

Wards Affected: Meadows (May 2019)

Item No:

**Planning Committee
23rd June 2021**

Report of Director of Planning and Regeneration

152-160 London Road, Nottingham, NG2 3BQ

1 Summary

Application No: 20/02756/PFUL3 for planning permission

Application by: CBP Architects on behalf of C&T Bailey Properties

Proposal: Erection of nine storey residential development with basement parking with ground floor gym and food and beverage facilities.

The application is brought to Committee because it is a major application on a prominent site where there are important land use and design considerations. In addition it is proposed that the planning obligations typically required by adopted planning policies be waived in this case.

To meet the Council's Performance Targets this application should have been determined by 12th April 2021. An extension of time has been agreed with the applicant until 30th June 2021.

2 RECOMMENDATIONS

2.1 To **GRANT PLANNING PERMISSION** subject to:-

(a) the Director of Planning and Regeneration, in consultation with the Biodiversity Officer, being satisfied that any potential impacts of the development on protected species, can be avoided or mitigated sufficiently by appropriate measures including additional conditions if necessary;

(b) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report and any further conditions arising from the further ecological survey work.

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

3 Background

3.1 This application was reported to the 25th May 2021 Planning Committee where members resolved to defer consideration of the application pending resolution of the energy and sustainability measures of the scheme, a review of the traffic management measures and in particular the possibility of making

Ryehill Street partially two-way, and for further information regarding the viability of the scheme.

- 3.2 The first two of these matters are being reviewed by the applicant's consultancy team and an update will be reported at Committee. The issue of viability is commented upon in this report, within the Planning Obligations section.
- 3.3 The ecological survey required in relation to recommendation 2.1 (a) has been submitted since the May Committee and is currently being reviewed by the Council's Biodiversity Officer. An update will be reported at Committee.
- 3.4 The information contained within the Update Sheet for the May Planning Committee has been incorporated into this report.

4 SITE AND SURROUNDINGS

- 4.1 The site is located to the west of London Road and east of Meadows Way, forming an island between the two.
- 4.2 To the west lies the Portland Leisure Centre and residential properties on Radcliffe Street, Lamcote Street, Meadows Way and Arkwright Walk; a new development has recently been constructed along Arkwright Walk that includes a 4 storey apartment building at its southern end, opposite the application site. There are treed/landscaped areas immediately to the north and south, the Turneys Quay residential development and Trent Bridge to the southeast and the canal to the east, with the mixed use industrial residential area of Meadow Lane beyond.
- 4.3 The southern half of the site is a former Petrol Filling Station (PFS) currently used as a car wash, whilst the northern half has been cleared for redevelopment; it was formerly occupied by a restaurant and public house. Ryehill Street is a short one way street from Meadows Way to London Road that encloses the northern site boundary.
- 4.4 The canal bridge located on the opposite side of London Rd and the Embankment public house to the south of the site are Grade II listed, and although not directly adjacent to the site, the Meadows Conservation Area is to the south/southwest.

5 DETAILS OF THE PROPOSAL

- 5.1 The proposal is for an apartment scheme comprising 67 x 1 bed units, 32 x 2 bed and 1 x 3 bed (100 in total). The scheme also incorporates a reception, gym, café and restaurant at ground floor level, along with a bin store, disabled parking and on-site facility for delivery vehicles. A basement car park accommodates 71 parking spaces, all with electric vehicles charging points (EVCPs), accessed from Ryehill Street. Cycle parking is provided at both ground floor and basement levels. 2 x 1100 litre bins would be provided for commercial units and 16 x 1100 litre bins for the apartments.

5.2 The proposed building rises from 3-5 stores at the southern and western edges of the site, to 9 stories at its north eastern corner. The design incorporates large south and west facing terraces for the adjacent apartments as the upper floors recede, along with a combination of projecting and recessed balconies serving all other apartments throughout the building. In addition to the opportunity for roof top vegetation provided by the terraces, the design also incorporates 'living walls' and planting boxes to the balconies.

6 **CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

Adjoining occupiers consulted:

55 Neighbouring properties were notified by letter, a site notice posted and press notice published. The overall expiry date was 13 February 2021.

27 letters of correspondence have been received – 24 letters of objection and 2 letters in support of the proposal. Comments have also been received from the Nottingham Civic Society, Nottingham Local Access Forum, Extinction Rebellion Nottingham and MOZES (the Meadows Community Energy Group). The following concerns have been raised:

- The proposal would be imposing upon the Meadows and Nottingham's wonderful stretch of the Trent Valley
- The building's height is out of character/scale for the area. The plot undoubtedly needs regenerating, but a 9 storey building in the Meadows is out of keeping with the precedent set by all adjacent buildings. Most buildings are up to 4 stories tall and it feels that the development should be in keeping with this
- The development would block sunlight and take away privacy
- The proposed height would spoil and ruin the historical long views of Nottingham's famous landmarks
- The addition of a gym would have an impact on the local Portland leisure centre. This will have an effect and may make the Portland leisure centre not viable, thus having a negative effect on health and wellbeing
- The proposal will increase pollution in the area
- The proposed development will be a blot on the landscape and spoil the beauty of this area. It will impact on the visual aesthetic of the area
- The building may restrict light to neighbouring buildings and contribute to light pollution at night
- It may obscure a view of traffic when entering London road. The building is set very close to the main road and it may need to be set back to allow for clearer vision along the main road for both cyclists and road users
- Having restaurants and a gym on such a main road without adequate parking will cause issues for local residents and noise disturbance
- The building borders a conservation area and should attempt to be sympathetic to this
- These will not to be social housing but housing for the rich, or students,

like most of the housing that seems to be built in Nottingham

- The proposal does not take into consideration the level of traffic and congestion and will contribute to this. The car parking may become an issue as will the collection of refuse. It could interfere with bus routes, cycle routes and the ease and safety of pedestrians
- This is a development designed on greed rather than taking into consideration the quality of life and environment of those who live in this area and visit the embankment. It will especially impact the new dwellings in the Meadows
- Residents on the upper floors may be able to look into my garden and/or downstairs windows, which leaves very little privacy. The height of the building may restrict light into my garden, due to their being a very large tree to the right of my property which blocks the sun
- The roof garden and other additional landscaping within the structure would have to be kept in good condition in order to maintain its aesthetic value. Judging by other new property within the city and locale which has had landscaping adjacent or within the structure (new flats on Arkwright Walk, student flats at Kaplan Living, Bromley Place), there is no guarantee that this could be accomplished
- Additional food/bar/retail outlets in this area will have a detrimental effect in terms of noise and disturbance late at night around the bus stops adjacent to Turneys Court, which could be intolerable for residents
- The proposed designs look dated and cheap. The brick isn't red which Nottingham is known for, the greenery looks disgusting, is so over used and looks cheap and tatty. All the metal work on the sides look like Victoria Centre and not in a good way, and will probably rust like the horrible flats facing the train station
- It is completely unacceptable to expect people to live on a traffic island. This also limits access to the proposed gym and beverage facilities. Traffic islands should be categorically ruled out for residential development. It would be fine for the proposed businesses, though. The future residents will be subjected to the full traffic noise and the fumes
- Impact on Turney Brothers factory and The Embankment public house which is listed
- It overshadows areas of the Meadows Conservation Area, being only a few yards from Lamcote and Bathley Streets. The conservation area is designed to protect the visual regularity of the existing Victorian and Edwardian buildings. The visual impact of this proposed development on the Conservation Area will be huge, towering 7 stories over existing buildings
- Impact of additional traffic generated by the proposed accommodation and businesses at a point in the city where traffic often exceeds capacity
- The city needs affordable and student accommodation and this development addresses neither shortage

Comment of support:

- Approve the scheme as the Meadows need urban regeneration projects

The Civic Society commented as follows:

Nottingham Civic Society has reservations about the scale which isolates the form of the proposed development on such a prominent site. This will be the building that will be seen upon entering the city from Trent Bridge. However, its design does not live up its location. The site cannot be considered in isolation from the edge of The Meadows and the potential for Arkwright Street to be re-created as a direct thoroughfare linking Trent Bridge with the city centre core.

The City Centre Urban Design Guide excluded this site from the 'Zone of Reinvention' which encompasses the eastern side of London Road and to some extent allowed greater freedom for a fresh approach in Regeneration Zones, precisely because this application site has a relationship to the domestic scale of The Meadows and the need for sensitivity in recreating Arkwright Street as a pedestrian corridor.

The supporting material with the application states that the Urban Design Guide's 'Vista E', which safeguards the existing long view of Nottingham Castle from Trent Bridge, would be maintained because the view corridor has informed the disposition of the building's mass in the design process. No images are provided to back up this assertion though. Whilst the building's mass is lower on the Meadows-facing side, the nine-storey bulk of the main structure would overwhelm the Meadows housing nearby and adversely affect the settings of heritage assets locally, including the Grade II listed 220-year old canal bridge at Meadow Lane directly opposite the site. The Design and Access Statement does not explain what benefits this 'island' of development could bring to these assets. This scheme should be reconsidered in its wider context.

Nottingham Local Access Forum commented as follows:

Welcomes the aspirations to support and encourage sustainable forms of transport by the design of safe pedestrian routes both to and around the building, and by appropriate cycle parking provision. Cycle parking provision should be in accordance with City Council Standards, as set out in Nottingham Local Plan Part 2, Appendix 1. Provision should be secured via an appropriately worded planning condition. Provision should be made for the charging of e-bikes. With regard to the proposed Travel Plan, the timing of the appointment and length of operation of the Travel Plan Coordinator should be defined by conditions.

Extinction Rebellion Nottingham and MOZES commented as follows:

Objection raised on several grounds relating to adherence to Nottingham City's 2028 Net Zero Charter, the nature of the Energy Statement, its relationship to the submitted design and the ability to maintain the sustainability of proposed elements.

Suggested that the scheme needs a rethink about the following issues:

- The proposal needs to have a fully integrated environmental strategy with more ambitious targets and a committed plan for how this will be achieved and monitored in practice
- The design needs to incorporate all elements of the improved strategy both in terms of workable passive approaches and energy use, generation, and storage
- The design process can be assisted by environmental modelling and testing using an iterative process of improvement and testing until satisfactory results are achieved
- Future resilience needs to be an integral part of the strategy, particularly in terms of future overheating and the need to avoid any reliance on air conditioning to do this
- A whole life cycle approach needs to be included in the environmental strategy
- The landscape and planting strategy need to be considered for the building in its setting and be shown to be practical as a long-term solution

In response to the revised Energy Strategy submitted by the applicant in advance of the May Planning Committee, Extinction Rebellion Nottingham and MOZES raised the following additional comments:

- Measures are inferior to those originally proposed
- Proposed betterment on Building Regulations unacceptable in light of future changes to the Building Regulations
- No confirmation that the electricity itself will be low carbon
- Passivhaus is a holistic approach that cannot be cherry picked. Not all of the standards are shown to be met
- Insulation levels reduced in relation to those originally suggested
- Natural ventilation and overheating not mentioned in relation to the commercial floorspace
- Natural ventilation of the apartments would be insufficient in the winter months because of the depth of the units
- Natural ventilation would be influenced by noise and air pollution. The system proposed is not the most energy efficient
- The report mentions the use of Building Integrated Photovoltaics (BIVPs) rather than roof top PV panels, which would generate insignificant amounts of energy
- The commercial element of the scheme does not meet the local plan requirement to achieve BREEAM 'Very Good'
- The development should provide at least 10% of its energy use from renewable or low-carbon sources

- Recommend the application be deferred until a BREEAM study has been carried out

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection subject to conditions regarding: noise and dust management plan, air quality, an environmental noise assessment and sound insulation scheme, odour/ventilation, and contaminated land.

Highways: No objection subject to the submission of details to be secured by condition relating to a construction management scheme, the provision of electric vehicle charging points, the provision of a cycle storage, and the vehicular access/ egress points off Ryehill Street and Meadows Way.

Drainage: No objection, subject to the development being undertaken in accordance with the submitted information.

City Archaeologist: No objection subject to a condition requiring submission of archaeological watching brief.

Environment Agency: No objection subject to conditions requiring the development be undertaken in accordance with the submitted plans and that the basement only be used for 'less vulnerable' uses.

Education Officer: The new Waterside Primary School should provide sufficient capacity to accommodate the minimal pupil yield from this development.

Biodiversity Officer: An ecological walkover survey is required, along with a scheme of ecological enhancements to comply with the Biodiversity SPD. The planting schedule and species list should be conditioned. *(The ecological survey requested here has been submitted since the May Committee and is currently being reviewed by the Biodiversity Officer)*

7 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.

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.

Paragraph 200 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and 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.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 7: Regeneration

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19 - Developer Contributions

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE3: Change of use to non-employment uses

Policy EE4 - Local and Training Opportunities

Policy RE1: Facilitation Regeneration

Policy HO1: Housing Mix

Policy HO3 - Affordable Housing

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

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

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy TR1: Parking and Travel Planning

Supplementary Planning Documents (SPDs)

Biodiversity SPD (2020)

The Provision of open Space in New Residential and Commercial Development (2019)

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

Even though the application site is not directly adjacent to a listed building, the Canal Bridge on the opposite side of London Road and the Embankment public house to the south are listed buildings. As such, consideration needs to be given to sections 66 of the Planning (Listed Buildings and Conservation Areas) 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.

8. APPRAISAL

Main Issues

- (i) Principle of the Development
- (ii) Design, Scale and Impact on Townscape and Heritage Assets
- (iii) Impact on the Amenities of Surrounding Residents and Future Occupants
- (iv) Highway Considerations
- (v) Other

(i) Principle of the Development (Policies A, 7 and 8 of the ACS, Policies EE3, RE1 and HO1 of the LAPP)

- 8.1 Given the site's historic use for commercial purposes, policy EE3 of the LAPP require applications for the regeneration of previously-used employment sites and employment premises to be assessed against certain criteria. This policy seeks to ensure that there is a sufficient supply of alternative employment land and premises, and also factors in the regeneration benefits of a particular scheme. All three of the existing/former premises on this island site were essentially retail/food & beverage uses, for which there is felt to be sufficient alternative supply across the City. It should also be noted that the former restaurant and public house uses ceased some time ago and the site cleared pending redevelopment. On the other part of the site, the car wash business is clearly temporary in nature for this former PFS, the retention of which is not desirable in terms of its visual impact or the inefficient use of this longstanding

brownfield site. Additionally, new job opportunities would be created through both the construction, and operation of the scheme, including within the proposed ground floor commercial units.

- 8.2 The application site occupies a prominent location on the approach to the City from the south, marking a point of arrival when passing over Trent Bridge. Whilst the site does not fall within any designated regeneration zone, it is a high profile brownfield site in the area between the Southside and Waterside Regeneration Zones. The proposed development would be a positive addition in regeneration terms and would also deliver comprehensive redevelopment of this entire island site.
- 8.3 The proposal would be compatible with the mixed use characteristics of the surrounding area and would be close to a choice of sustainable means of public transport; bus, tram and train. The size and quality of the apartments is welcomed, providing an appropriate mix of largely 1 and 2 bed units.
- 8.4 In light of the above, the principle of the proposed scheme is considered to be acceptable in accord with policies A, 7 and 8 of the ACS, policies EE3, RE1 and HO1 of the LAPP.

(ii) Design, Scale and Impact on Townscape and Heritage Assets
(Policies 10 and 11 of the ACS, Policies DE1, DE2, HE1 and HE2 of the LAPP. S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990)

- 8.5 The Civic Society and some local residents have raised concern about the scale/height of the proposed development. Taller concept designs were initially proposed by the applicant but these rejected and the submitted scheme developed through extensive pre-application discussions in relation to its design, scale, mass and form.
- 8.6 The scale of the building varies significantly in response to its context, and this change in storey height has become integral to the design concept with a series of very generous, south and west facing roof terraces and balconies. In urban design terms the scheme has been developed along the following principles:
- At its southern end the building is 3-5 stories in height where it addresses the northern side of a large road dominated, yet green 'space', that is enclosed on its eastern and western sides by buildings of a similar scale. This area forms the heart of Trent Bridge on the City side of the river, but currently lacks definition in large part due to the lack of enclosure and presence of the unsightly PFS on its northern side
 - The main body of the building is situated on the eastern side of the site, alongside the wide and traffic dominated London Road. On the western side there are two projections towards Meadows Way that are 3 and 5 stories respectively, responding to the lower scale of buildings on the opposite side of the road. The 5 storey element in particular is opposite

the recently completed 4 storey block at the southern end of the Arkwright Walk redevelopment.

- While the building is 9 stories at its highest point, its scale recedes dramatically as it rises so this is not its predominate scale. The north eastern corner of the site has been selected as the highest point to respond to context, as mentioned above, but also to maximise the south and westerly aspect of the roof terraces and balconies, facing towards the river.
- Commercial uses are incorporated to provide active ground floor frontages, also helping to strengthen the offer of Trent Bridge and the Embankment as a destination for local and citywide residents.
- Wide and unsightly vehicular entrances currently dominate this island site. These are replaced by a more discrete single entrance from Ryehill Street, along with a secondary exit solely for servicing and disabled driver vehicles through an area of public realm that forms the forecourt of the development fronting Meadows Way.
- Pavements are widened around the site, enhancing the experience for those navigating this currently unpleasant pedestrian environment in both a north/south and east/west direction.

- 8.7 In architectural terms the proposal has a unique appearance that is considered to befit this prominent gateway site into the City. Its particular strengths are considered to be its stepped form with large terraces and the roof top vegetation that these will facilitate; the predominance of curves that incorporate generous projecting balconies; the depth to the facades of the building provided by both the projecting and recessed balconies; and the living walls and planting boxes which are incorporated into the structure of the building.
- 8.8 External materials comprise a mix of brickwork, glazing (with decorative sun-shade screens incorporated into the window system), and some accent metal cladding that highlight the floors of the building.
- 8.9 Whilst the concerns raised regarding the height of the building are recognised, there is felt to have been a considered approach to its scale and mass that responds to its immediate context, yet is also a bold response to the gateway nature of the site. Although the sensitivities of its relationship with surrounding buildings have been taken into consideration as described above, this remains an island site that is set away from the more cohesive edge of the Meadows to the west and will always be a development with a degree of separation, set amidst roads and landscaped amenity land. This unique context is felt to reinforce the approach taken to the design of the scheme.
- 8.10 With regards to the impact of the proposal on any adjacent listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty of having 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.

- 8.11 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".
- 8.12 In this instance, the Grade II listed canal bridge on the opposite side of London Road is the closest designated heritage asset to the site, which dates from 1792-3. It is modest in scale and largely below road level, being integral too and a feature of the canal. London Road at this point is five lanes wide with an additionally wide central reservation. The application site currently has a harmful visual impact upon its surroundings, including both this listed structure and the setting of the Meadows Conservation Area.
- 8.13 It is concluded above that the proposed development would have a positive visual impact upon the site and its surroundings. For the same reasons, it is also considered that it would enhance the setting of the listed canal bridge and Meadows Conservation Area, on the edge of which sits the listed Embankment public house. Long views of the City skyline, particularly the key vista from Trent Bridge that is referenced by the Civic Society, have been respected and no distant heritage assets would be blocked by the proposed development. In relation to the statutory duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is concluded that the setting of the adjacent listed building/structure would be enhanced.
- 8.14 Overall, it is considered that the proposed development would provide a range of positive benefits that would represent a significant enhancement when compared with the current site characteristics. Subject to precise materials, landscaping and building management details being secured by condition, it is considered that the development would be a positive addition to the site and wider townscape in accord with policies 10 and 11 of the ACS and policies DE1, DE2, HE1 and HE2 of the LAPP.

(iii) Impact on the Amenities of Surrounding Residents and Future Occupants (Policy 10 of the ACS, Policies DE1 and IN2 of the LAPP)

- 8.15 Representations received from some local residents have raised concern about the impact that the proposal would have on privacy and light to neighbouring properties, along with noise and disturbance during its construction and when occupied.
- 8.16 A Shadow Analysis submitted in support of the application demonstrates that there would be some impact on daylight and sunlight levels to residential properties to the west/northwest, in particular the recently constructed 4 storey block of apartments on the opposite side of Meadows Way. However, this would be limited to a relatively short period in the morning and to varying degrees during autumn, winter and early spring months. It is concluded that the impact would not be significant.

- 8.17 It is also felt that there is sufficient distance between the new building and neighbouring properties to the west so as not to cause any undue impact upon the privacy of their occupants. The distance between the adjacent 4 storey apartment block and the 5 and 9 storey elements of the proposed scheme would be 23m and 31m respectively. This relationship, either side of Meadows Way, is considered to be appropriate. Furthermore, the taller element has intentionally been positioned at a greater distance from these adjacent properties to respect their occupants' amenities.
- 8.18 Noise impact and air quality assessments have been submitted for consideration as part of the application, which have been reviewed by Environmental Health (EH) colleagues and are considered to be acceptable, particularly with regards the residential element of the proposed scheme. Standard conditions have been requested to address the mitigation measures to address these matters, along with details of the plant and extraction equipment required for the commercial uses. EH have also requested a Noise and Dust Management Plan and details of any piling, to minimise disturbance to nearby residents during construction.
- 8.19 The proposed accommodation is of a size that meets the Nationally Described Space Standards and as mentioned elsewhere, the scheme offers large roof terraces and balconies to the benefit of the future occupants' amenities.
- 8.20 The proposal therefore complies with policy 10 of the ACS and policies DE1 and IN2 of the LAPP in this regard.

(iv) Highway Considerations (Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)

- 8.21 Some of the representations received raise concern about the level of traffic and congestion that would arise from the proposed development. The application is supported by a detailed Transport Statement which has been reviewed by Highways colleagues. Policy TR1 of the LAPP seeks to preclude development that would be detrimental to highway safety and to ensure that proposals include a sufficient package of measures to minimise journeys by private car and support journeys by sustainable modes of transport, in line with the transport hierarchy set out within policy 14 of the ACS.
- 8.22 The proposals include basement parking that is accessed off Ryehill Street (a one-way street). The access and egress arrangements are acceptable in principle as the applicant has reconfigured their design to ensure following:
- Access/egress from Ryehill Street is limited to right in/right out only from this one-way street. All right turning moves onto London Road from Ryehill Street would be prohibited as is currently the case, albeit this would be reinforced with further junction amendment
 - Provision for deliveries, commercial waste collection, disabled parking and drop-offs would be via a ground level one-way route that allows for egress onto Meadows Way

- 8.23 The site is located in a highly sustainable location in close proximity to multiple bus routes, cycle routes and within short walking distance of station, tram and City Centre. The proposed development provides 74 car parking spaces for the residents, each with an EVCP, and cycle parking both within the basement for residents and at ground level for visitors.
- 8.24 No objections have been raised by Highways colleagues and subject to their recommended conditions, the development is considered to accord with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

OTHER MATTERS

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

- 9.1 The site is located within Flood Zone 1 in accordance with Environment Agency Flood Map. The application has been reviewed by Drainage colleagues and the Environment Agency and no objection raised to the proposed development. The site has historically been occupied by built form and it is not considered that the proposed development would significantly alter the flood profile in the area. Finished floor levels have been designed within the building to reflect the flood profile of the site and surface water storage incorporated into the design of the building, to reduce surface water discharge during periods of intense rainfall. Subject to the proposed development being constructed in accordance with the submitted information and the finished floor levels recommended by the EA, it is not considered to result in flood risk concerns. The development therefore accords with policy 1 of the ACS and policy CC3 of the LAPP.

Archaeology (Policy HE1 of the LAPP)

- 9.2 A desktop archaeological assessment has been undertaken and reviewed by the Council's Archaeologist. The assessment has identified that there is either very low or low potential for any unknown archaeological remains to exist within the site which pre-date the early medieval period. Conditions relating to a programme of archaeological works, initially consisting of an archaeological watching brief, have been requested by the Council's Archaeologist and can be secured by condition.

Contamination (Policy IN2 of the LAPP)

- 9.3 A ground contamination report has been submitted with the application and reviewed by EH. They have raised no objection and requested standard conditions to deal with the risks associated with ground, groundwater and ground gas contamination of the site.

Planning Obligations (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP)

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

- Affordable Housing - £877,540
- Public Open Space - £143,387
- Local Employment and Training - £4,684

- 9.5 The applicant has submitted a viability appraisal with the application which has been independently reviewed by an assessor appointed by the Council. The assessor has found the scheme to be unviable if any of the required S106 contributions were to be paid and as such, no planning obligation will be sought in this instance.
- 9.6 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. These policies are therefore complied with on this basis.
- 9.7 The viability appraisal and independent assessor's review of this are comprehensive and detailed documents, copies of which have been provided to all members of Committee for detailed scrutiny. They have also been made available to view on the Council's website, along with the other documentation for this application.
- 9.8 Both reports have been re-visited by officers following deferral at the May Committee and the independent assessor's review is felt to be both sound and robust. Key conclusions to be drawn from this are as follows:
- At 65.28%, the gross to net internal floor area of the building is slightly less than comparable schemes. The independent assessor (IA) comments on this that – *“we anticipate that this is due to the design of the scheme whereby the stories are staggered at different heights throughout the structure...the effect is more space that does not attract any value”*
 - To evidence Gross Development Value (GDV), the DA has considered a number of local developments including Waterside (the recently converted former RBC offices) and Trent Bridge Quays (the development on Meadows Lane that also fronts the river). In addition, the IA looked at values of the apartments at Trent Basin and River Crescent, amongst a number of others. They conclude that there is no evidence to depart from the values adopted within the DA
 - Development costs within the DA are typically lower than would be expected on the basis that the developer will also act as contractor. The DA and IA has adopted these figures but if they had applied higher industry standard build costs the inference is that the scheme would be even less viable
 - In their appraisal the IA put in a lower percentage for professional fees than suggest in the DA (7% rather than 9.10%). Marketing and legal costs were reduced from 2% to 1.5%
 - The developer's appraisal (DA) shows a deficit of -£3.89 million with a developer return of 14%. In order to deliver the scheme, the developer is willing to fund the project from internal capital resource at a reduced

return of 14%

- Whilst the DA is based upon individual sales of the apartments, the IA has also assessed a scenario where the development delivers rental investment to a single owner (Build to Rent/PRS)
- The IA considers a developers profit of between 15 - 20% to be reasonable. For a Build to Rent scheme with lower associated risks, they consider 8% on revenue to be reasonable
- The IA has applied a slightly lower Benchmark Land Value (BLV) for the site of £400,000, compared to £500,000 within the DA
- Based on the above, for a scheme where the apartments are sold individually, the IA's appraisal shows a developer profit of 6.06%, well below the recommended 15 - 20%. For a Build to Rent scheme their appraisal shows a negative developers profit
- If not developed by the applicant, the IV sees little prospect of a third party developer being able to deliver the scheme

9.9 The recommendation in this regard therefore remains unchanged.

Sustainability/Biodiversity (Policies 1 and 17 of the ACS, Policies CC1 and EN6 of the LAPP)

9.10 An Energy Appraisal was submitted as part of the application but this was reviewed during negotiations regarding the scheme and a revised Energy Statement submitted prior to the May Committee. This set out the following sustainability measures to be incorporated into the building:

- All electric building
- Fabric first approach
- Betterment on Building Regulations for the apartments to average 3.9%
- Exposed roofs to meet Passivhaus standards, intermediate floors and party walls to meet or exceed these standards
- Assessment of overheating carried out for the apartments Retractable canopies to be used for those with an identified risk
- Stack ventilation – the smoke ventilation system to double as a 'smart stack', thereby avoiding air conditioning
- Building Integrated Photovoltaics (BIVPs)
- Waste water heat recovery

9.11 As referred to in paragraph 3.2, the sustainability credentials of the development are being reviewed further and an update will be provided at Committee.

9.12 An ecological survey of the existing site has now been carried out and submitted since the May Committee. It is currently being reviewed by the Council's Biodiversity Officer and an update on this matter will be provided at Committee.

9.13 For a development with little external space beyond the building footprint, the proposed development accommodates a significant amount of vegetation both on the extensive roof terraces and within the fabric of the building, the latter in the form of living walls and planting boxes incorporated within the balconies. An irrigation and drainage system is also to be built into the building to maintain the planting via grey water recycling. All of these measures would enhance the biodiversity value of the site in accord with policy EN6 of the LAPP and the Biodiversity SPD. The Biodiversity Officer has requested that a detailed planting schedule and species be secured by condition.

10 Financial Implications

As indicated above in relation to issue Planning Obligations, the applicant has submitted a viability appraisal that has been independently reviewed. The conclusions of this review are that the scheme cannot support any S106 contributions.

11 Legal Implications

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

There is an overarching statutory duty imposed by s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which properly understood ... requires considerable weight to be given ... to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings. Preserving means doing no harm.

12 Equality and Diversity Implications

The proposed development has been designed to be compliant with current building regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheel chair users and lifts are proposed at every stair core.

13 Risk Management Issues

None.

14 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a partially cleared brownfield site with a high quality, sustainable and mixed-use development

Safer Nottingham: The development enhances the surrounding pedestrian environment and incorporates active ground floor frontages that would contribute to a safer and more attractive neighbourhood

Ensuring Nottingham's workforce is skilled through Local Employment and Training opportunities

15 Crime and Disorder Act implications

The development would enhance natural surveillance in and around the site.

16 Value for money

None.

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

1. Application No: 20/02756/PFUL3- link to online case file:
<https://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

18 Published documents referred to in compiling this report

NPPF (2019)

Aligned Core Strategies – Local Plan Part 1 (2014)

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

Biodiversity (2020) SPD

The Provision of open Space in New Residential and Commercial Development (2019) SPD

Contact Officer:

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NOMAD printed map



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0 0.01 0.02 km



Key

 City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 20/02756/PFUL3 (PP-09317489)

Your Ref:

Contact: Mr Mohammad Taufiqul-Islam

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Station Street
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Tel: 0115 8764447
www.nottinghamcity.gov.uk

CBP Architects
CBP Architects
44 The Ropewalk
Nottingham
NG1 5DW
United Kingdom

Date of decision:

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

Application No: 20/02756/PFUL3 (PP-09317489)
Application by: C&T Bailey Properties
Location: 152 London Road, Nottingham, NG2 3BQ
Proposal: Erection of nine storey residential development with basement parking with ground floor gym and food and beverage facilities.

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. Prior to the commencement of development, a construction traffic management plan (including a demolition construction traffic management plan and a traffic management plan for above ground works) shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made for the parking of all site operatives, visitors and construction vehicles when loading and offloading during the construction period. The construction traffic management plan shall also include a construction traffic routing agreement.

The approved plan shall be implemented at all times whilst the development is under construction.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy DE1 and TR1 of the LAPP.



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Not for issue

Continued...

3. Prior to the commencement of development, a Remediation Strategy that 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 Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) 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).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) 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 ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.

4. Prior to the commencement of development a detailed Noise and Dust Management Plan shall be submitted to and be approved in writing by the Local Planning Authority.

The Noise and Dust Management Plan shall identify the types and locations of works which are likely to cause noise and dust disturbance to sensitive receptors and:

- Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice
- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents
- Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance
- Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours
- Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders

Reason: To ensure that amenity of the neighbouring residents are not adversely affected by noise and dust to accord with policy DE1 and IN2 of the LAPP.

5. Prior to the installation of any mechanical services plant or equipment, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

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

Reason: To ensure that future occupants of the building are not adversely affected by noise to accord with policy DE1 and IN2 of the LAPP.

6. Prior to the occupation of any restaurant/cafe use, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development 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, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

Reason: To ensure that an appropriate noise environment for future occupants and to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

7. The development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority, demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers.

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

Reason: To protect the amenities of adjacent occupants and to ensure that ground water is safeguarded to accord with policies CC3, DE1 and IN2 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 following detailed design elements shall be submitted to and approved in writing by the Local Planning Authority:

a) Elevations: the glazing system/window frames, ventilation louvers (if any), decorative sun-shade panels, reveals, brick detailing and terrace/balcony balustrades;

b) Green infrastructure: the living wall system and planting areas integrated within the building structure, including details of the irrigation system.

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

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with policy 10 of the ACS and policy DE1 of the LAPP.



9. No development involving the breaking of ground shall take place unless a programme of archaeological investigation and works, for those parts of the site which are proposed to be excavated below existing ground or basement levels, has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological investigation and works shall include:

- a) an archaeological evaluation of the site;
- b) arrangements, supported by the conclusions of an archaeological evaluation, for the excavation of the affected areas, and the implementation of a watching brief during the course of the development;
- c) arrangements for the recording of any finds made during the investigation and for the preparation of a final report;
- d) arrangements for the deposition of the records of finds, and any significant finds, capable of removal from the site, in a registered museum; and
- e) arrangements for the publication of a summary of the final report in an appropriate journal.

The archaeological investigation and works approved under this condition shall be carried out in accordance with the approved programme.

Reason: To investigate the presence or absence of caves within the site and to ensure that any archaeological remains of significance are safeguarded in accordance with policy 11 of the ACS and policy HE2 of the LAPP.

10. Notwithstanding the submitted application documentation, prior to the commencement of development, details of the sustainability measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include a BREEAM assessment with regards the non-domestic element of the scheme.

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

Reason: To ensure that the development incorporates sustainable design features to accord with policy 1 of the ACS and policy CC1 of the LAPP.

11. Prior to first occupation, each parking space within the basement shall be provided with its own Electric Vehicle Charging Point, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable transport and to accord with policies CC1 and TR1 of the LAPP.

Pre-occupation conditions

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

12. Prior to first occupation of the development, verification that the approved scheme detailed in the Air Quality Assessment dated 13th October 2020 has been implemented and is fully operational, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that the scheme approved to improve the air quality within the local area has been implemented to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

13. 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: To ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.

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

Reason: To ensure that the sound insulation scheme approved to safeguard residential amenity and to deal with noise associated with the operation of the building has been implemented to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

15. Prior to their first use, verification 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, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard residential amenity and to deal with noise associated with the operation of the building has been implemented to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

16. Prior to first occupation of any restaurant/cafe use, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To safeguard the residential amenity of future occupants to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

17. Prior first occupation of the development, a landscaping scheme (both hard and soft landscaping, including surfacing and means of enclosure), shall be submitted to and approved in writing by the Local Planning Authority. Plants and trees shall be native species selected for their biodiversity value and shall include a focus on bee friendly planting. The landscaping scheme shall also include proposals for the on-going management and maintenance of the external areas of the site, in particular the living walls.

The landscaping scheme shall be provided in accordance with the approved details within the first planting season following the completion of the development. Any trees or plants provided as part of the approved landscaping scheme which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with other plants of a similar size and species, unless otherwise prior agreed in writing by the Local Planning Authority. Management and maintenance of the landscaping shall at all times be in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS and policies DE1 and EN6 of the LAPP.

18. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the cycle parking for minimum of 84 spaces in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Cycle parking provision shall be covered and secure and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To secure appropriate provision of cycle parking in order to encourage an alternative mode of transport and to accord with policy 14 of the ACS and TR1 of the LAPP.

19. Notwithstanding the approved drawings, the development shall not be occupied until the bin store and collection arrangements have been provided in accordance with details which have first been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate bin storage facilities have been provided in order to comply with policy 10 of the ACS and policy DE1 of the LAPP.

Regulatory/ongoing conditions

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

20. The development shall be carried out in accordance with the approved Flood Risk Assessment and habitable areas within the development shall have finished floor levels set no lower than 26m AOD (except the bin store at 25.85mAOD).

The basement of the development shall be used for less vulnerable uses (classified within the Technical Guidance of the NPPF) only.

Reason: To ensure that the development is not placed at undue risk during a flood event to accord with policy CC3 of the LAPP.

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 11 January 2021.

Reason: To determine the scope of this permission.

Informatives

1. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, 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 verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- 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 & 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.

2. Air Quality

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

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

3. Environmental Noise Assessment

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

Verification that the approved sound insulation scheme has been implemented shall include;

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

example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)

photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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

4. 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.

5. Commercial Noise

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

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

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

6. 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 (EMAQ, 2018).

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

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

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

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

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

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

Adequate Ventilation

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

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.

7. Highways Informatives

The applicant is to ensure that vehicular accesses off Ryehill Street and Meadows Way are provided with sightlines to access, visibility splays, Road Safety Audits I, II and III with pedestrian priority access design to the bellmouth.

The applicant is to reinstate all redundant footway crossings with full height kerbs and make good the pedestrian footway where affected by the development works.

The applicant is to provide a pedestrian priority treatment to the bellmouth of Ryehill Street allowing for a reduced width to improve pedestrian crossing safety and accommodate the associated traffic to the new access. The applicant is to ensure a safe crossing treatment for pedestrians accessing the bus services along Meadows Way and accessing the existing pedestrian refuge crossing.

The applicant is to provide details to ensure any overhang above the adopted highway is considered for height and width impact on the highway network, safety and on passage and re-passage of vehicles, cyclists and pedestrians.

The applicant is to ensure they pursue a stopping up order as the development indicates the red line boundary takes in areas that are existing adopted highway.

The applicant has submitted Travel Plan information in the form of notice board details, a presentation for residents and other supporting data. This is acceptable in principle. The applicant is to contact James Ashton James.Ashton@nottinghamcity.gov.uk to discuss how the Travel Plan information is to be communicated to residents and provide the name of the Travel Plan Co-ordinator.

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Network Management on 0115 876 5293 or email Highway.Management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

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Not for issue

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