



Nottingham City Council Planning Committee

Date: Wednesday, 21 July 2021

Time: 2.30 pm

Place: The Ballroom - The Council House, Old Market Square, Nottingham, NG1 2DT

Please see information at the bottom of this agenda front sheet about requirements for ensuring Covid-safety.

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

Director for Legal and Governance

Governance Officer: Phil Wye

Direct Dial: 0115 8764637

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Minutes** 3 - 8
To confirm the minutes of the meeting held on 23 June 2021
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
- a The Nottingham Legend Lower Parliament Street Nottingham NG1 1GD** 9 - 26

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NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at The Ballroom - The Council House, Old Market Square, Nottingham, NG1 2DT on 23 June 2021 from 2.30 pm - 3.13 pm

Membership

Present

Councillor Graham Chapman (Vice Chair)
Councillor Kevin Clarke
Councillor Maria Joannou
Councillor Pavlos Kotsonis
Councillor Toby Neal
Councillor Ethan Radford
Councillor Wendy Smith

Absent

Councillor Michael Edwards
Councillor Angela Kandola
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor AJ Matsiko
Councillor Mohammed Saghir
Councillor Cate Woodward

Colleagues, partners and others in attendance:

Paul Seddon
Rob Percival
Judith Irwin
Lisa Guest

Director of Planning and Regeneration
Area Planning Manager
Senior Solicitor
Principal Officer, Highways Development Management
Governance Officer
Interim Governance Officer

Kate Morris
Emma Powley

9 APOLOGIES FOR ABSENCE

In the absence of Councillor Michael Edwards, the Vice Chair, Councillor Graham Chapman assumed the Chair.

Councillor Leslie Ayoola	Work Commitments
Councillor Michael Edwards	Personal (see minute 10 below)
Councillor Angela Kandola	Council Business
Councillor Gul Khan	Personal
Councillor Sally Longford	Personal (see minute 10 below)
Councillor AJ Matsiko	Personal
Councillor Mohammed Saghir	Council Business
Councillor Cate Woodward	Personal

10 DECLARATIONS OF INTERESTS

None - (Councillors Michael Edwards and Sally Longford having respectively declared interests in relation to agenda item 12, 152 London Road, Nottingham NG2 3BQ at the meeting on 25 May 2021 when consideration of that item was deferred to this meeting (minutes 3 and 5) and both having absented themselves from the meeting on 25 May 2021 during discussion and voting on that item).

11 MINUTES

The Committee confirmed the minutes of the meeting held on 25 May 2021 as a correct record and they were signed by the Chair.

12 152 LONDON ROAD NOTTINGHAM NG2 3BQ

Rob Percival, Area Planning Manager, introduced application number 20/02756/PFUL3 for planning permission by CBP Architects on behalf of C&T Bailey Properties - Erection of nine storey residential development with basement parking with ground floor gym and food and beverage facilities.

The application was brought to Committee because it was a major application on a prominent site where there was important land use and design considerations. In addition it was proposed that the planning obligations typically required by adopted planning policies be waived in this case. To meet the Council's Performance Targets the application should have been determined by 12th April 2021. An extension of time was agreed with the applicant until 30th June 2021.

This application was reported to the 25 May 2021 Planning Committee where members resolved to defer consideration of the application pending resolution of the energy and sustainability measures of the scheme, a review of the traffic management measures and in particular the possibility of making Ryehill Street partially two-way, and for further information regarding the viability of the scheme.

A list of additional information, amendments and changes to the report since the publication of the agenda was included in an update sheet, specifically addressing issues including sustainability, vehicular access and biodiversity.

The following points were discussed:

- a) The site sits between London Road and Meadows Way. Half of the site is occupied by a former petrol filling station that is currently used as a hand car wash, and the other half is cleared land, that used to be a restaurant and a public house;
- b) The application was for a mixed use scheme (including a gym, café, restaurant and 100 apartments) which had been subject to lengthy negotiations;
- c) The application included a basement car park and cycle parking with ground level cycle parking also proposed; service vehicle access and disabled parking would be provided at ground level. The scheme would vary from 3 storeys to 9 stories.
- d) The proposed sustainability measures to be incorporated within the scheme had been amended by the applicant. Key changes were listed as follows:

- i) A commitment to provide an array of photovoltaic panels to the roof area.
 - ii) A fabric first approach is being adopted with higher than Building Regulation standards being achieved
 - iii) Vegetation coverage would be incorporated with plants to the terraces, balconies and external area of the site around the building
 - iv) Betterment on Building Regulations for the commercial units
 - v) A BREEAM pre-assessment had been carried out for the commercial units which indicated that an Excellent rating could be achieved
 - vi) Retractable canopies to be used for those apartments where a risk of overheating had been identified
 - vii) Smoke ventilation system is to double as a “smart stack”, thereby drawing natural air through the apartments and venting at roof level
- e) Concern had been expressed about vehicular access to and from the proposed development site; the applicant’s transport consultants and the Council’s Highways team had reviewed a possible amendment to the vehicular access/egress arrangements for the development. It was noted that an alternative arrangement may be possible and further consideration would be given, but without a commitment that it should be implemented at this stage, delivery of which could not be guaranteed through the planning process alone, with works to the public highway also being subject to a separate consultation and approval process. An additional condition (within the update sheet) was suggested requiring proposed access/egress arrangements to be submitted to the local planning authority for its approval.
- f) Committee members expressed their disappointment that there would be no S106 contributions from the developer. An independent assessor for the Council had determined that the scheme to be unviable and no planning obligation would be sought in this instance.
- g) In response to requested reassurance that the BREEAM rating be ascertained, enforced and checked reference was made to revised condition 10 (within the update sheet) which required approval of both the pre-commencement BREEAM assessment and also verification of measures to achieve the approved BREEAM rating prior to occupation.
- h) In response to a query about the securing of other sustainability measures now proposed, two additional conditions (detailed in the update sheet) were proposed, one of which would require verification of installation of photovoltaic panels.
- i) In response to a query about management and maintenance of the external areas of the building, including the living wall, reference was made to condition 17 in the draft decision notice. The landscaping plan required by that

condition would also include details of foliage types and the upkeep of balcony plants.

- j) The Vice-Chair expressed thanks to the officers for the progress made on the development design and to the developers for their flexibility and commitment to ensuring the development was as sustainable as possible. The valuable contributions made by members of the public, through written submissions, were also recognised.

Resolved:

- 1) **To grant planning permission subject to:**
 - i) **the Director of Planning and Regeneration, in consultation with the Biodiversity Officer, being satisfied that any potential impacts of the development on protected species, can be avoided or mitigated sufficiently by appropriate measures including additional conditions if necessary;**
 - ii) **the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report subject to the revised and additional conditions detailed at 3) below and any further conditions arising from the further ecological survey work.**
- 2) **Power to determine the final details of the conditions of planning permission to be delegated to the Director of Planning and Regeneration.**
- 3) **The following revised and additional conditions were approved:**

Sustainability Measures

Revised condition 10:

Prior to the commencement of development, a BREEAM assessment with regards the non-domestic element of the scheme shall be submitted to and approved in writing by the Local Planning Authority, based upon the targeted pre-assessment rating of Excellent.

Prior to first occupation of the non-domestic element of the development, verification that the measures required to achieve the approved BREEAM rating have been incorporated within the scheme, shall have been submitted to and approved in writing by the Local Planning Authority.

Additional conditions:

- i) **Prior to first occupation of the development, verification that the proposed sustainability measures set out in the 'London Road Nottingham Energy Appraisal & Statement' (ref: 21_03_08_LRN, dated 11.6.2021) have been incorporated within the development,**

shall have been submitted to and approved in writing by the Local Planning Authority.

- ii) Prior to first occupation of the development, verification that the proposed photovoltaic (PV) panels have been installed on the building in accordance with the details set out in the letter from Viridis Building Services Ltd dated 18 June 2021, shall have been submitted to and approved in writing by the Local Planning Authority.**

Vehicular Access/Egress

Additional condition:

Notwithstanding the approved drawings and prior to the commencement of development, details of the proposed vehicular access/egress arrangements to/from the development, including consideration being given to part of Ryehill Street being made two-way, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details, including all necessary off-site works within the public highway, prior to first occupation of the development.

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Wards Affected: Castle

Item No:

**Planning Committee
21st July 2021**

Report of Director for Planning and Regeneration

The Nottingham Legend, Lower Parliament Street

1 Summary

Application No: 21/00192/PFUL3 for planning permission

Application by: Jake Russell on behalf of Punch Pubs & Co

Proposal: Five storey building comprising student studio accommodation (Sui Generis) following demolition of existing public house, with associated external works.

The application is brought to Committee because it is major application for a prominent site and where a significant number of citizen responses have been received.

To meet the Council's Performance Targets this application should be determined by 5th August 2021

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 £41,223;
 - (b) local employment and training benefits including opportunities in the construction phase of development together with payment of a financial contribution of £6,968 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 for 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 on the west side of Lower Parliament Street to the south of the National Ice Centre/Motorpoint Arena and to the north of Carter Gate, which is a low rise residential development of flats and houses between Lower Parliament Street and Bellar Gate. There is an external public staircase to the north between the public house and the Ice Centre that connects Lower Parliament Street with Dean Street and Bellar Gate. Opposite across Lower Parliament Street are the Nottingham City Transport and Barton bus depots.
- 3.2 The application property is a two storey flat roofed building that is in use as a public house. It has external raised beer garden areas to the rear and a servicing access/parking area to the side/south.
- 3.3 The site is located within the LAPP defined City Centre and City Centre Caves Area and there are recorded caves below Carter Gate to the south of the site. There is a District Heating line along Dean Street to the north of the site serving the National Ice Centre/Motorpoint Arena.

4 Details of the proposal

- 4.1 The application proposal is for the redevelopment of the site for purpose-built student studio accommodation building and associated amenity areas over 5 storeys.
- 4.2 A total of 40 studio bedrooms would be provided within the development. There would be a main entrance off Lower Parliament Street leading into ground floor communal amenity spaces, including lounge, kitchen, cinema, and laundry rooms. There would be externally accessed bin and cycle stores. A manager's office room is also provided adjacent to the main entrance. There would be external amenity and landscaped areas provided to the rear of the site. The existing vehicular access to the south of the site would be retained with provision being made for one disabled car parking space and visitor cycle parking.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

1 - 54 Carter Gate Nottingham
Flat Over The Nottingham Legend
Nottingham City Transport Bus Depot Lower Parliament Street
National Ice Centre Lower Parliament Street
211 Lower Parliament Street Nottingham
Trent Barton Manvers Street

The application was originally received and publicity carried out on 8 March 2021. The application has since been revised and publicity issued on two further occasions, on 20 May 2021 and then again on 24 June 2021. A total of 52 objection responses have been received, opposing the proposed development on the following grounds:

1. Loss of a thriving family orientated public house business and community facility that is supported in particular by ice hockey fans throughout the season.
2. Loss of the only public house left in the south eastern corner of the city centre.

3. Query the viability evidence and whether the pub operator has even attempted to sell the pub as a going concern.
4. Loss of jobs and impact upon the local economy.
5. No need for more student accommodation, which is driving away residents
6. Site is particularly unsuitable site for student development next to the existing mixed residential community of Carter Gate.
7. Student noise will be disruptive to local residents
8. Road traffic noise and pollution from vehicles using Lower Parliament Street will impact on student residents.
9. Student use will increase pick up and drop off traffic
10. The building is too tall, will impact upon sunlight and daylight, and will overlook neighbouring properties.
11. The of the building design is poor and fails to demonstrate high-quality architecture
12. The building may affect the sightline of an internet communication microwave link

Councillors Webster and Roberts Objection. We are concerned about the poor design of the building, which will not benefit the local area. We are also concerned about the impact of a high density student accommodation block abutting a mixed residential social housing neighbourhood in our ward at Carter Gate. Several local residents have contacted us to raise their concerns that the proposed building would be too tall and will block light and views from existing residential dwellings at Carter Gate. The current Nottingham Legend building is a low rise building.

There are understandable anxieties about potential anti-social behaviour, especially noise nuisance and pressure on car parking spaces. In particular, we object to the proposed upper floor balcony/terrace as we believe it has the potential to exacerbate noise nuisance and anti-social behaviour that could detrimentally affect the quality of life for residents at Carter Gate, some of whom are elderly.

We would also comment that from the documents we have seen relating to this particular planning application there is no consideration given to, or particular regard shown for, carbon neutrality or energy efficiency or greening of the structure or grounds.

CAMRA (Campaign for Real Ale): Objection. CAMRA rebuts the viability report submitted in support of the application and believes that the Nottingham Legend does have a future as a viable public house if planning permission is refused. Request that NCC requires an independent assessment to be made from an organisation commercially independent of the applicant. NCC should further ask whether or not the Nottingham Legend could be a viable public house in the hands of other more sympathetic owners who understood the importance of the contribution this pub plays in maintaining the social well-being and social interest of the community it serves. NCC should insist that the owners of the Nottingham Legend undertake a meaningful marketing exercise to test whether or not there may be demand for the public house. Its removal without replacement would create a “pub desert” in that part of the city centre.

Nottingham Civic Society: Whilst recognising that the site faces onto a wide and busy road, the fortress-like design and its grim forbidding colour palette would result in a building that fails to create a welcoming residential environment. The windows are too small in an elevation otherwise unembellished with any interest. A materials' palette taking references from the brick facades of the bus depot opposite or the

houses adjacent would be more appropriate. The elevations should also be re-designed so that they make a more positive contribution to their surroundings. In the interests of community safety, the northern elevation should include windows that directly overlook the adjacent flight of steps. The pub occupies an historic site which includes the eastern outlier of the Lace Market Cliff sandstone outcrop. NCS is concerned to ensure that any surviving archaeology on this site should be properly investigated and recorded.

Additional consultation letters sent to:

Policy: The proposal is policy compliant so there are no policy comments.

City Archaeologist: A programme of archaeological works should be required as a condition of planning permission. Initially these works should consist of a) monitoring of geotechnical investigations (including cave probing) to identify the presence of caves and to record the presence of other archaeological remains, followed by; b) trial trenching to investigate areas of archaeological potential based upon the results of the geotechnical investigations.

The archaeological evaluation will determine the character, condition and extent of archaeological remains on the site and form an evidence base to determine what further archaeological work may be required in advance of and/or during groundworks associated with the development.

The site lies within the pre-Norman Conquest burh and the later medieval town, immediately adjacent to an area excavated in the 1970s, where well-preserved remains of early medieval and medieval date were encountered. The site also lies to the immediate west of the projected course of the pre-Norman Conquest and post-Norman Conquest defences.

There is the high potential for caves within the site boundary. Any such caves are subject to the caves policy and requirements set out in the Management of Nottingham's Caves Supplementary Planning Document.

Highways: No objection subject to conditions including construction management and provision of electric vehicle charging point. Overall, this proposal is unlikely to be detrimental to the public highway. The site is sustainably located within the City Centre within walking distance of amenities and a wide range of public transport.

Environmental Health: No objection subject to conditions including environmental noise assessment and implementation of sound insulation scheme (including commercial plant noise) and implementation of the approved air quality scheme.

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

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

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy DE1: Building Design and Use

Policy EE4: Local Employment and Training Opportunities

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

Policy HE2: Caves

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

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.

7. Appraisal of proposed development

Main Issues

- (i) Loss of public house.
- (ii) Student accommodation use and impact upon the amenity of neighbouring occupiers and the wider area.
- (iii) Scale and design.

Issue (i) Loss of public house (LAPP Policy LS4)

- 7.1 The issue of the loss of the public house is raised by a significant number of the responses received, with particular reference being made to the value placed on the premises as both a local community facility as well as being a social meeting point for ice hockey fans in particular. The response of CAMRA is also noted in respect of the loss of the public house as well as their challenge on whether viability has been appropriately and accurately demonstrated in this instance.
- 7.2 LAPP Policy LS4 refers specifically to the potential loss of public houses outside of the City Centre or/or those public houses that have been designated as Assets of Community Value. It does not include public houses within the designated City Centre and the Nottingham Legend has not been designated as an Asset of Community Value. Therefore, and whilst acknowledging the strength of feeling on this point, it is not possible to apply the considerations of Policy LS4 to the assessment of the application proposal. The Policy team also note that the application is policy compliant in this respect.

Issue (ii) Student accommodation use and impact upon the amenity of neighbouring occupiers and the wider area. (ACS Policy 5 and LAPP Policies HO5 and HO6)

- 7.3 The application site is located in the City Centre and within walking distance of Nottingham Trent University campus (including Confetti on Lower Parliament Street/Huntingdon Street), and city centre amenities. Policy 5 of the ACS also supports city centre living initiatives including student housing where appropriate.
- 7.4 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.
- 7.5 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. Whilst the proximity of the family housing at Carter Gate is recognised, the area is not characterised by nor is predominantly family housing based.
- 7.6 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 the City Centre, complies with this exception and is therefore considered to be appropriate in principle for the proposed development based on its location. Whilst other criteria form part of the detailed assessment it is therefore considered that the proposed development accords with Policies HO5 and HO6 of the LAPP.

- 7.7 The position of neighbouring residential properties at Carter Gate are noted. This is a substantially inward focused development that is laid out to minimise the impact of traffic noise and activity on the surrounding streets (Lower Parliament Street/Fisher Gate/Bellar Gate) on residents. The immediate neighbouring properties have primary elevations towards the south and west and therefore face away from the application site and proposed development. There would not be any direct overlooking from the proposed development, with its southern elevation only including corridor windows on an otherwise blank elevation. The position of the proposed development to the north of these properties would also preclude any direct overshadowing of these properties. A previously proposed rooftop terrace for the residents has been deleted in the latest set of revised drawings and, whilst the proposed development retains an external amenity space for the use of residents, it is noted that the public house also provided this space for use by customers. The proximity of the National Ice Centre/Motorpoint Arena must also be noted, with regular large capacity events being expected to resume post-Covid.
- 7.8 Whilst the potential for antisocial behaviour will always exist in student developments, a student management plan as a requirement of the S106 agreement will include a commitment for an operator to work proactively with the local community, including 24 hour contact details and community liaison. Restrictions on keeping private vehicles within the city, with the exception of the one disabled space being provided, will also be applied and has been a proven deterrent to the potential impact of car parking. It is therefore 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.

Issue (iii) Scale and design (ACS Policy 10 and LAPP Policy DE1).

- 7.9 The scale and design of the proposed development has been substantially revised since its initial submission. The proposed building is now arranged over five floors in a regular plan and in a red brick with the exception of a setback top floor in standing seam zinc cladding. The front and rear elevations are presented with better proportions to the fenestration and the overall composition and brick detailing is much improved. The ground floor entrance is also more clearly defined. The north and south side elevations remain substantially blank but with detailing to break up the expanses of brickwork. One corridor window on each level is included on the south elevation to minimise any direct overlooking of the neighbouring Carter Gate properties whilst still allowing daylight/sunlight into central corridors on each floor that are used to access the studio rooms. Additional window openings are included on the northern elevation, providing casual surveillance of the adjacent public staircase to the north.

- 7.10 It is considered that the scale and design of the proposed development is now appropriate to the street scenes of Lower Parliament Street. Whilst being taller than its immediate neighbours, the proposed building does not dominate this context when taking into account the scale of other buildings within the area including the National Ice Centre/Motorpoint Area.
- 7.11 The composition of the principal elevations provides a clear rhythm and hierarchy and is considered to be appropriate to the site and area. Elevation details including a primary red brick façade with recessed fenestration and brick detailing will provide the elevations with a good quality and strength of appearance.
- 7.12 Subject to a condition relating to further details/samples of facing materials the proposed development is therefore considered to accord with Policy 10 of the ACS and Policy DE1 of the LAPP.

Other Matters

- 7.13 The application site is located within the defined City Centre Caves Area and there are recorded caves below Carter Gate to the south of the site. An archaeological assessment has been submitted with the application and has been reviewed by the City Archaeologist, who has recommended that a programme of archaeological works should be required as a condition of planning permission. The high potential for caves to be discovered within the site boundary is also noted and reflects the comments of Nottingham Civic Society on this point. Subject to the recommended condition it is therefore considered that the proposed development accords with LAPP Policy HE2.
- 7.14 One of the responses to consultation has raised the issue of potential interference of the proposed development with the sightline of an existing internet communication microwave link between Fisher Gate and Mapperley. This issue has been raised with the applicant and the revised scheme now demonstrates how this sightline is to be preserved. It is therefore considered that the revised proposed development has appropriately addressed this issue.
- 7.15 The response of Highways is noted and conditions are recommended in relation to construction management and the provision of electric vehicle charging point.
- 7.16 The response of Environmental Health is also noted and conditions are recommended in relation to environmental noise assessment and implementation of sound insulation scheme (including commercial plant noise) and implementation of the approved air quality scheme in accordance with LAPP Policy IN2.

8. Sustainability / Biodiversity

- 8.1 The site is sustainably located as part of the City Centre. A range of individual sustainable measures are also to be incorporated within the proposed development including:
- Passive and active design measures including enhanced building fabric and heating controls.
 - Connection to the District Heating System where this is viable and possible or;
 - Communal air source heat pump to provide heating and hot water.
 - Roof mounted photovoltaics, with coverage being increased across the available roof area as a consequence of the omission of the residents' terrace.

- 100% low energy/LED lighting.
- Low E glass windows and internal blinds to minimise solar gain.

8.2 Whilst the applicant has acknowledged the immediate proximity and potential connection to the District Heating System, it is also advised that there is no capacity within the current system to allow for the connection of new sites. It is therefore more likely that the alternative proposed sustainable measures would be implemented. On this basis, it is considered that the proposed development would accord with Policy 1 of the ACS and Policy CC1 of the LAPP.

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

9.1 In accordance with The Provision of Open Space within New Residential and Commercial Developments Supplementary Guidance an open space contribution of £41,223 towards open space improvements is to be provided in accordance with Policy IN4.

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 of £6,968 in accordance with Policy EE4 of the LAPP.

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 contact details and community liaison. With the exception of the single disabled car parking space, restrictions on student occupants 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 necessary, reasonable, and directly related to the development meeting the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

10 Financial Implications

10.1 A financial contribution of £41,223 in accordance Policy IN4 and The Provision of Open Space within New Residential and Commercial Developments Supplementary Guidance.

10.2 A financial contribution of £6,968 in accordance with Policy EE4 of the LAPP.

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: 21/00192/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QNOOTOLYIG300>

18 Published documents referred to in compiling this report

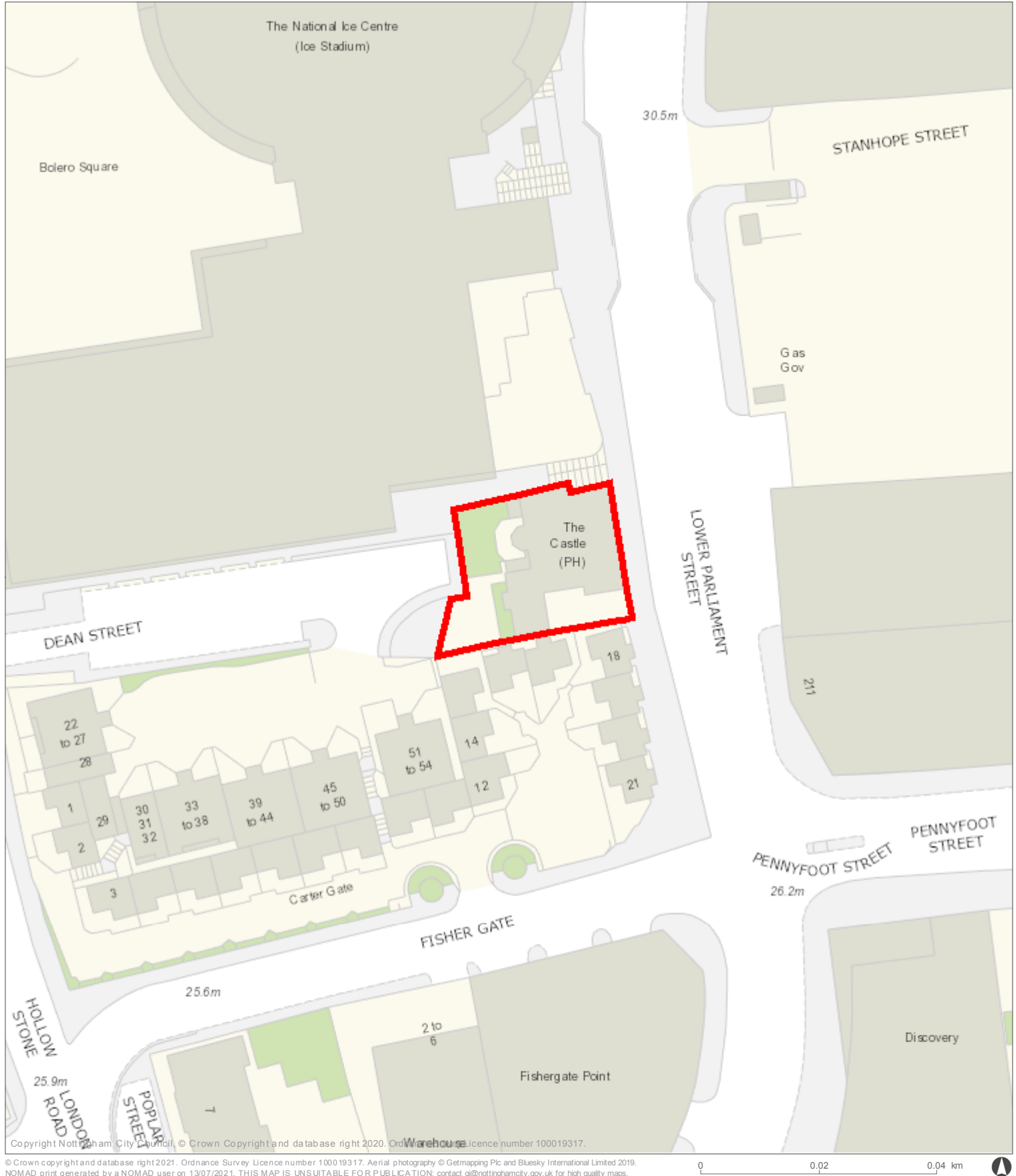
Aligned Core Strategies – Local Plan Part 1 (2014)
Land and Planning Policies – Local Plan Part 2 (2020)
The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance (2019)
NPPF (2019)

Contact Officer:

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NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 21/00192/PFUL3 (PP-09410905)
Your Ref:
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**Nottingham
City Council**

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Date of decision:

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

Application No: 21/00192/PFUL3 (PP-09410905)
Application by: Punch Pubs & Co
Location: The Nottingham Legend , Lower Parliament Street, Nottingham
Proposal: Five storey building comprising student studio accommodation (Sui Generis) following demolition of existing public house, with associated external works. (REVISED DRAWINGS)

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

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



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2. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

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).

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

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

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

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

The sound insulation scheme verification plan shall include details of the post-completion acoustic measurements and other data that will be collected following completion of the development in order to demonstrate that the internal noise levels set out above have been achieved.

The sound insulation scheme and verification plan shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that the residential occupants of 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. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

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

Reason: To ensure that the residential occupants of the development or neighbouring properties 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).

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

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

6. Notwithstanding the materials information included on the approved drawings, no above ground development shall commence until further details/samples of the proposed facing brick, aluminium window frames, and zinc seamed cladding have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

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 (January 2020).

7. No above ground development shall commence until a detailed landscaping scheme for the development indicating the type, height, species and location of proposed planting (trees and shrubs), shall be submitted to and approved by the Local Planning Authority. The submitted scheme shall incorporate opportunities for enhancement of biodiversity, ensuring net gain.

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

Pre-occupation conditions

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

8. The approved development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, with confirmation to be submitted to and approved by the Local Planning Authority.

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

9. Prior to first occupation of the development, a verification report, which shall include the data referred to in the verification plan, to demonstrate that the approved sound insulation scheme and any complementary acoustic ventilation is fully operational and meets the required internal noise levels, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that the residential occupants of 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 (Janu

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

Reason: To ensure that the residential occupants of the development or neighbouring properties do not experience noise nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (Janu

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

Reason: In the interests of the health of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

12. The approved development shall not be first brought into use unless the disabled car parking space being provided as part of the approved development has been equipped with an electric vehicle charging point.

Reason: To enable future occupiers to make green vehicle choices and to comply with paragraph 105 of the National Planning Policy Framework (February 2019)

Regulatory/ongoing conditions

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

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

Reason: To ensure that the appearance of the development will be satisfactory in accordance

with Policy 10 of the Adopted Core Strategy.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 6 May 2021.

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. Air Quality

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

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

4. Environmental Noise Assessment

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

Where noise sources shared a floor / ceiling separation or party wall with the development then a sound insulation test of the relevant separation may be required as well as an assessment of the noise source itself and how it is limited or controlled.

The sound insulation scheme verification plan must include the measurement of the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating, including any plant and equipment which forms part of the development.

The verification report shall confirm that the approved sound insulation scheme has been implemented and shall include;

- The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme



- Example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)
- Photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc
- The approved post-completion acoustic measurements

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.

5. Commercial Noise

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

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

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

6. Construction & Demolition - Noise Control: Hours of Work

The acceptable hours for demolition or construction work (including deliveries to & from the site) are detailed below; -

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

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

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

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

RIGHTS OF APPEAL

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

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms

can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/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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