiversity being is considered. Hope that the site will be generously planted for the food and habitats they provide, their beauty and their capacity to improve air quality.

- 5.59 **Resident:** It is positive to see plans for a development that has the potential to work positively for local residents and the wider city. Concern that much needed social and affordable housing is provided. Good to see the incorporation of green space, but this must increase the biodiversity of the city rather than be a sterile 'park'. Development offers the chance to make a bold statement regarding urban development, but worry that we will again be given generic architecture, and construction that puts profit before the environment. Would like to see provision and support for local, independent businesses.
- 5.60 **Resident:** The area is large enough to dedicate more green space connecting the cycle networks from the river to the canal to Colwick Park via the old railway line. This area despite being considered a wasteland was a space for the City to re-wild, plant to be diverse and a breathing space for people working and passing between London Road and Colwick Loop Road. Understand that this area is not served by local amenities and it could benefit from shops, cafes etc. but the floor space dedicated to the retail space is on too large a scale for a start-up or independent to open a business.
- 5.61 **Resident:** Support. Scheme puts forward a range of uses and applaud the way that the developer is aiming to combine community with business, student with leisure on this key site. Site will provide much needed commercial space and Grade A offices in particular.
- 5.62 **Resident:** Support. This is a significant high profile site that will act as a catalyst for others. It will provide much needed commercial space and well-connected homes.
- 5.63 **Resident:** Fully behind this scheme, marking a great step forward in the regeneration of the city. This positive move on behalf of the city council and the investors is to be applauded.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (July 2018)**

- 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 economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the 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 **Building a strong, competitive economy:** Paragraph 80 states that planning policies and decisions should 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.
- 6.4 **Ensuring the vitality of town centre:** Paragraph 85 sets out the approach to ensuring the vitality of town centres. It recognises town centres as the heart of their communities and advises policies should be pursued to support their viability and vitality. It promotes competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. It identifies

is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.

**6.5 Promoting Sustainable Transport:** Paragraphs 102-111 stress the need for transport issues to be considered at the earliest stage of plan making and development proposals so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Paragraph 108-109 require consideration of the promotion of sustainable transport modes, ensuring that safe and suitable access to the site can be achieved for all users and acceptable mitigation of any significant impacts on the transport network. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

**6.6 Making effective use of land:** Paragraphs 117-123 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

**6.7 Achieving well- designed places -** Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places. 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 will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place using streetscapes and buildings to create attractive and comfortable places to work, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

**6.8 Meeting the challenge of climate change, flooding and coastal change:** Paragraph 149 recommends that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical

reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraphs 155-165 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test.

- 6.9 **Conserving and enhancing the natural environment** - Paragraphs 170-183 states (amongst other things) that planning decisions should protect, enhance valued landscapes, sites of biodiversity, minimise impacts on, provide net gains for biodiversity and recognise the intrinsic character and beauty of the countryside.
- 6.10 **Conserving the historic environment** – Paragraph 190 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including its setting). Paragraph 192 requires account to be taken of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) a grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
  - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 196 states that where a development proposal will lead to substantial harm to a designated heritage asset permission should ordinarily be refused unless certain specified criteria are met. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### **Nottingham Local Plan (November 2005):**

ST1: Sustainable Communities

BE7: Creation and Improvement of Public Open Spaces in the City Centre

BE8: City Skyline and Tall Buildings

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

BE17: Archaeology

E2: Industrial Development/Expansion and Restructuring (E2.5, E2.7, E2.10)

H2: Density

H5: Affordable Housing

H6: Student Housing

NE3: Conservation of species

NE9: Pollution

NE10: Water Quality and Flood Protection

NE12: Derelict and Contaminated Land

R2: Open Space in New Development

R4: Rivers and Waterways

S5: New Retail Development on the Edge of or Outside Existing Centres

S7: Food and Drink

T2: Planning Obligations and Conditions

T3: Car, Cycle and Servicing Parking

T14: Traffic Management (T14.3)

**Aligned Core Strategy (ACS) (September 2014):**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 2: The Spatial Strategy

Policy 4: Employment Provision and Economic Development

Policy 5: Nottingham City Centre

Policy 7: Regeneration

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

### **Island Site Nottingham Supplementary Planning Document (April 2016)**

- 6.11 Provides guidance to developers in bringing forward one of the City's key development sites. Supplementary to the saved Local Plan policies and those of the Aligned Core Strategy (2014). Also aligns with the emerging Local Plan Part 2 (the Land and Planning Policies document) and replaces the Interim Eastside Planning Guidance (2004), insofar as it covers this site. Describes the vision for the development of the site as a new urban business and residential community, a safe, attractive, high quality and mixed neighbourhood with its own identity and character. To be well connected to the network of routes within and beyond the site. New development will have sustainability at its heart, being a mixed-use neighbourhood, incorporating innovative design and construction techniques to reduce energy use, being highly accessible, adopting sustainable drainage systems and other measures to mitigate impact on water resources, and incorporating Green Infrastructure, which includes biodiversity enhancement.
- 6.12 The majority of employment provision on the Island Site allocation is envisaged to be offices, and research and development use, anticipated to make a vital contribution to meeting the economic development aims of the City Council. The SPD also envisages development of a range of between 500 and 650 homes to make a significant contribution to meeting the housing requirements of Nottingham City. Most or all of the housing development on the site to be in the form of flats. An element of student housing may be acceptable subject to location and design. Retention of the Great Northern and James Alexander Warehouses is supported. Retail uses to complement rather than compete with the City Centre retail core, provided in a range of unit sizes appropriate to serving the new community and to include other facilities, such as services, leisure, cafes and bars. Scope for community and cultural uses to the south of the site.

### **Nottingham City Centre Urban Design Guide (May 2009)**

- 6.13 The Urban Design Guide (UDG) provides a physical framework and promotes the highest standard of urban design and architecture for the City Centre within which the site is located. The UDG defines the application site as being within the "Zone of Reinvention" where the urban form is largely beyond repair and a new urban form is proposed. The application site also falls within the "Tall Building Zone" on the eastern side of the city centre
- 6.14 The UDG also contains rules that help to promote good quality design. Relevant to the application site are rules requiring the masterplanning of strategic proposals to re-establish urban form and building lines, a clear network of streets and public realm, and the massing and height of development having consideration on identified important views and vistas. Increasing the density of development around the fringes of the city centre is an identified opportunity, with the need for sustainable buildings also being required to ensure that potential benefits of higher densities and taller buildings are not outweighed by additional energy and resource use.

## 7. APPRAISAL OF PROPOSED DEVELOPMENT

### Main Issues

- (i) Land use and regeneration
- (ii) Environmental impacts
  - (a) Transport impacts
  - (b) Townscape and Heritage impacts
  - (c) Ecology and Nature Conservation impacts
  - (d) Pollution impacts
  - (e) Flood Risk and Drainage impacts
- (iii) Other Matters
- (iv) Section 106 Obligations

**Issue (i): Land use and regeneration** (Local Plan Policies ST1, E2, H2, H5, H6, S5 and S7 and Aligned Core Strategies Policies 2, 4, 5 and 7)

- 7.1 The application site is located within the Local Plan city centre boundary and Eastside Regeneration Zone. It is highly visible from primary transport routes into and out of the city centre, including the railway, and therefore currently presents an extremely poor introduction to the city from the south. Despite the site having been available for employment uses for approximately 25 years, few planning permissions have been implemented. Its location within the city centre boundary does, however, place the application site in a good position for the expansion of city centre functions, and in turn to further develop the role of Nottingham as a regional capital and Core City. There is therefore a strong case for accepting a wider mix of uses to promote the regeneration and redevelopment of the site and to reflect the vital qualities of the city centre.
- 7.2 The primary Local Plan designation for the site remains for industrial development/expansion and restructuring including B1, B2 and B8 uses. The Aligned Core Strategy (ACS) includes the Eastside Regeneration Zone as a strategic location (Policy 2) and a regeneration priority (Policy 7). Policies 2 and 4 of the ACS also set out the City's housing and employment provision for 2011 to 2028, including a minimum of 17,150 homes to be provided as the City's share of the assessed housing need.
- 7.3 The adopted Island Site Nottingham Supplementary Planning Document (SPD) indicates that the early redevelopment of the site is a fundamental priority for regeneration. The SPD recognises that this prominent site within the city centre has laid vacant and underused for many years, and is one part of a wider jigsaw of regeneration initiatives, which include Waterside, Broadmarsh, and the Southern Gateway. The SPD emphasises that it is vital that new office provision is brought forward early in the redevelopment of the site, and also proposes a range of homes to boost the supply of housing in the city, with most or all of this accommodation being flats. Demand for student housing in the city centre is also acknowledged.
- 7.4 The SPD identifies the following key outcomes for early regeneration and accelerated development:
  - An aspiration for 66,000 sqm of new office floorspace, and a minimum of 45,000 sqm (Gross External Area);

- Between 500 and 650 new homes, provided that the aspirations for maximising office floorspace are realised;
- Residential and economic development to be delivered in tandem;
- Further expansion space for biosciences;
- Retail, leisure and community uses to complement the residential and employment offer;
- New uses for the Great Northern Warehouse and adjacent James Alexander Warehouse;
- New streets and routes;
- High quality new open space and public realm;
- Provision of parking appropriate to the scale, layout and design of new development.

- 7.5 The emerging Local Plan Part 2 (Land and Planning Policies document) (LAPP) also allocates the Island Site (PA68) for mixed-use development. Whilst the adopted SPD is supplementary to the saved policies of the Nottingham Local Plan (2005) and aligns with the proposed LAPP allocation PA68, as the proposed development has been submitted prior to the adoption of the LAPP the application has been formally advertised as a departure to the saved policies of the Nottingham Local Plan in order to capture the wider range of proposed uses beyond those promoted under Nottingham Local Plan Policy E2.
- 7.6 The quantum of proposed development is in excess of the SPD estimates, with further housing provision, the 'Creative Market' mixed use proposal, and non-residential institution (e.g. education) uses featuring as part of the wider scope of proposed development. The environmental implications of this increase in the proposed quantum of development are discussed below. However, in relation to current land use and regeneration policies it is considered that the proposed development remains consistent with the aspirations for the redevelopment of this strategic site (see retail impact assessment below). The quantum of proposed development is also similar to the previous outline planning permission for the site that was granted in April 2008.
- 7.7 The applicant estimates that the proposed development would generate some 1,609 net additional jobs. In order to ensure that an early contribution will be made to meeting the City's economic development aims it is considered vital that new office floorspace is brought forward as part of the first phases of development. The early delivery of homes will also be important in order to ensure a balanced approach to the development of the site and, as such, should also form part of the initial phases of development. It is therefore proposed that the phased delivery of mixed uses should be a condition of consent.
- 7.8 The proposed 'Creative Market' mixed use element is illustrated to occupy the south-eastern sector of the site and would include the refurbishment and development of the James Alexander Warehouse, the future inclusion of the Grade II listed Great Northern Warehouse, and associated land to the south of these buildings. This is presented as a bespoke mixed use proposal, being described as being an 'affordable platform for craft makers to produce and sell their products'. The proposed B1/B2 floorspace is to serve as workshop areas that will adjoin the majority of the proposed A1 floorspace in the form of retail units (together forming 'makers units'), along with office/administration space. A limited number of boutique shops are also indicated. Mixed A3/A4/A5 floorspace along with D2 exhibition space is proposed as being ancillary and complementary uses that will collectively define the 'Creative Market' as a single planning unit. The extent of this proposed

'Creative Market' use is in addition to the 4,153m<sup>2</sup> of proposed community/local retail uses within the overall development and therefore in excess of the overall SPD allocation of 3000m<sup>2</sup> to 4500m<sup>2</sup> of retail floorspace (with significant weight also now able to be applied to Site PA69 of the LAPP which reiterates this upper threshold of 4500m<sup>2</sup>). In accordance with the NPPF, the extent of proposed additional retail uses above 4500m<sup>2</sup> has therefore required sequential and impact assessments, being the proposed development of main town centre uses on an edge of centre site.

- 7.9 The sequential and impact assessment prepared by the applicant has been independently assessed on behalf of the Council. This has concluded that the sequential test is satisfied and would not result in a significant adverse impact on the overall vitality and viability of Nottingham City Centre, or other assessed district and local centres. Notwithstanding this conclusion, it is noted that the sequential and impact assessment has been based on the 'Creative Market's' very specific commercial offer and that the assessment of trade diversion from the city centre has also been based upon its niche and independent craft/retail and food and drink offer. With this in mind, it is proposed that planning conditions and/or legal obligations are attached to limit the scope of 'Creative Market' within the proposed development in order to ensure that this retail use serves a complementary role to existing retailers in the city centre and other centres in the catchment area. Other retail uses within the proposed development are expected to serve the emerging local community of the site and are recommended subject to a planning condition that limits the acceptable size of unit to no more than 280m<sup>2</sup> gross internal floorspace (with no further mezzanine floorspace being permitted). Outside of the 'Creative Market' element, a wider restriction on permitted changes of use of retail and commercial units is considered to be unnecessary.
- 7.10 The response from Lichfields on behalf of Intu in relation to the retail impact is noted. It is advised that the cumulative impact of the proposed retail floorspace has also been assessed and concluded not to have any significant adverse effect on turnover, consumer choice, or the vitality and viability of the city centre and other centres. As above, and in order to ensure the on-going vitality and viability of the city centre it is proposed that planning conditions and/or legal obligations are attached to limit the scope of 'Creative Market' in accordance with a number of the conditions requested by Lichfield's on behalf of Intu.
- 7.11 This is a very large site and development will take place over a number of phases and over many years. The applicant has requested a consent period of 15 years, which is considered reasonable in the context of the phasing ambition, associated infrastructure and other requirements. In order to ensure the wider sustainability and attractiveness of the site, and to maximise its contribution to the City Council's regeneration aims, the balance of uses in each phase will require careful consideration. S106 obligations on phasing aspects of the development including the implementation of balanced mixed use phases, transport infrastructure and connections, diversion of the above ground gas pipeline, the provision of public open space/public realm, and implementation of a scheme of refurbishment and development work to the listed Great Northern Warehouse, are considered to be necessary to ensure the masterplanned delivery and future success of the sites' development. The provision of other S106 contribution elements including affordable housing, education/school places, off-site recreational open space and play space are deemed necessary and related to the quantum of development being proposed. The planning obligations to be secured by the development are discussed further at paragraph 7.56 of this report.

## **Issue (ii): Environmental impacts**

- 7.12 Due to its size and significance, the application has required an Environmental Impact Assessment (EIA). The purpose of EIA is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits, before a planning application is determined. An Environmental Statement (ES) is submitted for formal determination as part of the application, with assessment and recommendations provided under the following headings:
- (a) **Transport impacts** (Local Plan Policies R4, T2, T3, T14 and Aligned Core Strategy Policy 14)
- 7.13 Detailed highways and transport operational analysis work, including the identification of development trip generation & assignment, review of network safety, network operational impact and general site accessibility has been considered in a formal Transport Assessment (TA) document. Highways have carried out a review of this document and have also undertaken an extensive exercise on behalf of the applicant to determine appropriate mitigation and other improvements to junctions and connections around the application site.
- 7.14 Although this site is within the city centre and close to a range of services and facilities, connectivity, both perceived and actual, is relatively poor. In its current cleared condition, the site is heavily dominated by the surrounding busy road network. The site does not currently provide an attractive environment for walking and cycling, with limited overlooking and natural surveillance, and it is poorly served by bus transport. Connectivity directly to the south of the site is prevented by the rail line.
- 7.15 The SPD considers that the redevelopment of the site provides opportunities to:
- Create a well-connected new community with a range of sustainable transport options;
  - Increase public transport access, taking advantage of the opportunities offered by committed schemes, particularly the Southern Growth Corridor, which proposes new bus routes running close to or through the site and the South Side Transport strategy which, as a result of wider network changes, will increase the frequency of buses running on London road;
  - Enhance and create direct, safe pedestrian and cycle routes to and through the site;
  - Provide appropriate vehicular connectivity by maximising opportunities from committed schemes and junction improvements.
- 7.16 Having carried out a full assessment of the TA, Highways have no objection to the level of transport impacts subject to S106 and conditions. S106 is to be used to resolve the scope of off-site transport measures required to mitigate against specific transport impacts and to ensure that the development will become a fully integrated part of the city centre. Support from Nottingham Local Access Forum and Pedals are acknowledged in relation to the opportunities to enhance the connectivity of the site with adjacent areas. Therefore, it is proposed that a negotiated S106 will seek to ensure that phased funding is made available to deliver the following significant off-site transport measures:

- Manvers Street/City Link/Sneinton Hermitage Junction improvement.
- New / altered internal roads and footways within the site to be adopted by highway authority.
- New public realm areas proposed (e.g. canal-side public realm, public square towards centre of site).
- Traffic regulation orders (TROs) on internal roads and amendments to the Manvers Street/City Line/ Sneinton Hermitage junction.
- Junction improvement to London Road roundabout including improvements to pedestrian footways and connectivity across junction.
- Junction improvement at London Road/Station Street junction. New public realm adjacent to Great Northern Close.
- Upgrading of footways along length of City Link and Lace Way with block paving consistent with Island Site design principles.
- Public realm upgrade of Poplar Street/Evelyn Street and full closure of Poplar Street/Lower Parliament Street junction consistent with Island Site design principles.
- Footway upgrade along length of Pennyfoot Street with paving consistent with Island Site design principles.
- Junction improvement of Lower Parliament Street/Pennyfoot Street and Fisher Gate junction. Provision of east-west cycle connectivity on Fisher Gate.
- Provision of a 3m shared path (walking and cycling) along western side of Manvers Street between City Link and Evelyn Street, with tie-in to Sneinton Hermitage junction
- Improve pedestrian link outside Bus service depot area on Lower Parliament Street with footway crossover.
- Tactile paving at Manvers Street/Daleside road roundabout.
- Link of canal towpath on eastern side of canal by ramp from canal.
- Sneinton Greenway enhancements with resurfacing, environmental works and low-level lighting.
- Towpath improvements, including towpath widening and lighting, along with environmental improvements (working in association with Canal and Rivers Trust).

7.17 The TA and illustrative masterplan considers the promotion of Great Northern Close as an access to the proposed new hotel only, with access to the Virgin Active gym car park being relocated to Manvers Street (i.e. via a new access to serve the Creative Market). Discussions between the applicant and Virgin Active regarding this proposal are stated to have been positive and there support in principle is noted in the consultation response by Virgin Active. It is noted, however, that commercial terms are yet to be agreed and no assurance can be provided on this point at this time. Were agreement not to be reached then the illustrative masterplan for this part of the site could be significantly affected, particularly in relation to the form of the linear park open space and opportunities to limit vehicle access and to improve the quality of public realm and open space adjacent to the Grade II listed Low Level Station (Virgin Active) and canal-side environment. This commercial risk to the delivery of the illustrative masterplan is recognised under the proposed requirement for a full masterplan submission before development commences, to accord with the approved development parameters and other regulatory aspects of the ES.

7.18 Subject to appropriate phasing and implementation of off-site transport measures to be provided through S106 and planning conditions it is considered that the

proposed development will comply with Local Plan Policies R4, T2, T3, T14 and Aligned Core Strategy Policy 14.

(b) **Townscape and Heritage impacts** (Local Plan Policies BE8, BE10 and BE17, and Aligned Core Strategy Policies 10 and 11)

- 7.19 This heading considers the sensitivity of the area in terms of urban form and assesses the likely degree of impact of the proposed development on elements of urban character and townscape interest. The relationship of the site to adjacent conservation areas, to the setting of listed buildings, and proximity to adjacent tall buildings is considered. An historic record of the sites' previous development is also provided, where it is noted that views within the site would have been severely restricted due to the density and scale that had existed. It is considered that the underused and undeveloped appearance of the application site detracts from the adjacent Station and Lace Market Conservation Areas. The existing Great Northern and James Alexander warehouses are in an advanced state of dereliction and extensive demolition has left large areas of derelict land with no distinctive character. There is limited access to the Nottingham and Beeston Canal and no public open space provision within the vicinity of the site. The proposed development would therefore provide the opportunity to recreate many of the positive townscape effects that had previously existed.
- 7.20 The adopted SPD has identified significant opportunities to improve the townscape of this area and in particular to:
- Re-establish the urban grain of what was historically a key industrial district close to heart of the City Centre;
  - Provide an appropriate setting for historic assets such as the Low Level Station, Great Northern Warehouse and James Alexander Building;
  - Provide new connections to the Canal tow path and maximise opportunities for cultural, recreational and amenity purposes; and
  - Create a new community, with its own sense of identity but well connected to the heart of the City Centre and communities of Sneinton and St Anns.
- 7.21 The EA proposes maximum building heights and widths in a series of Parameter Plans, which are set in order to assess the 'worst case' scenario of the proposed development. Although the proposed parameters significantly exceed the historic precedent of the sites' development, it is considered that the general height and scale of development proposed within these parameters would significantly improve the townscape of this area of the City.
- 7.22 It is noted in particular that the proposed application parameters identify two potential locations for tall buildings within the site. The first and tallest is to the eastern edge of the site adjacent to the junction of City Link with Manvers Street. The second is to the west of the site, off Great Northern Close and proximate to London Road and the canal basin. Both are consistent with potential locations that were identified in the expired outline planning permission. The Urban Design Guide (UDG) has also endorsed the potential location for a taller building adjacent to the junction of City Link with Manvers Street, which draws its reference from the expired outline planning permission and illustrative masterplan for the development of the site. The UDG advises that any tall buildings proposed within the 'tall building zone' defined to the east of the city centre are anticipated not to exceed 25 or at the most 30 storeys, with any taller structures subject to tests of exceptional design quality. Tall building assessment is required in all cases, to

include EIA and a view analysis of their impacts from the range of identified UDG key views and vistas. The application submission provides this level of required analysis.

- 7.23 The parameters of the proposed tall building adjacent to the junction of City Link with Manvers Street have been amended during the course of the application. The illustrative height of this tall building would be 24 storeys, with flexibility for a potential two further storeys within the proposed maximum height parameter. The visual impacts of these parameters have been reviewed from a range of key views, with a series of wireframe visualisations having been prepared to represent each view. In assessing the visual impact of this particular tall building it was considered important that the parameters of the upper section was refined to ensure a more slender landmark form and appropriate relationships with surrounding buildings, including the retained historic warehouse buildings within the site.
- 7.24 It is noted that, despite a change to the parameters, Historic England remains concerned that the height of this building would be harmful to the significance and setting of St Mary's Church and Nottingham Castle as a dominant presence in the townscape and additional building that would break the horizon view from the Castle. However, Historic England do also accept that the reduced parameters of the taller section of this building have also reduced this impact.
- 7.25 In acknowledging these concerns, it is considered that the refined parameters are appropriate and would not significantly impact upon these key landmarks and views. The ES has reviewed a comprehensive series of key views and, whilst this proposed tall building will be evidently visible, it is not considered that its environmental impacts would be as significant as suggested by Historic England. Although this tall building will be visible in numerous views, it would always be the case that the application site as a whole would be developed with buildings of some scale, thereby altering the existing context of the site with its surrounds. Key views within the UDG including those from Trent Bridge and Lady Bay Bridge are demonstrated not to be directly affected, with this tall building being offset from these views towards the city centre skyline and its historic landmark buildings. Whilst the top section of the building would appear in the view from Green's Mill, being generally equivalent to the height of the tree canopies, this view does not correlate with any impact upon St. Mary's Church. It is acknowledged that the horizon view from the Castle would be broken at this location, but would be one of several buildings in this view that do this and key horizon views from the Castle to the south would be unaffected. It is also considered that there is some merit in including a landmark building to identify this extended part of the city centre in this way.
- 7.26 Historic England and Nottingham Civic Society also remain concerned regarding the amended height parameters of the proposed second tall building to the west of the site, off Great Northern Close and proximate to London Road and the canal basin. The Canal & River Trust consider that there would now be a less overbearing effect on the canal, and that a better relationship with the canal and basin is likely to be achieved.
- 7.27 The amended parameters for this building, suggested as a potential hotel location, are in response to concern regarding the visual impact on the key UDG view from Lady Bay Bridge where the building would have partly obscured the view towards St. Mary's Church. The revised parameters now offset this building to an extent

where the prominence of St. Mary's is retained in this view, but with the consequence that the maximum height parameter has been set higher than originally indicated. This parameter change has been acknowledged in the response from Historic England, who consider that there is a reduced impact on the view from Lady Bay Bridge to St. Mary's whilst also identifying an increased impact on the view from the Castle as a further building that would break the horizon. As above, it is considered that there is also some merit in providing a landmark buildings of some height from this view, and 'bookending' the eastern and western extent of the site and proposed linear park. In assessing the impact on the UDG view from Lady Bay Bridge, it is also relevant to note that the Eastcroft incinerator and chimney is a dominant element in the view towards St. Mary's and that the landmark presence of St. Mary's will be distinctive and positive. It is considered that this is achieved by the revised parameters and that the environmental impact is not significant to warrant further change. Maximising the opportunities of the relationship of the proposed development to the canal and canal basin will be an essential aspect in moving forward, particularly in terms of the quality and character of public realm associated with a hotel or other use of this part of the site and including the extension of existing pedestrian and cycle connections with the canal towpath and turnover bridge.

- 7.28 The expired outline planning permission included locations for potential tall buildings adjacent to Manvers Street and London Road. The potential location for a tall building at the junction of City Link/Manvers Street is also included in the published UDG. The inclusion of the proposed tall buildings locations within the parameters for development is considered to be positive to the redevelopment of this site, with realistic impressions of these being provided by the illustrative masterplan visualisations. The ES concludes that the visual impacts of the proposed development would be locally beneficial, neutral, and moderate to major beneficial in character. It is considered that these are reasonable conclusions to draw in the context of the amended parameters and it is therefore recommended that the proposed parameters and scale of development being proposed through these are supported.
- 7.29 The application parameter plans form part of the ES and are therefore regulatory documents of a consent. The parameter plans are supported by a Design & Access Statement, which includes building and open space/public realm design principles that are to guide future reserved matters submissions. It is proposed that a full masterplan submission will be required by condition which, in association with the design principle commitments within the Design & Access Statement, will exert greater quality control over future reserved matters submissions.
- 7.30 Although owned by the applicant, the application site deliberately excludes the Grade II listed Great Northern Warehouse. Only the external walls of this building remain. The applicant has indicated their commitment to preserve and improve the condition of this building and is understood to have had initial meetings with Historic England. Early phase works to secure the future of this building will be important and is a recommended condition of consent.
- 7.31 The comments of Historic England and the City Archaeologist are noted and programme of archaeological works is to be recommended as a condition of outline planning permission, with phased investigations in accordance with each phase of development.

- 7.32 Subject to appropriate phasing and planning conditions it is considered that the proposed development will comply with Local Plan Policies BE8, BE10 and BE17, and Aligned Core Strategy Policies 10 and 11
- (c) **Ecology and Nature Conservation impacts** (Local Plan Policies BE7, NE3, and R2, and Aligned Core Strategy Policy 17)
- 7.33 The site has no formal open space and planting is limited to an avenue of trees along City Link and rough vegetation across the cleared areas of the site. Two Local Wildlife Sites (LWS) are located close to the site boundary - Beeston Canal LWS to the west and Sneinton Railway Lands LWS to the east respectively.
- 7.34 The closest significant green spaces are located at Victoria Embankment and Colwick Park to the west and east respectively. The SPD advises that redevelopment of the site provides opportunities to significantly improve the quality and quantity of open space and green infrastructure in this part of the city and to:
- Provide new green corridors across the site;
  - Enhance biodiversity both on and off site;
  - Provide new formal and informal open space;
  - Create multifunctional green infrastructure which provides attractive green space but which also supports sustainable drainage systems.
- 7.35 The ES assesses the potential effects of the proposed development upon the flora and fauna of the site, which is summarised and substantially comprising former industrial buildings with areas of hardstanding and semi-improved neutral grassland showing succession by scrub, tall ruderal and short perennial vegetation. Site surveys and a review of statutory and non-statutory sites for nature conservation in the vicinity have determined the overall ecological and nature conservation interest of the site.
- 7.36 Specific and general mitigation measures are proposed in relation to the loss of on-site habitats and associated significant effects. Mitigation for habitat loss is to be delivered through appropriate habitat creation as part of the design and layout of the proposed development, including e.g. the provision of green roofs and sustainable drainage systems, and podium gardens within the central areas of the larger residential blocks. The landscaping scheme (currently illustrative) would include both formal and informal landscaping comprising both native and non-native species. Biodiversity enhancement measures are proposed and are to be described further in a Landscape and Ecological Management Plan (LEMP).
- 7.37 Specific mitigation measures are required in relation to bats, with several roosts noted in the derelict warehouse buildings. It is proposed that bat roost provision would be made as part of the proposed refurbishment of these buildings through the provision of cavity features within the roof structure with access points provided directly through adapted roof tiles and/or ridge tiles.
- 7.38 No other significant ecological effects requiring specific mitigation have been identified as part of the assessment. However, good practice measures and design features are to be set in place, including bird nest boxes, additional bat roost provision and elements likely to benefit a variety of wildlife. While it is noted that there would be a net loss of open mosaic habitats, the proposed mitigation is to provide new urban habitats which are anticipated to vary naturally over time.

- 7.39 Response to consultation on this issue has been varied. Natural England have no objection to the proposed development, considering that it will not have significant adverse effects. However, Nottinghamshire Wildlife Trust and Nottingham Open Spaces Forum have stated their objection and concerns regarding the loss of habitat throughout the delivery of the proposed development. It is noted that both refer to the level of detail and commitment that would be required throughout the development programme and beyond, including the future maintenance and management of the scale and range of spaces that would be required as mitigation for the extent of habitat loss. This extent of mitigation throughout the implementation of the proposed development is proposed to be assured through the LEMP that is proposed by the applicant and is a recommended condition of consent. It is also expected that each phase of development will have specific regard to the approved LEMP and that the implementation of such phasing will ensure the provision of full or partial elements of key landscape and ecological infrastructure, e.g. the linear park.
- 7.40 The ES does include a range of habitat surveys in appendices to this very large document, which was a further concern of Nottinghamshire Wildlife Trust.
- 7.41 Defined areas of open space within the site have been identified within the application parameter plans, including a large linear park across the site, a space adjacent to the canal basin, a public square within the northern office sector, and a space adjacent to the railway/Manvers Street. These areas are proposed in order to achieve net gains for biodiversity, with future phased reserved matters applications to be accompanied by updated environmental assessment work, where necessary, and a phase-specific LEMP identifying mitigation measures and biodiversity enhancements required for specific habitats and species assemblages. The applicant also accepts the need for a coherent delivery strategy as part of the Phasing Plan required for the overall development. The Biodiversity Team have no objection to the application, acknowledging the proposed level of on-site open space provision, but also indicating that the types of spaces being illustrated do not provide sufficient scope for recreation and should be supplemented by off-site contributions. The importance of maximising biodiversity opportunities has also been stressed and would be an expectation for each future phase of development. It is therefore considered that the ES has appropriately assessed the ecological and nature conservation impacts that may result from the proposed development and has identified appropriate mitigation that is able to be secured under planning conditions and S106 obligations throughout the extent of the phased development of this site.
- 7.42 Subject to appropriate phasing provision of open space through S106 and planning conditions it is considered that the proposed development will comply with Local Plan Policies BE7, NE3, and R2, and Aligned Core Strategy Policy 17

(d) **Pollution impacts** (Local Plan Policies NE9 and NE12)

- 7.43 The ES includes chapters covering Air Quality, Noise and Vibration, and Land (Ground Conditions). It is known that due to historic land uses, that contamination has occurred from a number of sources requiring further investigation in order to fully assess the physical impact of the proposed development and appropriate mitigation in order to ensure the protection of future users.
- 7.44 The ES acknowledges that the proposed development involves the introduction of sensitive residential uses onto the site. Future air quality in the area has therefore

been reviewed to determine potential constraints, including the nearby Eastcroft and Enviroenergy facilities. The assessment concludes that there are no significant air quality constraints arising from the proximity of these facilities. No further mitigation measures are required to reduce potential impacts associated with operational vehicle emissions.

- 7.45 Existing noise sources are identified, particularly from the heavily trafficked London Road and Manvers Street routes into and out of the city centre. Construction-related noise and vibration is proposed to be managed in accordance with best practice, including some restriction on working hours, sensible routing of equipment to the construction site, local screening measures, selective equipment, and a monitoring regime. Appropriate mitigation measures relating to building design are to ensure that resultant internal noise levels are to fall within appropriate guidance and standards. Noise-related environmental effects as a consequence of the proposed development are therefore concluded to be negligible.
- 7.46 Historic land uses across the site included a wide variety of light and heavy industry, notably a chemical works, a gas works, and a backfilled section of the Nottingham Canal. Elevated ground gas levels and the potential for the mobilisation of contamination from soils have been identified. Therefore, additional mitigation through a remediation strategy for each development phase is noted to be required.
- 7.47 Environmental Health have no objection to the proposed development subject to conditions. There is, however, caution over the potential for standard residential housing unless remedial mitigation measures against ground gases are able to be assured. A more holistic approach considering how the development may affect the gassing regime and how potential large scale source removal work will be managed is also recommended.
- 7.48 The assessment and modelling of the air quality impacts of the traffic associated with the development is advised to be acceptable, with mitigation measures to be incorporated into the building designs. However, modelling of the air quality impacts of the Eastcroft Incinerator and London Road Heat Station stacks is noted to have only considered ground floor and first floor receptors and is required to be extended to include the proposed taller buildings.
- 7.49 It is advised that acoustic mitigation to achieve required internal noise levels for residential properties can be determined through further survey work as development progresses.
- 7.50 Subject to appropriate planning conditions it is considered that the proposed development will comply with Local Plan Policies NE9 and NE12.

(e) **Flood Risk and Drainage impacts** (Local Plan Policy NE10 and Aligned Core Strategies Policy 1)

- 7.51 A large part of the site to the north of Sneinton Hermitage is located in Flood Zone 2 with the canal corridor to the west of the site located within Flood Zone 3. A scheme of flood risk mitigation for the site was approved as part of the previous outline planning permission for the site (04/01403/POUT), the primary measure being raising the level of an existing wall adjacent to the canal. This scheme predated the Greater Nottingham Strategic Flood Risk Assessment and the implementation of the Nottingham Left Bank Flood Alleviation Scheme.

- 7.52 The applicant has had direct contact with the Environment Agency and has provided further flood modelling information within a revised Flood Risk Assessment. The Environment Agency have confirmed that they are now satisfied with the conclusions reached, subject to development being carried out in accordance with the Flood Risk Assessment and the included mitigation measures. Planning conditions have been recommended to this effect, including mitigation measures against the risk posed to controlled waters during the demolition and construction phase of the works and no infiltration of surface water drainage into the ground. The Drainage team as Local Lead Flood Authority also have no objections on this basis.
- 7.53 Subject to appropriate planning conditions it is considered that the proposed development will comply with Local Plan Policy NE10 and Aligned Core Strategies Policy 1.

### **Issue (iii) Other Matters**

- 7.54 An intermediate pressure gas pipeline crosses the site above ground to the north of the warehouses. The applicant proposes the underground diversion of this pipeline and provision of a new gas compound and substations, provisionally identified to be located to the east of the site adjacent to Manvers Street bridge. This gas pipeline is operated by Cadent, who advise that development should only take place following the diversion of this apparatus. It is advised that the applicant has commissioned Cadent to undertake a specific study to divert this pipeline to below ground across the site along the length of the proposed linear park. There is applicant commitment for the diversion of this pipeline and investigations are known to be ongoing by Cadent. The location and above ground presence of this pipeline is a significant existing constraint affecting the future development of this part of the application site and, if unresolved, would impact upon the delivery of the illustrative masterplan. It is therefore proposed that the diversion of the gas pipeline be a condition requirement in association with the phased development of the site.
- 7.55 The response of Network Rail in relation to railway protection requirements is noted and are recommended conditions and informatives of a consent.

### **Issue (iv) Section 106 Obligations**

- 7.56 In order to comply with planning policy, and to mitigate the specific impacts of the development, a Section 106 planning obligation is required. The matters that will be addressed by the S106 are as follows:
1. Contributions towards off-site transport measures (see 7.16), including junction improvements, and pedestrian and cycle improvements, to mitigate against the impacts of the proposed development and to improve connectivity. The precise mitigation necessary will be dependent on the final highway design, which is unknown at this stage, although likely to be broadly in line with the illustrative road layout shown on the drawings submitted with the application.
  2. The provision of affordable housing to rent or buy. Depending upon the details within each phase, it is considered appropriate that some of this could be provided by way of a financial contribution towards provision elsewhere, calculated in accordance with the council's Affordable Housing and Developer Contributions Supplementary Planning Guidance document.
  3. The provision of additional primary and secondary school places to meet the education needs of future residents of the development. The amount to be

sought will be calculated in accordance with the formula provided by the School Organisation Team.

4. The provision of additional areas of publicly accessible open space, on site and within the locality. This will be through a combination of on-site provision and contributions towards off-site enhancements, calculated in accordance with the council's Planning Guidelines for the Provision of Local Open Space in New Residential Development Supplementary Planning Guidance.
5. Limiting the scope of use of the 'Creative Market' element of the proposed development to ensure that the estimates of trade diversion from the city centre accord with the submitted sequential and retail impact assessment and to ensure that that this particular element of the development serves a complementary role to existing retailers in the city centre and other catchment centres.
6. An open space management scheme.

7.57 As an outline planning permission allowing for a mix of land uses, it is not possible to provide a full detailed breakdown of the financial contributions that would be secured through this agreement at this stage, other than to note that such contributions would be in accordance with published policies and guidance. It is however recognised that individual phases of the development may raise concerns over viability, and it is considered that the agreement should include provision for appraisal and independent review. For illustrative purposes, the scheme could potentially generate a global total of contributions of up to £18,770,328 if all provision were to be made by financial contribution, instead of on site. Where provision is to be made on site, contributions would be reduced accordingly.

7.58 The S106 will provide for infrastructure delivery and contribution payments on a per-phase basis, related to the details of the individual scheme. All contributions will be index-linked to ensure that they keep pace with inflation.

7.59 The highway works identified are not funded by any other Section 106 contributions. The details of the specific projects for education and open space will be finalised as part of the ongoing negotiations,

## 8. **SUSTAINABILITY / BIODIVERSITY** (Aligned Core Strategies Policy A and Policy 1)

8.1 Development of the application site will form a significant extension of the city centre area, becoming a new urban business and residential community and a safe, attractive, high quality and mixed neighbourhood with its own identity and character. This neighbourhood will be inherently sustainable due to its city centre location and local facilities, but will also be well connected to the network of routes within and beyond the site, also including convenient access to the Nottingham Station transport hub. Innovative design and construction techniques will reduce energy use, and the adoption sustainable drainage systems and other measures will mitigate against an impact upon water resources, also incorporating significant elements of green infrastructure across the site and maximising opportunities for biodiversity enhancement

8.2 The site is already directly served by the District Heating System. It is understood that the system is now operating at capacity and that expansion is required in order to serve further developments. As a significant major city centre site it is expected that a consent for development will support a case for District Heating expansion,

which would also benefit other future developments within the city centre and therefore the sustainability of these developments.

- 8.3 Sustainable measures to mitigate and adapt to climate change and to comply with national and local targets on reducing carbon emissions and energy use will be requirements of future reserved matters submissions when details of individual phases of development are known.

## **9 FINANCIAL IMPLICATIONS**

Financial contributions in accordance with policies and supplementary planning guidance are being negotiated (see 7.56). As noted, the scheme could generate contributions of up to £18,770,328 if all provision were to be made by financial contribution, instead of on site, although this amount would be reduced in the case of on-site provision of open space/affordable housing. The contributions may also be reduced on viability grounds if it can be demonstrated, through rigorous financial appraisal of subsequent phases, that Section 106 contributions relating to that phase would make it unviable.

## **10 LEGAL IMPLICATIONS**

Aside from the main EIA consideration addressed within this report, on determination of the application, regulation 30(1) of the 2017 Regulations requires that the Secretary of State and consultation bodies be informed of the decision in writing, the decision has to be advertised and a statement made available for inspection. The statement must include a range of elements specified in the 2017 Regulations but particularly the main reasons and considerations on which the decision was based, a summary of the results of consultations undertaken and information gathered and how those results have been incorporated or otherwise addressed

Should further legal considerations arise these will be addressed at the meeting.

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

## **13 STRATEGIC PRIORITIES**

The proposal addresses the following Council Plan themes:

Strategic Regeneration and Development: Start the development of the Island site.  
Planning and Housing: Build 2500 new homes that Nottingham people can afford to rent or buy.

Business, Growth and Transport: Create jobs to give our working age citizens the incentives to seek work, be involved in training and self-improvement.

Resources and Neighbourhood Regeneration: Create 3000 high quality jobs through developing sites.

**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: 18/01354/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PBC75MLY01B00>

2. Policy, 27.3.19

3. Highways, 22.3.18

4. Highways England, 25.2.19

5. Historic England, 6.3.19

6. Natural England, 16.7.18, 19.2.19

7. Biodiversity & Greenspaces, 3.4.19

8. Canal & River Trust, 4.3.19, 20.3.19

9. City Archaeologist, 5.7.18, 20.2.19

10. Drainage, 14.3.19

11. Environment Agency, 14.2.19

12. Environmental Health, 12.9.18, 18.2.19

13. Network Rail, 10.8.18

14. Planning Casework Unit, 21.2.19

15. Education, 27.3.19

16. Cadent/National Grid, 16.7.18

17. Virgin Active, 24.12.18

18. FCC Environment, 25.7.18, 14.2.19

19. Nottingham Civic Society, 2.3.19

20. Lichfields, 15.3.19

21. Nottingham City Local Access Forum, 25.7.18

22. Pedals, 26.7.18

23. Nottingham Open Spaces Forum, 3.8.18

24. Nottinghamshire Wildlife Trust, 6.8.18

25. Biocity, 24.7.18

26. City Business, 10.8.18

27. City Business, 10.8.18

28. Resident, 27.9.18

29. Resident, 1.8.18

30. Resident, 1.8.18

31. Resident, 1.8.18

32. Resident, 1.8.18

33. Resident, 1.8.18

34. Resident, 27.7.18

35. Resident, 27.7.18

36. Resident, 22.8.18

37. Resident, 22.8.18

38. Resident, 22.8.18

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

Nottingham Local Plan (November 2005)

National Planning Policy Framework (July 2018)  
Aligned Core Strategy (ACS) (September 2014)  
Island Site Nottingham Supplementary Planning Document (April 2016)  
Nottingham City Centre Urban Design Guide (May 2009)  
Planning Guidelines for the Provision of Local Open Space in New Residential  
Development Supplementary Planning Guidance (2001)

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.

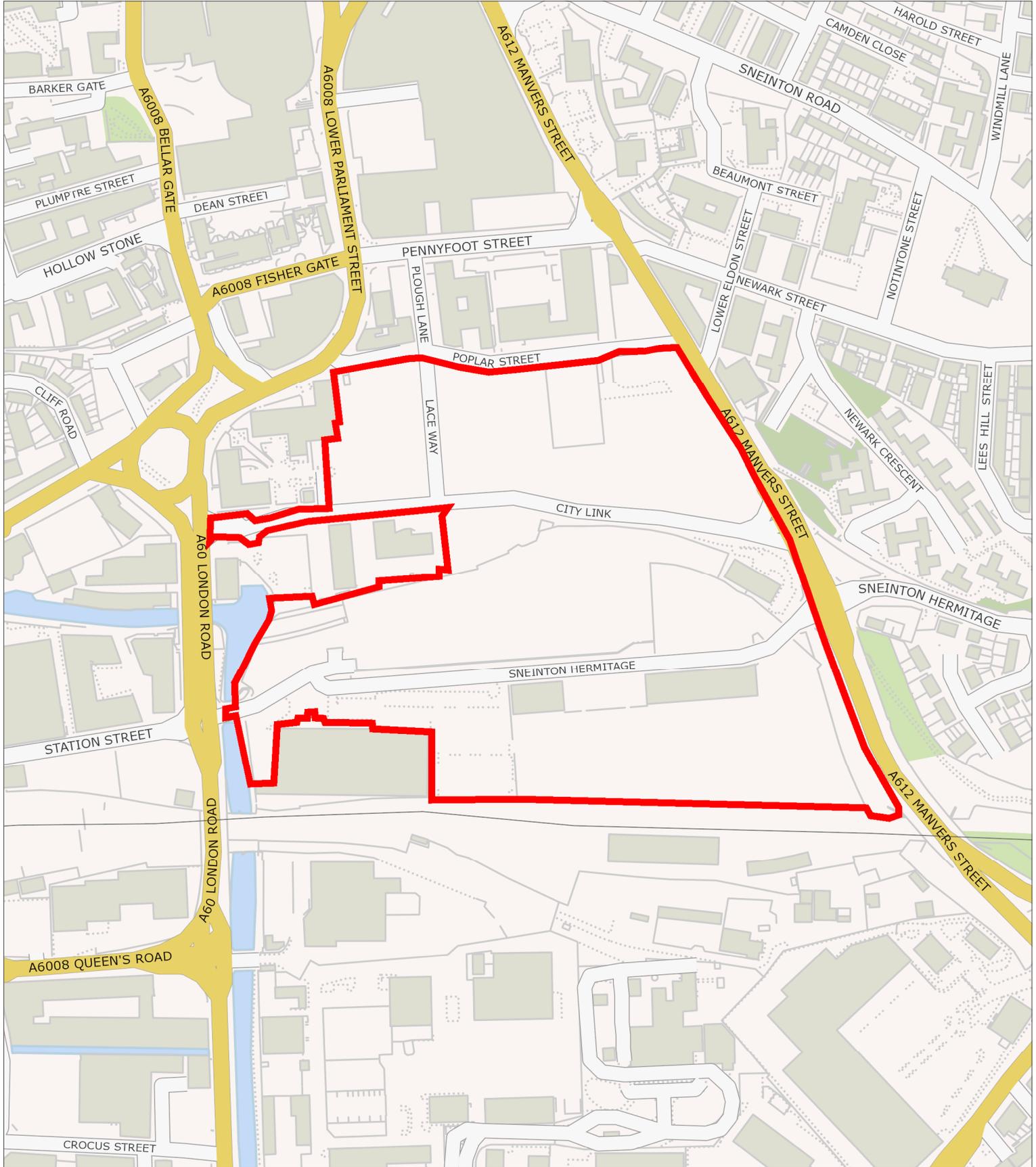
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## **APPENDIX A- MATTERS TO BE ADDRESSED BY CONDITIONS**

1. Reserved matters within 3 years and final application before the expiration of 13 years from the date of consent
2. Commencement before the expiration of 5 years or before the expiration of 2 years from the date of approval of reserved matters
3. Overall limits to be in accordance with the full application description of the proposed development
4. Development to be within ES assessed and approved maximum parameters
5. Size of retail unit (except 'Creative Market') not to exceed 280m<sup>2</sup> (Sunday Trading Act definition of a small shop that can open 24hr)
6. No amalgamation of retail units
7. No increase in floorspace through mezzanine floors
8. Detailed Masterplan
9. Development to accord with Masterplan
10. Detailed Phasing Plan
11. Development to accord with Phasing Plan
12. Design principles set out in D&AS
13. Great Northern Warehouse to be developed before floorspace threshold (to be agreed) reached
14. Diversion of gas pipeline before floorspace threshold (to be agreed) reached
15. Phased development of 'Linear Park' before floorspace threshold (to be agreed) reached
16. Construction Traffic Management Plan as part of each phase
17. Construction Environment Management Plan
18. City Link not to be closed during construction without alternative arrangements being in place
19. Development to accord with FRA
20. Details of surface water drainage along with each phase
21. Green roofs and sustainable urban drainage measures
22. No infiltration of surface water drainage into ground without LPA consent
23. No piling or foundation design using penetrative methods without LPA consent
24. Development of each phase not to commence until remediation strategy to deal with risks to groundwater associated with contamination has been approved by LPA
25. Verification of approved remediation strategy to be approved prior to occupation of each phase
26. Reserved matters for identified tall buildings to be accompanied by a model of air quality impacts of Eastcroft Incinerator and London Road Heat Station stacks
27. Development of any phase not to be occupied prior to the completion of off-site highways works scheme to City Link/Manvers Street
28. Details of extent of proposed adopted highway as part of each phase
29. Details of number and location of parking spaces, including on-street, and timetable for implementation
30. Scheme for management of parking spaces
31. Scheme for electric vehicle charge points as part of each phase
32. Traffic management scheme for student accommodation at start and end of term
33. Cycle parking provision
34. Details of existing and proposed ground levels
35. Programme of archaeological works as part of each phase
36. Temporary works associated with development

37. Travel Plans
38. Landscaping implementation in association with the development of each phase
39. Landscape and Ecological Management Plan
40. Bat roost provision/bird nest boxes
41. Street signage, lighting and surfacing (where not proposed to be adopted)
42. CCTV strategy
43. Protection to railway including drainage, boundary fencing, Armco barriers, method statements/OPE, soundproofing, lighting and landscaping.
44. Flexibility for future change to details, programmes, schemes or other materials

# NOMAD printed map



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## Key

 City Boundary

## Description

No description provided

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**WARDS AFFECTED:** Berridge

**Item No:**

**PLANNING COMMITTEE**

**17 April 2019**

## **REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

### **Studio House, 22 Mount Street**

#### **1 SUMMARY**

Application No: 18/01998/PFUL3 for planning permission

Application by: Hockley Developments Ltd on behalf of Mr Alan Forsyth

Proposal: Conversion from office (B1) and recording studio (D2) to 31 residential apartments (C3).

The application is brought to Committee because it is an application recommended for approval but where planning obligations are proposed to be waived on the grounds of viability.

To meet the Council's Performance Targets this application should have been determined by 13<sup>th</sup> March 2019 but an extension of time has been agreed until 19<sup>th</sup> April 2019.

#### **2 RECOMMENDATIONS**

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

#### **3 BACKGROUND**

- 3.1 The application site is a three-storey, brick factory built in the nineteenth century. The building faces Mount Street with a further part of the factory running behind to form an L-shape and enclosing a car park. To the south are houses on Gladstone Street and to the east houses on Mount Street. To the west and north are further industrial buildings. The area has no allocation in the Local Plan and is in the New Basford Archaeological Constraints Area.

#### **4 DETAILS OF THE PROPOSAL**

Conversion of building to thirty-one apartments. The apartment mix comprises 7 one-bed flats, 21 two-bed flats and 3 three-bed flats. Fourteen of these flats occupy two floors, including use of the roofspace of the part of the building facing Mount Street. Access to the flats is from the car park, partly using the existing cylindrical stair core.

## 5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

### Adjoining occupiers consulted:

Twenty-two letters sent to neighbouring occupiers on Mount Street, Palm Street and Gladstone Street. Two site notices have been posted and two press adverts published. The notification period expired on 13 January 2019. One letter of support welcomes the regeneration benefit to the area. Nottingham Civic Society supports the principle of the conversion of the Victorian Lace Factory to apartments, giving the historic building new life and safeguarding the character of the New Basford area but expressed concern about the number of rooflights in the original proposal.

### Additional consultation letters sent to:

**Highways:** No objection.

**Environmental Health and Safer Places:** No objection subject to conditions regarding environmental noise assessment and sound insulation scheme and ground gas contamination remediation.

**City Archaeologist:** No objection.

## 6 RELEVANT POLICIES AND GUIDANCE

### **National Planning Policy Framework (February 2019)**

- 6.1 The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible and paragraph 11 indicates that development proposals that accord with an up-to date development plan should be approved without delay. A number of sections of the NPPF are relevant to this application.
- 6.2 **Delivery of a sufficient supply of homes** - Paragraphs 59-61 support the Government's objective of significantly boosting the supply of homes where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Paragraph 62 indicates that when the need for affordable housing is identified it should normally be expected to be met on-site.
- 6.3 **Promoting healthy and safe communities** - 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. Paragraph 94 stresses the importance that a sufficient choice of school places is available to meet the needs of existing and new communities. Great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications. Paragraph 98 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
- 6.4 **Making effective use of land** - Paragraphs 117-123 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 6.5 **Achieving well- designed places** - Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places. 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 will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.6 **Conserving and enhancing the natural environment** - Paragraphs 170-183 states (amongst other things) that planning decisions should protect and enhance sites of biodiversity.

**Nottingham Local Plan (November 2005):**

ST1 – Sustainable Communities

H2 – Housing Density

H5 – Affordable Housing

E4 – Redevelopment of Employment Use

NE3 – Conservation of Species

NE9 – Pollution

NE12 - Contamination

BE16 – Archaeology

R2 – Open Space in New Development

**Aligned Core Strategy (ACS) (September 2014):**

Policy A - Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 8 – Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 17 – Biodiversity

Policy 19 – Developer Contributions

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Principle of residential conversion
- (ii) Quality of accommodation provided
- (iii) Design and impact on the streetscene
- (iv) Impact on residential amenity
- (v) Planning obligations

### **Issue (i) Principle of Residential Conversion** (Policy E4 and H2 of the Local Plan)

- 7.1 The application site is located in an area that has no specific use allocation in the Nottingham Local Plan. As existing employment premises, the change of use is subject to Policy E4 of the Nottingham Local Plan. This policy sets out criteria for proposals involving the loss of land and buildings to employment use.
- 7.2 The proposed conversion will bring the building into full use and would not inhibit or prejudice the activities of neighbouring occupiers or businesses.
- 7.3 Whilst the applicant has not carried out a comprehensive assessment of the impact of the loss of the building to employment uses, since the adoption of this policy the government has extended permitted development rights to allow the conversion of B1 uses to residential. Class O Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 allows the conversion of Class B1 office uses to Class C3 dwellinghouses, subject to the prior approval of the Local Planning Authority.
- 7.4 The application building falls primarily within Class B1, but with a small area having been used as a Class D2 recording studio. This means that the conversion of the large majority of this building to residential is effectively 'permitted development', with the presence of the small recording studio requiring the submission of a full planning application. Against the 'fallback' position of carrying out the majority of the conversion under permitted development, it is considered that a comprehensive residential conversion of the whole building is preferable and acceptable.

### **Issue (ii) Quality of Accommodation Provided** (Policies ST1 and H2 of the Local Plan and Policies 8 and 10 of the Aligned Core Strategies)

- 7.5 The proposed conversion makes good use of the existing form of the building and provides a mix of primarily two-bed flats, with some one- and two-bed flats. The flats would be of a good size and would have good levels of light and amenities. The proposal therefore complies with Policies ST1 and H2 of the Local Plan and Policies 8 and 10 of the Aligned Core Strategies.

### **Issue (iii) Design and Impact on the Streetscene** (Policy 10 of the Aligned Core Strategies)

- 7.6 The concerns of the Civic Society regarding rooflights is noted but it is considered that use of the roofspace of the building on Mount Street is a reasonable one, allowing the provision of larger flats – this is the location of the three-bed units – with some rooms having ceilings rising into the roofspace. It is considered that this renders these flats more attractive and 'aspirational'. Other external alterations are

principally at ground floor level, providing front doors to flats and converting doors to windows. In terms of external alterations to the building, the proposal complies with Policy 10 of the Aligned Core Strategies.

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

- 7.7 It is noted that some potential for overlooking exists from the upper floor units in the south-facing western section of the building over the gardens of houses on Gladstone Street. It is important to note, however, that the government's position on residential conversions of such buildings noted earlier precludes potential overlooking as a matter of concern. This is part of the building which could be converted as 'permitted development'. It is noted that the authorised use of the application building is as offices and the potential would exist for overlooking from occupation of the building in this manner.
- 7.8 Fifteen parking spaces would remain available in the car park and this is considered acceptable in this relatively sustainable location with good access to amenities and public transport routes. Bin storage is to be provided close to the Mount Street entrance to the site. It is therefore considered that the proposed development would comply with Policy 10 of the Aligned Core Strategies.

**Issue (v) Planning Obligations** (Policies H5 and R2 of the Local Plan)

- 7.9 For this development the policy compliant planning obligations that would be required would be:
- An off-site financial contribution of £27,247 towards public open space.
  - An off-site financial contribution of £214,800 towards affordable housing.
- 7.10 The applicants have however, submitted a viability appraisal indicating that the proposed development would not be viable based upon the provision of the full range of S106 developer contributions that the scheme would otherwise be required to meet. The appraisal has been submitted for review to the District Valuer who has concluded that the proposed scheme cannot afford the payment of any Section 106 contributions. An allowance for developer's profit based on 20% of the gross development value has been adopted, which is considered reasonable by the District Valuer. It is also noted that 'permitted development' conversions from B1 to residential do not attract such planning obligations.

**8. SUSTAINABILITY / BIODIVERSITY**

A bat survey of the building has been undertaken and no evidence of roosting bats was found and no features were considered suitable for roosting bats. This is considered acceptable in accordance with Policy NE3 of the Local Plan.

**9 FINANCIAL IMPLICATIONS**

Whilst such a scheme would normally be subject to planning obligations regarding public open space and affordable housing, the District Valuer has concluded that the scheme would not be viable with these added costs.

**10 LEGAL IMPLICATIONS**

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

**11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

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

**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: 18/01998/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PFLKP4LYLZS00>
2. Highway observations dated 15<sup>th</sup> November 2018.
3. Environmental Health and Safer Places observations dated 17<sup>th</sup> December 2018.
4. Email from Civic Society dated 1<sup>st</sup> November 2018.

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

Nottingham Local Plan (November 2005)  
Aligned Core Strategies (September 2014)

**Contact Officer:**

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Key  
 City Boundary

Description  
 No description provided

**My Ref:** 18/01998/PFUL3 (PP-07135732)  
**Your Ref:**  
**Contact:** Mr Phil Shaw  
**Email:** development.management@nottinghamcity.gov.uk



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Nottingham  
NG1 5HR

Date of decision:

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

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Application No: 18/01998/PFUL3 (PP-07135732)  
Application by: Mr Alan Forsyth  
Location: Studio House , 22 Mount Street, New Basford  
Proposal: Conversion from office (B1) and recording studio (D2) to 31 residential apartments (C3).

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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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2. The development shall not be commenced until an environmental noise assessment and sound insulation scheme has been submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve the following internal noise levels:

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

*Reason: In the interests of the living conditions of future residents in accordance with Policy NE9 of the Local Plan.*

3. The development shall not be commenced until a Ground Gas Risk Assessment has been carried out in accordance with CLAIRE RB17 A Pragmatic Approach to Ground Gas Risk Assessment (2012).

Where ground gas precautions or further investigation is required by the Ground Gas Risk Assessment, a Remediation Strategy that includes the following components to deal with the risks associated with ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

- a) A Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
- c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in 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: in the interests of public health and safety in accordance with Policy NE12 of the Local Plan.*

**Pre-occupation conditions**

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

4. The development shall not be occupied as residential accommodation until:



- a) Verification that the approved sound insulation scheme has been implemented and is fully operational has been submitted to and be approved in writing by the Local Planning Authority.
- b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed has been submitted to and be approved in writing by the Local Planning Authority.

*Reason: In the interests of the living conditions of future residents and in the interests of public health and safety in accordance with Policies NE9 and NE12 of the Local Plan.*

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

There are no conditions in this section.

**Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 12 December 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 committee report, enclosed herewith and forming part of this decision.

**3. Environmental Noise Assessment**

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

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

**4. Ground Gas Contamination**

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

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authoritative guidance. The Remediation Strategy must also provide details of how gas precautions including any radon gas precautions will be validated.

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

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

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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](http://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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