

Report of Director of Planning and Regeneration

Bendigo Building, Brook Street

1 Summary

Application No: 21/00968/PFUL3 for planning permission

Application by: Planning And Design Group (UK) Ltd on behalf of GR No 25 Ltd

Proposal: Demolition of existing building and development of purpose-built student accommodation (up to 13 storeys), also with ground floor commercial units, car and cycle parking.

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

To meet the Council's Performance Targets this application should have been determined by 27th July 2021

2 Recommendations

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

- (i) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report;
- (ii) prior completion of a Section 106 planning obligation to secure the following:
 - (a) an off-site Open Space contribution of £713,452;
 - (b) local employment and training benefits including opportunities in the construction phase of development together with payment of a financial contribution of £103,460 towards employment and training;
 - (c) a student management plan and restrictions on keeping private vehicles

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

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

3 Background

- 3.1 The application site is located at the east end of Bath Street, close to its junction with St. Ann's Well Road. The site is occupied by a deep floor plan building that occupies the entire site and ranges between four and seven storeys in height. It is faced in roughcast concrete cladding, ribbon glazing, and has a flat roof. The tall Bowman Telephone Exchange building is adjacent to the east on Bath Street. St. Mary's Rest Garden and Victoria Hall student accommodation is across Bath Street to the north. The tall Marco Island flats development is to the south across Brook Street. To the west across Cowan Street is a cleared site and vacant single storey building, 1A Brook Street.
- 3.2 The application building is vacant with only part of the ground and lower ground floors having last been used by a car rental company. The building has previously been used for a range of office and storage uses, including a link with Marco Island when this building was in use as a postal sorting office. Pedestrian and vehicle access to the building is currently available from Bath Street and Brook Street.
- 3.3 The application site is adjacent to the boundary of the Sneinton Market Conservation Area, which runs along the opposite side of Bath Street and includes St Mary's Rest Garden and Victoria Park.
- 3.4 The planning history of the site includes a proposed redevelopment with a 9-14 storey building comprising 244 apartments and with ground/first floor commercial and leisure uses (07/00019/PFUL3). A planning appeal against the non-determination of this application was allowed on 14 October 2008 following a public inquiry. This planning permission expired without having been implemented.
- 3.5 A planning application for the change of use, extension and alteration of the existing building from to 101 apartments and including new cafe and crèche use was granted planning permission on 2 February 2018. This more recent planning permission also expired without having been implemented.

4 Details of the proposal

- 4.1 The application proposes the demolition of existing building and development of purpose-built student accommodation with frontages to Bath Street, Cowan Street, and Brook Street. The proposal would create a C-shaped plan relative to those streets and with an internal shared landscaped courtyard space. The proposed building would be 13 storeys at its tallest onto Bath Street, stepping down to 12 and then 10 storeys onto Cowan Street, and then continuing at 10 storeys along Brook Street.
- 4.2 The application has been amended to provide two separate entrances to the building on Cowan Street lower ground floor, leading into reception/amenity spaces and lift/stair cores to the upper floors. There would be two small commercial units at the lower ground floor onto Brook Street. There would also be secured vehicle and pedestrian entrances onto Brook Street, with access to the proposed 6 car parking spaces, 312 secure cycle parking spaces, bin stores, plant rooms and substations. There would be further student amenity spaces on the upper ground floor including gym, games and study rooms, and also access to the shared landscaped courtyard space. The accommodation also begins at the upper ground floor level and continues on each floor above, providing a total of 692 student bedspaces in a mix of studios and 4-6 bedroom cluster flat accommodation.

- 4.3 The proposal is for the frame structure of the building to be in a red brick, with contrasting black brick inset panels and grouped windows to establish hierarchy and verticality. There have been revisions made to the design of top floor of the building to group and emphasise brick arch details. The ground floor corner of the building between Bath Street and Cowan Street has also been revised at this prominent point in the street scene.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

Marco Island, Brook Street (all apartments and commercial units)
Liberty Living Student Accommodation, St. Ann's Well Road (Managers Office)
2 St. Ann's Well Road (all apartments)
Bloomsbury Court (all apartments)
201, 203 Huntingdon Street
William Booth Memorial Hall, King Edward Street
Bowman Telephone Exchange, Bath Street
Bath Place, Bath Street
1 Brook Street inc. Lower Ground Floor

The application has also been publicised by site and press notices. A total of 23 citizen objection responses have been received, opposing the proposed development on the following grounds:

1. Overprovision/saturation of student accommodation in the area and additional pressure on amenities in the area.
2. The height of the proposed building, overshadowing/overbearing and loss of sunlight/daylight to St. Mary's Rest Garden and physical barrier being created between St. Ann's and the city centre.
3. Proximity to Marco Island flats and impacts arising from noise, loss of view, loss of privacy, and potential issue with 'right-to-light'.
4. The design of the building, lack of articulation, and use of dark materials.
5. The impact of the scale and design of the building on the Sneinton Market Conservation Area.
6. Noise, littering, and anti-social behaviour impacts upon St. Mary's Rest Garden.
7. Loss of privacy to dwellings on Lamartine Street.
8. Increase in traffic and insufficient number of parking spaces.

Councillor Liversidge: Objection on the grounds that it is intended to be 13 floors which will considerably reduce the sightlines and the amenities of St. Mary's Rest Garden and Victoria Park. This tall structure would help to split St Ann's from the city centre

Councillor Johnson: Objection on the same grounds as Councillor Liversidge.

Councillor Lee: Objection: Objection to the height of this building which will cast large shadows over the St Mary's Rest Garden.

Victoria Park Tenants & Resident's Association: Objection. The development represents a loss of amenity in that it will overlook and cast into shadow significant parts of St Mary's Rest Garden which affects growth and ruins enjoyment of this

well-loved public space. The Association strongly believes that such spaces should be vigorously defended from encroachment by unsympathetic development.

There are currently 485 student places in the Sneinton Market Conservation Area. Together with the approved plans for the Exchange Building and the Gala Bingo site this development will increase the number to 2221. The developers have not supplied evidence of proven student need and such an increase will swamp the local community. Students have a particular way of living that will profoundly impact on the area. A building designed for PBSA is in our view unlikely to be able to cater for any other type of accommodation.

Whilst the development sits within a group of modern buildings, it is out of scale for the Conservation area which comprises primarily of low rise, period architecture. The design has been arrived at to minimise costs and is poor. There has been no effort to take into account the Salvation Army building or the Rest Garden, and there is no visual articulation. The development would continue the current run of undesirable, monolithic buildings that cut off our community from the rest of the City rather than encouraging its integration.

The applicant did not engage in any meaningful community consultation. The public planning charrette in September 2019 agreed a set of objectives agreed including a commitment to a balanced community, distinctive identity and heritage celebration.

The development would lead to increases in traffic flow in the local area which is struggling to accommodate parking and traffic.

The Salvation Army: Are the owners of the William Booth Memorial Halls situated adjacent to the proposed development and generally accept proposals to regenerate and redevelop sites within the vicinity. This application and two additional proposals for student accommodation could lead to a complete change in dynamic of the populace in the immediate vicinity of the Salvation Army, now granted Grade II listed building status. The Salvation Army can provide support for students from its facilities, but the existing facilities will require re-modelling to achieve suitable multi-use space. To this end, there will be a requirement for funds, and it is hoped that community contributions by developers will be forthcoming to complement their respective developments. The Salvation Army sees an opportunity to have an on-site presence within the proposed building. Anticipate further pressure on car parking and any solution should provide for an allocation of spaces for the use of attendees at WBMH.

Nottingham Civic Society: Objects to the height and bulk of the proposed building looming over the Sneinton Market Conservation Area. The applicant's Design and Access Statement concedes that the 12 and 13 storied building will have a significant impact upon the Conservation Area and particularly St Mary's Rest Garden directly in front of the new building. It is ironic that the architect claims to have drawn inspiration for the building's design from the idea of Bendigo-related 'shadow-boxing' and the play of light and shade on the elevations, when the bulk of the new building would seriously over-shadow, from the south, the public open space in St Mary's Rest Garden and the Bendigo monument itself.

The close proximity to the Sneinton Market Conservation Area and the sensitivity this implies, is the reason why the application site and its neighbours in Bath Street are not included in the City Centre Urban Design Guide's 'Tall Buildings Zone' in Eastside. This over-large building would coalesce with other tall and bulky

structures in views towards the landmarks of the city centre skyline, detrimentally affecting the Key View identified in the Urban Design Guide from the Rest Garden towards the dome of the Council House.

View 12 in the Townscape and Visual Appraisal demonstrates how the dome, the iconic symbol of Nottingham's identity, is being disregarded and overlooked. The existing layered view of buildings dipping down respectfully around the civic landmark would be replaced by a sheer, unrelieved wall of tall building stopping just short of the dome itself, so that rather than obliterating the feature, its significance is diminished and the Key View undermined.

The new building should be reduced in height to preserve the character and appearance of the conservation area.

Nottingham Local Access Forum: The site is close to the central core of the city and well located to allow the student residents to travel by active means to the centrally located NTU campus, other central, satellite educational facilities and the amenities that Nottingham city centre offers. Infrastructure for active travel provided or influenced by the proposed development should therefore look to make the best of these opportunities for public access by the occupants.

NLAF welcomes the fact that cycle parking spaces for the student accommodation in line with local plan guidance on quantum is proposed. That significant numbers of car parking spaces for students are also proposed is disappointing and will encourage private car use. The provision of car parking in such a central location runs counter to local plan policy. Providing car parking will also compromise the ambition of targets the submitted Travel Plan. Whilst the developer aspiration to make use of the existing basement structure is understood, a more imaginative approach than simply giving this over to car parking would be welcome.

NLAF notes that there is no apparent provision for charging facilities within the proposed cycle parking.

In addition to basement parking, the applicant proposes additional on street parking adjacent to the site, again contrary to local plan policy. A number of these additional on street parking spaces would come at the cost of lost footway width and NLAF would suggest that this proposal should certainly be rejected. More positively, NLAF welcomes the additional footway width proposed to be provided on Cowan Street.

Nottinghamshire Wildlife Trust: Note that biological data was not obtained from the Nottinghamshire Biological and Geological Records Centre. As such, protected species records on site and the vicinity of site may have been missed. Note that entire building was not accessible and feel that a period of static monitoring using passive bat detectors left in situ within the structure would provide a way of increasing confidence levels when attempting to determine an absence of internal bat activity. Welcome the ecologist's recommendation that a 'bat sensitive lighting strategy' is implemented. A nesting bird survey should be undertaken immediately prior to demolition by suitably experienced individuals. Proposals should demonstrate a 'measurable' net gain in biodiversity. The ecology report does provide some level of ecological enhancement recommendations. However, we feel given the size of the proposed structure and distinct lack of green space considered within the proposals that additional ecological enhancements are needed to meet the biodiversity net gain requirements. Integrated boxes designed to support a range of species should be incorporated within the structure. Note that the

documents submitted with the application have rejected the concept of a green roof. However, we believe that further consideration should be given to establishing an area of biodiverse green roof.

Nottingham University Hospital NHS Trust (NUH NHS Trust): A financial contribution is requested for additional secondary healthcare services to meet patient demand.

CPRE Countryside Charity: Sympathy for concerns of Victoria Park Tenants & Residents Association and feel that the daylight available to this green space should be maximised and that its enjoyment should not be encroached upon. Although we appreciate that Nottingham is a two-university city and that students need decent accommodation, this should not be at the expense of swamping existing residents.

Additional consultation letters sent to:

Policy: No objection. The provision of further good quality PBSA in the City Centre is likely to attract students that would otherwise occupy houses of multiple occupation outside of the city centre freeing up such accommodation for families. The scheme would in principle help to deliver an important element of the Council's housing policy, including a long term aim to promote high quality PBSA at the right locations. This can address the shortage of PBSA provision and not only help to meet the housing needs of a growing student population, and reduce the demand on the City's existing housing stock, but also have a broader role to play in facilitating redevelopment of key sites within the City Centre adding further vitality and viability and hopefully assist in rebalancing communities currently with high concentration of student occupation.

The Council's recent PBSA vacancy survey for the 2020-21 academic year, the majority of PBSA providers (representing 84% of the total PBSA bedspaces) considered that the PBSA market will return to normal once the pandemic restrictions are fully lifted. Previous results from the Council's vacancy surveys have shown near full occupation across the PBSA market with less than 2% vacancies.

Policy HO6 also requests that schemes are designed in such a way that they can be capable of being re-configured through internal alterations to meet general housing needs in the future. It is requested that the developer does confirm adaptability of the building for alternative residential use

The Council is currently consulting on a Draft Supplementary Planning Document for the Eastside area, which this application falls within. The aim of the SPD is to ensure a mix of good quality homes (which are not dominated by any one type of occupant) are provided alongside a vibrant mix of facilities.

Given the existing high levels of student concentration in the Eastside area, it is likely that further student housing has the potential to impact negatively on the character of the area, the local context and levels of amenity and these factors will be important when assessing any proposals for further student accommodation in the area. Although this proposal incorporates two small commercial units on the ground floor, it is acknowledged that the majority of the development is for student accommodation. It is understood that the developer is reluctant to increase the

amount of additional uses in the scheme and as such, the application will need to be determined as proposed.

It is considered that the proposed scheme complies with Local Plan policies and in particular Policy 5 of the ACS regarding the location of student accommodation development, as well as Policy HO5 and HO6 of the LAPP. There are therefore no principle policy objections to the proposed development in this location.

Environmental Health: No objection subject to conditions. Accept that there is no requirement for an intrusive environmental ground investigation for human health risk assessment and that, providing the technical details for ventilation of the underlying car parking meet current building regulations, then there will be no need for any ground gas monitoring on the site. Advise that the Noise Impact Assessment report be revised to take into account the EH criteria for residential properties & plant noise. This can be provided by condition submission. The Air Quality Assessment report is unclear It is not clear whether a backup diesel generator would be required. It is important to receive details of the secondary power supply for the development and if it is to be a backup diesel generator, any flue arrangement will need to be approved. Conditions are also recommended in relation to any future commercial kitchen ventilation system installation.

Highways*: No objection subject to conditions. It is proposed to provide 55 parking spaces for cars as part of the student accommodation development. Based on 692 bed spaces this equates to a parking ratio of 0.08 spaces per student bed space. This is acceptable in principle subject to a submitted car parking management plan detailing how the car park will be managed. No car parking is to be provided for the two commercial units. In total, the applicant is proposing electric charge points for 8 vehicles. The remaining parking spaces are to be 'EV ready' with cables and chargers to be installed at a later date. This is acceptable in principle. A condition requiring the submission and approval of a 'Student Drop off and Pick up Management Plan' is necessary. The submitted proposed Waste Management Plan is acceptable in principle. TROs proposed by the applicant are to be confirmed with NCC and are external to the planning permission approval.

(*Note: The comments from Highways pre-date the more recent revision to the proposed development, omitting the basement level and majority of the car parking spaces that had been included. The revised proposal is for 6 managed car parking spaces on the lower ground floor not provided for general use by students living at the development but to be made available for use at times of drop off / pick up of students and their belongings. Further Highways comments received will be updated to Committee.)

City Archaeologist: No objection subject to conditions. A programme of archaeological works, initially consisting of an archaeological evaluation, should be required as a condition of planning permission. The site is located immediately outside the medieval town. However, early medieval remains have been found during excavations at Brook Street, only a short distance away. The site also lies within the vicinity of where two Viking graves were found during the 19th century.

The deep basement underlying part of the extant building will have truncated remains of earlier date. However, recent excavations in the vicinity have demonstrated survival of archaeological remains of depth in excess of 4m below ground level and so there is some potential for remains (most likely to be rock-cut

features) beneath the basement level. The potential for archaeological remains outside the footprint of the basement is greater.

The archaeological evaluation will investigate the character, condition and extent of any archaeological remains and will provide an evidence base to determine what further works may be required in advance of and/or during groundworks for the development.

Additionally, conditions will be required in respect to caves. A cave is recorded within the site boundary, although its full extent and condition are unknown. In order for any redevelopment to comply with our caves policy, and the requirements as detailed in the Supplementary Planning Document, it is essential to assess the known cave, and any other caves which may exist on the site. This can only be achieved through ground investigations to locate the cave(s) and establish its/their extent and condition. Probing is therefore required as part of the ground investigations following the demolition of the extant building, with the probing to be monitored by a suitably qualified and experienced archaeologist. This will enable a foundation design to be created which enables the cave to be preserved in situ.

A condition of planning permission should be a requirement for a foundation design to be drawn up following the ground investigations, with accompanying information from a structural engineer, which ensures the preservation of any caves which exist within the site boundary.

Drainage: No objection subject to conditions. The drainage strategy proposed will be acceptable, however, the design details need to be developed. Confirmation of who will maintain the system is also required. Other sustainable systems could also be considered. The team are aware of the "Beck Valley Stormwater Culvert" in the vicinity to this site, which runs under properties on Brook Street. It is recommended that Severn Trent Water be contacted to ensure it doesn't run under this site/close to it, in case any measures are required.

Biodiversity: No objection subject to conditions. Satisfied that there is no impact expected on protected species subject to a nesting birds check prior to works commencing. Advise that lighting could have adverse impacts on the foraging habitat within St Marys Rest Garden but note that the submitted lighting report includes the recommendations of warm low-level luminaries. A condition for the incorporation of bat and bird boxes should be issued and these should form part of the construction to ensure integration into the building. Potential for the roof area to provide a lightweight or partial substrate which could support black redstart, ensuring there is adequate habitat that would facilitate their return. For Peregrine Falcon which are known to nest in the area and are frequently spotted in the city features could include suitable nesting substrate in sheltered areas on the building. A planting schedule and plan should be conditioned to ensure the use of native species in the landscape plan.

Nottinghamshire Police ALO: Considering the risk of crime and disorder applicable to this development type, and characteristics of the location it is recommended that the development demonstrates an appropriate level of security. It can be achieved by conditioning the Secured by Design accreditation. Alternative ways to ensure that appropriate and proportionate risk mitigating measures are implemented, such as the BREEAM criteria, would also be acceptable. Happy to discuss this response with any interested party.

6 Relevant policies and guidance

Aligned Core Strategies

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 5: Nottingham City Centre

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

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

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy DE1: Building Design and Use

Policy EE4: Local Employment and Training Opportunities

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

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

Policy HE2: Caves

Policy HO5: Locations for Purpose Built Student Accommodation

Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy RE1: Facilitating Regeneration

Policy RE3: Creative Quarter

Policy TR1: Parking and Travel Planning

NPPF (2021):

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 126 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 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 194 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 197 of the NPPF then states that in determining applications, local planning authorities should take account of:

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

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

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

7. Appraisal of proposed development

Main Issues

- (i) Student accommodation use and impact upon the amenity of neighbouring occupiers and the wider area.
- (ii) Regeneration of the site and wider area, including the Creative Quarter.
- (iii) Scale, layout and design and impact upon the amenity of neighbouring occupiers and the wider area.
- (iv) Impact upon local focal points and heritage assets, including the character and appearance of the adjacent Sneinton Market Conservation Area and setting of the William Booth Memorial Hall and Council House listed buildings

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

7.1 The application site is located in the city centre and within convenient walking distance of Nottingham Trent University campus (including Confetti on Lower Parliament Street/Huntingdon Street), and city centre amenities. Policy 5 of the ACS also supports city centre living initiatives including student housing where appropriate.

7.2 Policy HO5 of the LAPP acknowledges that purpose built student accommodation

of an appropriate scale and design will be encouraged within the City Centre boundary, subject to accordance with site and area specific policies.

- 7.3 Policy HO6 of the LAPP states that planning permission will be granted for purpose built student accommodation where this does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities. In assessing the development's impact on local objectives to create or maintain sustainable, inclusive and mixed use communities, regard is to be given to a range of criteria including student concentration, but with exceptions being made for those sites within areas identified in Policy HO5 where new purpose built accommodation is to be encouraged. The application site, being within both the city centre, complies with this exception and is therefore considered to be appropriate in principle for this development based on its location. Whilst other criteria form part of the detailed assessment it is therefore considered that the proposed development accords with Policy HO5, HO6 and RE3(f) of the LAPP.
- 7.4 Notwithstanding the potential impacts of the Covid 19 pandemic upon the future demand for student accommodation, monitoring reports on the provision of student accommodation have consistently illustrated the need to maintain an on-going supply of additional bedspaces in order to meet increases in the number of students attending further and higher education courses within the city. The strategy to meet this on-going supply has been to focus upon the provision of high quality purpose built accommodation within the city centre and thereby to attract students that could otherwise occupy houses of multiple occupation outside of the city centre.
- 7.5 The Policy team advise above that the response of the majority of PBSA providers to the Council's recent PBSA vacancy survey consider that the PBSA market will return to normal once the pandemic restrictions are fully lifted. Previous results from the Council's vacancy surveys have shown near full occupation across the PBSA market with less than 2% vacancies.
- 7.6 The Policy response also notes that the Council is currently consulting on a Draft Supplementary Planning Document for the Eastside area, which includes the application site. This consultation document expresses a vision for balance in the types of development across the area and makes particular reference to the domination of student housing within the area and need for a wider mix of uses within developments. It is noted that the proposed development incorporates two small commercial units on the ground floor, but that the majority of the development is for student accommodation. The prospect of a wider mix of uses being included within the proposed development has been raised with the applicant, however this has been indicated as being unviable within the limits of the development being proposed. The consultation draft status of the Supplementary Planning Document does not carry any significant planning weight and therefore should not be determinative of this planning application, which is to be determined in accordance with the adopted policies.
- 7.7 The layout and mix of studio and cluster flat accommodation within the proposed building is arranged with room either facing out onto the surrounding streets or into the courtyard amenity space that is created within the centre of the plan of the building. The floorspace standards within the proposed accommodation are considered to be good, and with internal and external communal amenity space being provided for use by all student residents.

- 7.8 Whilst the potential for antisocial behaviour will always exist in student developments of the scale being proposed, a student management plan is a requirement of the S106 agreement. This will include a commitment for an operator to work proactively with the local community, including 24 hour on-site management and community liaison. It is also considered that such on-site management will be capable of ensuring responsible behaviour within the communal courtyard space to be provided within the scheme.
- 7.9 Restrictions on keeping private vehicles within the city will also be applied and has been a proven deterrent to the potential impact of car parking. It is therefore considered that appropriate student management measures will therefore minimise any impact of the student accommodation use on the local community in accordance with Policy HO6 of the LAPP.
- 7.10 The applicant has submitted an example floor plan illustrating how the building could be adapted to residential flats in future in accordance with Policy HO6. The flats layout is confirmed to comply with the Nationally Described Space Standards for a range of flat sizes.
- 7.11 Accordingly, it is considered that the proposed scheme complies with Local Plan policies and in particular Policy 5 of the ACS regarding the location of student accommodation development, as well as Policy HO5 and HO6 of the LAPP.

Issue (ii) Regeneration of the site and wider area, including the Creative Quarter (LAPP Policies RE1 and RE3)

- 7.12 The application site falls within the Creative Quarter where the principle of student accommodation developments are supported by Policy RE3 provided this is compatible with and does not prejudice the activities of adjoining uses. It is also a long-standing potential development site with a history of planning permissions that have not been implemented. In the knowledge that the need and demand for student accommodation developments within the city centre remains high, it is considered that the prospect of the proposed development being implemented would also be high. The level of proposed investment into the site and area would be substantial (approximately £43.25m). It is considered that investment into the area at this level and of the quality being proposed would significantly improve the appearance of this site within the Creative Quarter.
- 7.13 The response of the Policy team notes that the development of student accommodation developments in the right locations can facilitate the redevelopment of key sites within the City Centre. It is therefore considered that the proposed development accords with Policy RE1 and RE3 of the LAPP.

Issue (iii) Scale, layout and design and impact upon the amenity of neighbouring occupiers and the wider area (ACS Policy 10 and LAPP Policy DE1).

- 7.14 The application site rests within a small cluster of taller buildings in this part of the city centre, including the Bowman Telephone Exchange building on Bath Street and Marco Island development on Huntingdon Street. In acknowledging this context, it is therefore considered that the site can sustain a development of some scale.
- 7.15 The proposed development is considered to be of a scale that is reasonable in relation to its neighbouring tall buildings, stepping down in height on Bath Street

relative to the Bowman Telephone Exchange building also being lower on Cowan Street and Brook Street relative to Marco Island. The height of the proposed development is therefore appropriately varied around each of its elevations in response to the change in scale and character of each surrounding street.

- 7.16 The responses of residents of the neighbouring Marco Island building referring to the potential for noise nuisance, a loss of view, a loss of privacy, and potential issue with 'right-to-light' are acknowledged. Being a tall building in its own right, Marco Island has a presence upon surrounding developments. Whilst the proposed development would not be as tall as this building at its closest point to Marco Island on Brook Street, it is recognised that the proposed building would be taller than the building that it would replace. Brook Street is a wide street and it is considered that the proposed building height and cross-relationships with Marco Island would be appropriate in this context. Loss of view is not a material planning consideration and it is considered that the redevelopment of the application site is appropriate and would improve the environment of Brook Street, which is currently blighted by the appearance and condition of the existing building. 'Right-of-light' is a private civil matter and is separate from sunlight and daylight considerations in planning terms. However, in the context of the proposed development it is noted that the Brook Street elevation to Marco Island faces north-east and that, taking into account both the width of Brook Street and the position and height of the Bowman Telephone Exchange building, it is considered that the impact of loss of sunlight and daylight across this elevation would not be significant to warrant a refusal of planning permission. Control over noise nuisance is an aspect to be addressed within the S106 student management plan.
- 7.17 The responses of residents of Lamartine Gardens referring to a loss of privacy are acknowledged. However, the distance of the proposed development from these properties is significant across the width of St. Mary's Rest Garden.
- 7.18 Whilst being the tallest element of the scheme, it is considered that the elevation to Bath Street facing St. Mary's Rest Gardens would not physically or visually dominate this park and that overshadowing of the park would be limited to a level that would not significantly impact upon its use and amenity. Development of the scale and use proposed would also significantly improve upon the surveillance of this large expanse of city centre open space and being most directly associated to the proposed development, would be a priority site for the allocation of open space contributions to be provided at the point of occupation of the proposed development.
- 7.19 The redevelopment of the site previously allowed at appeal by the Secretary of State remains a material consideration in the context of the scale of the proposed development. There has been no significant change within the area of the site since this appeal was allowed and, whilst the NPPF has replaced previous Government guidance and the ACS and LAPP have been adopted to replace the previous Local Plan, the thrust of policies relating to the scale and design of new buildings and the consideration of the impacts of such developments on the amenity of neighbouring properties and the appearance of an area (including conservation areas) remain substantially the same, although with an increased emphasis upon achieving well designed buildings and places. It is therefore, appropriate to acknowledge that planning permission has been previously granted for a 9-14 storey predominantly apartments building, with the tallest 14 storey element being onto Bath Street.

- 7.20 A significant number of the consultation responses received including those from Ward Councillors and the Victoria Park Tenants & Resident's Association, refer to the excessive scale of the proposed development and its impact upon St. Mary's Rest Garden and the Sneinton Market Conservation Area. The extent of overshadowing of St. Mary's Rest Garden is also mentioned in particular. These are both aspects that were reviewed at the previous appeal, with the Inspector appointed on behalf of the Secretary of State concluding that: "*The building would impact on the adjacent St Mary's Rest Garden but the scale and massing of the proposed design on this and the views of the City Centre's skyline would be acceptable.*" and that the daylight/sunlight impact of the proposal on St Mary's Rest Garden "*would be restricted to the sloping area adjacent to Bath Street. There would be a loss of some sky in views from parts of the garden, but this would not be harmful to an extent that justified refusing planning permission.*"
- 7.21 The application submission demonstrates that the proposed scale of development is substantially the same as that previously allowed at appeal. It is therefore considered that the proposed scale of development is appropriate to the site and area, being in accordance with LAPP Policy DE1 in this particular respect.
- 7.22 The design of the proposed building is considered to have a strong visual presence, with its red brick frame structure and contrasting black brick inset panels within deep reveals expressing a clear identity. Appropriate emphasis is provided the lower and upper ground floors, which are combined on the elevations to provide height at street level. The middle section floors of the building are also grouped within the red brick frame structure to provide scale to these elements whilst also presenting a consistent elevation. The top floors are then emphasised with arched and square frame details to express the building's identity in middle and longer distance views. Planning conditions are also proposed to secure the quality of detailed elements of the proposed buildings' design.
- 7.23 The proposed development is therefore considered to accord with ACS Policy 10 and LAPP Policies DE1 in relation to its scale, layout and design and heritage impacts.

Issue (iv) Impact upon local focal points and heritage assets, including the character and appearance of the adjacent Sneinton Market Conservation Area and setting of proximate listed buildings, including the William Booth Memorial Hall and Council House listed buildings (ACS Policy 11 and LAPP Policy HE1).

- 7.24 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the planning authority to have special regard to the desirability of preserving the setting of any listed building and for special attention to be paid to the desirability of preserving or enhancing the character and appearance of the conservation area respectively. Paragraph 199 of the NPPF indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.25 It is considered that the appearance of the existing building remains a negative feature within its local environment, also impacting upon the character and appearance of the adjacent Sneinton Market Conservation Area. The principle of its redevelopment is therefore to be welcomed.

- 7.26 The scale of the proposed building and relationship to St. Mary's Rest Garden as part of the Sneinton Market Conservation Area is referred to in issue (iii) above and with particular regard to the conclusions of the previously allowed appeal for a development of substantially the same scale. The appearance of the proposed development is considered to be a significant improvement on both the existing building and the allowed appeal scheme, with the quality of its design and details representing a clear and strong identity and one that is considered would contribute to the view from St. Mary's Rest Garden and character and appearance of the adjacent Sneinton Market Conservation Area.
- 7.27 The Heritage Assessment submitted with the application includes a comprehensive review of heritage assets around the application site, including the Bendigo Monument within St. Mary's Rest Garden, Park View Court flats on Bath Street, and The Promenade and Robin Hood Terrace houses. Whilst the more recent listing status of the William Booth Memorial Hall has not been included within this review document, this has been assessed by Officers in arriving at the above recommendation. With regard to this particular building, it is noted that its position and design is focusses on its presence on the view south along St. Ann's Well Road. This focus is maintained, with the proposed development being to the left and outside of this view until close to the roundabout junction with Bath Street. Local views from King Edward Street and Beck Street on either side of the WBMH are also considered to be unaffected by the proposed development. It is therefore considered that the impact of the setting of the proposed development on heritage assets around the application site has been appropriately addressed and in accordance with ACS Policy 11 and LAPP Policy HE1.
- 7.28 The response of Nottingham Civic Society refers to the impact of the proposed development upon a view of the Council House dome from St. Mary's Rest Garden. Whilst it is acknowledged that the proposed development would be visible within this view, it is not considered that the view would be diminished in the way that NCS suggest. The presence and prominence of the Council House dome would remain intact insofar as this key view (not vista) within the City Centre Urban Design Guide is concerned.
- 7.29 It is considered that the design of the proposed development, being adjacent to rather than within the Sneinton Market Conservation Area, is appropriate and would enhance the appearance of the Conservation Area through the quality of its design and through the replacement of a building that has a negative impact upon the Conservation Area.
- 7.30 Paragraph 202 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 good analysis of the heritage issues. It is considered that any harm caused to the significance of the heritage assets would be 'less than substantial' and that the public benefits of the redevelopment of a vacant and poor quality building adjacent to the Sneinton Market Conservation Area, the setting of the William Booth Memorial Hall, and view towards the Council House dome substantially outweigh any heritage impacts. The proposals are felt to at least preserve if not enhance the appearance of the conservation area and the setting of the listed buildings are preserved. On this basis it is considered that the proposed development accords with ACS Policy 11

and LAPP Policy HE1. Planning conditions are also proposed to secure the quality of detailed elements of the proposed buildings' design.

Other

- 7.31 The application has been revised to omit the basement level, and as a result the only car parking will be on the lower ground floor with 6 parking spaces being provided. An accessible space and an operational space are to be provided with access to EV charging. These managed car parking spaces are not provided for general use by students living at the development but would be made available for use at times of drop off / pick up of students and their belongings. The applicant has acknowledged the common S106 position relating to student developments and advises of their intention to market the accommodation as car free development as well as imposing a contractual requirement of occupancy that forbids students from bringing a vehicle into the city (other than at start/end of term).
- 7.32 The revised car parking proposals post-dates the comments of Highways but remains consistent with the comment regarding the need for a car parking management plan. The omission of the proposed car parking also addresses the concerns raised by the Nottingham Local Access Forum over the level this provision. It is therefore considered that the car parking proposal and management of the limited number of spaces being provided is appropriate for the use of the proposed development and accords with LAPP Policy TR1.
- 7.33 The proposed cycle parking for the student accommodation is provided within a secure, undercover cycle store on the ground floor of the building. A total of 312 cycle spaces will be provided for use by the students and their visitors, which accords with the LAPP's minimum standards for student occupants and visitors.
- 7.34 The response of Environmental Health is noted and reflected in the proposed conditions regarding contamination assessment and implementation of the approved sound insulation scheme in accordance with LAPP Policy IN2.
- 7.35 The response of the City Archaeologist is noted and reflected in the proposed conditions regarding an archaeological evaluation, caves ground investigation, and foundation design that will ensure the preservation of any caves in accordance with LAPP Policies HE1 and HE2 and the Caves of Nottingham Supplementary Planning Document.
- 7.36 The response of the Drainage team is noted and reflected in the proposed condition requiring full design details of the approved drainage strategy in accordance with LAPP Policy CC3.
- 7.37 The response of the Biodiversity team is noted and reflected in the proposed conditions for the incorporation of bat and bird boxes (to include the review of the potential for roof nesting features) plus full planting details and use of native species in accordance with LAPP Policy EN6.

8. Sustainability / Biodiversity

- 8.1 The site is sustainably located as part of the city centre. A wide range of individual sustainable measures are to be incorporated within the proposed development including:

- A highly efficient building fabric and energy efficient glazing to reduce the cooling load of the building.
- Maximised use of LED and low energy lighting.
- Air source heat pumps (ASHPs) to provide low energy and low carbon hot water to the student accommodation (a significant element of the annual energy usage).
- ASHPs to provide low energy and low carbon heat to the retail units.
- ASHPs to provide low energy and low carbon heat to the communal areas.
- On-site electric generation via roof mounted photovoltaics.
- Efficient mechanical ventilation with heat recovery units to control the ventilation requirement.

8.2 The Energy Statement submitted with the application summarises the results of the inclusion of these proposed sustainable measures as:

The baseline Scheme has a building emission rate (BER) of 73.4 kg/m²/Annum.

- Tier 1 'Be Lean' with improved thermal fabric suggests a building emission rate (BER) of 66.0 kg/m²/Annum, an improvement of circa 11% over the initial baseline scheme.
- Tier 2 'Be Clean' with improved energy efficient equipment indicates a BER of 57.4 Kg/m²/Annum, an improvement of circa 22% over the initial baseline scheme.
- Tier 3 'Be Green' with the further addition of renewable technology based on roof mounted photovoltaics and Low Carbon Technologies based on Air Source Heat Pumps Systems, results in 58.6% improvement over the part L (2013) notional building with a calculated regulated carbon emission rate of 30.4 Kg/m²/Annum.

8.3 Being implemented on this basis, it is considered that the proposed development would accord with Policy 1 of the ACS and Policy CC1 of the LAPP.

9 Section 106 (LAPP Policies HO6, IN4, EN2 and EE4)

- 9.1 In accordance with The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance an open space contribution of £713,452 towards open space improvements is to be provided in accordance with Policies EN2 and IN4.
- 9.2 The applicant has indicated that they will work with the Council's Employment and Skills team in relation to these future local construction and operational job opportunities with a financial contribution of £103,460 in accordance with Policy EE4 of the LAPP.
- 9.3 A student management plan will be a requirement of the S106 agreement, to include 24 hour on-site management and a commitment for an operator to work proactively with the local community. Restrictions on student occupants keeping private vehicles within the city will also be applied, with the exception of the use of the proposed six car parking spaces for the unloading/loading of belongings at the start and end of terms. It is considered that appropriate student management measures will therefore minimise any impact of the student accommodation use on the local community in accordance with Policy HO6 of the LAPP.

- 9.4 Regarding the requested contribution for the NUH NHS Trust, it is accepted that health care provision is a material planning consideration that is referenced in chapter 8 of the NPPF (Promoting Healthy & Safe Communities). Whilst the Council are therefore supportive of the principle of such a contribution, a number of queries and issues arise from the request that have been the subject of separate discussions with the NUH NHS Trust. It is therefore proposed that no NUH NHS Trust contributions are sought.
- 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

- 10.1 A financial contribution of £713,452 in accordance Policy IN4 and The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance.
- 10.2 A financial contribution of £103,460 in accordance with Policy EE4 of the LAPP.

11 Legal Implications

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

12 Equality and Diversity Implications

The provision of DDA compliant accessible buildings.

13 Risk Management Issues

None.

14 Strategic Priorities

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

15 Crime and Disorder Act implications

Improved surveillance and community safety.

16 Value for money

None.

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

1. Application No: 21/00968/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QSA6NWLY0KU00>

18 Published documents referred to in compiling this report

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

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

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

NOMAD printed map



Key



City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 21/00968/PFUL3 (PP-09760378)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Nottingham
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Planning And Design Group (UK) Ltd
FAO Mrs Sarah Clark
Pure Offices
Lake View Drive
Nottingham
NG15 0DT

Date of decision:

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

Application No: 21/00968/PFUL3 (PP-09760378)
Application by: GR No 25 Ltd
Location: Bendigo Building, Brook Street, Nottingham
Proposal: Demolition of existing building and development of purpose-built student accommodation (up to 13 storeys), also with ground floor commercial units, car and cycle parking.

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)



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

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

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

3. Other than the demolition of the existing building, no development shall commence until ground investigations including probing to locate the presence of the cave(s) within the site and to establish its/their condition have been undertaken with the involvement of a competent person or persons/organisation and the results have been submitted to and approved 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).

4. Other than the demolition of the existing building and subject to the findings of the cave investigations required by Condition 3 of this consent, no development shall commence until a foundation design, with accompanying information to ensure the in situ preservation of any caves that exist within the site boundary, has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that any caves of significance are safeguarded in accordance with Policy HE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020) and the Caves of Nottingham Supplementary Planning Document (2019)



5. Other than the demolition of the existing building, no development shall commence until an environmental noise assessment and sound insulation and ventilation scheme which has regard to the Noise Impact Assessment by Noise Air dated 21/04/2021 has been submitted to and be approved by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition, it shall include predicted noise levels for any [relevant premises which may not currently be operating, and] plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not normally more than 45dB L_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

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

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

6. Other than the demolition of the existing building, no development shall commence until an environmental noise assessment and sound insulation scheme has been submitted to and 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: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).



7. Other than the demolition of the existing building, no development shall commence until a written strategy setting out the technical details of any secondary power supply system has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall thereafter be implemented in accordance with the included details unless varied with the written approval of the Local Planning Authority.

Reason: In order to ensure that any requirement for extraction of combustion gases do not exceed the 1 hour air quality objective for NO₂ for rooms close to the exhaust termination point and therefore in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

8. Other than the demolition of the existing building, no development shall commence until technical details of the exhaust ventilation termination at high level, above the development at roof level for the proposed commercial units, has been submitted to and be approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in accordance with the approved details unless varied with the express written approval of the Local Planning Authority

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

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

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

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

Reason: In accordance with Policies DE1 and EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).

11. No above ground development shall commence until a detailed scheme for the for the incorporation of bat and bird boxes (to include the review of the potential for roof nesting features) has been submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the interest of ensuring the incorporation of these features within the approved development to support biodiversity and in accordance with Policy EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).



12. No above ground development shall commence until a large scale sample panel of all proposed materials to be used on the external elevations of the approved development has been constructed on site and has been reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials shall also be submitted to and approved in writing by the Local Planning Authority before 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 (January 2020).

13. No above ground development shall commence until a detailed designs for the drainage of the site have been submitted to and approved by the Local Planning Authority. As a minimum the submitted information should contain:

- i. Details of how the surface water run-off will be managed,
- ii. Drainage plan showing the layout of the proposed drainage (both foul and surface water),
- iii. Proposed Adoption of SuDS features (who will maintain the SuDS features),
- iv. Maintenance plan for the lifetime of the development (how will the SuDS features be maintained),
- v. Relevant surface water calculations from licenced software.

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

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

14. Other than the demolition of the existing site buildings, development shall not commence until large-scale elevation and section drawings (e.g. scale 1:20/1:10) of the detailed design of the following elements of each of the approved development have been submitted to and approved in writing by the Local Planning Authority:

a) Elevations: including to scale details of the 'Bay Studies' drawing 100-985/(P)045 A (or equivalent), with full details of the proposed brick reveals, brick detailing (including brick arches, tapers, and coursing), glazing systems, and louvers.

b) Roofs: including edges and parapets;

c) Plant: including lift enclosure, external ventilation systems, and other similar elements that are integral to the fabric of the building;

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

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

Pre-occupation conditions

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



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

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

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

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

17. The approved development shall not be first occupied until written verification that the approved secondary power supply system has been implemented has been submitted to and approved in writing by the Local Planning Authority.

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

18. The approved development shall not be first occupied until written verification that the approved route of exhaust ventilation termination at high level, above the development at roof level has been implemented has been submitted to and be approved in writing by the Local Planning Authority.

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

19. Prior to the first occupation of the commercial units of the development, 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. The approved scheme for ventilation shall thereafter be implemented in accordance with the approved details.

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

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

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



21. Prior to the first occupation of the approved development, verification that the energy and sustainable measures included within the approved Energy Statement by The Engineering Practice (Ref: 2301, April 2021) have been implemented and are fully operational shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the identified sustainable design features are incorporated into the approved development, in the interests of ensuring the energy efficient and low carbon sustainable development of the site and in accordance with Policy CC1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 and Policy 1 of the Aligned Core Strategies.

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

Reason: In order to ensure that the operation of approved development incorporates adequate management arrangements to avoid prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety and the amenity of the area in accordance with Policy HO6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

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

Reason: In the interests of ensuring that these works are carried out in association with the approved redevelopment of the site and in the interests of highway safety and amenity in accordance with Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

Regulatory/ongoing conditions
 (Conditions relating to the subsequent use of the development and other regulatory matters)

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

Reason: In accordance with Policies DE1 and EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 27 April 2021.

Reason: To determine the scope of this permission.



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

4. Commercial Noise

The objective of this condition is to prevent background noise creep in the vicinity of the development. 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.

5. 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 - <https://www.cheshirefire.gov.uk/business-safety/fire-safety-advice-for-businesses/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.

6. Mud on roads

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Network Management 0115 8765293 or email Highway.Management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

7. Highway licences

The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway may be occurring and licences may be required. Please contact highway.management@nottinghamcity.gov.uk 0115 8765293.

Consideration of boundary treatments, overhang licences and abutting structures adjacent to our highway. As such please consider the opening out of doors and windows (below a certain height) is not permitted onto an adopted highway.

8. Traffic regulation Orders (TROs)

Prior to occupation of the consented development, it is necessary to amend and introduce Traffic Regulation Orders. These will be both temporary and permanent in nature. 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 you make contact at the earliest opportunity to allow time for the process to be completed; please contact Highways Network Management on 0115 8765293 to instigate the process. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

9. S278 Agreement

Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

Street trees, materials and street furniture will require commuted sums. 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.

10. Refuse collection

The applicant is to ensure that bin storage for both the residential and commercial is suitable in size to accommodate all residents and commercial operations and is placed adjacent to the adopted highway and to an access. This is to ensure refuse collection is from an adopted highway. A waste management strategy has been submitted for the residential student development but not for the commercial. The highway authority require a commercial refuse waste management strategy with locations of bin stores to be submitted that will outline the location of a refuse collection area adjacent to the adopted highway and provide details of waste management provision for the commercial area

11. Sustainable Transport, Car parking management & Student drop off & pick up

A Travel Plan and car parking management plan is to be provided by the applicant alongside a plan for student pick up and drop off at the start and end of each term. To obtain further information on expectations please contact James Ashton 0115 8763093.

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

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

RIGHTS OF APPEAL

Application No: 21/00968/PFUL3 (PP-09760378)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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Not for issue