

Report of Director of Planning and Regeneration

Island Business Centre, City Link

1 Summary

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

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

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

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

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

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

2 Recommendations

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

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

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

3 Background

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

4 Details of the proposal

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

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

5 Consultations and observations of other officers

Adjoining occupiers consulted:

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

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

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

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

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

Additional consultation letters sent to:

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

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

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

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

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

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

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

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

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

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

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

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

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

Other consultation:

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

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

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

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

Environmental Health: To be confirmed.

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

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

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

6 Relevant policies and guidance

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

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 5: Nottingham City Centre

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 17: Biodiversity

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

Policy CC1: Sustainable Design and Construction

Policy CC2: Decentralised Energy and Heat Networks

Policy CC3: Water

Policy EE4: Local Employment and Training Opportunities

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

Policy RE2: Canal Quarter (overlap)

Policy RE3: Creative Quarter (overlap)

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN5: Development Adjacent to Waterways

Policy EN6: Biodiversity

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

Policy EN6: Biodiversity

Policy IN2: Land Contamination, Instability and Pollution

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

Policy TR1: Parking and Travel Planning

NPPF (2019):

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

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

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

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

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

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

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

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

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

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

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

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

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

Paragraphs 194 – 196 state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

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

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

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

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

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

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7. Appraisal of proposed development

Main Issues

Whether:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Section 106 (LAPP Policies IN4 and EE4)

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

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

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

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

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

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

10 Financial Implications (LAPP Policies IN4 and EE4)

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

11 Legal Implications

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

Listed Buildings Duty

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

12 Equality and Diversity Implications

The provision of DDA compliant accessible buildings.

13 Risk Management Issues

None.

14 Strategic Priorities

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

15 Crime and Disorder Act implications

Improved surveillance and community safety.

16 Value for money

None.

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

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

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

2. Historic England, 21.8.20

4. Nottingham Civic Society, 23.8.20

5. Design Review Panel, 14.5.20

6. Drainage, 18.8.20

7. Highways, 2.9.20

8. Environmental Health, XXXXXX

9. City Archaeologist, 3.8.20

10. Biodiversity, 28.8.20

11. Pedals, 26.8.20

12. Canal & River Trust, XXXXXX

13. Environment Agency, 9.9.20

14. Member of the public, 24.8.20

15. Member of the public, 27.8.20

17 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

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

NPPF (2019)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

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

NOMAD printed map



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Key

 City Boundary

Description

No description provided

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

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

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

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

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

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

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

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

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

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

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

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

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

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

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

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Not for issue

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pre-occupation conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regulatory/ongoing conditions

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

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

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

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

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

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

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

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

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

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Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 3 September 2020.

Reason: To determine the scope of this permission.

Informatives

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

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

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

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

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

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

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

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

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

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

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

12. Contaminated Land, Ground Gas & Groundwater

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

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

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

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

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

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

13. Construction & Demolition

Proposed Method of Demolition

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

Noise Control: Hours of Work and Equipment

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

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

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

Equipment

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

Dust/Grit and Other Fugitive Emissions

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

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

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

14. Control of Odour & Provision of Adequate Ventilation

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

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

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

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

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

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

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

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

Adequate Ventilation

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

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

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

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

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

DRAFT ONLY
Not for issue

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

DRAFT ONLY
Not for issue

RIGHTS OF APPEAL

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

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

DRAFT ONLY
Not for issue

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

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

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

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

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

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

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

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

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

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

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

Pre-occupation conditions

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

There are no conditions in this section.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the works shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 3 September 2020.

Reason: To determine the scope of this permission.

Informatives

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

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

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

DRAFT ONLY
Not for issue

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

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