

Report of Director of Planning and Regeneration

Land West Of Arkwright Street. South Of Crocus Street

1 SUMMARY

- Application No: 19/02663/PFUL3 for planning permission
- Application by: Cassidy Group (Arkwright Street) Limited & Sheriff Way Nottingham Limited
- Proposal: Development of residential apartments and retail space with associated car parking, landscaping, and associated infrastructure.

The application is brought to Committee because it relates to a major development with important design and regeneration considerations, and where the Planning Obligation may include contributions less than required by planning policy.

To meet the Council's Performance Targets this application should have been determined by 20.02.2020, an extension of time has been agreed to 01.07.2020.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

- (a) the conclusion of an assessment on the viability of the proposed development, prior completion of a Section 106 Planning Obligation that may include financial contributions toward Public Open Space, Affordable Housing, Education and Local Employment and Training, the details of which will be provided for the consideration at Planning Committee; and
- (b) conditions substantially in the form of those listed in the draft decision notice at the end of this report.

2.2 Power to determine the final details of the conditions and S106 Planning Obligation 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 at 2 (b) (i) and (ii) above 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 site, located to the south of the City Centre, is currently vacant and bounded to the north by Crocus Street, to the east by Arkwright Street, to the south by Meadows Way and to the west Sheriffs Way/Waterway Street West. There was a

warehouse on the western side of the site known as Victor House which was demolished to facilitate the tram line that now passes along Meadows Way. The site itself is relatively flat, though there is a banked area to Meadows Way and the surrounding land does rise up to the north east towards the railway Station. The existing buildings to the northwest of the site comprise the 19th Century Karlsruhe House, Castle Rock Brewery Buildings, The Vat and Fiddle Public House and the Queens Hotel, though immediately to the north, on the opposite side of Crocus Street, is a metal clad warehouse building. Beyond these buildings to the north is the Unity Square office building currently under construction. To the east is the Crocus Place site which has planning permission for Grade A offices. The southern edge of the site is bounded by Meadows Way and NET Tram line, with 2-3 storey houses of the Meadows opposite and to the south east, a recently constructed 4 storey apartment block.

- 3.2 The site is located within the Canal Quarter and the fringes of the site lie within Flood Zone 2, at medium risk of flooding. To the north east of the site is the Station Conservation Area, its boundary taking in the Queens Hotel. The Station itself is a Grade II * listed building.
- 3.3 Planning permission was previously granted on the site for a mixed residential development of student accommodation (420 beds) and Private Rental Sector (PRS) apartments (149 units), 4-8 storeys in scale. The resolution to grant this application (18/00131/PFUL3) was made by Planning Committee in January 2019. The scheme comprised two buildings that wrapped around the edge of the site, providing an active frontage to all four sides. The student element of the scheme was proposed on the western side of the site and the PRS apartment element to the east. A pedestrian route was proposed between the two buildings, through the centre of a landscaped courtyard at the heart of the site. A commercial unit was also proposed to the ground floor of Arkwright Street. This previous scheme is still capable of being implemented.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission, by a different applicant, is now sought for a wholly PRS apartment scheme comprising 171 x one bedroom units, 121 x two bedroom units and 27 studios, providing a total of 319 units. 32 of the units are designed to accessible and adaptable standards for all. A commercial unit (202 sqm) remains part of the scheme on the Arkwright Street frontage.
- 4.2 The scheme comprises a single building around the edge of the site providing a continuous frontage to the surrounding streets. At its centre would be a car park to the ground floor with landscaped court yard above. The main entrance and communal facilities are accessed off Sheriffs Way/Waterway Street, with other secondary entrances off Arkwright Street and Crocus Street. Access to the car park is from Crocus Street. There is an expanse of public highway to the west of the building bound by Sheriffs Way/Waterway Street and Meadows Way that is proposed to be landscaped as part of the scheme.
- 4.3 97 car parking spaces are proposed within the car park, 5 available for disabled car users and 9 provided with electric vehicle charging points (EVCPs). Three secure cycle storage areas are incorporated into the scheme providing parking for a total of 324 cycles. Three bin storage areas are provided around the car park which would accommodate a total of 52 x 1100 litre bins.

- 4.4 The design of the scheme follows a similar approach to the 2018 scheme insofar as it comprises a perimeter block with the lowest 4 story element fronting Meadows Way, building up to the tallest element at the Sheriffs Way/Crocus Street junction. However, this scheme takes a different strategy to scale and mass by proposing a taller, tower element at the western end of the building, with the remainder of perimeter block having a lower and more consistent scale. The tower is proposed to be 12 storeys, with the lower element rising from 4 to 6 storeys. The previous scheme did not have the tower but larger 7 and 8 storey elements. The current scheme further softens its scale with the entire upper floor (excluding the tower) being treated with a mansard roof, which was not the case with the previous scheme along Crocus Street and approximately half of the Meadows Way frontage. As with the previous scheme, a feature, double storey mansard element fronts Arkwright Street.
- 4.5 In addition to their scale and mass, the two schemes also differ in their architectural style. The previous scheme had a unique appearance with a slightly harder contemporary feel. The current scheme has a more regular fenestration pattern with a greater glazing to solid ratio. The mansard roof feature is used on both schemes but more extensively so on the current one, softening the top of the building. There is also a series of recessed vertical elements that break down the mass of the elevations and help to create a grain to this urban block. Both schemes employ a town house aesthetic to Meadows Way with larger openings on the groundfloor and each unit having its own front door. Compared to the previous scheme, the current proposal has been set back within the site to address the constraint of the overhead power line supports for the tram line, creating a much wider pavement and area to the front of the units that is given over to landscaped front gardens. The principle of groundfloor units with their own front doors is also carried round onto Crocus Street.
- 4.6 The tower on the latest proposal is designed to read as a separate yet adjoining building, with a distinctly different elevational treatment and brick colour.
- 4.7 Deep reveals both within the brickwork and to the windows create depth and a sense of detailing to the building. Curved corners are also a notable design feature, which are carried through to the mansard elements.
- 4.8 The scheme is predominantly to be finished in brickwork, with a distinctly different colour proposed for the tower element. The mansard roof would be finished in a dark grey standing seam cladding system. Stonework is proposed to cap the parapet of the brickwork and elsewhere as an accent material to highlight certain elements of the building.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

72 neighbouring residential properties have been notified of the proposed development. As the proposal is a major development and not far from the boundary of the Station Conservation Area, it has also be publicised through site and press notices. Two representations have been received as a result of this publicity.

Nottingham Civic Society: Nottingham Civic Society objects to the height of the proposed tower fronting Sheriff's Way because it would diminish the relative significance of the Station Clock tower as the dominant focus for the long view from Queen's Walk and Sheriff's Way towards the Grade II* listed Station. The long view from Queen's Walk is recognised by the Adopted City Centre Urban Design Guide, as an important contributor to the character and appearance of the locality and the Station Conservation Area as the setting to the listed Station itself. The tower appears to have been designed to dwarf the distant Station in these key views, compromising the Station's landmark status and reducing its visual dominance to the detriment of both the listed building and the character and appearance of the conservation area, contrary to local plan policy.

Whilst the massing and design of the remainder of the proposed building is appropriate for its urban context, use of more traditionally-coloured red brick in the mix of materials would improve the development's potential integration into its surroundings.

Nottingham Local Access Forum: The underlying theme of the Transport Statement is that existing infrastructure for walking, cycling and vehicular access is fit to accept the development without improvement or modification. Whilst a quantitative assessment might show this to be the case, a qualitative assessment would show otherwise.

Walking and cycling routes to and from the city centre and nearby public transport facilities are impeded by crossings of the inner ring road. In addition, the immediately adjacent signal controlled pedestrian/cycle crossing of Meadows Way does not afford the pedestrian/cycle priority that it might for such a lightly trafficked road. Red pedestrian/cycle signals here seem to hold users unnecessarily, whilst red signals are at the same time holding vehicular traffic, and also when no conflicting road/tram traffic is evident. Plans for the public realm to accommodate the cycle route across the Sheriffs Way frontage of the Unity Square development are yet to be finalised and may be compromised by constraints that the Unity Square development alone cannot address or shoulder. Whilst it might be unreasonable to ask the development proposed under this application to fully address all these issues, consideration should be given to calling for a developer contribution secured under a 106 agreement to further their resolution.

Car parking spaces are proposed in numbers below the maximum level permitted by Nottingham, understandable given the location of the site and good accessibility to other sustainable modes of transport. The developer should however be challenged to justify the level of parking in an effort to see that unused parking spaces are not offered for rent by residential occupiers, as happens elsewhere in similarly located developments in the city. This is positive and will encourage walking and cycling. It's also elsewhere in similarly located developments in the city.

The developer is looking to meet the required standard for cycle parking (which is low compared with standards required in other UK cities) by allocation of space within the residential units. We question the implied assertion that this is a practical proposition, particularly for certain types of cycle - ebikes for instance, which can be very heavy. Some of the space dedicated to car parking could instead be given over to further cycle parking to see that the required standard is properly met, and

that residential occupiers are not put to the inconvenience and impracticality of utilising area within their living spaces for cycle parking.

Through the application process there has also been engagement with the Ward councillors and community representatives from the Meadows, which included a community consultation meeting in February 2020. The scheme was generally well received.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection to the scheme subject to conditions to secure the provision of a Remediation Strategy, Noise Reduction Scheme, a Scheme for Odour reduction (associated with any kitchen facilities) and a restriction on the hours of operation and servicing for the non-domestic unit. These matters can be secured through conditions.

Highways: No objections, though concerns have been raised by the NET team in regards to the impact of the development during construction and once occupied on the tram line. The developer has been liaising with the NET team regarding this. Highways have also requested details of the proposal's impact on the existing street lighting and road signage. These matters can be secured through condition.

Environment Agency: No objection to the scheme subject to a condition requiring the development to be completed in accordance with the submitted Flood Risk Assessment, and conditions securing a remediation strategy and flood resilience measures.

Drainage Team: No objections to the proposed development subject to a condition requiring the development to be completed in accordance with the submitted Flood Risk Assessment, and a condition securing flood resilience measures.

Conservation Officer: The Conservation Officer has been closely involved in discussions relating to the design of the development, and has raised no objections to the scheme.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (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.

Furthermore, Paragraph 200 states that Local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Even though the application site is not adjacent to a listed building or within the Station Conservation Area, the site is close to a number of listed buildings and not far from the southern boundary of the Station Conservation Area. As such consideration needs to be given to section 66 (1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Building Act 1990”).

Section 66 places a duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings including Grade II, however, it does not create a bar to the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring. Additionally, section 72(1) of the Listed Building Act 1990 states that there is a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any building or land in a conservation area.

Aligned Core Strategies (ACS) (2014):

- Policy 1: Climate Change
- Policy 5: Nottingham City Centre
- Policy 8: Housing
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment
- Policy 12: Local Services and Healthy Lifestyles

Policy 14: Managing Travel Demand
Policy 17: Biodiversity
Policy 19: Developer Contributions

Land and Planning Policies (LAPP) (January 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 RE1: Facilitate Regeneration
Policy RE2: Canal Quarter
Policy HO1: Housing Mix
Policy HO3: Affordable Housing
Policy HO4: Specialist and Adaptable Housing
Policy DE1: Building Design and Use
Policy DE2: Context and Place Making
Policy HE1: Proposals affecting designated and non-designated assets
Policy TR1: Parking and Travel Planning
Policy EN2: Open Space in New Development
Policy EN6: Biodiversity
Policy IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions
Site Allocation: SR64

Supplementary Planning Policy Documents:

Station Conservation Area Character Appraisal and Management Plan (April 2008)

This notes that the combination of transport corridors has divided the Conservation Area into a series of relatively large and often impenetrable urban blocks that typify the overall character of the Conservation Area. The appraisal identifies the Station as the principal building in the Conservation Area. It also advises that the Conservation Area offers the potential for higher buildings in the vicinity of the Station subject to a considered analysis on the local context and important views.

Nottingham City Centre Urban Design Guide (May 2009)

Although not a statutory document that is part of the development plan, this guide provides a physical framework and promotes the highest standard of urban design and architecture for the City Centre. The area in which the development falls has been identified as a 'Zone of Reinvention' in the Urban Design Guide. In this area of the City buildings of ground plus 4 are envisaged due to its sensitive location and need to respect longer views adjacent to the Meadows residential area. This design guide also recognises that there may be opportunities for taller buildings outside of the Station Conservation Area and along the Meadows Gateway.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development

- (ii) Building design including impact on Conservation Area and Listed Buildings
- (iii) Impact on neighbours and future occupants
- (iv) Other matters

(i) Principle of the development (Policies 5 and 8 of the ACS, Policies RE1, RE2, HO1, DE1 and SR64 of the LAPP)

- 7.1 The proposal is for the redevelopment of a prominent, derelict and unsightly brownfield site that is located alongside well-used approaches into the City Centre. It falls within an allocated site for development (SR64) and would represent a significant scheme in the continued regeneration of the Canal Quarter, thereby supporting the aims of Policy 5 of the ACS and Policies RE1 and RE2 of the LAPP. The uses proposed fall within those indicated as part of site allocation.
- 7.2 The apartments are of an appropriate size internally and meet or exceed National Space Standards. The proposed mix of 1 and 2 bed units is in keeping with Policy 8 of the ACS and Policy HO1 of the LAPP which encourage the provision of such units within the City Centre. The close proximity of the Station, bus station, multiple on-street bus routes and cycles routes mean the site is incredibly well served by a wide variety of sustainable transport modes, in addition to the City Centre and associated facilities being within close walking distance.
- 7.3 Additionally, the proposed landscaping to the west of the site supports a strategic aim of policy RE2 to exploit opportunities to create and enhance public spaces.
- 7.4 The principle of the development is therefore supported and in accordance with policies 5 and 8 of the ACS and policies DE1, RE1, RE2, HO1 and SR64 of the LAPP.

(ii) Building design including impact on Conservation Area and Listed Buildings (Section 66 and Section 72 of the Listed Building Act 1990, Policies 10 and 11 of the ACS, Policies RE1, RE2, DE1, DE2 and HE1 of the LAPP, the NPPF)

- 7.5 The Nottingham City Centre Urban Design Guide has identified the application site as falling within a 'Zone of Reinvention' where it is expected that a new urban form will emerge, through the introduction of high quality gateway buildings that respect the wider historic context, and in particular views to the southern edge of the City from the Meadows area. With regards to the Station Conservation Area, the site lies approximately 100m from its southern boundary. The site also lies to the east of the important view of the Station from Queens Walk.
- 7.6 With regards to the impact of the proposal on the local heritage context, the crucial aspects for consideration are:
 - (a) Section 66 (1) of the Listed Building Act 1990, and the duty this places on having special regard to the desirability of preserving the setting of a listed building or its setting. In this instance the key listed building would be Nottingham Station;
 - (b) Section 72 of the Listed Building Act 1990 and the duty of preserving or enhancing the character or appearance of a building or land in the Station Conservation Area; and

(c) The level of harm created by the impact of the proposal on local heritage assets.

- 7.7 The NPPF Glossary GPA3 'The setting of a Heritage Asset' states that *"The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 7.8 The setting of Nottingham Station is defined by how the building is appreciated in its local context. Nottingham Station is a relatively low-rise building with a high townscape value created by the architectural flourishes of its Neo-Baroque design and the townscape value of its landmark central clock tower. Its historic setting was created by its association with historic buildings of a similar date and scale within the Station Conservation Area.
- 7.9 The massing of the proposed building, particularly the tower element, has been arranged to protect distant views of the City Centre from the south. The site lies to the right hand side of a key view of the Station along Queens Walk. In spite of the concerns raised by the Civic Society, given the position of the proposed development to the side of this view and its distance from the Station, it has been concluded that the development would not adversely impact on the setting of the Station. Therefore, in relation to the statutory duty of section 66 of the Listed Building Act 1990, it is considered that the setting of the Station would be preserved and that any harm would be less than substantial.
- 7.10 The Station Conservation Area Character Appraisal and Management Plan recognises that whilst the preservation and enhancement of the Conservation Area's historic environment is important, there is an opportunity to promote regeneration and development initiatives. As already indicated above, the site is within a Zone of Reinvention where the proposed development would assist in the repair of a townscape that has a negative impact on the character and appearance of the Conservation Area. The proposal would help to create an urban grain that enhances the character and appearance of the Conservation Area, whilst also respecting key views towards it. The Station Conservation Area Character Appraisal and Management Plan also indicates that the Area offers the potential for higher buildings in the vicinity of the Station, subject to a considered analysis of the local context and important views. This analysis has been undertaken and it concluded that the proposal would not adversely impact upon views into and out of the Station Street Conservation Area.
- 7.11 Overall, it is felt that the redevelopment of this derelict site and the proposed design of the scheme would enhance the character and appearance of the Station Conservation Area. The scheme satisfies the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a building or land in a Conservation Area in accord with section 72 of the Listed Building Act 1990. With regard to the NPPF and policies 11 of the ACS and HE1 of LAPP, the impact of the proposal on the character and appearance of the Conservation Area is considered to be of less than substantial harm.
- 7.12 As the harm caused to local heritage assets is less than substantial, the aforementioned policies require this level of harm to be weighed against the public benefits of the scheme. These policies indicate that if the public benefits of a

scheme clearly outweigh the harm caused, then the proposal is considered to be acceptable.

- 7.13 Policies RE1 and RE2 of the LAPP recognise the strategic importance of the Canal Quarter, with the Station at its heart. The redevelopment of this area is key to inward investment and the economic prosperity of the City, along with the provision of significant housing delivery. Redeveloping this derelict site in close proximity to the Station would therefore greatly assist these aims. The less than substantial harm caused by this development in relation to its impact on the setting of the Station and the Station Conservation Area would therefore be outweighed by the public benefit that the proposal brings in regeneration terms.
- 7.14 Turning to the detailed design of the scheme, the scale and massing has been developed over many iterations with great weight being given to its relationship and impact upon the Meadows residential area. During the life of the application the architectural treatment and internal configuration of the building has been refined further.
- 7.15 The approach taken to scale seeks to address the transition between a higher scale appropriate to the City Centre and Canal Quarter, and the lower domestic scale of the Meadows. This is particularly key on this site with it being one of the closest within the Canal Quarter to the Meadows. At this point Meadows Way, which incorporates the tramline, is a relatively wide street so the proposal for the building to be predominantly 4 storey along this frontage is felt to be appropriate. Where the building steps up on the corners at each end of this frontage, the public highway widens and the distance to the buildings on the southern side of the road increases.
- 7.16 Although the scheme does increase in height around the other edges of the site, it is felt that these frontages are less sensitive in terms of scale and are where, in this Zone of Reinvention, the prevailing scale of future development will be higher. Furthermore, Waterway Street West and Sheriffs Way form part of inner ring road where larger scale development is commensurate with the character and width of this road. Indeed the site marks the end of vistas along Sheriffs Way from the north and Waterway Street from the west.
- 7.17 The perimeter block approach offers active frontages to all four surrounding roads; this is reinforced by the ground floor apartments having direct 'front door' access from the street, the communal entrances at key focal points and the inclusion of a commercial unit on the Arkwright Street frontage. The creation of the landscaped public space to the west of the building also assists in activating the frontage to Sheriffs Way/Waterway Street, as does the main entrance being located off this space. The more generous set back from Meadows Way and larger front gardens to this frontage help to soften the relationship with the housing opposite, but also present the opportunity for greater soft landscaping to the benefit of biodiversity and the streetscene.
- 7.18 The proposed building is considered to be a positive interpretation of the principles established by the previous scheme. The mass is simplified and the tower introduced to create a more striking element on the frontage to Sheriffs Way/Waterway Street. The elevational changes described in the Proposals section, particularly the increased proportion of glazing, the more extensive use of the mansard roof and the depth added to facades of the building, are all felt to be positive changes. The curved corners and design of the entrances to the building,

both communal and individual, are also welcomed. The treatment of the tower as a distinct entity is considered to be successful, reinforced by the change in both elevational treatment and brick colour. It is felt that this would be an attractive addition to the Canal Quarter, yet in a manner that is respectful of context and longer views, as described above.

- 7.19 Movement within the building has been given due consideration to ensure that all residents have ease of access to the communal facilities of the building, such as the lobby, courtyard, cycle stores, car park and bin storage. The landscaped courtyard makes good use of the space above the carpark and would offer private amenity space for the occupants. Some of the apartments facing into the courtyard will have their own small garden areas to its edge.
- 7.20 In conclusion, it has been considered that the scale and massing of the proposed scheme are appropriate to its context and that the design of the building would deliver a high quality development that would significantly enhance the existing townscape. The proposal therefore accords with Sections 66 and 72 of the Listed Building Act 1990, policies 10 and 11 of the ACS, policies RE1, RE2, DE1, DE2 and HE1 of the LAPP, and the relevant sections of the NPPF.

(iii) Impact on neighbours and future occupants (Policies HO4, DE1 and IN2 of the LAPP)

- 7.21 The development is separated from the Meadows residential area by the wide Meadows Way, which also incorporates the tramline. The nearest properties are set approximately 25m to 30m from the southern boundary of the site. As a result of these distances, the height of the development along this southern edge of the site and the fact that it would sit to the north of the adjacent dwellings to the south, it is felt that the development would have an acceptable impact on the residential amenity of nearest residents.
- 7.22 The development has been designed to ensure that it will not cause any internal amenity issues for future residents. Noise and disturbance issues from the NET tramline and the proximity to Meadows Way and Sheriffs Way can be addressed through appropriate noise and vibration assessment, ventilation and sound insulation, all of which can be secured through condition. With appropriate conditions to address these and other matters, Environmental Health have raised no objection.
- 7.23 To ensure that the commercial use fronting onto Arkwright Street does not cause any residential amenity issues it is recommended that this be restricted to A1 (Retail), A2 (Professional Services), A3 (Café) and B1 uses only, or for any communal facilities for the occupants of the development.
- 7.24 The proposed accommodation is of a size that meets the National Space Standards set out in Policy DE1 of the LAPP, and also makes the required provision for accessible and adaptable units required by Policy HO4 of the LAPP.
- 7.25 Overall, therefore, the proposal raises no undue amenity concerns for either neighbouring properties or future occupants of the development, and accords with policies HO4, DE1 and IN2 of the LAPP.

(iv) Other Matters

Highway considerations (Policy 14 of the ACS, Policy TR1 of the LAPP)

- 7.26 Highways have raised no objections to the proposed development. The car park entrance is appropriately located on Crocus street and given the highly sustainable location, 97 parking spaces for 319 units is considered to be an acceptable ratio, 9 of which will have EVCPs. Furthermore, 324 cycle parking spaces are housed in secure and easily accessible facilities. Additionally electric vehicle charging points are also proposed within the car parking area.
- 7.27 Comments from the Nottingham Local Access Forum are noted. They recognise that there is a broader public realm enhancement project associated with the Unity Square project, that is looking at pedestrian and cycle movement along the Sheriff Way frontage. Subject to the outcome of S106 negotiations, should any monies be available for public open space then consideration would be given towards further public realm enhancement within the vicinity of the site, with a focus on pedestrian and cycle movement to and from the City Centre. Regarding car and cycle parking provision, the proposals are within standard and considered to be acceptable. Highways have not suggested that further work is required to the current pedestrian crossing arrangements for Meadows Way, this is a matter that was discussed at the community engagement meeting when the same conclusion was reached.
- 7.28 It is recommended that a construction management plan, together with the other matters requested by Highways, be secured by condition.
- 7.29 The development is in accordance with policy 14 of the Aligned Core Strategy and policy TR1 of the LAPP.

Flood risk (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 7.30 The site lies within Flood Zone 2. The main source of potential flood is from the River Trent and as such, the application has been accompanied by a Flood Risk assessment (FRA). The Environment Agency have assessed this document and raised no objections to the proposal in terms of flood risk. As indicated in the Drainage Team's consultation response, they have recommended conditions to cover details of infiltration rates and surface water drainage management arrangements.
- 7.31 With appropriate conditions the proposal accords with policy 1 of the ACS and policy CC3 of the LAPP.

Waste (Policy 10 of the ACS, Policy DE1 of the LAPP)

- 7.32 The applicant has provided adequate bin storage facilities in locations that are easily accessible for both occupants and bin collection services. The proposal therefore complies with policy 10 of the ACS and policy DE1 of the LAPP in this regard.

Planning obligations (Policies 12 and 19 of the ACS, Policies EN2, IN4, HO3 and EE4 of the LAPP)

- 7.33 A policy compliant S106 planning obligation for the proposed development would be expected to provide the following contributions:

- Affordable Housing - £2,496,000
- Education - £137,736
- Public Open Space - £193,858
- Local Employment and Training - £78,888

7.34 An off-site contribution for affordable housing is sought in this instance because the tenure of development proposed would not lend itself to management by a separate registered social landlord.

7.35 Policy 19 of the ACS and Policy IN4 require consideration to be given to the viability of schemes when determining whether it would be reasonable to require contributions from developments. In line with these latter policies the applicant has submitted a viability appraisal with the application which is being independently reviewed by an assessor appointed by the Council. Discussions are still taking place with the applicant in this regard and an update will be provided in advance of Committee.

8. SUSTAINABILITY / BIODIVERSITY (Policy 1 and 17 of the ACS, Policies EN6, CC1, CC2 and CC3 of the LAPP)

8.1 The scheme is to incorporate high levels of insulation within the building fabric to achieve a 10% reduction in carbon emissions over and above Building Regulations requirements. Photovoltaic panels are to be installed on the roof areas to provide renewable energy for the development, and to reduce energy demand it is proposed use low energy light fittings and natural ventilation for all units, where feasible. Low water usage fittings are also to be used. Electric vehicle charging points are proposed within the car park and cycle storage for 324 spaces is above standard (319 spaces).

8.2 The proposed soft landscaping to the courtyard, Meadows Way frontage and land to the west of the site provide an opportunity to enhance bio-diversity in this part of the City Centre. The applicant has confirmed their intention to use native and adaptive species and also to incorporate bird and bat boxes to support local wildlife.

8.3 Overall the scheme complies with policies 1 and 17 of the ACS and policies EN6, CC1, CC2 and CC3 of the LAPP.

9 FINANCIAL IMPLICATIONS

9.1 As indicated above in relation to the S106 planning obligation, the applicant has submitted a viability appraisal that is currently being independently assessed. This process has the potential for S106 contributions to be reduced or waived, depending on the outcome of the assessment.

10 LEGAL IMPLICATIONS

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 duties regarding conservation areas and listed buildings as stated in sections 72 and 66 of the Listed Building Act 1990.

Conservation Area Duty

The duty under the Listed Building Act 1990 is a general overarching statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance, with respect to any building or land in a conservation area, in exercise of planning functions. The Committee must have regard to this duty in consideration of the application in so far as the Station Conservation Area is concerned, which sits in the area bounded by the Nottingham Canal to the north, London Road to the east, Tinkers Leen and part of Crocus Street to the south, and Carrington Street/Arkwright Street to the west.

Listed Buildings Duty

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 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, even if the harm would be 'less than substantial'. However, the duty does not create a bar to the granting of planning permission and an irrebuttable presumption is not created. It can be outweighed by material considerations powerful enough to do so.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

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

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 19/02663/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1O3IQLYHER00>

17 Published documents referred to in compiling this report

Aligned Core Strategy (September 2014)

Land and Planning Policies Part 2 Local Plan Document (January 2020)

NPPF (2019)

Station Conservation Area Character Appraisal and Management Plan (April 2008)

Nottingham City Centre Urban Design Guide (May 2009)

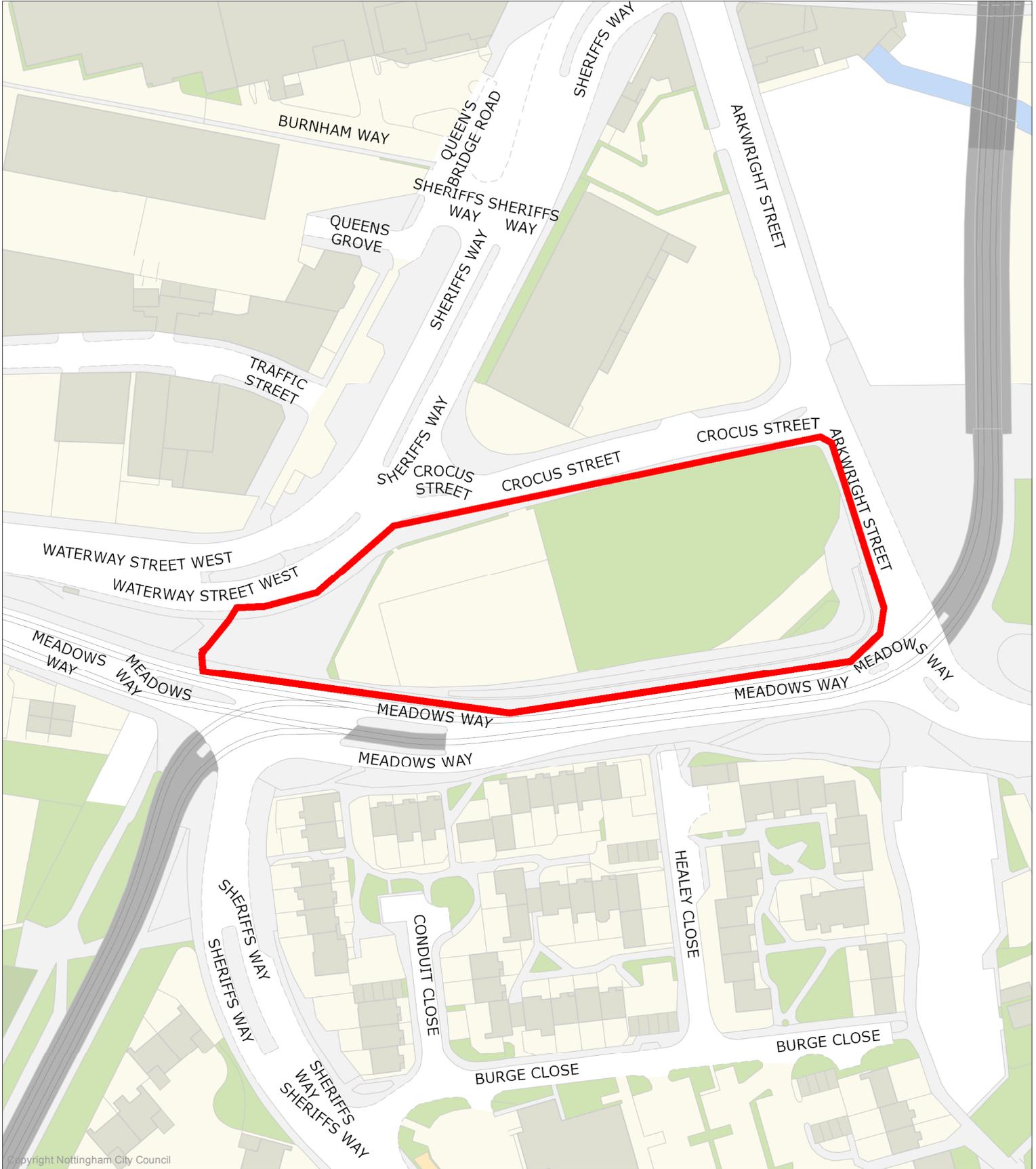
Application 18/00131/PFUL3

Contact Officer:

Mrs Jennifer Curry, Case Officer, Development Management.

Email: jennifer.curry@nottinghamcity.gov.uk. Telephone: 0115 87640

NOMAD printed map



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Key

 City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 19/02663/PFUL3 (PP-08292183)
Your Ref:
Contact: Mrs Jennifer Curry
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

DPP Planning
FAO Mr Tom Wright
Sophia House
28 Cathedral Road
Cardiff
CF11 9L

Date of decision:

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

Application No: 19/02663/PFUL3 (PP-08292183)
Application by: Cassidy Group (Arkwright Street) Limited & Sheriff Way No...
Location: Land West Of Arkwright Street. South Of Crocus Street, Nottingham, NG2 2HH
Proposal: Development of residential apartments and retail space with associated car parking, landscaping, and associated infrastructure.

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the type, size and frequency of delivery vehicles to/from the site, haul routes (if any), site security, traffic management plans, measures to prevent the deposit of debris on the highway, working times and a timetable for its implementation.

Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policy TR1 of the LAPP.



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3. Prior to the commencement of the development, a Remediation Strategy that has regard to the Desk Study Report reference J17089 by GEA dated April 2017 and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

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

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

Reason: To safeguard the health and residential amenity of the occupants of the proposed development and to prevent pollution of controlled waters to comply with Policy IN2 of the LAPP.

4. Prior to the commencement of any above ground development, a detailed sound insulation and ventilation scheme in relation to plant noise that has regard to the Acoustic Planning Assessment by Hoare Lea dated 11/06/2019 shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.

5. Prior to the commencement of any above ground development, a detailed sound insulation and ventilation scheme that has regard to the Acoustic Planning Assessment by Hoare Lea dated 11/06/2019 shall be submitted to and be approved in writing by the Local Planning Authority.

The sound insulation scheme shall:

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

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.

6. Prior to the development being first commenced, details of the sustainability measures incorporated within the development to reduce carbon emissions and use of resources shall be submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall set out the power source for space and water heating within the building, provide details of how the building will be ventilated, how water usage will be minimised and how surface water discharge will be managed and reduced.

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

Reason: To ensure that the development incorporates sustainable design features to accord with policy CC1 of the LAPP.

7. Prior to the commencement of any above ground development, a large scale sample panel of all proposed materials to be used on the external elevations of the approved development has been constructed on site and has been reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials including details of the windows/doors, means of enclosure and hard surfaced areas of the site shall also be submitted to and approved in writing by the Local Planning Authority before any external materials associated with the completed development are utilised on site. 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 LAPP.

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

- a) Elevations: including glazing systems, louvers, reveals, window panels, building and entrances;
- b) Roofs: including edges, parapets, and windows;
- c) Plant: including lift enclosure, external ventilation systems, and other similar elements that are integral to the fabric of the building.

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

Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the Adopted Core Strategy and Policy DE1 of the LAPP.

Pre-occupation conditions

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

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

Reason: In order to ensure that the remediation strategy approved under condition 3 is fully implemented to accord with comply with Policy IN2 of the LAPP.

10. Prior to first occupation of the development, verification that the approved sound insulation and ventilation scheme for the residential, non-domestic unit/s and to deal with plant noise have been implemented and are fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

The assessment shall include the specification and acoustic data sheets for the sound insulation scheme and any complementary acoustic ventilation scheme and be designed to ensure that residential amenity is adversely affected.

The assessment shall also include verification that the approved sound insulation and ventilation scheme has been implemented and is fully operational.

Reason: In order to ensure that the approved sound insulation scheme to protect future occupiers and neighbouring has been installed in accordance with the approved scheme to comply with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.

11. Prior to the first occupation written verification shall be submitted to and approved in writing by the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

Reason: In order to ensure that the has been installed in accordance with the approved scheme to comply with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.

12. Prior to the first occupation of the non-domestic unit/s written verification that the approved ventilation and odour control scheme/s for the non-domestic unit/s has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration using the approved routing of services to roof level, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from the unit.

Reason: In order to ensure that the has been installed in accordance with the approved scheme to comply with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.

13. Prior to the first occupation of the development secure cycle parking and bin storage shall be provided in accordance with the approved ground floor plan.

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

14. Prior to the first occupation of the development electric vehicle charging points shall be provided at the points indicated on the approved ground floor plan.

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

15. The development shall not be occupied until a scheme of soft and hard landscaping for the proposed courtyard, front gardens to Meadows Way and planters to other residential units, and the area to the west of the building bounded by Sheriffs Way/Waterway Street and Meadows Way, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the type, height, species and location of proposed trees and shrubs. It shall also include details of hard surfacing materials, location of any surface water drainage features and street furniture. It shall also incorporate measures to enhance the biodiversity of the site.

Reason: To ensure that the appearance of the development and ecological value of the site are satisfactory in accordance with Policy 10 and 17 of the Aligned Core Strategy.

16. The approved landscaping scheme shall be carried out in accordance with the approved landscaping scheme prior to the development being first occupied, unless otherwise prior agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development and ecological value of the site are satisfactory in accordance with Policy 10 and 17 of the Aligned Core Strategy.

17. Prior to the development being first occupied details of the arrangements to be made for the maintenance and management of the landscape areas (including specifications and details of responsibility) associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be maintained and managed in accordance with the approved details.

Reason: To ensure that the appearance of the development and ecological value of the site are satisfactory in accordance with Policy 10 and 17 of the Aligned Core Strategy.

18. The development shall not be occupied until a lighting scheme for the exterior of the building and the courtyard area has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include an assessment of the impact of the lighting scheme on proposed and existing local residents, and also its impact on the operation of the NET tramway.

Reason: To protect the amenities of neighbouring residential properties and in the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.

19. The development shall not be occupied until amendments to existing road signage have been carried out in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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

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

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

21. The development shall not be brought into use until the car parking provision has been provided in accordance with the approved Ground Floor Plan.

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

22. The development shall not be brought into use until a servicing plan detailing the loading and unloading of goods associated with the residential and commercial use of the development has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include tracking details to demonstrate that service vehicles and cars can safely enter, manoeuvre and leave the site without causing conflict with highway traffic and pedestrians.

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

23. The development shall not be occupied until a flood evacuation plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall also include the measures proposed to provide flood resilience.

The development shall be carried out in accordance with the approved flood resilience measures. The development shall be occupied in accordance with the Flood Evacuation Plan.

Reason: To reduce the risks associated with a flood event to accord with Policy CC3 of the LAPP.

Regulatory/ongoing conditions

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



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24. The non-domestic unit shall be used for commercial purposes falling within Class A1, A2, A3 and B1 of the Town and Country Use Classes Order (as amended) or for a purpose that is solely provided for the use of the residents of the development that is ancillary to the residential uses hereby permitted.

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

25. No non-domestic unit shall operate outside the hours of 07.00 to 23.00 hrs on any day.

Servicing and deliveries to and from the non-domestic units (including waste collections) shall not take place outside the hours of 07.00 to 19.00 hrs Monday to Friday, 08.00 hrs to 18.00 hrs on Saturdays and 9.00 hrs to 16.00 hrs on Sundays

Reason: To protect the amenities of future residential occupants and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.

26. The development shall be carried out in accordance with the submitted flood risk assessment (ref: Arkwright Street, Nottingham, Flood Risk Assessment, June 2019, ASN-BWB-ZZ-XX-RP-YE-0001_FRA, BWB Consulting) and the following mitigation measures it details:

(a) Finished floor levels shall be set no lower than 26.03 metres above Ordnance Datum (AOD) for More Vulnerable parts of the development (In accordance of table 5.1 of the FRA).

(b) Implementation of a flood resilience/resistant design to be implemented on only Less Vulnerable parts of the development, to a minimum of height of 26.03m AOD (In accordance with Section 4.17 of the FRA).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: A minimum finished floor level of 26.03m AOD for more vulnerable parts of the development is required to ensure the proposed development meets the Greater Nottingham Strategic Risk Assessment (2018) and the National Planning Policy Framework (2019). The implementation of a flood resilience/resistant design is required due to the lower finished floor levels in the less vulnerable parts of the proposed development. This will ensure the proposed development will have reduced damage and cost during a flood event. It will also allow for a quick return to business as normal. To comply with Policy CC3 of the LAPP.

27. Prior to the installation of any kitchen facilities associated with an A3 (cafe and restaurant) use or communal areas of accommodation within the development a ventilation scheme for the control of odours and dispersal of smells shall be submitted to and approved in writing by the Local Planning Authority.

The approved ventilation scheme shall be provided in accordance with the approved details prior to any kitchen facilities associated with an A3 (cafe and restaurant) use or communal areas of accommodation being first brought into use.

Reason: To ensure that the provision of kitchen facilities associated with an A3 (cafe and restaurant) use or communal areas of accommodation does not cause a nuisance to residential occupants of the development.

Standard condition- scope of permission



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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 November 2019.

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. NET Comments

Working near NET permit required see <https://www.thetram.net/work-near-the-tram.aspx>

Consideration of positioning of windows will be required to avoid windows opening too close to the OHLE poles. There will also need to be access for the maintenance of the OHLE poles. See attached for the drawing of the OHLE pole foundations.

Desire lines near the entrance to the property and the new footpaths will need to be passed by NTL to ensure pedestrians/ cyclists are kept safe and are not encouraged to cross the tram tracks at places that aren't actual pedestrian crossings.

Glenn Oakes (Infrastructure Maintenance Coordinator) is the contact at NTL for work permits and technical/operations queries. glenn.oakes@thetram.net

4. Environment Agency

Flood Resistance and Resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

Safe Access, Egress and Evacuation Plan

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we

recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- o Adequacy of rescue or evacuation arrangements.
- o Details and adequacy of an emergency plan.
- o Details and adequacy of flood proofing and other building level resistance and resilience measures.
- o Details and calculations relating to the structural stability of buildings during a flood.

Signing up for Flood Warning Service

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

The proposed design life of the development (60 Years) seems to be short for a development of this nature. This hasn't had an impact on assessing flood risk as the correct climate change allowances have been used. But it is more of an advisory to the Local Planning Authority as this is not within the remit of the Environment Agency.

The previous use of the proposed development site as a factory presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 3 located upon a secondary A aquifer (Holme Pierrepoint Sand and Gravels) above the Nottingham Castle principal aquifer.

The application's "Desk Study" (Ref: J17089, dated April 2017) demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. The report recommends that a phase 2, intrusive investigation is completed prior to development.

We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

5. Drainage

The Flood Risk Assessment confirms that Finished Floor Levels for the site will be set at 26.03m AOD minimum for the residential units, which is the equivalent to the 1 in 100-year + 50% climate change event. However, the commercial units are required to be lower. Please could the applicant expand on how these units will be built to be resilient following the detailed design stage.

Furthermore, I would recommend that the flood evacuation plan is extended for the whole site, not just for the commercial units, given that a large area would be inundated should the 1 in 100-year + 50% climate change event occur.

Please note that as there are proposed electric charging points in the car park, there should be a plan in place to disconnect these should a significant flood occur.

6. Highways

Highway Boundary - there are areas of the site which are currently designated as adopted highway the applicant should make contact with our Traffic Management department in order to arrange for a stopping up order to be processed. This should be done prior to the start of construction.

The proposed Entrance to the site is onto Crocus street and will require the construction of a dropped kerb vehicular footway crossing this should be done under a highways act agreement with the City Council.

The development will require works to the Highway and therefore the applicant should contact Liz Hiskens in the City Councils Network.

Management department to arrange for the work to be carried out under a highways act agreement.

Construction works will be taking place immediately adjacent to the public highway, and given the potential impact on the surrounding area during the development works, we would ask that the applicant provide us with a Construction Management Plan. This should provide us with more details on how the construction works will be managed, to ensure minimal impact on the public highway. The applicant will be required to contact our Highways Network Management Team on 0115 8765238 to ensure all necessary licenses and permissions are in place prior to any works commencing on site.

7. Contaminated Land, Ground Gas and Groundwater

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

Cut and fill operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

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

Environmental Noise Assessment

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

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

Commercial Noise

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.

Air Quality

The development is located either within or on the boundary of an existing or proposed 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) and 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.

While no air quality assessment is required in this situation, an air quality assessment using an appropriate methodology (eg atmospheric dispersion modelling or DMRB screening) will be required to establish which floors of a multi-storey building do not require an appropriate ventilation scheme.

The air quality management scheme shall include the design and configuration specification of the whole building ventilation scheme and ensure that:

Exposure of sensitive receptors to poor air quality shall be reduced as far as practicable;

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The location of clean air intakes for the scheme shall be located so as to maximise the vertical and horizontal distance between the clean air intakes and the primary source of poor air quality / air pollution;

The discharge of ventilation air shall be from the building façade facing the primary source of poor air quality;

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

Consideration will also be given to alternative equivalent measures to reduce exposure to poor air quality. However these may require the support of an air quality assessment to demonstrate their effectiveness.

The combined noise from the whole building ventilation scheme, any other environmental noise and noise from plant and equipment must not exceed NR 25 in bedrooms between the hours of 23.00 and 07.00 or NR 30 for living rooms and bedrooms between the hours of 07.00 and 23.00.

Control of Odour and 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 and Rescue Service

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:

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

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

Adequate Ventilation

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

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

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

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

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

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

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

RIGHTS OF APPEAL

Application No: 19/02663/PFUL3 (PP-08292183)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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Not for issue