



Nottingham City Council Planning Committee

Date: Wednesday, 23 September 2020

Time: 2.30 pm

Place: Remote - To be held remotely via Zoom -
<https://www.youtube.com/user/NottCityCouncil>

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

Director for Legal and Governance

Governance Officer: Kate Morris **Direct Dial:** 0115 876 4353

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes** 3 - 8
To agree the minutes of the meeting held 19 August 2020
- 4 Planning Applications : Reports of the Chief Planner**
 - a Island Business Centre City Link Nottingham** 9 - 40
 - b IQ Nottingham 143 Lower Parliament Street Nottingham** 41 - 60
 - c High School Sports Ground Hucknall Road Nottingham NG5 1NX** 61 - 72
 - d Basford United Football Club Greenwich Avenue Nottingham NG6 0LE** 73 - 82

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 Remote - To be held remotely via Zoom - <https://www.youtube.com/user/NottCityCouncil> Wednesday 19 August 2020 from 2.31 pm - 4.30 pm

Membership

Present

Councillor Michael Edwards (Chair)
Councillor Graham Chapman (Vice Chair)
(items 15-18, 20-21)
Councillor Leslie Ayoola
Councillor Maria Joannou
Councillor Gul Nawaz Khan
Councillor Pavlos Kotsonis
Councillor Sally Longford
Councillor AJ Matsiko
Councillor Toby Neal
Councillor Lauren O`Grady
Councillor Ethan Radford (items 15-17, 19-21)
Councillor Wendy Smith
Councillor Cate Woodward

Absent

Councillor Kevin Clarke
Councillor Mohammed Saghir
Councillor Audra Wynter

Colleagues, partners and others in attendance:

Richard Bines	- Solicitor
Lisa Guest	- Principal Officer, Highway Development Management
Martin Poole	- Area Planning Manager
Paul Seddon	- Director of Planning and Regeneration
Scott Talbot-Hartshorn	- Service Manager, Road Safety
Nigel Turpin	- Team Leader, Planning Services
Phil Wye	- Governance Officer

15 Apologies for Absence

Councillor Kevin Clarke – on leave
Councillor Audra Wynter - on leave

16 Declarations of Interest

Councillor Ethan Radford declared an Other Interest in agenda item 4a (Playing Fields Between Eastglade Road and Bala Drive East of Beckhampton Road Nottingham - minute 18) because he is a member of the ALMO Board of Nottingham City Homes. He left the meeting prior to discussion and voting on this item.

17 Minutes

The Committee confirmed the minutes of the meeting held on 22 July 2020 as a correct record and they were signed by the Chair.

18 Playing Field Between Eastglade Road And Bala Drive East Of Beckhampton Road Nottingham

Councillor Ethan Radford declared an Other Interest in this item because he is a member of the ALMO Board at Nottingham City Homes. He left the meeting prior to discussion and voting on this item.

Martin Poole, Area Planning Manager, introduced application number 20/00831/PFUL3 for planning permission by Pelham Architects on behalf of Nottingham City Homes for the construction of 131 dwellings. The application is brought to the Committee because it is a major application with important land use considerations which has generated a significant level of public interest contrary to the recommendation.

A list of additional information, amendments and changes to the report since the publication of the agenda was included in an update sheet, which was appended to the agenda published online.

The following points were discussed:

- (a) the site is an area of grassed land which was formerly a playing field associated with Padstow School to the south. The site slopes gently from north to south and properties on the western boundary on Bardsey Gardens and Ederne Close are built on land approximately 4m lower than the site;
- (b) planning permission is sought for the construction of one hundred and thirty one affordable rent dwellings by Nottingham City Homes. These would comprise of 72 two bed houses, 14 three bed houses, 35 one bed apartments, 5 one bed bungalows and 5 three bed wheelchair accessible bungalows. Properties are a mix of one and two storey and the proposed nine blocks of apartments would be 3 storeys in height. The development is made up of a mixture of terrace and semi-detached properties with parking provided either at the side or front of the properties. All parking areas within the curtilage of dwellings will be provided with Electric Vehicle Charging Points. Additional visitor parking is provided within on street build out bays;
- (c) approximately 40% of the proposed site would be retained and enhanced as green space. Vehicle access to the development would be at two locations from Beckhampton Road and the existing footpath on the western edge of the site would be connected with Eastglade Road to the south;
- (d) 18 letters of representation were received and a petition completed by 19 properties on Beckhampton Road. The petition raises concerns about the development as a whole but primarily the proposed access points off Beckhampton Road and the proposed two blocks of flats which would front Beckhampton Road;

- (e) The scheme has been the subject of extensive pre-application discussions with the council's urban design team prior to formal submission to seek to provide the optimum site layout and relationship with existing neighbouring properties. Houses are to be constructed in red and buff brick with pitched tile roofs. The scale of the blocks of flats is not considered to be significantly out of keeping with the wider character of the area. Amended plans have been recently received showing a revised elevation treatment for the flats.
- (f) The development meets thresholds in relation to provision of a contribution towards enhancement of primary education provision in the area. The policy compliant contribution towards education is £211,327 and the applicant has agreed that this will be provided prior to the first occupation of the properties. This is to be secured as part of the funding arrangements for the scheme and so a Section 106 agreement is not necessary in this case;
- (g) space for bin storage will be provided at the rear of each dwelling, including the blocks of flats. Front gardens will be enclosed by railings to delineate space. Committee members felt that this fencing could attract litter and suggested consideration be given to a low wall below the fencing;
- (h) there was some concern from Committee members around the green corridor on the Western edge of the site and how this could be improved. This will be addressed through conditions and provision of a detailed landscaping and planting scheme indicating the type, height, species and location of all new trees and shrubs;
- (i) the Committee felt that the scheme as a whole was a positive contribution to the area and provides much-needed affordable housing. The discussion of the Committee's concerns about the provision of trees, the wildlife corridor, flood risk, bin storage and fencing can be addressed through the proposed delegation to the Director of Planning and Regeneration to determine the final details of conditions.

Resolved to

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

19 The Guildhall Burton Street Nottingham NG1 4BT

Councillor Ethan Radford returned to the meeting.

Councillor Graham Chapman was not present for the duration of this item and did not vote on the resolution.

Martin Poole, Area Planning Manager, introduced application number 20/01044/PFUL3 for planning permission and application number 20/01045/LLIS1 for listed building consent by RPS Design Group Ltd on behalf of Ascena Developments

Ltd. The application is brought to the Committee because it is a major application for a prominent site with important design and heritage considerations.

A list of additional information, amendments and changes to the report since the publication of the agenda was included in an update sheet, which was appended to the agenda published online. This included responses from NTU and Nottinghamshire Wildlife Trust, as well as further recommended conditions to the planning permission.

The following points were discussed:

- (a) located in the north of the city centre, the application comprises the Grade II listed Guildhall sited on the prominent corner of Burton Street and South Sherwood Street, the Grade II listed Fire Station House fronting South Sherwood Street, and a building referred to as the 'Island Building' that is to the rear of both listed buildings. Nottingham Trent University's Newton Building and Arkwright Building (both Grade II* listed) are to the west, E,On's headquarters is to the east, the Cornerhouse entertainment complex is to the south, and the vacant Central Police and Fire Station buildings are to the north;
- (b) the application proposes the conversion and development of the site to a mixed use hotel and leisure complex, creating a total of 160 guest bedrooms, two bars and restaurants, and a gymnasium and spa. The proposal includes the demolition of the 'Island Building' to the rear, the 1950s northern extension to the Guildhall, the 1920s extension to the eastern leg of the Guildhall, and two outbuilding additions to Fire Station House;
- (c) the conversion of and restoration of the existing Grade II listed Guildhall building would create a total of 39 guest bedrooms, a restored grand reception space, a restaurant and bar in former courtrooms 1&2, a spa and gymnasium at basement level and additional function space. The proposed new 5 storey northern extension to the Guildhall would create a further 20 guest bedrooms, a new lift and circulation core, a hotel kitchen, staff and ancillary space and a landscaped courtyard area for service and access;
- (d) the proposed new 13 storey tower building would create a total of 101 guest bedrooms, a rooftop restaurant, bar and terrace, a hotel sub reception and kitchen, staff and ancillary space and a landscaped courtyard area for service and access. The conversion of the existing Grade II listed Fire Station House would create an informal bar and restaurant space, lightweight glazed link to the new tower building and a landscaped courtyard space to the rear;
- (e) it was noted that the development affects a number of listed buildings or their settings and the Committee must have special regard to the desirability, in the exercise of its planning functions, to preserving such buildings or their setting or any features of special architectural or historical interest which they possess. Accepting there was some harm as outlined in the report it was felt that this was nevertheless outweighed by other material considerations. Concerns and objections were received from Historic England, the Victorian Society and the Nottingham Civic Society around the height of the new tower and its impact on the setting of the listed Guildhall building. The proposed position and height of the

tower has been examined through an extensive pre-application process. Officers have worked with the applicant to review iterations of the design, including use of the city model to test relationships to the adjacent heritage assets as well as longer views. The Design Review Panel felt that the design, scale and massing sit within the historical context of the site with a reduced visual impact upon the heritage assets from street level;

- (f) green walls and roofs will be integrated as key design features at both lower courtyard and upper rooftop level, and solar PV windows are proposed on the western and southern elevations, equating to a vertical surface area of approximately 620 square metres. It is advised that the proposed development is to achieve BREEAM 'Very Good';
- (g) the development provides 4 disabled parking spaces, all of which will be provided with electric charging points;
- (h) the Committee welcomed the re-use of this prominent site which has been empty for a number of years, and appreciated the quality of the design. They felt that concerns about the height of the new tower were somewhat mitigated by the presence of other tall buildings immediately adjacent such as the E-On Headquarters.

Resolved to

(1) grant planning permission and listed building consent for the reasons set out in this report, subject to:

(i) the indicative conditions substantially in the form of those listed in the draft

decision notices at the end of this report, save for additional conditions to require:

- further details of measures to mitigate any adverse impact on Peregrines, in particular during the construction of the development, together with requirements for implementation of any mitigation measures;
- The incorporation of swift/bat bricks/boxes in the development.

Details of the wording of such conditions to be delegated to the Director of Planning and Regeneration, in consultation with the Biodiversity Officer.

(ii) prior completion of an agreement under Section 111 of the Local Government Act 1972 to secure a Section 106 planning obligation upon the subsequent disposal of the site to the developers to secure Local Employment and Training Opportunities

(2) delegate power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission and Listed Building Consent to the Director of Planning and Regeneration.

(3) The Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in

planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

20 Future meeting dates

The Committee noted the meeting dates for the remainder of the 2020/21 municipal year, all Wednesdays at 2.30pm:

23 September 2020

21 October 2020

18 November 2020

16 December 2020

20 January 2021

17 February 2021

17 March 2021

21 April 2021

21 Urgent Item - Changes in permitted development being introduced before the end of August

Wards Affected: Castle

Item No:

**Planning Committee
23rd September 2020**

Report of Director of Planning and Regeneration

Island Business Centre, City Link

1 Summary

Application Nos: 20/01527/PFUL3 for planning permission
20/01528/LLIS1 for listed building consent

Applications by: AXIS David Jones on behalf of Conygar Nottingham Ltd Mr Chris Ware

Proposals: (Planning permission) Mixed-use commercial development comprising enabling works (demolition and earthworks), retail (Classes A3/A4/A5), assembly and leisure (Class D2) uses, access modifications, utility infrastructure and drainage, new areas of public realm/landscaping and alterations to the listed Turnover Bridge (Phase 1A of the Island Quarter development).

(Listed building consent) Alterations to the listed Turnover Bridge in association with mixed-use commercial development comprising enabling works (demolition and earthworks), retail (Classes A3/A4/A5), assembly and leisure (Class D2) uses, access modifications, utility infrastructure and drainage, and new areas of public realm/landscaping (Phase 1A of the Island Quarter).

The application is brought to Committee because it is a major application for a prominent site with important design and heritage considerations.

To meet the Council's Performance Targets these applications should be determined by 3rd December 2020 and 29th October 2020.

2 Recommendations

2.1 To **GRANT PLANNING PERMISSION AND LISTED BUILDING CONSENT** for the reasons set out in this report, subject to:

- (i) no material matters arising as a consequence of the revised Certificate of Ownership submitted with the application;
- (ii) the further response of the Environment Agency confirming that the objection to the applicant's Flood Risk Assessment has been overcome.
- (iii) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report;
- (iv) prior completion of a Section 106 planning obligation to secure:

- (a) a financial contribution towards highways improvements in the total sum of £1,050,000
 - (b) local employment and training benefits including opportunities in the construction and operational phases of development together with payment of a financial contribution towards employment and training;
- 2.2 Power to determine the final details of both the terms of the planning obligation and the conditions of planning permission and listed building consent to be delegated to the Director of Planning and Regeneration.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 Background

- 3.1 The application site is located to the north of The Great Northern Close, with Virgin Active's gym to the south. Nottingham Canal and basin is to the west, with the Premier Inn Nottingham Arena (London Road) and NHS Urgent Care Centre (Seaton House) both being to the north. To the east is vacant land forming part of the larger Island Site. A temporary pedestrian and cycle path crosses this vacant site proximate to the application site. The application site is has been previously cleared and is generally flat with the exception of a tall retaining wall that separates the site from the Nottingham Canal and which was a former railway bridge abutment.
- 3.2 The application site falls within the defined city centre area of the adopted Land and Planning Policies Development Plan Document - Local Plan Part 2 (LAPP) and is within the defined Canal Quarter/Creative Quarter area of overlap. It also forms part of the larger Island Site allocation for mixed-use development Site Ref: SR59 - Canal Quarter - Island Site.
- 3.3 In its association with the larger Island Site, which is also within the applicant's ownership, the application site has a long planning history reflecting various phases of piecemeal development. However, most relevant to this application is the Outline Planning Permission granted for the large-scale mixed-use redevelopment of the Island Site on 1 June 2020 (under planning reference 18/01354/POUT). This permission included floorspace allowances for Class A3/A4/A5 uses but did not include the Class D2 use now proposed within the scope of this current application.

4 Details of the proposal

- 4.1 The application proposal is for the development of a three storey 'Pavilion' building, with a taller tower staircore allowing access to the roof area of the building. This building would be located at the southwest corner of the site, at the main point of pedestrian and vehicle access via The Great Northern Close. A further single storey 'Bandstand' building would be located to the north of the site, with both buildings being separated by an area of enclosed public realm ('Pavilion Plaza') with hard and soft landscaping. Provision for a step free fully accessible route from the site entrance down to an extended canal towpath is included for pedestrian and cycle use.

- 4.2 The proposed Pavilion building is to accommodate a mix of uses, with a canal side lower ground floor restaurant and bar, a further ground floor restaurant and bar, a double height first floor events/functions space, and a large accessible roof terrace. The gross internal floorspace of the Pavilion would be 1782m². The single storey Bandstand building is to accommodate a stage area, 'green room' and ancillary plant space totalling 84m².
- 4.3 The primary pedestrian entrance to the Pavilion building is from a canopied entrance to the south, which is expressed by the prominent stair tower. No car parking is proposed but vehicle access for drop-off and servicing would be from The Great Northern Close. Approximately 36 cycle parking spaces are to be placed throughout the proposed Pavilion Plaza.
- 4.4 The application submission is accompanied by a detailed Design and Access Statement that is an exemplar document of its type, providing a full analysis of the layout and design proposed development and context within its local and city centre settings. The proposal objectives are summarised within this document as:
- Deliver a meaningful exciting, high quality first phase of development on the most prominent part of the Island Quarter site;
 - Set the aspiration and standard for the masterplan and future redevelopment to come;
 - Bring activation of the high-value canal basin and waterside frontage, and;
 - Create a vibrant cultural and entertainment destination drawing footfall to the site and to the city, driving 24-hour, year-round activity.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

Notification letters have been sent to 5 individual addresses surrounding the application site. The application has also been advertised by press and site notices. Three responses have been received members of the public.

Member of the Public: Objection. The plan does not seem to allow for cyclists who use the towpath daily up to the Turnover Bridge to continue to have this access continuously whilst the development is under construction. The development will also partially block a listed view of St Mary's Church.

Member of the Public: Objection. Loss of industrial heritage by removal of retaining wall and allowing a very arabesque building to dominate the Basin the Canal Bridge, all negatively impacting this part of the historic Canal Conservation Area. The building seems odd for Nottingham, more mosque-like than reflecting the historic setting and fine Victorian railway buildings and brickwork. Will remove views of the fine building occupied by Virgin Active. A building design reflecting the surrounding historic industrial heritage and in scale would be better, re-using blue brick in the cladding, and an architectural style better reflecting the Canal Conservation Area. Concern over the lack of decoration on new buildings.

Member of the Public: Partial objection. Overall design of the building does look attractive, but object to the demolition of the blue engineering brick retaining wall on the east side, as this structure is monumental and informs us of the history of the site. Object to the proposed alternative concrete etched wall. Also object to reconfiguring and resurfacing of Turnover Bridge steps as cannot see in the plans

the alternative access to the canal towpath for cyclists, which seems more concerned with access to the new building rather than providing access and egress to the canal towpath.

Additional consultation letters sent to:

Environment Agency: Objection. The Flood Risk Assessment does not adequately assess the flood risks posed by the development, identifying an increased flood extent over an existing "More Vulnerable" use (NHS Urgent Treatment Centre). The proposed development must not increase flood risk to others (NPPF, 2019). The ground lowering on site will result in an additional flow route into the flood cell along Lace Way and Poplar Street. The finished floor level of the proposed development is considered acceptable. However, after the proposed ground lowering, the proposed development will be at risk on flooding at lower ground floor level. To overcome this objection, the applicant should submit a revised FRA which addresses the points. Conditions recommended upon the grant of a planning permission.

Canal and River Trust: No objection subject to conditions to protect the canal and canal environment. Initial discussions have been held with the applicant. The works have the potential to increase loadings on the canal structure and affect its overall integrity and/or stability. Therefore, details of a construction methodology, including foundation design and means of construction and all earthmoving/excavation work will be required to be undertaken in relation to any works close to the canal. The works are also likely to require our prior consent as an affected landowner. The landscape masterplan includes proposals for the installation of a pontoon structure to facilitate mooring of boats alongside the new public realm and provision of floating reed beds immediately north of the pontoon. Whilst the Trust does not object in principle to the provision, the location should also be reserved for later agreement in order to ensure sufficient flexibility on identifying where these elements are most appropriately placed. A methodology will also need to be agreed, along with the timing for undertaking the works that would include canal dredging, in order to minimise the risk of adverse effects on the local ecology. Discussions with the Trust over proposed surface water drainage arrangements are ongoing. The listed Turnover Bridge is an important feature which helps to define the canal basin as a distinct location along the canal corridor. Although the proposed alterations will involve the loss of some historic fabric, the relative significance of this is low and outweighed by the significant benefits in opening out access to the bridge. Suitable conditions to control individual details would be appropriate. The Trust would also welcome the opportunity to be involved in broader discussion with the Applicant and the Local Planning Authority over access to the bridge from the towpath to the west of the canal.

Historic England: Do not wish to offer any comments and defer to the expertise of your specialist conservation and archaeological advisers.

Nottingham Civic Society: Objects to the alterations proposed to the Grade II listed Turnover Bridge as undermining its significance as eighteenth-century canal infrastructure.

The Victorian blue-brick retaining walls have been a feature of the bridge for around 120 years and while not part of its original structure, they are the last surviving evidence of the High Level Station and its railway route. The blue brick walls are therefore evidence of this change and of an important phase in the bridge's history.

If the blue brick curved wall has to be replaced, then it should be rebuilt in Bulwell stone to match the rest of the bridge and not in concrete bearing interpretation material.

Furthermore, the curved wall should be topped with the robust, half-round stone copings to match those which are such a strong visual feature of the existing 'wings' to the bridge, conveying the intrinsic function of the turnover bridge. The railings proposed on top of the concrete wall in the application, produces a structure which would be visually flimsy and completely out of character with the listed bridge. The lightweight appearance of the extensive railings proposed would be at odds with the robust, industrial character of the eighteenth-century canal infrastructure and would be detrimental to the setting and appearance of the listed building, contrary to local plan policy and the NPPF.

NCS has no objection to the scale and design of the Pavilion building, the architecture of which acknowledges the industrial antecedents of the Island Site.

Pedals: Support. The extension of the canal towpath north will improve conditions for cyclists, wheelchair users and pedestrians, by providing a level route for cyclists and wheelchair users without the need for cyclists to wheel their bikes up and down the steps on the north side of Great Northern Close, and for pedestrians by the proposed upgrading of the steps. We therefore generally support the application, although we recognise that some cyclists may at times still prefer to carry their bikes up and down the step, e.g. when the extended towpath / new public space area is particularly crowded.

The extended towpath will connect to the temporary shared path between Great Northern Close and City Link, opened in 2019, and to the various other cycle and pedestrians routes proposed in the whole of the Island Quarter regeneration area which we consider not only to be vital in themselves as a contribution to encouraging active travel on the site over the next 10 years as the site is fully regenerated but also, with improved connections, to the development of wider links to and from the City Centre.

Some of the existing active travel connections to and from the site, e.g in particular the toucan crossing of London Road between Station Street and Great Northern Close, will need upgrading to reflect the need for increased capacity.

Other detailed requests relating to construction management, signage and future regulation.

Nottingham City Local Access Forum: Support. Priority should be given to ensuring adequate signage and, preferably, colour-coded surface route guidance as many people spend much of their time looking downwards not upwards. Situations may occur where access to the new route is unavailable, or just too busy, and many pedestrians/cyclists/wheelchair users prefer to avoid large gatherings. Request clarification on the technical requirements for removing the ramp and any suggestions for providing an alternative route for those not wishing to negotiate the comparatively crowded Bandstand area. The Station Street/London Road junction already provides challenges for both pedestrians and cyclists the current pedestrian "caged" traffic lights are already inadequate and any significant increase in through-put will be dangerous for those pedestrians/cyclists and wheelchair users wishing to cross to and from The Island Quarter.

Other consultation:

Design Review Panel (14.05.20): The Panel welcomed the redevelopment of this site and amount of active frontage that the scheme offers, and whilst the massing of Phase 1A does not respect the original masterplan, this was not necessarily a criticism. The Panel also supported space being opened up next to the canal, where it was considered that the outline masterplan did not make the most of that connection.

The edge of the city centre means that the public realm space being created will not be naturally activated by people in the same way an urban space within the city centre. Therefore, for the site to succeed it must connect to the city centre and establish strong pedestrian/desire lines. The applicant's commitment to improve the crossing over London Road was welcomed. However, the wider connectivity from the city centre to the site needs further consideration, particularly from the north.

Whilst a gain in public realm is welcomed, it is a particularly large space, raising the question of how is it going to be activated, what it will be used for, and how people will use it. The commitment and enthusiasm shown for creating a space that will be curated during the day and evening throughout the year by the development company running its own management events with plans for concerts, pop-ups and an outdoor cinema is commended. However, the Panel also questioned how realistic is it that this will be achieved, as despite all efforts on curation there will be times, such as during the winter months when events will not happen. Therefore, the Panel strongly stress the need to make sure that the space not only works when it is being curated, but more importantly when it is not. A simpler bolder approach of more green space and tree planting could strengthen the space and create more of a gateway and a stronger link with the future linear park.

City Archaeologist: No objection. The Archaeological Impact Assessment submitted with the application has highlighted the archaeological potential of the site. Archaeological monitoring of groundworks in the form of an archaeological watching brief will be required as a condition of planning permission.

Environmental Health: To be confirmed.

Highways: No objection subject to condition relating to construction management and various informatives.

Biodiversity: Concern over the indication of small planters and small-canopy non-native trees, which will limit the biodiversity value of the landscaping. There should be more, larger and native trees. Request a detailed soft landscape scheme and planting plan. Reference to canal edge planting also required details and support of the Canal and River Trust. All lighting should be designed to maintain the canal as a dark area that is attractive to foraging bats. Request provision of proposed bat and swift roost boxes.

Drainage: No objection with further information having been provided and subject to conditions including a Flood Response Plan. The recommended flood resistance and resilience mitigation measures must be implemented to protect against the residual fluvial and pluvial risk. The incorporation of rain gardens as part of the SuDS train is welcomed and should also be confirmed at the detailed design stage.

6 Relevant policies and guidance

Aligned Core Strategies (ACS) – Local Plan Part 1 (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 5: Nottingham City Centre

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 17: Biodiversity

Land and Planning Policies (LAPP) – Local Plan Part 2 (2020)

Policy CC1: Sustainable Design and Construction

Policy CC2: Decentralised Energy and Heat Networks

Policy CC3: Water

Policy EE4: Local Employment and Training Opportunities

Policy SH6: Food and Drink Uses and High Occupancy Licensed Premises / Entertainment Venues within the City Centre

Policy RE2: Canal Quarter (overlap)

Policy RE3: Creative Quarter (overlap)

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN5: Development Adjacent to Waterways

Policy EN6: Biodiversity

Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets

Policy EN6: Biodiversity

Policy IN2: Land Contamination, Instability and Pollution

Policy SA1 - Site Allocations (SR59: Canal Quarter – Island Site)

Policy TR1: Parking and Travel Planning

NPPF (2019):

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

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

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In determining applications that may affect heritage assets, paragraph 189 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 192 of the NPPF then states that in determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraphs 194 – 196 state 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.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

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.

7. Appraisal of proposed development

Main Issues

Whether:

- (i) the proposed uses are appropriate to the neighbouring properties and the wider area;
- (ii) the design of the proposed development in terms of its height, massing, layout and appearance is appropriate to the area and the setting of adjacent listed buildings, including the Turnover Bridge and Low Level Station buildings;
- (iii) the special architectural or historic interest of the listed buildings will be adversely affected by the application proposals;

Issue (i) the proposed uses and impact upon neighbouring properties and the wider area (ACS Policy 5 and LAPP Policies RE5, SH6, SA1 and IN2)

- 7.1 The application site is part of an allocated larger development site in the recently adopted LAPP (Policy SA1, Site Ref: SR59 - Canal Quarter - Island Site). The development principles to be applied to this allocation refer to the need for a comprehensive masterplan to enable the accelerated delivery of an attractive mixed use community, to include new open space and cycling and walking routes linking to the surrounding area and the Canal towpath, and with regard to the presence of heritage assets both on site and nearby. Policy RE2: Canal Quarter also repeats the need for a mixed use community in line with an agreed masterplan.
- 7.2 Whilst the development being proposed by this application is independent of the previously granted Outline Planning Permission, the applicant has stated their commitment to the design principles that were established as part of the outline planning process.
- 7.3 ACS Policy 5 states that the City Centre will be promoted as the region's principal shopping, leisure and cultural destination. The role of the City Centre is to be enhanced in the future through a wide ranging strategy that includes the development of supporting related uses such as new hotels, exhibition and conference venues.
- 7.4 LAPP Policy RE5 states that, amongst other considerations, planning permission will be granted for development that is consistent with the provision of new and improved leisure and cultural facilities, adding to the existing high quality restaurant and leisure offer, and preserving and enhancing the significance of heritage assets.
- 7.5 The recently granted Outline Planning Permission for the Island Site makes provision for up to 3,455sq.m of Class A3/A4/A5 uses within the total quantum of floorspace allowed. The principle of accommodating such uses within the site has therefore already been reviewed and accepted. The location of the proposed Pavilion adjacent to the canal and with existing direct connection to the city centre across London Road and onto Station Street is considered to be ideally located for the mixed-use food and drink and Class D2 events/functions space building being proposed, occupying a prominent position at the London Road edge of the Island Site whilst also being independent and complementary to other existing neighbouring properties and uses, including Virgin Active gym, and the Premier Inn

and Jury's Inn hotels. It is therefore considered that the proposed Pavilion uses accord with Policy 5 of the ACS and Policy RE5 of the LAPP.

- 7.6 Whilst the proposed Bandstand building is modest in size and is intended to complement and enclose the Plaza public realm opposite to the north elevation of the Pavilion building to accommodate, the proposal is for this building and space to host public events and live music and performances from its stage area. Environmental Health are reviewing the potential for noise nuisance associated to the use of Bandstand, Plaza public realm, and roof terrace to the Pavilion building and it is anticipated that restrictive conditions will be recommended in the interests of the amenity of nearby premises including the Premier Inn and Jury's Inn hotels. It is noted that many of the activities taking place are likely to be 'regulated entertainment' and therefore subject to controls under the Licensing Act 2003. An update on this will be provided to Committee in order to ensure that the proposals accord with LAPP Policies SH6 and IN2.

Issue (ii) the design of the proposed development in terms of its height, massing, layout and appearance is appropriate to the area in relation to the area and the setting of adjacent listed buildings, including the Turnover Bridge and Low Level Station buildings (Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP)

- 7.7 The scale of the proposed Pavilion building is modest at three storeys with the exception of the tower staircore element. This is a significantly lower building than that previously envisaged by the indicative masterplan included with the outline planning application for the development of the larger Island Site (18/01354/POUT), which has suggested a taller bookend to the London Road end of the site to reflect a further tall bookend onto Manvers Street. The proposed building is therefore also within the regulatory parameters for maximum development height and mass that were assessed within the Environmental Statement that accompanied that outline planning application.
- 7.8 The submitted planning application provides reasoning for the change in strategy as being confirmation of the exact location of the trunk sewer that crosses the site; a greater allowance of the key view of St. Mary's Church from Lady Bay Bridge; and on-going status of discussions with Virgin Active in relation to the development of that part of the site included within the Outline Planning Permission that is within that company's ownership and which remains an aspiration for coordinated future development.
- 7.9 In recognising that the massing of the proposed development does not respect the original masterplan, the Design Panel have concluded that this was not necessarily a criticism and also supported space being opened up next to the canal where the illustrative masterplan did not make the most of that connection. Therefore, in terms of the relationship to the granted Outline Planning Permission, including the approved parameters for development and illustrative masterplan provided, it is considered that the proposed development has a neutral or positive impact in relation to the coordinated future redevelopment of the Island Site.
- 7.10 The height of the Pavilion building would be approximately 15m from the canal path level to the roof terrace level and approximately 24m from the canal path level to the top of the tower element, with both height measurements being lower when measured from the Plaza public realm level and therefore also confirming the modest scale of the building. The design of the building is however considered to

be of the highest architectural quality and a valuable benchmark for the design quality and detail of future buildings.

- 7.11 The Pavilion building will be highly visible from multiple viewpoints and particularly from London Road and the canal basin and the building has been orientated and designed to capture this prominence. Its appearance and detailing has also deliberately drawn upon local points of reference and has used these to a contemporary and imaginative result. A thorough site analysis has placed emphasis on the former industrial identity of the site and interpretation of its remaining heritage assets including the Turnover Bridge, Low Level Station and remnants of other former railway architecture and the elevational strategy for the Pavilion and Bandstand has drawn directly from this industrial history as well as links to further buildings throughout the city.
- 7.12 This is particularly evident in the repeated use of arched openings across each elevation and to a hierarchy with larger arches expressing strength to the base of the building and taller, visually lighter, arches to the upper floor. Both series of arches are then separated by a ribbon window across the middle floor, providing an architectural contrast as well as panoramic outward views. The tallest and largest arch is reserved as vertical emphasis to the staircore tower, including arches within arches, and adding to its prominence in key views.
- 7.13 The materiality of the Pavilion also references the history of the site through the use of a red brick base and staircore tower, whilst oxidised metal cladding (as used at the recent Confetti building on Lower Parliament Street) provides a complementary contemporary finish to the upper floors.
- 7.14 Detailing across the elevations is also of consistently high quality and contributes to the conclusion that the design of the proposed Pavilion building will make a positive contribution to the appearance of the area, whilst also having regard to the setting of the adjacent listed buildings.
- 7.15 The proposed Bandstand building is a small but important building to the layout and future use of the development and Plaza area. This building has been designed for flexible use, including performances and screenings, but is also intended to contribute to the space when not in use through the backlighting of its lattice panels, which would be visible from London Road and the canal.
- 7.16 Its design is presented as both a contemporary interpretation of a traditional bandstand as well as drawing direct reference from railway architecture through an inverted roof borrowed from the design of a railway platform canopy, with arches to the elevations also echoing those of the proposed Pavilion.
- 7.17 It is considered that the proposed Bandstand building is an appropriate and complementary building to the design of the proposed development and area.
- 7.18 The proposed Plaza public realm is intended as an active space that is to be regularly used in association with the use of the proposed buildings. It is also intended as the first phase of an extended larger space to be used in association with a future larger phase of development, which is currently advised to include a proposed hotel. The layout and design of the proposed Plaza has therefore been influenced by the intended use of the space as well as defining a difference in character to a future neighbouring space.

- 7.19 Priority is provided to pedestrians within this space and with seating being incorporated into perimeter planter structures. Tree and shrub planting is also integrated into the design, with a combination of species to provide year round colour, interest, and biodiversity. Discussion with the Biodiversity Officer is on-going at the time of completing this report and will be updated to Committee, to accord with ACS Policy 17 and LAPP Policy EN6.
- 7.20 The proposed extension of the canal towpath and valuable pedestrian and cycle link that will be provided on the perimeter of the layout, allows for separation from the active use of the Plaza space, whilst also being to an appropriate gradient for all users. An alternative direct stepped access is also provided from the Plaza space to the canal edge.
- 7.21 It is, therefore, considered that the height, massing, layout and appearance of the proposed development is appropriate to the city centre and its local context in accordance with Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP

Issue (iii) the impact of the proposed alterations upon the special architectural or historic interest of the Turnover Bridge listed building and the setting of adjacent listed buildings (ACS Policy 11 and LAPP Policy HE1)

- 7.22 This application proposes alterations to the grade II listed Turnover Bridge and removal of the tall blue brick retaining wall of the former railway bridge crossing over the canal to construct the Pavilion building. The Pavilion building will have a close physical relationship with the canal and the Turnover Bridge, improving access to the towpath and acting as a pedestrian and cycle gateway to the wider Island site. In this context it is considered that there are clear public benefits associated with the development, which will deliver new uses for what has been a long-standing vacant brownfield site on the edge of the city centre.
- 7.23 The most significant historic fabric of the listed bridge are its stone walls, which date from the late 18th century and its mid-19th century expansion. These stone walls are to remain unaltered as part of the proposed alterations. The later blue brick retaining wall which currently follows the curve of the eastern turnover ramp would be demolished and is proposed to be replaced with a new, lower wall of etched concrete telling the story of the canal's history and topped with a metal railings to match those used on the bridge. In addition the steps and ramp surfaces are to be renewed with natural materials to complement the structure of the bridge.
- 7.24 The blue brick wall to be demolished is a well-engineered structure constructed from a good quality natural materials. However, it is relatively late construction and is now a redundant feature. As such it is felt that the wider public benefits of the development and the need to improve the links between the Island site and the canal basin would justify the impact of its demolition. In terms of detailed design it will be necessary to ensure that the replacement wall complements the historic character and appearance of the Turnover Bridge. Officers share the concern from Nottingham Civic Society that the use of concrete finish will not produce a suitably high quality result, also with the potential for it to degrade and/or be affected by vandalism/graffiti. The applicant has therefore been advised to revise this element of their proposals with either reinstatement in a matching blue brick, or a natural stone alternative that would complement the bridge stonework. The proposed railings are to match the design of the existing bridge railings and this is supported subject to the use of pier features to provide a more robust visual appearance. The

opportunity for visual interpretation of the canal's history is otherwise welcomed at an appropriate alternative position within the development.

- 7.25 Paragraph 196 of the NPPF states that local authorities need to weigh the harm caused to designated heritage assets against the public benefits of the proposal, including securing an asset's optimal viable use. It is considered that the Heritage Statement and accompanying application details provide a clear analysis of the heritage issues. The proposed buildings and associated alterations are considered to be appropriate to the context of the Turnover Bridge and Low Level Station Grade II listed buildings. Subject to receipt of satisfactory revised details of the proposed replacement wall to the eastern turnover ramp, it is considered that any harm caused to the significance of the Turnover Bridge heritage asset would be 'less than substantial' and that the significant public benefits substantially outweigh the heritage impacts of the proposed alterations. On this basis and subject to appropriate conditions, it is considered that the proposed development accords with Policy 11 of the ACS and Policy HE1 of the LAPP.

Other Matters (ACS Policy 11 and Policies CC3, HE1, HE2 and TR1 of the LAPP)

- 7.26 Highways have no objections to the above proposals subject to conditions relating to the provision of cycle parking in accordance with Policy TR1 of the LAPP. The provision of a step free fully accessible pedestrian and cycle route along the extended canal towpath is of significant benefit to the proposed development, links to future development within the Island Site, and public access/connectivity in this part of the city centre in general. The support of Pedals to this element of the proposed development is noted and welcomed. Good management throughout the construction programme is expected to minimise any temporary closure of the Turnover steps.
- 7.27 The lower ground floor level of the Pavilion building has been set at the flood risk level previously determined by the Outline Planning Permission, which creates the 1.5m raised plinth adjacent to the canal towpath. Whilst the Environment Agency have confirmed that the finished floor level of the proposed development is considered acceptable, they have also advised that proposed ground lowering across the application site will impact on future flood risk within the site and upon neighbouring developments. Therefore, the Environment Agency object to the proposed development until a revised Flood Risk Assessment is submitted to address these concerns. The applicant has been made aware of this issue and is to respond. Whilst an update on this issue will be provided to Committee, it is currently recommended that this matter be delegated to the Director of Planning and Regeneration for resolution subject to the satisfaction of the Environment Agency and therefore in accordance with Policy CC3 of the LAPP.
- 7.28 The City Archaeologist is satisfied with the Archaeological Impact Assessment submitted with the application and has recommended an archaeological watching brief be required as a condition of planning permission in accordance with the recommended approach to archaeology within Policy 11 of the ACS and Policies HE1 and HE2 of the LAPP.
- 7.29 It is noted that the applicant has recently corrected the Certificate of Ownership submitted with the application, arising from a review of their land titles. It is advised that the affected land owner has been notified, with a statutory period of 21 days required to be provided for that owner to make any comment on the application.

8. Sustainability (ACS Policy 1 and LAPP Policies CC1, CC2 and CC3)

8.1 The site is sustainably located as part of the city centre. No car parking is being proposed and improved pedestrian and cycle connections are to be provided and are to be improved further as the regeneration of the larger Island Site advances. A wide range of individual sustainable measures are to be incorporated within the proposed development including:

- Connection to District Heating
- Fabric first, high-performance façade
- Carbon emissions reduction of 32% over Part L of the Building Regulations
- Air source heat pumps for heating and cooling
- Natural ventilation when climate allows
- Integrated shading strategies
- Rainwater harvesting for toilet flush
- High efficiency fixtures and fittings
- Sustainable Urban Drainage systems integrated: terrace raingardens and attenuation tanks within the Pavilion Plaza
- Comprehensive waste management strategy for reuse and recycling of materials

8.2 It is advised that the proposed development will achieve a minimum of BREEAM 'Very Good' with further effort being made in order to achieve 'Excellent'. On this basis, it is considered that the proposed development would accord with Policy 1 of the ACS and Policies CC1, CC2 and CC3 of the LAPP.

9 Section 106 (LAPP Policies IN4 and EE4)

9.1 A range of S106 planning obligations were negotiated and concluded in association with the recently granted Outline Planning Permission for the redevelopment of the larger Island Site, including financial contributions towards highways improvements, open space improvements, future education provision, affordable housing, and local employment and training opportunities. The amount of these individual contributions were then to be determined by the scale and content of individual phases of development.

9.2 Whilst this application is for full planning permission rather than for reserved matters following the grant of the outline planning permission, the applicant has indicated their intention to follow the terms of the previously agreed S106.

9.3 The relatively modest scale of the proposed development (1782m²) and mix of food and drink/leisure uses would not have otherwise required the full range of contributions to be made under the previously agreed S106. The applicant has however proposed that the first and second instalments (£100,000 and £950,000 respectively) of the Highways Contribution due under the previously agreed S106 agreement be included in a new S106 planning obligation linked to this proposed development. It is intended that this combined financial contribution of £1,050,000 be used towards alterations to improve the pedestrian crossing from Station Street across London Road and parallel discussions are already underway with Highways to take this highway improvement project forward in association with the timescale for the completion of the proposed development. It is therefore considered that the highways contribution would be in accordance with Policy IN4 of the LAPP.

9.4 It is estimated that the proposed development will deliver approximately 88 full-time equivalent construction jobs during the construction period and approximately 120

full-time equivalent new operational jobs within the hospitality sector. The applicant has indicated that they will work with the Council's Employment and Skills team in relation to these future local job opportunities, with a financial contribution in accordance with Policy EE4 of the LAPP. This contribution is in the process of being finalised and will be updated to Committee.

- 9.5 The proposed obligations accord with planning policy and are therefore reasonable, meeting the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

10 Financial Implications (LAPP Policies IN4 and EE4)

- 10.1 A financial contribution of £1,050,000 to be used towards alterations to improve the pedestrian crossing from Station Street across London Road in accordance Policy IN4 of the LAPP
- 10.2 A financial contribution in accordance with Policy EE4 of the LAPP to be updated to Committee.

11 Legal Implications

- 11.1 The issues raised in this report are primarily ones of planning judgement. However, the Committee in exercise of its planning functions should note the general statutory duty regarding listed buildings as stated in 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Listed Buildings Duty

- 11.2 As the development affects a number of listed buildings or their settings the Committee must have special regard to the desirability, in the exercise of its planning functions, to preserving such buildings or their setting or any features of special architectural or historical interest which they possess. The Committee in making its decision on the planning application must have regard to 'the overarching duty' imposed by s 66 (1) which requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings, including Grade II. It is common ground that preserving in this context means doing no harm. However, the duty does not create a bar to the granting of planning permission and an irrebuttable presumption is not created. The NPPF makes clear that harm which is less than substantial can be outweighed by material considerations, when balancing the advantages of the proposed development against any such harm.
- 11.3 Local planning authorities are under an identical duty by virtue of s.16(2) Planning (Listed Buildings and Conservation Areas) Act 1990 when determining applications for listed building consent, as is the case here.
- 11.4 Should legal considerations arise these will be addressed at the meeting.

12 Equality and Diversity Implications

The provision of DDA compliant accessible buildings.

13 Risk Management Issues

None.

14 Strategic Priorities

Ensuring that all planning and development decisions take account of environmental and sustainability considerations. Ensuring Nottingham's workforce is skilled.

15 Crime and Disorder Act implications

Improved surveillance and community safety.

16 Value for money

None.

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

1. Application No: 20/01527/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QE0GP9LYK2800>

2. Historic England, 21.8.20

4. Nottingham Civic Society, 23.8.20

5. Design Review Panel, 14.5.20

6. Drainage, 18.8.20

7. Highways, 2.9.20

8. Environmental Health, XXXXXX

9. City Archaeologist, 3.8.20

10. Biodiversity, 28.8.20

11. Pedals, 26.8.20

12. Canal & River Trust, XXXXXX

13. Environment Agency, 9.9.20

14. Member of the public, 24.8.20

15. Member of the public, 27.8.20

17 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

NPPF (2019)

Contact Officer:

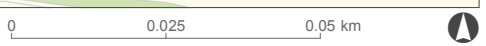
Mr Jim Rae, Case Officer, Development Management.

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

NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 20/01527/PFUL3 (PP-08855923)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk

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

AXIS David Jones
Camellia House
76 Water Lane
Wilmslow
SK9 5BB
England

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

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

Application No: 20/01527/PFUL3 (PP-08855923)
Application by: Conygar Nottingham Ltd Mr Chris Ware
Location: Island Business Centre, City Link, Nottingham
Proposal: Mixed-use commercial development comprising enabling works (demolition and earthworks), retail (Classes A3/A4/A5), assembly and leisure (Class D2) uses, access modifications, utility infrastructure and drainage, new areas of public realm/landscaping and alterations to the listed Turnover Bridge (Phase 1A of the Island Quarter development).

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

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

DRAFT ONLY
Not for issue

2. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall as a minimum include details of measures to minimise the risks of adverse impacts upon groundwater associated with contamination of the site and water quality in the Nottingham Canal. Thereafter, the CEMP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants and minimises the risks of adverse water quality affecting the Nottingham Canal in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

3. Prior to the commencement of development, details of any piling or other foundation designs using penetrative methods shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate how any identified risk to groundwater will be mitigated and shall also demonstrate how the effects of noise and vibration on surrounding occupiers will be minimised. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

4. No development shall take place within 20m of the Nottingham & Beeston Canal until a Method Statement detailing the design and method of construction of the foundations of any building to be constructed within this area, together with any other proposed earthmoving and excavation works required in connection with its construction; the methodology for altering existing ground levels and removing any existing retaining structures adjacent to the canal and the design and means of construction of any new retaining or other structures adjacent to the canal, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures, such as vibration monitoring, to ensure that the risk of imposing unacceptable additional loads or otherwise adversely affecting the stability of the adjacent Nottingham & Beeston Canal wash wall is appropriately minimised. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

Reason In the interests of avoiding the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent Nottingham & Beeston Canal in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the National Planning Policy Framework and in the National Planning Practice Guidance.

5. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the CTMP shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

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

DRAFT ONLY

Not for issue

6. Prior to the commencement of development, a Noise and Dust Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be implemented in accordance with the approved Noise and Dust Management Plan.

Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

7. No development shall commence until a programme of archaeological works involving the minimum of an archaeological watching brief has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy HE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

8. Prior to the commencement of above ground development a large scale sample panel of all proposed materials to be used on the external elevations of the approved development shall be constructed on site and shall be reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials shall also be submitted to and approved in writing by the Local Planning Authority before above ground development commences and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

9. Prior to the commencement of the fitting out of the approved Class A3/A4/A5 uses, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the premises shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that occupants and neighbouring properties to the development do not experience odour nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

10. Prior to the commencement of above ground development, details of the proposed external lighting scheme shall be submitted to and approved by the Local Planning Authority. The approved development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure that the external public spaces of the approved development are appropriately lit having regard to public safety as well as ensuring that lighting levels that maintain the adjacent Nottingham Canal as a dark area that is attractive to foraging bats in accordance with Policies DE2 and EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

DRAFT ONLY

Not for issue

11. Prior to the commencement of above-ground development, a scheme for the installation and subsequent operation of closed-circuit television cameras (CCTV) has been submitted to and approved by the Local Planning Authority. The submitted scheme shall include the location and number of CCTV units to be installed, type of equipment to be used, programme for implementation, and details of the arrangements for the monitoring of cameras. The CCTV scheme shall thereafter be installed in accordance with the approved details before the approved development is first occupied.

Reason: In order to ensure that the development integrates with existing CCTV schemes in Nottingham City Centre and provides an appropriate level of security for users of the development in accordance with Policy 10 of the Aligned Core Strategies (2014).

12. Prior to the commencement of above-ground development a landscaping scheme (hard and soft materials, including surfacing and means of enclosure), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme unless varied with the prior written consent of the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategies (2014) and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

Pre-occupation conditions

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

13. The approved development shall not be first occupied until the following has been submitted to and be approved in writing by the Local Planning Authority:

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

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

Monitoring and maintenance, including monitoring of the longer-term effectiveness of the approved Remediation Strategy, shall be undertaken in accordance with the Verification Plan. No construction work, landscaping or other activity shall be undertaken which may compromise the remediation measures implemented to deal with ground and groundwater contamination and to protect human health.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

DRAFT ONLY

Not for issue

14. The approved Class A3/A4/A5 uses shall not be first operated until verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance for that premises has been implemented and is fully operational has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that occupants and neighbouring properties to the development do not experience odour nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

15. Prior to first occupation of the approved development, details of a scheme for the on-going management and maintenance of the elements of highway and public realm that are included within the proposals (including surfacing, landscaping, lighting, and signage) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme unless varied with the prior written consent of the Local Planning Authority.

Reason: In order to ensure that appropriate measures are put in place for the on-going management and maintenance of these spaces in the interests of the amenity of occupants and users of the development in accordance with Policies 5 and 10 of the Aligned Core Strategies (2014).

16. The approved uses shall not be first operated unless in association with the full implementation of the approved step-free pedestrian and cycle link onto the existing canal towpath on the eastern side of the Nottingham Canal, and in accordance with an implementation programme to be submitted to and approved by the Local Planning Authority. The approved implementation programme shall not be varied unless with the further written consent of the Local Planning Authority.

Reason: In order to ensure the provision of improved cycle connectivity along this boundary of the application site and connections to the City's strategic cycle network in accordance with Policy 14 of the Aligned Core Strategy (2014).

17. Prior to first occupation of the development, verification that the measures in the approved Sustainability and Energy Strategy by Elementa Consulting dated July 2020 have been implemented and are fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In order to ensure that these measures are incorporated into the approved development, in the interests of the sustainable development of the site and in accordance with Policy 1 of the Aligned Core Strategies and Policy CC3 of the of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

18. The approved development shall not be first occupied until a Flood Response Plan has been submitted to and approved by the Local Planning Authority. The submitted plan shall demonstrate how flood resistance and resilience mitigation measures are to be implemented to protect against the residual fluvial and pluvial risk. The approved Flood Response Plan shall thereafter be operated in accordance with the approved details.

Reason: To ensure that the development against the risk of flooding in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

19. No part of the development hereby permitted shall be first brought into use until provision has been made within the application site for a minimum of 36 cycle parking spaces in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

DRAFT ONLY

Not for issue

Reason: To ensure the appropriate provision of these facilities within the approved development and in accordance with Policy 10 of the Aligned Core Strategy (2014) and Appendix 1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

Regulatory/ongoing conditions

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

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

21. Notwithstanding the submitted details, no mooring pontoons or floating reed beds shall be installed within the Nottingham & Beeston Canal until a scheme of works detailing their design, appearance, location and means of installation has first been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of the arrangements for the long-term maintenance, management and operation of the mooring pontoons to be installed. The pontoons and reed beds shall thereafter only be installed and operated in accordance with the approved scheme of works.

Reason To ensure that any mooring pontoons and floating reed beds are appropriately installed and operated in the interests of maintaining navigational safety on the Nottingham & Beeston Canal.

22. No mooring pontoons shall be installed within the Nottingham & Beeston Canal until a scheme of works for undertaking dredging of the canal to facilitate their installation and operation has first been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall include any measures required to minimise adverse impacts on the local ecology supported by the canal. All required dredging operations shall only be undertaken in accordance with the approved scheme of works and shall be completed before any pontoons are installed in the canal.

Reason: To ensure that all dredging operations required to facilitate installation of mooring pontoons in the canal are appropriately undertaken in the interests of minimising the risk of adverse impacts on the ecological value and interest of the Nottingham & Beeston Canal and of maintaining navigational safety on the canal.

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

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategies (2014) and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

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Not for issue

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 3 September 2020.

Reason: To determine the scope of this permission.

Informatives

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

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

3. Prior to occupation of the consented development it will be necessary to amend the existing Traffic Regulation Order on The Great Northern Close to take account of the increased vehicular activity that the proposed development will generate. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that contact is made at the earliest opportunity to allow time for the process to be completed; please contact Highways Network Management on 0115 876 5293 to instigate the process. For TRO advice and further information, the applicant is advised to contact Scott Harrison on 0115 876 5245.

4. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 876 5238. All costs shall be borne by the applicant.

5. Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 876 5293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

6. The alterations to The Great Northern Close highway layout will result in new sections of highway being created. In order for the new sections highway to become adopted and maintained by Nottingham City Council as Local Highway Authority the developer will need to enter into a legal Agreement with the Authority under Section 38 of the Highways Act of 1980. A Section 38 agreement can take some time to complete therefore it is recommended that the developer make contact with the Highway Authority as early as possible. At this stage developers will be asked to provide the Local Highway Authority with full technical details for the construction of the highway and the appropriate fees. At the time approval is given to the technical details, the developers are invited to enter into a Section 38 Agreement. Please contact Highways Network Management on 0115 876 5293 in the first instance.

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Not for issue

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7. The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

8. Drawing no. 2997-DR-1002 indicates that part of the entrance canopy to the pavilion building extends over the adopted highway of The Great Northern Close. This overhang would require the applicant to enter into a section 177 licence. Please contact Chris Capewell on 0115 876 5277 to discuss further.

9. Part of the lower ground floor wall to the Pavilion will be a retaining wall supporting The Great Northern Close and the proposed levels indicate that this will be up to 2.87m high. As for any retaining wall in proximity of highway, this will need to be constructed in accordance with details to be approved by the highway authority prior to construction commencing.

10. Whilst not adopted highway, it is requested that the applicant submits details of the chicane barriers being used to slow cyclists on the cycle path to the rear of the bandstand to ensure that they are suitable for disabled users, large mobility scooters, prams and double buggies.

11. The applicant/developer is advised that the application site includes land owned by the Canal & River Trust and therefore Trust consent will be required for all works on or over Trust land, including any oversailing of the adjacent Nottingham and Beeston Canal. Please contact the Trust's Infrastructure and Services Team to ensure that all necessary consents can be obtained and that all works comply with the Trust's Code of Practice for Works Affecting the Canal & River Trust. Please contact Keith Boswell, Works Engineer, at keith.boswell@canalrivertrust.org.uk or on 07979 304603 for advice in the first instance.

12. Contaminated Land, Ground Gas & Groundwater

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

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

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

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.

The purpose of the withdrawal of Permitted Development Rights is to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or

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other gas and to ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers. For residential properties this prohibition shall include the erection of a garage, shed, conservatory or porch or similar structure.

13. Construction & Demolition

Proposed Method of Demolition

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

Noise Control: Hours of Work and Equipment

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

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

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

Equipment

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

Dust/Grit and Other Fugitive Emissions

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

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

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

14. Control of Odour & Provision of Adequate Ventilation

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

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with

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manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

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

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

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

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

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

Adequate Ventilation

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

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

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

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

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

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

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RIGHTS OF APPEAL

Application No: 20/01527/PFUL3 (PP-08855923)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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Not for issue

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My Ref: 20/01528/LLIS1 (PP-08855923)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk

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

AXIS David Jones
Camellia House
76 Water Lane
Wilmslow
SK9 5BB
England

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
APPLICATION FOR LISTED BUILDING CONSENT**

Application No: 20/01528/LLIS1 (PP-08855923)
Application by: Conygar Nottingham Ltd Mr Chris Ware
Location: Island Business Centre, City Link, Nottingham
Proposal: Alterations to the listed Turnover Bridge in association with mixed-use commercial development comprising enabling works (demolition and earthworks), retail (Classes A3/A4/A5), assembly and leisure (Class D2) uses, access modifications, utility infrastructure and drainage, and new areas of public realm/landscaping (Phase 1A of the Island Quarter).

Nottingham City Council as Local Planning Authority hereby **GRANTS LISTED BUILDING CONSENT** to the above application subject to the following conditions:-

Time limit
1. The works hereby authorised shall be begun before the expiration of three years from the date of this consent. <i>Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

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2. The approved alterations to the eastern turnover ramp of the Turnover Bridge shall not be commenced until a detailed design for those works, including all proposed material finishes, coursing, copings and railings have been submitted to and approved by the Local Planning Authority. The alterations shall thereafter be carried out in accordance with the approved drawings.

Reason: In order to ensure that the detailed design of the replacement wall will complement the historic character and appearance of the Turnover Bridge and in accordance with Policy HE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

3. Construction of the eastern turnover ramp of the Turnover Bridge shall not be commenced until samples of all proposed material finishes have been submitted to and approved by the Local Planning Authority. The alterations shall thereafter be implemented in accordance with the approved materials.

Reason: In order to ensure that the detailed design of the replacement wall will complement the historic character and appearance of the Turnover Bridge and in accordance with Policy HE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

Pre-occupation conditions

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

There are no conditions in this section.

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 works 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 3 September 2020.

Reason: To determine the scope of this permission.

Informatives

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

2. This consent is valid only for the purposes of the Planning (Listed Building and Conservation Areas) 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 consent is not a planning permission nor an approval under the Building Regulations.

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

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Not for issue

RIGHTS OF APPEAL

Application No: 20/01528/LLIS1 (PP-08855923)

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

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

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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.

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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.

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

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Wards Affected: St Anns

Item No:

**Planning Committee
23rd September 2020**

Report of Director of Planning and Regeneration

IQ Nottingham, 143 Lower Parliament Street

1 Summary

Application No: 20/01095/PFUL3 for planning permission

Application by: Mr Christopher Waumsley on behalf of IQ Property Partnership

Proposal: Partial demolition and new extensions onto Gedling Street, Boston Street and to oval element onto Lower Parliament Street to provide additional purpose built student accommodation, amenity spaces, and flexible retail units (Use Classes A1/A3/A4/D2).

The application is brought to Committee because it is a major application for a prominent site with important design and heritage considerations, and it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should be determined by 27th October 2020

2 Recommendations

2.1 To **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

- (i) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report;
- (ii) prior completion of an agreement to secure a Section 106 planning obligation to secure the following:
 - (a) an off-site Open Space contribution of £81,345;
 - (b) local employment and training benefits including opportunities in the construction and operational phases of development together with payment of a financial contribution towards employment and training;
 - (c) a student management plan and restrictions on keeping private vehicles

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

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

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

3 Background

- 3.1 The application site is an existing large scale student accommodation building that is located on Lower Parliament Street and occupies almost the entire block between Gedling Street, Boston Street and Brook Street. Its entrance is off Lower Parliament Street, which is part of a tall oval extension to the building granted planning permission in 2004. There are single storey elements to the building onto Gedling Street and Boston Street, that are notable for their wave roof form and which provide ground floor retail units with generous frontages onto Gedling Street and servicing accesses off Boston Street. To the south-east are the Sneinton Market single storey avenue buildings that are occupied by a range of small independent retail and business uses. To the south-west and opposite on Lower Parliament Street is the Ice Arena and retail/business uses at the junction of Hockley and Lower Parliament Street. To the north-west across Boston Street is the former NCC Housing Aid building and Hockley Point student accommodation buildings, and to the north-east and forming the corner of the block on Gedling Street/Brook Street is a three storey building with a ground floor café use.
- 3.2 The application building is adjacent to the Sneinton Market Conservation Area, which has boundaries along the centre of Gedling Street and part of Brook Street. It is also within the defined boundary of the Creative Quarter (LAPP) and is individually identified as an Independent Retail Cluster (LAPP), continuing the run of independents from Carlton Street/Goose Gate/Hockley.

4 Details of the proposal

- 4.1 The application proposes the demolition of the existing single storey wave roof form elements of the building onto Gedling Street and Boston Street, and their replacement with new three storey extensions onto both streets. The proposed Gedling Street extension would provide 615m² ground floor flexible retail floorspace and student accommodation in the two storeys above. The proposed Boston Street extension would provide student accommodation on all three floors. An internal ground floor flexible amenity space would be provided for student residents. Servicing, refuse and access to and internal cycle store would be from Gedling Street. A two storey extension for further student accommodation is also proposed on top of the tall oval element onto Lower Parliament Street.
- 4.2 It is advised that there would be a total of 372 student bedrooms within the extended building, with 16 bedrooms being removed as part of the proposed development and a net gain of 85 bedrooms over the existing level of provision.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

Notification letters have been sent to 211 individual addresses surrounding the application site. The application has also been advertised by press and site notices.

Saffron Solicitors on behalf of Murat Food Centre: Objection. Client operates a 'Murat Food Centre' supermarket with a remaining lease term of at least 10 years, also being a protected tenancy under the Landlord and Tenant Act 1954. There are

no provisions within the lease which allow the applicant to carry out their proposed development.

38 other responses have been received, objecting to the proposal on the following grounds:

1. The over provision of student accommodation in the area resulting in a 'monoculture community' and with more being planned, dominating the character. University sector will be impacted by the Covid crisis, questioning further need.
2. Imbalanced community will drive out local businesses and make life more dangerous and unpleasant for the permanent population, threatening the viability of schemes which attempt to create a permanent community.
3. Scheme will result in the closure of local and much loved businesses that form part of the character and character of the area and impacting upon the local community.
4. Existing businesses are well housed in the existing high-ceiling commercial space. The proposed replacement significantly reduces the amount of ground level commercial space and active street frontage on Gedling Street.
5. The scale and mass of the proposed development is out of proportion with the low rise nature of Sneinton Market and the surrounding Conservation Area.
6. The loss of the distinctive wave form roofs and the demolition of the Gedling Street frontage will have a significant negative impact on the built environment and character of Sneinton Market.
7. The proposed ground floor accommodation on Boston Street will receive little natural light as the windows are set back under canopies and between piers. Planters proposed between these piers but as these are north facing and will probably become neglected and full of rubbish.
8. Rooms are small and should be made bigger for mental health and well-being.
9. Student common facilities are to be placed in the centre of the ground floor plan with no views or openable windows.

Additional consultation responses received from:

Nadia Whittome MP: Objection. Urge you to reject this application and retain Sneinton Market's identity as a vibrant and diverse community hub. These proposals would not only oversaturate an area that already contains 362 student flats, but would also ignore the cultural and historical significance of Sneinton Market and its surrounding conservation areas. It would result in the loss of small businesses that are well-loved institutions in their own right and would disrupt Sneinton Market as a centre for creatives and independent business that Nottingham City Council has heavily invested in developing. I appeal to you to preserve Sneinton Market as a thriving cultural hub in which we take great pride and pleasure, and Nottingham's reputation as a city that supports emerging talent, small businesses, and creative industries.

Councillor Lee: Objection. It seems as though the plan is to demolish the units below, that currently house a cafe, cultural food shop, clothing shop and some others. All of these are well liked and used by the local community, and visitors. If I'm correct and that is the plan, I'd like to object to the loss of these local amenities.

Councillor Liversage: Objection. The original feature of the old telephone exchange are being demolished removing its historical association with the wholesale fruit market. This will increase the student density in the area that is already oversubscribed with student flats.

Councillor Johnson: Objection to further high rise student flats around Sneinton market.

Victoria Park Residents Association: Objection. The plans have a negative impact on the scale and character of the Conservation Area because of the loss of the original wavy roof to be replaced with a smaller copy attached to a flat fronted block, destroying any connection with the heritage of the building and replacing an interactive and lively frontage with one that is much diminished.

The plans would result in the closure of 3 popular local businesses who would not in all likelihood be able to survive the building period nor thrive in the replacement facilities on offer.

The plans further imbalance the community in an area already overburdened with student accommodation. There are already 362 student rooms on Sneinton Market. Students do not have a sense of belonging or connectedness to the area and the Covid 19 pandemic greatly increases the chances of these extra rooms remaining empty.

Nottingham Civic Society: Objection to the loss of the single storey, wavy-edged buildings fronting both Sneinton Market and Boston Street. Their redevelopment would rob the building of a large part of its character to the detriment of the adjacent Sneinton Market Conservation Area. The canopies were originally designed as a jaunty response to the Wholesale Fruit and Vegetable Market and their removal would be a shame and not justified in terms of the delivery of public benefits for the locality through the development. In addition, the extra storeys proposed on top of the building fronting Lower Parliament Street are unacceptable in their design and massing, increasing the bulk of the existing building whereby it dominates the group of Victorian and early twentieth-century building of character - outliers of the Lace Market in the quality of their streetscape. Furthermore, the rooftop extension gives the impression of an over-scaled plant enclosure which has clearly been added to the building as an afterthought. This scheme should not be supported.

Other consultation responses:

City Archaeologist: No objection. Recommend condition requiring archaeological watching brief for any breaking of ground which takes place beyond the existing ground floor slab.

Drainage: No objection. The applicant has proposed surface water attenuation via sedum green roofing, which is a welcomed feature that will "slow the flow". Recommend condition requiring further details and maintenance regime of this system.

Environmental Health: No objection subject to conditions to require environmental noise assessment and details of sound insulation, and details of a scheme for the ventilation and means of discharging and dispersing fumes.

6 Relevant policies and guidance

Aligned Core Strategies

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change
Policy 5: Nottingham City Centre
Policy 10: Design and Enhancing Local Identity
Policy 11: The Historic Environment

Land and Planning Policies Development Plan Document - Local Plan Part 2

Policy CC1: Sustainable Design and Construction
Policy DE1: Building Design and Use
Policy EE4: Local Employment and Training Opportunities
Policy EN2: Open Space in New Development
Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets
Policy HO5: Locations for Purpose Built Student Accommodation
Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation
Policy IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions
Policy RE3: Creative Quarter
Policy SH5: Independent Retail Clusters

NPPF (2019):

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

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

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

In determining applications that may affect heritage assets, paragraph 189 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 192 of the NPPF then states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

7. Appraisal of proposed development

Main Issues

Whether:

- (i) The extension of use for student accommodation is appropriate to amenity of neighbouring occupiers and the wider area;
- (ii) The proposed development will impact upon the existing Independent Retail Cluster (LAPP Policy SH5);
- (iii) The scale and design of proposed development is appropriate to the character and appearance of the Sneinton Market Conservation Area.

Issue (i) Extension of use for student accommodation and impact upon the amenities of neighbouring occupiers and the wider area. (ACS Policy 5 and LAPP Policies HO5, HO6 and RE3)

- 7.1 The application site is located in the city centre and within convenient walking distance of Nottingham Trent University campus (including Confetti on Lower Parliament Street/Huntingdon Street, Nottingham College's Adams Building), and city centre amenities. It also falls within the Creative Quarter where new housing including student accommodation is supported where this is compatible with and does not prejudice the activities of adjoining uses. Policy 5 of the ACS also supports city centre living initiatives including student housing where appropriate.
- 7.2 Notwithstanding the potential impacts of the Covid 19 pandemic upon the future demand for student accommodation, monitoring reports on the provision of student accommodation have consistently illustrated the need to maintain an on-going supply of additional bedspaces in order to meet increases in the number of students attending further and higher education courses within the city. The strategy to meet this on-going supply has been to focus upon the provision of high quality purpose built accommodation within the city centre and thereby to attract students that could otherwise occupy houses of multiple occupation outside of the city centre.

- 7.3 The proposed development relates to an existing large-scale student accommodation building and there would be a net gain of 85 bedrooms over the existing level of provision (287 bedspaces). Policy HO5 of the LAPP acknowledges that purpose built student accommodation of an appropriate scale and design will be encouraged within the City Centre boundary, subject to accordance with site and area specific policies, including relevant 'Quarter Policies'. Policy RE3 of the LAPP (Creative Quarter) supports new housing provision, including student accommodation and innovative formats as part of mixed use schemes where this is compatible with and does not prejudice the activities of adjoining uses, as well as the provision of an affordable range of premises suitable for newly formed, growing and established businesses.
- 7.4 Policy HO6 of the LAPP states that planning permission will be granted for purpose built student accommodation where this does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities. In assessing the development's impact on local objectives to create or maintain sustainable, inclusive and mixed use communities, regard is to be given to a range of criteria including student concentration, but with exceptions being made for those sites within areas identified in Policy HO5 where new purpose built accommodation is to be encouraged. The application site, being within both the city centre and Creative Quarter, complies with this exception and is therefore considered to be appropriate in principle for further development based on its location. Whilst other criteria form part of the detailed assessment it is therefore considered that the proposed development accords with Policy HO5, HO6 and RE3 of the LAPP.
- 7.5 The nearest residential properties at The Edge on Lower Parliament Street are noted and are not considered to be directly affected by the proposed development, including the relationships of layout, scale and design below.

Issue (ii) Impact of the proposed development upon the existing Independent Retail Cluster (LAPP Policy SH5)

- 7.6 Policy SH5 of the LAPP defines the existing units as an Independent Retail Cluster, where proposals for small scale retail provision will be supported where that complements and does not detract from the existing mix of uses in the immediate area and helps to reinforce the area's positive attributes and individual identity. Development is also expected to incorporate active and attractive street level frontage and create levels of activity that would maintain and enhance the vibrancy and interest of the area. Lastly, development is expected to maximise the potential for the sensitive and sustainable re-use of sites and existing buildings where they make a positive contribution to the character and appearance of the area, whether individually and/or as part of a group.
- 7.7 The value of the existing independent retail cluster to Sneinton Market and the wider area is acknowledged in the LAPP and the local support expressed for the retention of these businesses is fully understood. However, the proposed development includes replacement provision of flexible retail units (Use Classes A1/A3/A4/D2) on the ground floor. Whilst these retail units may be smaller than currently present, Policy SH5 specifically indicates support for small scale independent retail provision. The applicant has also corrected their initial certificate served with the planning application to Certificate B and, in doing so, has recognised the status of existing tenants with more than 7 years left to run on their leases. This status is not prejudiced by a decision on a planning application for redevelopment and is a commercial matter between those tenants and the site

owner. It is therefore considered that, in providing replacement flexible retail units, the proposed development accords with Policy SH5 of the LAPP. A condition is proposed to require that a minimum of three retail units are provided in order to ensure that small scale units are ensured and therefore to maintain the appeal to an independent retailer. A further condition is proposed to remove permitted development change to a Class C3 dwelling, and therefore also to maintain the presence of ground floor retail uses onto Gedling Street.

- 7.8 It should be noted that changes to the Use Classes Order from September 2020 places former A1, A2, A3 and B1 uses into a new Class E. As such, retail use cannot be guaranteed, since other uses such as banks, estate agents, restaurants and offices now fall within the same use class. Whilst the loss of the units to retail use could potentially conflict with Policy SH5 of the LAPP (which was adopted prior to the recent Use Classes Order changes), these new usage rights would also apply to the existing retail units and so the impact of the proposal is judged to be neutral in this regard.

Issue (iii) Scale and design of proposed development and impact on the character and appearance of the Sneinton Market Conservation Area (Policies 10 and 11 of the ACS and Policy DE1 of the LAPP)

- 7.9 The current relationship between the podium style of the application building and the Sneinton Market avenue buildings is considered to be one of a human scale, with the taller mass of the main element of the application building being moderated by the lower wave roof form of the ground floor retail units (and with this form also being echoed on Boston Street). This relationship is therefore sensitive to significant change.
- 7.10 The applicant is also challenged with the constraint that extensions on the frontages to the building could place upon the outlook and amenity of student bedrooms within the lower floors of accommodation of the existing building.
- 7.11 The application proposes three storey extensions to the Gedling Street and Boston Street elevations of the building and, in doing so, is considered to manage the challenges of scale, appearance, and impact within a successful design. Whilst the existing tall floor-to-ceiling height of the ground floor retail units are proposed to be reduced, ground floor retail units are to be maintained and are to be defined at street level with a wave form canopy to replicate the form of the existing roof. Student accommodation is provided in two floors above, with the overall height of the elevation being to match the parapet level of the neighbouring three storey café building at the corner of Gedling Street/Brook Street.
- 7.12 The composition of the elevation to Gedling Street, including the rhythm and hierarchy of fenestration onto Gedling Street is also considered to be appropriate to the overall design and to the character and appearance of the Sneinton Market Conservation Area. Elevation details including a buff brick façade with light stone coloured window surrounds, light stone coloured cill courses to the floor levels, fluted piers to the ground floor, and a fluted cornice band provide this elevation with a light quality of finish that draws reference from the Sneinton Market avenue buildings whilst also being suited to the existing building. The proposed elevation to Boston Street is to be of a similar high quality, with this elevation being differentiated by student accommodation at ground floor level and without a wave form canopy. A rounded corner to Brook Street is included to echo the Gedling Street/Brook Street corner. Ground floor accommodation is also to be recessed to

provide a degree of protection/privacy to rooms at this level, whilst also adding further modelling to the façade. Further discussion with the applicant on the detailed design of this particular element is on-going and will be updated to Committee.

- 7.13 There would be a close relationship between existing bedrooms within the lower floors of accommodation of the existing building and the rear elevations of the proposed three storey extensions to both street frontages. This is substantially addressed through the remodelling of the existing accommodation to provide duplex/mezzanine student bedrooms at the level where outlook and amenity would otherwise be significantly harmed. Whilst this may not be an ideal outcome were a future change to general housing was to be proposed, on balance it is considered that the merits of the application submission outweigh this limitation and that the applicant has made every effort to minimise the impact of the proposed change.
- 7.14 The proposed two storey extension to the tall oval section of the building onto Lower Parliament Street is not considered to raise any significant issues in relation to its scale and design, which is defined in its appearance through the proposed use of metal vertical fins.
- 7.15 Subject to conditions relating to individual details the proposed development is therefore considered to accord with Policies 10 and 11 of the ACS and Policy DE1 of the LAPP.

8. Sustainability (ACS Policy 1 and LAPP Policies CC1, CC2 and CC3)

- 8.1 The site is sustainably located as part of the city centre. A wide range of individual sustainable measures are to be incorporated within the proposed development including:
- Connection to District Heating
 - Carbon emissions reduction of 15.5% over Part L of the Building Regulations
 - Low energy ventilation strategy with heat recovery
 - Variable speed drives on pumps and fans
 - Low energy lamps and good lighting controls (L.E.D lighting)
 - Building management system (BMS) to optimise the building services and maintain internal environmental conditions efficiently
 - Advanced metering strategy
 - Occupancy based heating controls ensuring minimum heating energy wastage
- 8.2 It is advised that the building energy and carbon performance will be in line with the requirements of a BREEAM "Very Good". On this basis, it is considered that the proposed development would accord with Policy 1 of the ACS and Policies CC1, CC2 and CC3 of the LAPP.

9 Section 106 (LAPP Policies HO6, IN4 and EE4)

- 9.1 In accordance with Policy IN4 and The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance it is intended that the Section 106 planning obligation secures a public open space contribution of £81,345 towards open space improvements.
- 9.2 The applicant has indicated that they will work with the Council's Employment and Skills team in relation to these future local construction and operational job

opportunities with a financial contribution in accordance with Policy EE4 of the LAPP. This contribution is being calculated and will be updated to Committee.

- 9.3 A student management plan will be a requirement of the S106 agreement and includes a commitment for an operator to work proactively with the local community, including 24 hour on-site management and community liaison. The applicant's current student management plan is to be reviewed on this basis. Restrictions on keeping private vehicles within the city will also be applied. It is considered that appropriate student management measures will therefore minimise any impact of the student accommodation use on the local community in accordance with Policy HO6 of the LAPP.
- 9.4 The proposed obligations accord with planning policy and are therefore reasonable, meeting the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

10 Financial Implications

- 10.1 A financial contribution of £81,345 in accordance Policy IN4 and The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance.
- 10.2 A financial contribution in accordance with Policy EE4 of the LAPP to be updated to Committee.

11 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.

12 Equality and Diversity Implications

The provision of DDA compliant accessible buildings.

13 Risk Management Issues

None.

14 Strategic Priorities

Encourage purpose built student accommodation in places where it reduces pressure on family housing. Ensuring that all planning and development decisions take account of environmental and sustainability considerations. Ensuring Nottingham's workforce is skilled.

15 Crime and Disorder Act implications

Improved surveillance and community safety.

16 Value for money

None.

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

1. Application No: 20/01095/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QBEER2LY01B00>

2. City Archaeologist, 28.6.20 & 6.7.20

3. Drainage, 14.7.20

4. Environmental Health, 16.7.20

5. Nadia Whittome MP, 3.7.20

6. Councillor Lee, 29.6.20

7. Councillor Liversage, 29.6.20

8. Councillor Johnson, 1.7.20

9. Victoria Park Residents Association, 23.7.20

10. Nottingham Civic Society, 22.7.20

11. 38 Citizen responses received between 27.6.20 & 10.8.20

18 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance (2019)

NPPF (2019)

Contact Officer:


Mr Jim Rae, Case Officer, Development Management.

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

NOMAD printed map



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Key
 City Boundary

Description
 No description provided

My Ref: 20/01095/PFUL3

Your Ref:

Contact: Mr Jim Rae

Email: development.management@nottinghamcity.gov.uk

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

Mr Christopher Waumsley
Cumberland Court
80 Mount Street
Nottingham
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Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

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

Application No: 20/01095/PFUL3
Application by: IQ Property Partnership
Location: IQ Nottingham, 143 Lower Parliament Street, Nottingham
Proposal: Partial demolition and new extensions onto Gedling Street, Boston Street and to oval element onto Lower Parliament Street to provide additional purpose built student accommodation, amenity spaces, and flexible retail units (Use Classes A1/A3/A4/D2).

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

Time limit

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

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

Pre-commencement conditions

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

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

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

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Not for issue

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

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

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB LAmx(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

Reason: To ensure that the residential occupiers and neighbouring properties to the development do not experience noise nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

4. No development shall commence until large-scale elevation and section drawings (e.g. scale 1:20/1:10) of the detailed design of the approved extensions of have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with the design principles and details included within the approved Design & Access Statement (TP Bennett 22.05.2020) and Chapter 7.0 Appearance in particular. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure that the detailed design of the approved extensions are consistent with the high quality of the development and in accordance with Policy 10 of the Adopted Core Strategy 2014 and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

5. No above ground development shall commence until a large scale sample panel of all proposed materials to be used on the external elevations of the approved development has been constructed on site and has been reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials shall also be submitted to and approved in writing by the Local Planning Authority before any above ground development commences and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policies DE1 and HE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 and Policies 10 and 11 of the Aligned Core Strategy.

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Not for issue

6. No development involving the breaking of ground beyond the existing ground floor slab shall take place unless a programme of archaeological works involving the minimum of an archaeological watching brief has first been submitted to and approved in writing by the Local Planning Authority. The development works shall thereafter be carried out in accordance with the recommendations of the approved submission.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy HE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

7. Other than the partial demolitions, no development shall commence until further details of the sedum green roofing system proposed to be used to mitigate surface water run-off rates (including a maintenance regime), have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

In the interests of ensuring the appropriate management of surface water and to minimise the risk of surface water flooding events affecting the development and area in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

8. No above ground development shall commence until a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the approved Class A3/A4/D2 uses has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the residential occupiers and neighbouring properties to the development do not experience odour nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

Pre-occupation conditions

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

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

Reason: To ensure that the residential occupiers and neighbouring properties to the development do not experience noise nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

10. Prior to first occupation of any Class A3/A4/D2 uses, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance associated with these uses has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that the residential occupiers and neighbouring properties to the development do not experience odour nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

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

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

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

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

Regulatory/ongoing conditions

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

13. A minimum of three retail units shall be provided for use within the approved Use Classes A1/A3/A4/D2 and shall thereafter remain available for use within the scope of these Use Classes unless otherwise approved with the further written consent of the Local Planning Authority.

Reason : In order to ensure that small scale retail units are provided and therefore to maintain the appeal to an independent retailer in accordance with Policy SH5 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

14. The ground floor retail uses onto Gedling Street shall not be converted to Class C3 dwelling(s) under Class M of The Town and Country Planning (General Permitted Development) (England) Order 2015, unless with the further written consent of the Local Planning Authority.

Reason: In order to maintain the presence of ground floor retail uses onto Gedling Street and in accordance with Policy SH5 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

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 28 July 2020.

Reason: To determine the scope of this permission.

Informatives

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

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions

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contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. Environmental Noise Assessment

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

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

4. Control of Odour & Provision of Adequate Ventilation

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

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

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

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

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

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

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

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking

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account of factors such as the cooking arrangements taking place and the need to replace extracted air.

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

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

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

5. Highways

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

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

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

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

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

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RIGHTS OF APPEAL

Application No: 20/01095/PFUL3

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

DRAFT ONLY
Not for issue

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Wards Affected: Basford

Item No:

**Planning Committee
23rd September 2020**

Report of Director of Planning and Regeneration

High School Sports Ground , Hucknall Road

1 Summary

Application No: 20/01279/PFUL3 for planning permission

Application by: Gaskell Building Surveyor on behalf of Nottingham High School

Proposal: Construction of 3 permeable asphalt netball courts including a fence enclosure.

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation, and at the request of a Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 1st September 2020

2 Recommendations

- 2.1 To **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report.
- 2.2 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 located at the northern edge of the High School Sports Ground, adjacent to Tring Vale and its junction with Desford Close and forms part of the much larger playing fields area between Hucknall Road and Valley Road. The application site area is currently grassed but has not been marked out for any particular sports pitch use. The existing playing fields are marked out for football, rugby and cricket playing pitches.
- 3.2 Residential properties with front gardens on Tring Vale overlook the playing fields from a slightly elevated position. There is a hit and miss timber fence to the boundary of the playing fields with Tring Vale and a line of pollarded trees along this boundary on the playing fields side.
- 3.3 A planning application was submitted in December 2015 for the "creation of hockey pitches with associated fencing" (15/03161/PFUL3). This application had been held in abeyance but was formally withdrawn on 21 July 2020.

4 Details of the proposal

The application proposes the construction of three permeable asphalt netball courts, which would be sited adjacent to the existing cricket nets and would be orientated perpendicular to Tring Vale. A 3m high paladin mesh fence is also proposed to enclose the netball courts area. Ground levels are to be maintained as existing.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

2 - 36(e) Tring Vale.

34 resident responses have been received, objecting to the proposal on the following grounds:

1. Proximity to residential properties on Tring Vale.
2. Impact on outlook and visual impact of proposed fence.
3. Noise nuisance from use, including shouts and whistles. Particular impact on key worker/shift workers sleep and residents with anxiety issues.
4. Increased traffic/parking on neighbouring roads.
5. Impact on flooding/flood levels.
6. Future floodlighting.
7. Hours of use including extended use through hosting of tournaments and renting out of courts.
8. Use of courts for other sports
9. Loss of green space.
10. Should be relocated adjacent to Hucknall Road.
11. Littering by visitors/spectators
12. Poor communication by High School.

Additional consultation letters sent to:

Councillor Woodings: Objection. Lack of consideration for neighbours and community, locating a noisy new facility in a location that causes maximum disruption to local residents, especially those who live across the narrow road that is Tring Vale. This field is vast and there are other locations on the field that would be less disruptive. To allow a noisy game with piercing whistles blowing and players shouting, a mere 9 metres away from homes, would make sleep impossible. Question for how long during the day/evening/weekend will this facility be used. Urge the Planning Committee to turn down this application, but if they do agree it, a limitation on times and days of usage would be essential and I would ask for this to be limited to Monday to Friday 9am to 6pm and at no other times.

No information or images have been provided about the visual impact of the fences to family homes.

Parking at this site is insufficient now, parents of visiting teams are rarely from Nottingham, therefore do not use public transport. Intensifying the use of the playing field site will further exacerbate this problem which has the effect of reducing air quality.

The planning application incorrectly states that the new development will propose no additional flood risk. These courts are to be surrounded by 3 metre high fencing supported by poles, each of which presumably will be set in a huge quantity concrete in a Flood Zone 2 area reducing the capacity of the playing field to retain flood water and rainwater.

Environmental Health: No objection.

Highways: No objection. Do not consider that the proposed development will be detrimental to the public highway. There is an existing on site car park and the majority of surrounding streets have Traffic Regulation Orders to control any displaced parking that may arise.

Drainage: No objection. Details regarding the soakaway design should be submitted e.g. size, supporting calculations, infiltration results etc. The applicant will also need to confirm the maintenance regime for the soakaways and confirm who will undertake the maintenance.

Environment Agency: No objection. The proposed pitches are located fully within Flood Zone 2 and therefore national flood risk standing advice can be applied to this application by the LPA. There are no other environmental constraints associated with the site.

Sport England: No objection subject to a condition requiring a community use agreement for community/club cricket access. Sport England is concerned that the proposal results in the loss of playing field area and limited justification has been provided as to how the proposal meets the requirements of NPPF para 97 and the policies of Sport England. Evidence of aerial photographs shows that this area is used, is part of the usable playing field area and has indeed been marked out with pitches. Because the submission advises that area is not used there is no assessment to show how the addition of the hard court area will impact on existing pitch use. There is concern from the England and Wales Cricket Board regarding the reduction of boundary to the second cricket pitch and risk of ball strike without suitable mitigation. Notwithstanding the above Sport England considers that the main issue identified in the Nottingham City Playing Pitch Strategy is the lack of cricket capacity. Access to this site for community/club cricket could meet an identified objective/priority of the Nottingham City Playing Pitch Strategy and would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of part of the playing field. We would therefore be prepared to support the application subject to a condition which secure community access. However, if the Council decides not to attach the above condition, Sport England would wish to raise an objection to this application.

6 Relevant policies and guidance

Aligned Core Strategies (ACS) – Local Plan Part 1 (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 10: Design and Enhancing Local Identity

Land and Planning Policies (LAPP) – Local Plan Part 2 (2020)

Policy CC3: Water

Policy DE1: Building Design and Use

Policy EN1: Development of Open Space

Policy EN3: Playing Fields and Sports Grounds

Policy IN2: Land Contamination, Instability and Pollution

Policy TR1: Parking and Travel Planning

7. Appraisal of proposed development

Main Issues

Whether the development will:

- (i) Increase the risk of flooding elsewhere
- (ii) Impact on the quality of open space and sports provision
- (iii) Prejudice the amenity of adjacent residential properties and the surrounding area

Issue (i) Increase the risk of flooding elsewhere

- 7.1 Existing site levels are to be maintained. The Environment Agency have no objection, confirming that the application site is located fully within Flood Zone 2 and refer to national flood risk standing advice. The Drainage team have no objection and have requested further details that are able to be determined through planning conditions. It is therefore considered that the proposed development accords with Policy 1 of the ACS and Policy CC3 of the LAPP.

Issue (ii) Impact on the quality of open space and sports provision

- 7.2 The application site is identified to form part of the designated Open Space Network within the city. Policy EN1 seeks to protect open space from development where these open spaces make a major contribution to the visual character and image of Nottingham, provide for a range of recreation needs and are important for their landscape value and nature conservation interest. The application proposes to supplement the existing range of sports pitches with three permeable asphalt netball courts. Whilst these are not grassed pitches, the proposed development is for other types of sports or recreational provision associated with the existing use of the Open Space and the primary recreational purpose of the sports fields would therefore be unaffected by this moderate change. It is also considered that the moderate loss of the grassed area included would not impact on the landscape character or wildlife value of the area. The proposed development is therefore considered to accord with policy EN1 of the LAPP.
- 7.3 Policy EN3 of the LAPP seeks to safeguard existing playing fields and sports grounds. The proposed development will maintain and supplement the existing sports provision on the site. Sport England have also responded to confirm that they have no objection, subject to a condition requiring a community use agreement for community/club cricket access to this site, which is being raised with the applicant. The proposed development is therefore considered to accord with Policy EN3 of the LAPP.

Issue (iii) Prejudice to the amenity of adjacent residential occupants and the surrounding area (Policy 10 of the ACS and Policies DE1, IN2 and TR1 of the LAPP)

- 7.4 There has been a significant number of objections to the proposed development from adjacent residential occupants and from residents of the surrounding area. Councillor Woodings has also objected on behalf of local residents.
- 7.5 Whilst a number of these responses refer to issues regarding the applicant's wider operation of the sports field and impact upon local residents, with many references being made to traffic and inconsiderate parking, the determination of this application must be focussed on an assessment of the impacts arising from the specifics of the development that is proposed.
- 7.6 The application site forms part of the larger sports field with recreational sports being the existing established use of the whole site. Whilst the application is for the construction of 3 permanent permeable asphalt courts, it is noted that the application site could be marked out and used as sports pitches under the existing established use. Proximity and noise associated with the proposed netball activities to Tring Vale must therefore be balanced with the potential use by other sports without the need for planning permission. Environmental Health have no objections to the proposed development and it is therefore considered that a refusal of planning permission based on the potential for increased noise nuisance would not be able to be sustained in accordance with Policy IN2 of the LAPP.
- 7.7 In relation to resident concerns regarding the potential for future floodlighting, it is advised that planning permission would be required for column floodlighting. Any future temporary floodlighting of the netball courts may also be mitigated by the recommended planning condition prohibiting the use such equipment where the sports pitches are otherwise naturally limited to use during daylight hours. The subsequent hours of use of the netball courts would also therefore be naturally limited in the same way.
- 7.8 The proximity of the proposed netball courts to properties on Tring Vale is noted and can be regarded as having a similar relationship as the existing cricket practice nets that are also located along the boundary with Tring Vale. The proposed netball courts would be approximately 2.5m lower level than Tring Vale and are separated from the front elevations of properties on Tring Vale by the site trees and timber boundary fence, the highway, and front gardens to the properties. Whilst the proposed fence enclosure around the perimeter of the netball courts would be visible from these properties, the 'paladin' style of mesh construction of the fence would also make it substantially transparent from this distance (approximately 25m). The proposed development is therefore considered to accord with Policy 10 of the ACS and Policy DE1 of the LAPP.
- 7.9 The potential for increased traffic/parking on neighbouring roads has been reviewed by Highways who have no objection to the proposed development. It is also advised that a residents parking scheme has been introduced along the northern edge of the carriageway, with a single yellow regulation remaining in place along the southern edge of the carriageway. Therefore, it is not considered that there would be significant adverse highway impacts arising from the proposed development in accordance with Policy TR1 of the LAPP.

7.10 Whilst resident comments also refer to the potential for relocation of the proposed development adjacent to Hucknall Road, this is not the subject of the application. Reference to poor communication by the applicant and littering by visitors/spectators may be disappointing and antisocial but are not matters for consideration in reaching a decision on this application.

8. Sustainability (Policy 1 of the ACS and Policy CC3 of the LAPP)

As 7.1 above, the Environment Agency and Drainage team have no objection and it is considered that the proposed development accords with Policy 1 of the ACS and Policy CC3 of the LAPP.

9 Financial Implications

None.

10 Legal Implications

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

11 Equality and Diversity Implications

None.

12 Risk Management Issues

None.

13 Strategic Priorities

Ensuring that all planning and development decisions take account of environmental and sustainability considerations.

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: 20/01279/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QCGWPQLYFO000>

2. Highways, 10.9.20

3. Drainage, 15.7.20

4. Environment Agency, 14.7.20

5. Pollution Control, 16.7.20

6. 34 Local resident responses received between 19.7.20 & 06.08.20

17 Published documents referred to in compiling this report

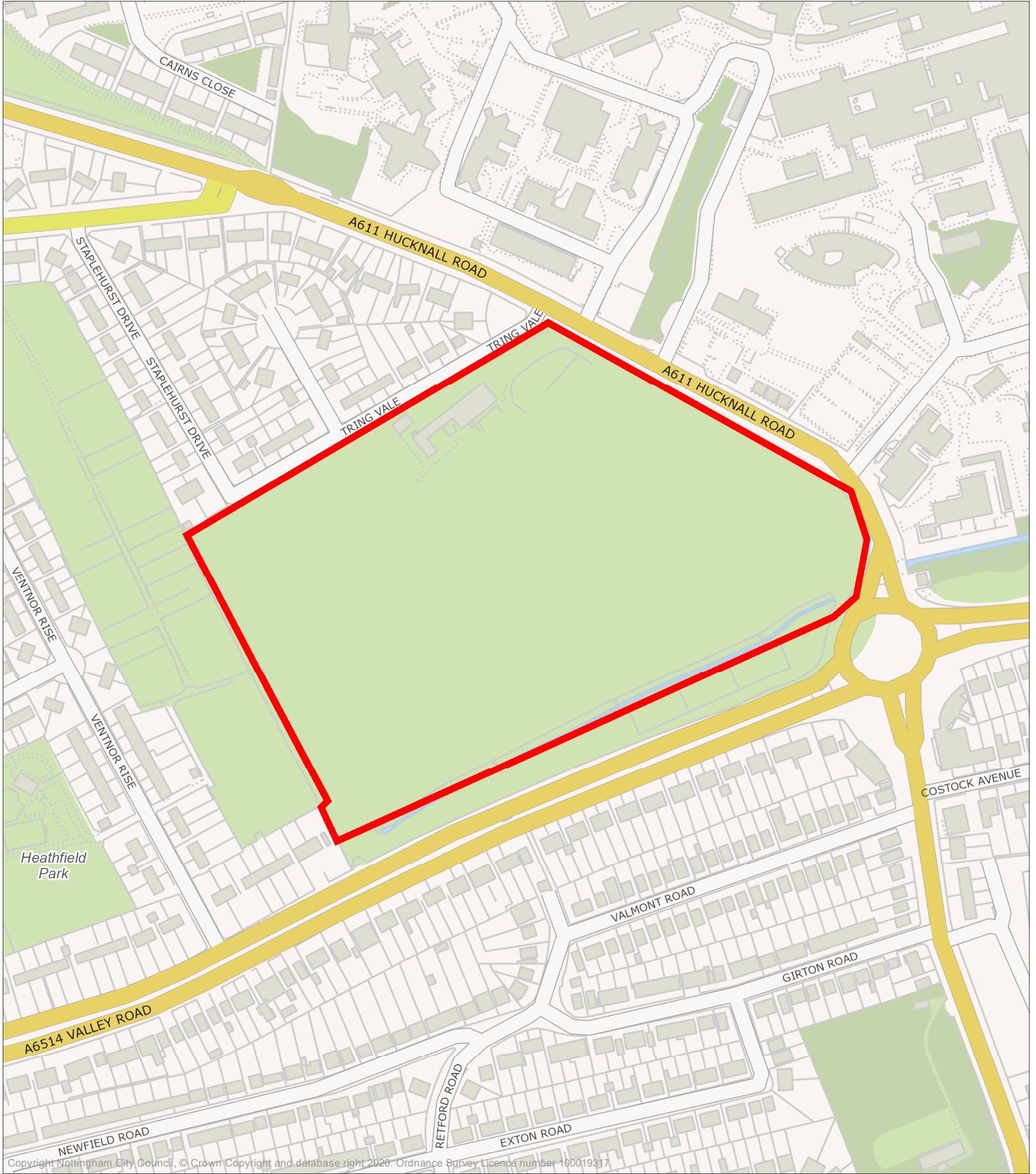
Aligned Core Strategies – Local Plan Part 1 (2014)
Land and Planning Policies – Local Plan Part 2 (2020)
NPPF (2019)

Contact Officer:


Mr Jim Rae, Case Officer, Development Management.

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

NOMAD printed map



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NOMAD print generated by a NOMAD user on 15/09/2020. THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gi@nottinghamcity.gov.uk for high quality maps.

Key
 City Boundary

Description
No description provided

My Ref: 20/01279/PFUL3 (PP-08823028)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk

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

Gaskell Building Surveyor
FAO Mr Simon Rhodes
104 Victoria House
Mansfield Rd
Nottingham
NG1 3HD

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

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

Application No: 20/01279/PFUL3 (PP-08823028)
Application by: Nottingham High School
Location: High School Sports Ground , Hucknall Road, Nottingham
Proposal: Construction of 3 permeable asphalt netball courts including a fence enclosure.

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
<p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p><i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
<p>2. No development shall commence until full details of the soakaway design including size, supporting calculations, infiltration results, and maintenance regime have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented and maintained in accordance with the approved details.</p> <p><i>Reason: In order to ensure the appropriate specification of surface water runoff and to ensure flooding is not increased elsewhere In accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).</i></p>
Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)
There are no conditions in this section.

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Not for issue

Regulatory/ongoing conditions

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

3. The approved netball courts shall not be artificially lit by floodlighting of any kind, including portable floodlights, unless with the written consent of the Local Planning Authority.

In the interests of ensuring that the residential amenity of residential properties on Tring Vale is not affected by any such floodlighting in accordance with Policy 10 of the Aligned Core Strategies (2014) and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

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 7 July 2020.

Reason: To determine the scope of this permission.

Informatives

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

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

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

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

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Not for issue

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RIGHTS OF APPEAL

Application No: 20/01279/PFUL3 (PP-08823028)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

DRAFT ONLY

Not for issue

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Wards Affected: Basford

Item No:

**Planning Committee
23rd September 2020**

Report of Director of Planning and Regeneration

Basford United Football Club, Greenwich Avenue

1 Summary

Application No: 20/01277/PFUL3 for planning permission

Application by: MDA Mr Dave Smith on behalf of Mr Chris Munroe

Proposal: Single storey extension to clubhouse.

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 24th August 2020

2 Recommendations

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

3 Background

Basford United Football Club operate from playing fields to the north east of Greenwich Avenue. The vehicle entrance into the site is off Greenwich Avenue. There are houses to the southeast and southwest and the River Leen and associated recreation areas and walkways to the northeast and northwest. The club site comprises practice pitches, the main pitch enclosed by fencing, stands, changing rooms etc., and in the southwest of the site is parking and a two-storey, residential scale building which is the clubhouse.

4 Details of the proposal

- 4.1 The application proposes the construction of a flat roofed, brick extension to the southeast elevation of the clubhouse. This would extend 6m out from the existing and extend to its full width of 16.4m. The extension would lead to the loss of five parking spaces and fourteen new spaces are proposed to the northeast of the car park, taking up part of a grassed area adjacent to a secondary pitch.
- 4.2 The applicant has noted that the extension is to provide indoor seating for existing users of the facility. The current clubhouse holds 25 people seated and 25

standing; as extended the clubhouse would provide 60 seated and 40 standing. The facility is primarily used for coffee mornings and activities for the elderly and other user groups. The applicant does not expect an increase in the numbers of people attending matches, due to the club's position in the national football pyramid. Current licencing hours are to 10.30pm weekdays and Saturdays and 7pm Sundays and it is not intended to extend these.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

49 – 59 (inc) Greenwich Avenue and 43 – 61 (odds) Skylark Drive. A site notice was also posted at the site entrance

22 resident responses have been received objecting to the proposal and one in support. Also received has been a petition objecting to the proposal containing 74 signatures. Objections are as follows:

1. Increased noise, anti-social behaviour and litter.
2. Increased traffic/parking on neighbouring road particularly on Greenwich Avenue.
3. Decrease in house prices (it is noted by the planning officer that this not a matter for the planning system).
4. There are already sufficient pubs and venues in the area.
5. Loss of green space available to residents.

Additional consultation letters sent to:

Environmental Health: No objection. It is noted that one complaint regarding noise was received in 2017 but unverified.

Highways: No objection.

6 Relevant policies and guidance

Aligned Core Strategies (ACS) – Local Plan Part 1 (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 10: Design and Enhancing Local Identity

Policy 13: Culture, Tourism and Sport

Policy 16: Green Infrastructure, Parks and Open Space

Land and Planning Policies (LAPP) – Local Plan Part 2 (2020)

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy IN2: Land Contamination, Instability and Pollution

Policy TR1: Parking and Travel Planning

Policy LS1: Food and Drink Uses and Licensed Entertainment Venues outside the City Centre

Policy EN1: Development of Open Space

Policy EN3: Playing Fields and Sports Grounds

NPPF (2019):

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

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

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

In determining applications that may affect heritage assets, paragraph 189 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

7. Appraisal of proposed development

Main Issues

- (i) Whether the development will prejudice the amenity of adjacent residential properties and the surrounding area;
- (ii) Design and appearance of the extension;
- (iii) Other matters.

Issue (i) Prejudice to the amenity of adjacent residential occupants and the surrounding area (Policy 10 of the ACS and Policies DE1 and TR1 of the LAPP)

- 7.1 There has been a significant number of objections to the proposed development from adjacent residential occupants and from residents of the surrounding area.
- 7.2 Whilst a number of these responses refer to issues regarding the applicant's wider operation as a football club, with many references being made to noise traffic and inconsiderate parking on match days, the determination of this application must be focussed on an assessment of the impacts arising from the specifics of the development that is proposed. The applicant expects the match day attendance to remain as it is for another five years, this being largely dependent on the club's position in the national football league pyramid. The club currently play in the Northern Premier League Premier Division and the club's average attendance is around 330. The club does not expect this to increase until they reach the national League (involving two promotions).
- 7.3 The application site forms part of the larger sports field with recreational sports being the existing established use of the whole site. Environmental Health have no objections to the proposed development. The provision of an enlarged clubhouse is unlikely to attract additional supporters on match days, nor in itself create more noise and litter, and it is therefore considered that a refusal of planning permission based on the potential for increased noise nuisance would be not able to be sustained in accordance with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.
- 7.4 The club run a number of programmes for the wider community, including youth and veteran's teams, educational affiliations with Trent University and Clarendon College, with classrooms, a gym and IT facilities. The club also holds coffee mornings, bingo, neighbourhood and community meetings. The club intends to use the extended clubhouse for these activities.
- 7.5 The potential for increased traffic/parking on neighbouring roads arising from the extension to the clubhouse has been reviewed by Highways who have no objection to the proposed development. The proposal would add nine spaces to the existing car park. Therefore it is not considered that there would be significant adverse highway impacts arising from the proposed development in accordance with Policy TR1 of the LAPP.

Issue (ii) Design and appearance of the extension (Policy 10 of the ACS and Policy DE1 of the LAPP)

- 7.6 Having regard to the design, scale, location and outlook from the proposed extension, and the relationship with the site boundaries, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. The proposal therefore complies with Policy 10 of the Aligned Core Strategies and Policy DE1 of the LAPP.

Issue (iii) Other matters (Policies 13 and 16 of the ACS and Policies LS1, EN1 and EN3 of the LAPP)

- 7.7 The proposed clubhouse extension is in the car park of the facility and would not have any impact on the green space and the playing fields and recreational facility available to the public. The extension would serve an existing facility, rather than

being an additional food and drink use in the area. The proposal therefore complies with Policies 13 and 16 of the ACS and Policies LS1, EN1 and EN3 of the LAPP.

8. Sustainability (Policy 1 of the ACS and Policy CC1 of the LAPP)

Whilst no specific features have been highlighted in the planning application, the extension would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the Aligned Core Strategies and Policy CC1 of the LAPP.

9 Financial Implications

None.

10 Legal Implications

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

11 Equality and Diversity Implications

None.

12 Risk Management Issues

None.

13 Strategic Priorities

Ensuring that all planning and development decisions take account of environmental and sustainability considerations.

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: 20/01277/PFUL3 - link to online case file:

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

2. Highways, 20.08.20

3. Pollution Control, 11.08.20

4. 24 Local resident responses received between 09.07.20 & 03.08.20

17 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

NPPF (2019)

Contact Officer:


Mr Phil Shaw, Case Officer, Development Management.

Email: Philip.shaw@nottinghamcity.gov.uk Telephone: 0115 8764076

NOMAD printed map



Key

 City Boundary

Description

No description provided

My Ref: 20/01277/PFUL3

Your Ref:

Contact: Mr Phil Shaw

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

MDA Mr Dave Smith
Local Inn
Armstrong Road
Mansfield
Notts
NG19 6JR

Date of decision:

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

Application No: 20/01277/PFUL3
Application by: Mr Chris Munroe
Location: Basford United Football Club, Greenwich Avenue, Nottingham
Proposal: Single storey extension to clubhouse.

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)

There are no conditions in this section.

Pre-occupation conditions

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

2. The extension shall not be occupied until it has been finished in bricks of a colour, size, texture and pattern/bond to match those used in the existing building.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan

3. The extension shall not be occupied until the additional parking spaces shown on the approved plan have been provided, surfaced in a permeable material and marked out.



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Continued...

Reason: In the interests of the living conditions of neighbouring residents in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan

Regulatory/ongoing conditions

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

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 29 June 2020.

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. Highway licences

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

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

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



RIGHTS OF APPEAL

Application No: 20/01277/PFUL3

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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