

## **Report of Director of Planning and Regeneration**

### **The Island Quarter - Phase 2 , Nottingham**

#### **1 Summary**

Application No: 21/01032/PFUL3 for planning permission

Application by: AXIS on behalf of Conygar Nottingham Ltd.

Proposal: Construction and operation of Purpose-Built Student Accommodation (PBSA) and associated hard and soft landscaping, foul and surface water drainage infrastructure, and local highway improvement works.

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

To meet the Council's Performance Targets this application should have been determined by 24th August 2021

#### **2 Recommendations**

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

(i) the further response of the Highway Authority confirming that the objection to the applicant's proposed junction layout has been overcome.

(ii) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report;

(iii) prior completion of a Section 106 planning obligation to secure:

(a) a financial contribution of £724,460 towards the provision of off site Open Space

(b) local employment and training benefits including opportunities in the construction and operational phases of development together with payment of a financial contribution towards employment and training;

(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 and listed building consent to be delegated to the Director of Planning and Regeneration.

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

the development.

### **3 Background**

- 3.1 The application relates to the north eastern corner of the wider Island Site and is bounded by Evelyn Street to the north, Manvers Street to the east and City Link to the South. The site is currently free from built development and comprises temporary car parking, on relatively flat land and semi-mature scrub vegetation.
- 3.2 The planning application boundary has been drawn generously to encompass other areas where associated works that would constitute 'development' are proposed. For this reason, the planning application boundary area extends to 2.34 hectares.
- 3.3 The application site falls within the defined city centre area of the adopted Land and Planning Policies Development Plan Document - Local Plan Part 2 (LAPP) and is within the defined Canal Quarter/Creative Quarter area of overlap. It also forms part of the larger Island Site allocation for mixed-use development Site Ref: SR59 - Canal Quarter - Island Site.
- 3.4 In its association with the larger Island Site, which is also within the applicant's ownership, the application site has a varied planning history reflecting various phases of piecemeal development. However, most relevant to this application is the Outline Planning Permission granted for the large-scale mixed-use redevelopment of the Island Site on 1 June 2020 (under planning reference 18/01354/POUT). This permission included floorspace allowance for student accommodation.
- 3.5 Whilst the planning application now being submitted is a full application, and not an application for the approval of reserved matters pursuant to the above consent, it is intended to represent the second phase (Phase 2) of development at the Island Quarter, where this and subsequent detailed planning applications would respect the design principles and concepts established as part of the outline planning application process.

### **4 Details of the proposal**

- 4.1 The application proposes a total of 23,079.2m<sup>2</sup> of new gross external floorspace, comprising 702 No. student accommodation units, arranged in three multi-faceted blocks of differing heights around a central courtyard and pedestrianised 'street'. The tallest block would comprise 12 storeys (Block A) with the remaining 2 blocks being 9 (Block B) and 8 (Block C) storeys high. The blocks would provide 284, 196 and 226 units respectively, with blocks A and B providing cluster flats and block C providing studio flats.
- 4.2 The building height, massing and design have evolved through an iterative process, involving extensive discussions and meetings at pre-application stage. The final design has been informed by the masterplan for the Island Site, the City Centre Urban Design Guide and the Facades Design Guide.
- 4.3 In addition to the proposed student accommodation, the proposed development would include ancillary construction work, including new hard and soft landscaping (public realm), improvements to the local highway network (including changes to the Manvers Street junction), a new arterial foul and surface water drainage network, associated utilities infrastructure and temporary surface treatments.

## Consultations and observations of other officers

### Adjoining occupiers consulted:

A total of 568 individual notification letters have been sent to neighbouring properties, including:

1-11 Fishergate Point  
Unit A1, 6A, 6B, W2a, Premier inn, Media House City Link  
Studios, 1 Thorseby Street  
2-12 (evens), 18-162 (evens), Newark Crescent  
Offices within BioCity  
2 Pennyfoot Street  
Units 1, 2, 3A, 3B, 4, 5A, 5C, 6, 7A, 7B, 8 Davisella House, Lower Eldon Street 37,  
99, Nottingham Theatre Trust, Manvers Street  
34-54 (evens) Marham Close

The application has also been publicised by site and press notices. One citizen response has been received, objecting to the development on the following grounds:

- Dispute the need for student accommodation detailed within the application. Is it really taking into account how much student accommodation is being built in the city at this time?
- Concerned that this is a cheap way for developers to make money but is not necessarily serving Nottingham's interests. There is clearly a problem around student flats being exempt from business rates and that is why so many developers want to build them. I would urge the city council to address this issue in the round and look for a holistic solution - that is forward thinking - so there isn't a bubble created that will burst leaving Nottingham with lots of unwanted student flats.
- Concerns that the Sneinton Dragon sculpture, the orchard that it sits in and the hermitage caves are not affected by this development. It is not very clear whether it is or not. It is very important to Sneinton's history, culture, heritage, food security and ecology that these things are not damaged, relocated or effected.
- I am also concerned that the lovely view that we have from Sneinton of the city and the lace market sat on the hill will be blocked by these flats - and that it will change the feeling of the place.
- In the light of the ecological and climate catastrophes that are under way I don't feel that this development has enough green space or enough thought about and provision for the local ecology. Is the development carbon neutral for example? It is vitally important that it is.

**Nottingham Civic Society:** The height and intensity of this phase of the development does not accord with the scale of the approved outline permission in this part of the overall development site.

The increase in height does not seem to be justified and conflicts with the advice in the Adopted City Centre Urban Design Guide which recognised that taller new buildings within the 'Tall Buildings Zone' should not only be reduced in height on the

edges adjoining traditionally scaled residential areas but should also avoid presenting a solid wall of development to these communities which creates an impenetrable visual barrier, cutting off cherished views and connections with the city centre.

The intensity and scale would result in the buildings having an overbearing effect on the public space. Seven to twelve storeys is not a scale which lends itself well to a sense of community and security. The "private space" enclosed by the main blocks looks particularly oppressive.

The use of an architectural 'crown' to distinguish the top of the building from the remainder of the elevation results in the impression of one building balancing on top of another, drawing attention to its overall height. The expression of the elevations could be interesting but the choice of sombre grey tones and reliance on vertical shafts of buff render which will discolour quickly will contribute to the overbearing effect. The CGIs supplied in the application documents do not give confidence that there will be a sufficient degree of depth in all the elevations necessary to carry off this form of repeated vertical piers successfully.

Details of the main entrances depicting tapering solid walled enclosures below a brise soleil would be more welcoming if they were constructed in translucent material.

The Manvers Street public-facing edge of the Island Site development will create a 7 storied defensive wall facing on to low rise Sneinton, blocking out cherished views of the St Marys and the Lace Market skyline. A CGI image showing both the new development and its integration into the existing streetscape would demonstrate this problematic effect.

The public benefits of this tall and intensive development should include some contribution to funding the restoration of the derelict listed Great Northern Warehouse and its unlisted neighbour the James Alexander Warehouse which, of course, are an integral part of the overall Island Quarter.

#### **Additional consultation letters sent to:**

**Environmental Health:** No objection subject to conditions requiring the pre-existing remediation strategy (Issue 1.1 dated 16th April 2021 (ref TE1319RS)) be updated to include reference to the previous investigation works and more recent investigative works, an updated Remediation Plan, based on the site investigation, giving full details of the remediation measures required and how they are to be undertaken and A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in above are complete.

**Environment Agency:** No objection subject to conditions requiring compliance with the submitted FRA and compliance with and verification with the various aspects set out within the submitted remediation plan.

**Highways:** On site public realm enhancements and arrangement of internal streets/access are considered acceptable subject to conditions requiring removable bollards and restrictions on the locations of bin collections and student drop off (to Evelyn Street only).

Concerns remain in relation to the Manvers Street junction improvements, specifically in relation to the uncontrolled arm of the junction, which is to be located on the rail bridge structure where there are significant level differences between the Manvers Street carriageway and the development land. This is of concern from a highway perspective and as such a detailed structural survey has been requested.

**Drainage:** Details of how occupiers are to be made aware of the flood risk plan and evacuation procedures are required. As dwellings are proposed for the ground floor, it is imperative that measures are in place to ensure safety of the ground floor occupiers.

With regard to the drainage strategy, the layout details have been provided but there are no supporting calculations or a proposed maintenance regime. These should be submitted to support the drainage layout. Additionally, exceedance routing to ensure third parties are not at risk should the drainage design be exceeded, are required.

**City Archaeologist:** No objection. A comprehensive written scheme of investigation has been provided and approved by the City Archaeologist to enable a comprehensive intrusive investigation exercise, whereby the whole site is, essentially, 'turned over' prior to any excavation for foundations. A further condition requiring the submission of a full scheme of Archaeological Works is recommended.

**Biodiversity and Green Space Officer:** Concerned about the omission of a green/brown roof on these buildings. The loss of the open mosaic habitat on previously developed land needs to be mitigated. Further details of how green roofs will be provided across the wider Island Site should be sought.

The temporary high impact wildflower meadow is welcomed and will enhance the biodiversity of the site.

Conditions requiring an ecological enhancement plan, lighting plan, landscape planting plan and maintenance plan should be imposed, in line with the recommendations detailed within the submitted Ecology report.

**Education:** The proposed student accommodation does not generate any demand for school places. Therefore, there is no S106 education claim for this development.

**Pedals:** Pedals in general welcomes opportunities that the current planning application present to improve and enable cycle and pedestrian activity within this area and support wider cycle/ pedestrian connectivity within our city.

Pedals would like to see:

- Assurance that the improvements (Framework Travel Plan 4.2.10) to cycle and pedestrian provision on City Link will take full account of the revised DfT Cycling Infrastructure Design Guidance standards stated in Local Transport Note (LTN) 1/20 guidance with improved connections at both ends.
- Pedestrian and cycle routes segregated on Manvers Street.

- Cycle parking provision meets NCC standards. The Framework Travel Plan (5.5.1) states that 270 secured covered cycle parking spaces will be provided for students and that this is less than the 310 required by NCC standards.
- That full account is taken of cycle and pedestrian movements in redesigning the junction of this site with Manvers Street and Sneinton Hermitage and that these also meet the revised DfT guidance stated in LTN 1/20.

**Nottingham Local Access Forum:** Overall Nottingham LAF welcomes the opportunities that the current planning application present to improve and enable cycle and pedestrian activity within this area and support wider cycle/ pedestrian connectivity within our city.

Nottingham LAF would like to see

- Assurance that the improvements (Framework Travel Plan 4.2.10) to cycle and pedestrian provision on City Link will take full account of the revised DfT Cycling Infrastructure Design Guidance standards stated in Local Transport Note (LTN) 1/20 guidance with improved connections at both ends.
- Pedestrian and cycle routes segregated on Manvers Street.
- Cycle parking provision meets NCC standards. The Framework Travel Plan (5.5.1) states that 270 secured covered cycle parking spaces will be provided for students and that this is less than the 310 required by NCC standards.
- That full account is taken of cycle and pedestrian movements in redesigning the junction of this site with Manvers Street and Sneinton Hermitage and that these also meet the revised DfT guidance stated in LTN 1/20.

Nottingham LAF would also like assurance that the development adequately supports future cycle/ pedestrian activity.

**Others:**

## **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 17: Biodiversity

### **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 DE2: Context and Placemaking

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 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 RE2: Canal Quarter (overlap)  
Policy RE3: Creative Quarter (overlap)  
Policy SA1 - Site Allocations (SR59: Canal Quarter - Island Site)  
Policy TR1: Parking and Travel Planning

## **Island Site Nottingham Supplementary Planning Document (April 2016)**

### **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.

## **7. Appraisal of proposed development**

### **Main Issues**

- (i) Student accommodation use and impact upon the amenity of neighbouring occupiers and the wider area.
- (ii) Scale, layout and design and impact upon the amenity of neighbouring occupiers and the wider area.
- (iii) Highway improvements

**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, RE2, RE3 and SA1)**

- 7.1 The application site is part of an allocated larger development site in the LAPP (Policy SA1, Site Ref: SR59 - Canal Quarter - Island Site). The development principles to be applied to this allocation refer to the need for a comprehensive masterplan to enable the accelerated delivery of an attractive mixed use community, to include new open space and cycling and walking routes linking to the surrounding area. Policy RE2: Canal Quarter also repeats the need for a mixed use community in line with an agreed masterplan.
- 7.2 Whilst the development being proposed by this application is independent of the previously granted Outline Planning Permission, the applicant has stated their commitment to the design principles that were established as part of the outline planning process.
- 7.3 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.
- 7.4 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.
- 7.5 Policy HO6 of the LAPP states that planning permission will be granted for purpose built student accommodation where this does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities. In assessing the development's impact on local objectives to create or maintain sustainable, inclusive and mixed use communities, regard is to be given to a range of criteria including student concentration, but with exceptions being made for those sites within areas identified in Policy HO5 where new purpose built accommodation is to be encouraged. The application site, being within the city centre, complies with this exception and is therefore considered to be appropriate in principle for this development based on its location. It is therefore considered that the proposed development accords with Policy HO5 and HO6 of the LAPP.
- 7.6 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.
- 7.7 The previously granted Outline Planning Permission for the Island Site makes provision for up to 27,030 sq m of student accommodation (totalling 666 units) within the total quantum of floorspace allowed. The principle of accommodating large scale student accommodation provision has therefore already been reviewed

and accepted. It is acknowledged that the number of bedspaces in the current proposal represents an increase of 36, from that approved in the Outline permission, but given that this is contained within the same area of the site and will be subject of a Student Management Scheme, it is not considered that this increase would have any significant additional impact.

- 7.8 The layout and mix of studio and cluster flat accommodation within the proposed development is arranged with rooms either facing out onto the surrounding streets or into the courtyard amenity space that is created between the buildings. 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.
- 7.9 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.
- 7.10 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.
- 7.11 Accordingly, it is considered that the proposed scheme complies with Local Plan policies and in particular Policy 5 of the ACS and Policies RE2, RE3, SA1, HO5 and HO6 of the LAPP.

**Issue (ii) Scale, layout and design and impact upon the amenity of neighbouring occupiers and the wider area (ACS Policy 10 and LAPP Policies DE1, DE2, IN2 and SA1).**

- 7.12 The masterplan approved as part of the outline planning permission is continuing to evolve through ongoing discussions between the developer and the LPA. The design evolution has seen a greater importance given to the value of public realm, green space and connectivity. As a result, the proposed Linear Park or 'Green River' has been significantly extended, providing a loop of green space through the Island Quarter creating interesting vistas, better connected building frontages and higher quality public realm. It has also improved connectivity with the surrounding city. Consequentially, the arrangement and footprint of the Purpose Built Student Accommodation, approved under the previous Outline Permission, has also evolved and this is justified within the planning application submission. However, it is considered that the proposal will continue to respond to the proposed surrounding building mass, height, scale, geometry and proportions to enable the building to sit successfully within its current and proposed surroundings. It seeks to echo the finer urban grain of the emerging Masterplan, contributing to the creation of a diverse and characterful streetscape with improved connectivity within and beyond the site. The development is considered to provide a high quality living environment for students with integrated facilities as well as indoor and outdoor amenity space, including an internal courtyard and roof terrace.

- 7.13 It is considered that the proposed buildings are appropriate to the location and context (existing and proposed). In the City Centre Urban Design Guide the site forms part of a zone of reinvention, and is also at the easternmost edge of the Tall Buildings Zone, in close proximity to a site identified for a taller building. The height of the buildings is therefore considered appropriate and justified. The Civic Society's comments are noted in relation to the massing guidance in the Design Guide (ground plus six storeys, reducing to ground plus four where the Eastside adjoins residential areas of Sneinton and St Anns). However, it is considered that the location of the site in the Tall Buildings Zone, opposite former industrial buildings and in proximity to the higher ground levels of Newark Crescent, and the character of Manvers Street as a wide, busy main arterial route into the city centre provides an appropriate context for buildings of greater height here. The building heights have been tested in the 3D city model and do not harm any of the views or vistas identified in the guide.
- 7.14 The façade treatment is considered to be acceptable taking reference from surrounding buildings and their heritage rich context. The palette of materials, which also takes reference from surrounding buildings, is considered to be appropriate in context and would help to deliver a characterful and varied street frontage within the wider Island Site. Despite reservations from the Civic Society in relation to the use of the 'Crown' to distinguish the tallest parts of the buildings, it is felt that this is an appropriate way to address the height of the buildings, giving them a clear 'top' and adding interest to the corner focal point of the site.
- 7.15 As detailed above, the arrangement of clusters and studios to provide adequate outlook over streets or the internal courtyard space, good space standards and access to on site facilities and external amenity space, would provide a high quality living environment for students, raising no concerns about impact upon residential amenity. The proposals would therefore comply with policy DE1 in this regard.
- 7.16 In view of the above it is considered that the development proposed would comply with Policy 10 of the ACS and Policies DE1, DE2 and SA1 of the LAPP).

**Issue (iii) Highway and Public Realm improvements** (Policies DE2 and TR1 of the LAPP)

- 7.17 The overall objective for the public realm within the Island Quarter, is to achieve a coherent, high quality, attractive, clutter-free and safe public realm environment. The proposed PBSA scheme will include an improved interface with Manvers Street, where there will be a new footpath and cycleway. The Sneinton Hermitage junction is also to be reconfigured, with a new arrangement that will favour pedestrian and cycle movements from Sneinton (and from other areas further east) to the Island Quarter. The supporting documentation details aspirations for an area with pedestrian dominance with a layout that promotes interaction, encourages extended dwell time and provides a safe environment for play. Cycling as transportation is encouraged through the provision of plentiful cycle parking (final details of numbers are to be confirmed as detailed later in this report).
- 7.18 The Highway Authority have indicated that bin collection and student pick up/drop off should be restricted to Evelyn Street in the interests of highway safety and this will be secured by condition. Although the applicant has purposefully proposed

minimal street furniture to maintain clear, legible and unimpeded pedestrian routes, the Highway Authority have requested the inclusion of removable bollards at the entry/access points to ensure that general traffic does not use the internal roads to the detriment of highway safety. A condition to this effect is recommended.

- 7.19 Current NCC standards for student accommodation stipulate a minimum of 1 cycle parking space per 4 bedrooms, plus 1 space for visitors for every 5 beds which this proposal currently fails to provide. It is the recommendation of the Cycle Team that the cycle parking provision for the student accommodation is increased from the 270 proposed spaces to the required standard of 317 spaces. This has been raised with the applicant and it is anticipated that a revised scheme for cycle parking will be provided ahead of the Committee meeting.
- 7.20 Although the proposed alterations to the Manvers Street junction, which have been incorporated within this application to enable them to be brought forward, have been previously approved in principle (under the outline permission), details of traffic modelling to ensure that the new junction arrangements can work safely and satisfactorily, are required. Initial proposals presented with the current application raise questions about the new location of the uncontrolled arm of the junction, which is to be located on the rail bridge structure where there are significant level differences between the Manvers Street carriageway and the development land. This is of concern from a highway perspective and as such a detailed structural survey has been requested. Discussion are ongoing between the Highway Authority and the applicant and the latest position will be reported by way of an update to Committee. It should be noted that the conditions of the recommendation to grant planning permission, include a requirement that outstanding highway issues are resolved.

#### **Other Matters (Policies CC3, IN2, HE1 of the LAPP)**

- 7.21 Nottingham Civic Society's comments in relation to the Great Northern Warehouse and James Alexander Warehouse are noted. It is considered that the proposed PBSA buildings are sufficiently far away from these buildings, so as not to affect their setting. Whilst it remains an objective of the redevelopment of the island site to secure a long-term future for these buildings, it is considered that it would not be reasonable to seek a developer contribution for as yet un-designed and un-costed plans for the restoration of these buildings. Such a contribution did not form part of the planning permission and Section 106 agreed in relation to the outline planning permission for the site. It is however understood that the applicant, who has ownership of these buildings, remains committed to bringing forward proposals for these buildings at an appropriate point in the development of the wider site.
- 7.22 The interim response of Highways is noted and the changes to the Manvers Street Junction are being discussed further with the applicant. It is envisaged that a solution will be agreed prior to the Committee Meeting and members will be informed by way of an update.
- 7.23 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 270 cycle spaces will be provided for use by the students and their visitors. Concerns have been raised about the fact that this does not accord with the LAPP's minimum standards for student occupants and visitors. Discussions are ongoing with the applicant and any amendments will be detailed by way of an update to Committee.

Subject to agreement of final numbers for cycle parking and appropriate conditions the proposed development is therefore considered to comply with LAPP Policy TR1.

- 7.24 The response of Environmental Health is noted and reflected in the proposed conditions regarding ground contamination assessment in accordance with LAPP Policy IN2.
  - 7.25 The response of the Drainage team is noted and additional information has been requested from the applicant. On receipt of adequate details it is considered that the development would comply with LAPP Policy CC3.
  - 7.26 The Sneinton Dragon sculpture, the orchard that it sits in and the hermitage caves, which sit beyond the Island Site boundary, would not be affected by this development.
  - 7.27 As detailed above, the building heights have been tested in the 3D city model and do not harm any of the views or vistas identified in the guide. The loss of an existing view is not a material planning consideration for all developments.
  - 7.28 The applicant continues to maintain a close and constructive dialogue with the City Archaeologist in respect of excavations on site and a Written Scheme of Investigation has already been agreed to enable the preliminary investigations to continue prior to commencement of works. The City Archaeologist has confirmed that they are satisfied with this approach. The City Archaeologist has confirmed that a full program of archaeological work will need to be provided prior to commencement and a condition to this effect is recommended.
- 8. Sustainability / Biodiversity (Policies 1 and 17 of the ACS and Policies CC1 and EN6 of the LAPP)**
- 8.1 The proposed building design aims to achieve an optimum use of energy through passive design including the maximisation of daylight; using heating, ventilation and air conditioning on a zoned basis; using LED lighting throughout, and improving thermal performance of the buildings' fabric.
  - 8.2 An Air Source Heat Pump (ASHP) system is proposed to supply the domestic hot water demand of the PBSA development. This system has been designed to deliver both an energy efficient supply of heat but will also allow for a future connection to a masterplan scale heat or district network.
  - 8.3 A condition is recommended requiring verification that all of the above have been incorporated within the scheme, prior to its first occupation.
  - 8.4 The response of the Biodiversity team is noted and reflected in the proposed conditions for the incorporation of an Ecological enhancement scheme to include bat and bird boxes plus full planting details and use of native species in accordance with LAPP Policy EN6 and Policy 17 of the ACS. The applicant has committed to providing further information in relation to the wider biodiversity objectives for the Island Quarter, as a means of justification for the removal of the green roof from the scheme. This will be updated to Committee.

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

- 9.1 A range of S106 planning obligations were negotiated and concluded in association with the recently granted Outline Planning Permission for the redevelopment of the larger Island Site, including financial contributions towards highways improvements, open space improvements, future education provision, affordable housing, and local employment and training opportunities. The amount of these individual contributions were then to be determined by the scale and content of individual phases of development.
- 9.2 Whilst this application is for full planning permission rather than for reserved matters following the grant of the outline planning permission, the applicant has indicated their intention to follow the terms of the previously agreed S106 and that the policy/SPD-derived obligations, insofar as they relate to Phase 2 will be met in full by the Developer.
- 9.3 In accordance with The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance open space contributions of £724,490 arising from the purpose built student accommodation with 702 bedspaces is to be provided in accordance with Policies EN2 and IN4.
- 9.4 It is estimated that the proposed development will deliver full-time equivalent construction jobs during the construction period and new operational jobs. The applicant has indicated that they will work with the Council's Employment and Skills team in relation to these future local job opportunities, with a financial contribution in accordance with Policy EE4 of the LAPP. This contribution is in the process of being finalised and will be updated to Committee.
- 9.5 The proposed obligations accord with planning policy and are therefore reasonable, meeting the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

## **10 Financial Implications**

A financial contributions of £724,490 in accordance Policy IN4 and The Provision of Open Space within New Residential and Commercial Developments Supplementary Guidance.

## **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: 21/01032/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QSR Y2ILYI9100>

**18 Published documents referred to in compiling this report**

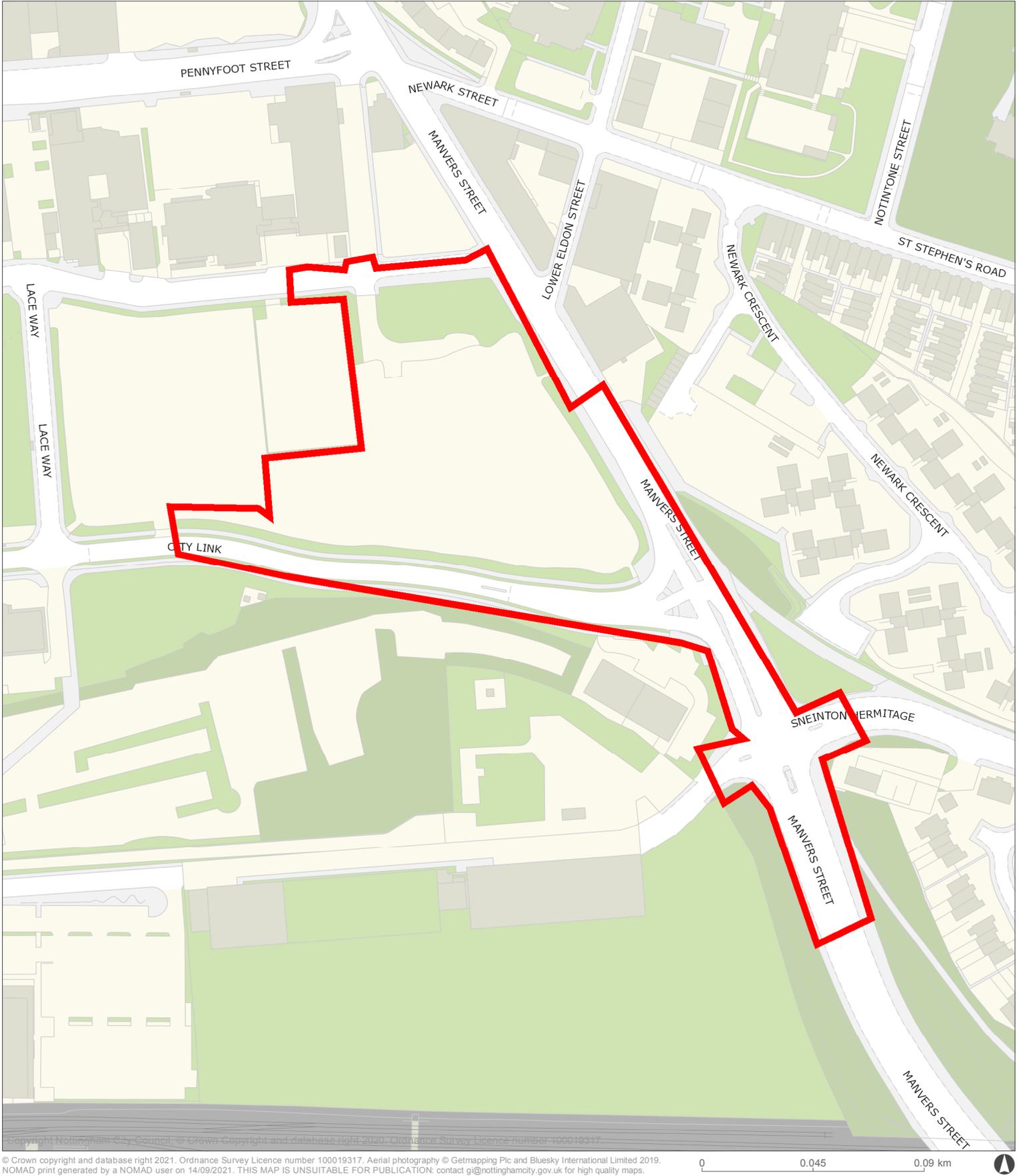
Aligned Core Strategies – Local Plan Part 1 (2014)  
Land and Planning Policies – Local Plan Part 2 (2020)  
The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance (2019)  
NPPF (2019)  
City Centre Urban Design Guide (2009)

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.

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# NOMAD printed map



## Key



City Boundary

## Description

No description provided



Nottingham  
City Council

**My Ref:** 21/01032/PFUL3 (PP-09539088 200001412700)

**Your Ref:**

**Contact:** Mrs Zoe Kyle

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Date of decision:

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

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Application No: 21/01032/PFUL3 (PP-09539088 200001412700)  
Application by: Conygar Nottingham Ltd.  
Location: The Island Quarter - Phase 2 , Nottingham, Evelyn Street  
Proposal: Construction and operation of Purpose-Built Student Accommodation (PBSA) and associated hard and soft landscaping, foul and surface water drainage infrastructure, and local highway improvement works.

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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. Prior to the commencement of the development, an updated Remediation Strategy that includes the following components to deal with the risks associated with ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Site Investigation, building on previous investigative work, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - b) An updated Remediation Plan, based on the site investigation, giving full details of the remediation measures required and how they are to be undertaken.
  - c) An updated Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in 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. Understood and agreed.

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

3. A) 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 in writing. 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.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The 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 Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

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

5. Prior to the commencement of above ground development confirmation of the proposed external materials, to include samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

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

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

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

7. Prior to the commencement of the fit out for the Cafe, 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 occupants and neighbouring properties to the development do not experience noise nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

8. Prior to the commencement of the fit out for the Cafe, 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 occupants and neighbouring properties to the development do not experience odour nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

**Pre-occupation conditions**

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

9. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
  - b) A Verification Report, which shall include the data referred to in the 'Remediation Strategy, Options Appraisal and Verification Plan for Phase 2, The Island Quarter, Nottingham' Issue 1.1 dated 16th April 2021 (ref TE1319RS) and any subsequent updated reports, 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 the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

10. Prior to the first use of the ground floor cafe, The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented.

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

11. Prior to first use of the ground floor cafe, 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 ensure that occupants and neighbouring properties to the development do not experience odour nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

12. Prior to occupation of any part of the development the applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant and equipment specified in the 'Residential Planning Noise Report' by Sandy Brown dated 15th April 2021 (ref 21046-R01-B) (revB) has been implemented. If any changes are made these should be submitted for approval prior to implementation of the scheme.

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

13. Prior to first occupation of the development, verification that the approved sound insulation scheme specified in 'Residential Planning Noise Report' by Sandy Brown dated 15th April 2021 (ref 21046-R01-B) (revB) 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 occupants and neighbouring properties to the development do not experience noise nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

14. Prior to the occupation of the development, a verification report demonstrating the completion of works set out in the approved remediation strategy (Phase 1B Remediation Strategy and Verification Plan, Tier Environmental, 14th December 2020) and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

*Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework and Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

15. Prior to the first occupation of the development, details of removable bollards or other street furniture to be introduced at the entry/access points of the internal streets within the development, shall be submitted and approved by the Local Planning Authority.

*Reason: In the interests of pedestrian and Highway Safety in accordance with Policy 10 of the Aligned Core Strategies.*

16. Notwithstanding the approved details, prior to the first occupation of the development, secure cycle parking shall be made available for use, updated details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

*Reason: [To ensure adequate cycle parking for the development in accordance with Policy TR1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*



17. Prior to the first occupation of the development verification that the energy and sustainable measures included within the approved Energy Statement by Amber Management and Engineering Services Ltd. (Document Ref: Couchperrywilkes 200285, 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 (2020) and Policy 1 of the Aligned Core Strategies.*

18. The development shall be carried out in accordance with the submitted flood risk assessment (ref: Conygar Nottingham Ltd, The Island Quarter, Nottingham , Phase 2, Flood Risk Assessment, IQ2-BWB-ZZ-XX-YE-0001\_FRA, BWB, April 2021) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 25.57 metres above Ordnance Datum (AOD) as stated within section 4.3 of the FRA.

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

*Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020)*

#### **Regulatory/ongoing conditions**

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

19. The outdoor terrace areas on the 6th and 9th floors should not be used between the hours of 11pm and 8am.

*Reason: To avoid noise nuisance for occupants and neighbouring properties in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

20. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework and Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

21. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

*Reason: To ensure the protection of controlled waters in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020)*

22. Bin collection should be restricted to Evelyn Street and shall not take place on Manvers Street.

*Reason: In the interests of Highway Safety in accordance with Policy 10 of the Aligned Core Strategies.*

23.

#### **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 25 May 2021.

*Reason: To determine the scope of this permission.*

#### **Informatives**

1. 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.

2. Environment Agency

From a combustion perspective:

New development within 400 metres of an installation (London Road Heat Station, EPR/AP3730LT) could result in impacts including the nearby community being exposed to atmospheric emissions. The severity of these impacts will depend on the prevailing meteorological conditions and the magnitude of the emissions. Planning policy requirements (paragraph 182 of the National Planning Policy Framework, NPPF) state that new development should integrate effectively with existing businesses and not place unreasonable restrictions upon them. Where the operation of an existing installation could have significant adverse effects on new development (including changes of use), the applicant should be required to provide suitable mitigation for these effects. Mitigation can be provided through the design of the new development to minimise exposure to and/or through financial contributions to the operator of the facility to support measures that minimise impacts. Environmental Permitting Regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations. This is unlikely to eliminate all emissions and there is likely to be residual impacts. In some cases, these residual impacts may cause local residents concern. There are limits to the measures that the operator can take to prevent impacts to residents. Consequently, it is important that planning decisions take full account of paragraph 182 of the NPPF. When a new development is built near to an existing installation this does not automatically trigger a review of the permit. In terms of atmospheric emissions, London



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Road Heat Station demonstrates a good level of permit compliance and there is no obvious reason that both the installation and new development cannot harmoniously co-exist

From a pharmaceuticals perspective:

A small scale pharmaceuticals production plant is located on Mabel Street, permitted under the Environmental Permitting Regulations, ref. EPR/RP3137SF. The site has very little environmental impacts and do not generate any noise or odour complaints. The site is located to the south west of the development but the development should not have an impact on the plant as it is separated by the canal, main road and railway lines.

From a radioactive substances point of view:

There are a number of small radioactive substances users near to the proposed development, controlled under environmental permits. Due to the low external risk and small scale of the radioactivity used in these locations, we believe that these sites would not impact or be impacted by the proposed development.

From a waste perspective

The area of the proposed development lies 200-250m north of the Eastcroft Energy from Waste Facility. This operation holds an Environmental permit issued by the Environment Agency (Permit Ref EP3034SN) allowing it to incinerate up to 200,000T a year of domestic, commercial and industrial waste currently. Subject to a number of preoperational conditions the site annual capacity may increase to 300,000T when the 3rd End 5 line is installed. As with any facility managing waste the incineration site has the potential for amenity impacts on the surrounding premises. The number of amenity complaints received by the Environment Agency in recent years alleging impact from this operation is very low, and the operator has demonstrated a good level of compliance. The incinerator facility supplies steam to the nearby Enviroenergy plant which in turn provides heat for the district heating scheme. We would encourage the developer to investigate this source of energy for their development if they haven't already done so.

### 3. Traffic Regulation Orders (TROs)

Prior to occupation of the consented development it will be necessary to amend the Traffic Regulation Orders on Manvers Street and Evelyn Street to take account of the development. 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 it is made at the earliest opportunity to allow time for the process to be completed. Please contact Highways Network Management on 0115 876 5293 to instigate the process. For TRO advice and further information, the applicant is advised to contact Scott Harrison on 0115 876 5245.

### Street Lighting

The alterations to the highway layout on Manvers Street will result in the PFI maintained street lighting being affected. It will be necessary to ensure that the street lighting that is reintroduced on Manvers Street as part of the highway upgrade is appropriate in its design to be maintained by the PFI. Full details of the proposed street lighting to Manvers Street should be submitted for approval as part of the Section 278 Agreement.

### 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 will be occurring and licences may be required. Please contact them on 0115 876 5238. All costs shall be borne by the applicant.

### Section 278 Agreement - highway works

Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 876 5293 to instigate the process. It is strongly recommended that you make

contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

#### Section 38 Agreement - road adoption

The alterations to The Manvers Street/City Link junction highway layout will result in new areas of adopted highway being created. In order for the new sections of highway to become adopted and maintained by Nottingham City Council as Local Highway Authority the developer will need to enter into a legal Agreement with the Authority under Section 38 of the Highways Act of 1980. A Section 38 Agreement can take some time to complete therefore it is recommended that the developer make contact with the Highway Authority as early as possible. At this stage, developers will be asked to provide the Local Highway Authority with full technical details for the construction of the highway and the appropriate fees. At the time approval is given to the technical details, the developers are invited to enter into a Section 38 Agreement. Please contact Highways Network Management on 0115 876 5293 in the first instance. To note a combined Section 278/38 Agreement will be accepted which will reduce the complexity/cost of the Agreements.

#### Commuted sums

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

#### Adopted Highway Extents

The Highway Authority believe it is the intention of the developer for City Link to remain private. The Highway Authority request that a highway adoption plan is submitted by the developer at their earliest opportunity to confirm this intention and the road status proposals for the rest of the development site.

#### 4. Environmental Health

##### 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.

##### 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](mailto: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/restaurantsfast-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.

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.

#### 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->



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riskmanagement- 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.

5. 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.

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: 21/01032/PFUL3 (PP-09539088 200001412700)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

## **STREET NAMING AND NUMBERING**

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk) as soon as possible,



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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

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