

Report of Director of Planning and Regeneration

Phase 1B Of The Island Quarter, Island Business Centre

1 Summary

Application No: 20/02790/PFUL3 for planning permission

Application by: AXIS Mr David Jones on behalf of Conygar Nottingham Ltd. Mr Christopher Ware

Proposal: Mixed-use commercial development comprising enabling works (demolition and earthworks), hotel, BTR apartments, co-working and retail uses, access modifications, utility and drainage infrastructure, new areas of permanent and temporary public realm/landscaping and off-site highway improvements.

The application is brought to Committee because it is a major application for a prominent site with important design and heritage considerations, and with Section 106 viability considerations.

To meet the Council's Performance Targets this application should have been determined by 20th April 2021.

2 Recommendations

- 2.1 To **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report.
- 2.2 Power to determine the final details of the conditions of planning permission to be delegated to the Director of Planning and Regeneration.

3 Background

- 3.1 The application site is located to the north of The Great Northern Close, with the Low Level Station (Virgin Active) and Great Northern Warehouse Grade II listed buildings to the south. Development of the 'Canal Turn' mixed commercial use building by the applicant is underway to the west of the site, which is adjacent to the Nottingham Canal and basin. The NHS Urgent Care Centre (Seaton House) and Equinox House offices are to the north. To the east is vacant land forming part of the larger Island Site. The application site is generally level, including the slab of a previous warehouse building. A temporary pedestrian and cycle path crosses diagonally through the application site.
- 3.2 The application site falls within the defined city centre area of the adopted Land and Planning Policies Development Plan Document - Local Plan Part 2 (LAPP) and is within the defined Canal Quarter/Creative Quarter area of overlap. It also forms part

of the larger Island Site allocation for mixed-use development Site Ref: SR59 - Canal Quarter - Island Site.

- 3.3 In its association with the larger Island Site, the application site has a long planning history reflecting various phases of piecemeal development. However, most relevant to this application is the Outline Planning Permission granted for the large-scale mixed-use redevelopment of the Island Site on 1 June 2020 (18/01354/POUT). Planning Permission was also granted on 27 November 2020 for a mixed use commercial development that is currently under construction (20/01527/PFUL3) adjacent to the canal basin, to be named 'Canal Turn'.
- 3.4 The current planning application was submitted in January 2021 and initial consultation was carried out. The application was subsequently placed on hold at the applicant's request, for their review of buildability and cost, including input from the main contractor. The applicant has advised that this process has been a key influence in deriving the changes to the proposed development. The revised submission was subsequently received in February of this year and the consultation process has been repeated, with responses received being reported below.

4 Details of the proposal

- 4.1 The application proposes the mixed-use development of the site for a hotel tower of 18 storeys with a further block of 9/10 storey apartments and a connecting atrium space. The proposed development would include a 223-room hotel and roof terrace; 247 build-to-rent apartments with a podium roof terrace; co-working office space and associated facilities; ground floor car and cycle parking, basement servicing facilities; hard and soft external landscaping including vehicle access; adjacent temporary car parking; and off-site highway improvements to Manvers Street.
- 4.2 The 223-room hotel is to feature a mix of short and long-stay facilities. A typical level would have 20 bedrooms. Level 05 would have 9 bedrooms alongside hotel support and management offices. Level 16 would contain enhanced hotel rooms on the east wing and a west-facing amenity area for hotel guests featuring kitchen and dining, lounge, and meeting rooms with access to a roof terrace area. Level 17 would have larger suites and larger west-facing roof terraces integrated into the crown of the building.
- 4.3 The proposed 247 build-to-rent apartment blocks would comprise 86 two-bed apartments, 154 one-bed apartments and 7 studio apartments. The apartments are to be centrally managed and accessed and, to this end, there would be a single primary point of access for all residents. This area would contain the reception for the apartments, as well as back-of-house management spaces, including locker and mail rooms, leasing, management and administration offices. The first floor would contain amenity spaces for residents including a resident's lounge, yoga studio, screening room, kitchen, and library. These spaces would open out onto a south-facing landscaped amenity terrace for use by residents and guests.
- 4.4 The ground and first floors of the proposed development would comprise a range of food and drink outlets (Use Class E) for use by residents and the public, to be named collectively as the 'Forum'. This space is also intended to accommodate a food market, which would include dining space, fixed and 'pop-up' food and drink concessions.

- 4.5 The proposed Co-working office space would be located on Levels 01-04 at the base of the hotel building and would comprise serviced, flexible, office space providing desk space, meeting rooms, and associated facilities for a range of users. The second floor of the Co-working space would feature an external terrace, overlooking the Hotel Plaza and Canal Turn building.
- 4.6 The public realm for the proposed development would include areas with differing characters and anticipated uses. The Hotel Plaza would adjoin the open space created alongside the canal as part of the approved Canal Turn development. Taxis and coaches would be able to drop-off and pick-up passengers from the adjacent turning area. A section of Linear Park would be a new area of public open space running along the southern frontage of the proposed building, and would include a dedicated cycle route. A new Island Street would be located at the eastern end of the proposed development and would be a pedestrian-priority area, incorporating limited low-speed vehicle movements to facilitate servicing, and designed as a boulevard with formal street tree planting and block paving.
- 4.7 The proposed primary external material for the hotel tower is pre-cast concrete, with a central red brick core that is then continued at ground and first floors across the connecting atrium space with its arched window openings. A red brick is then to be used across all of the proposed apartment blocks. Typical details of elements of the proposed development have been provided to illustrate the depth and quality of finishes.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

Equinox House, City Link
 Premier Inn, City Link
 Media House City Link
 Units A1, 6A, 6B, W2A City Link
 Holmes Place The Great Northern Close
 Former PS Refrigeration Great Northern Warehouse
 Jurys Inn, Waterfront Plaza
 38 – 162(e) Newark Crescent
 26, 34 – 38 Marham Close
 25 Padley Close
 162 Musters Road

The application has also been publicised by site and press notices.

The following responses have been received:

City Resident: Support. Jobs would be created, and a derelict site for three decades will finally be turned into something to make Nottingham look like a real city. The plan looks great, not ambitious enough but great and it will create hundreds of jobs as well as attract people to the city. It will be visible from distances and will add modernism to a bleak Nottingham skyline.

City Resident: Support. Still think that the building is too small and should be taller as Nottingham appears to be the only city not to have courage to build upwards. The island site needs to be built upwards, with the open spaces that it promises to make Nottingham a city that belongs in the present not the past.

Additional consultation letters sent to:

Highways: No objection subject to conditions and informatics. From a highways perspective, the principle changes between the originally submitted Phase 1B scheme and the current scheme is that the latest proposals no longer include a basement parking area, but instead features a temporary surface car park on land to the east of the proposed buildings. This change is accepted from a highways perspective. Whilst City Link and the other roads within the Island Quarter are unlikely to become adopted highway, it is requested that the vehicular accesses servicing the Phase 1B development site are constructed to adoptable standards in the interests of highway safety. It is noted that a minimum of 10% of the total car parking spaces (i.e. 13 spaces) will be equipped with electric vehicle charging (EVC) points. The demand for additional EVC points will be continually monitored and established through annual travel surveys undertaken as part of the operation and implementation of the development's Travel Plan. This is welcomed from a highway's perspective. Request that appropriate e-scooter and e-bike parking is incorporated into the site design to ensure the site is able to accommodate the changing travel modal choice of citizens and visitors to the city.

Ideally we request that the full 271 cycle parking spaces for residents (as set out in NCC's Cycle Parking Standards) are provided for the Phase 1B development and would ask that the applicant submits a revised drawing showing the additional spaces location. However, if this standard cannot be met (and we would ask for a justification) then we can be flexible on the numbers and may accept the proposed 160 spaces if the applicant is prepared to make a strong commitment to providing any additional cycle parking need identified in the future "by exchanging one or more car parking spaces located within the car park(s)" as stated in Paragraph 4.6.8 of the Updated Highways Technical Note 02a Oct 21.

The shortfall in car parking is not considered to be a highway concern as the site is in a sustainable location close to core city centre transport hubs and because any demand for parking that cannot be met on the site will be absorbed by the dedicated car-park that is located on the wider development site. The reduced car parking is also aligned to Nottingham's carbon neutral aspirations and will help to aid modal switch to sustainable transport modes.

The comprehensive off-site highway improvements to the junctions in the vicinity of the Island Quarter, including the proposed junction improvement scheme to Manvers Street/City Link, will mitigate against the Island Quarter development and improve pedestrian and cycle connectivity to the surrounding areas. It is accepted that the surrounding highway network will be able to accommodate the trips generated by the development.

The Highway Authority would wish to enter into discussions regarding the development and future approval of a Highway Adoption Plan and Bus Route Plan at the developer's earliest opportunity to ensure roles and responsibilities are clearly defined at an early stage and to ensure that if any routes are to be adopted, their improvements to bring the road layout up to adoptable standard can be incorporated into the appropriate build phase of the development site.

Environmental Health: TBC

City Archaeologist: No objection subject to conditions including a programme of archaeological works. Initially these works should consist of archaeological evaluation in the form of targeted geoarchaeological boreholes, prior to groundworks for the development commencing, on the eastern part of the site. These boreholes will provide important evidence of the palaeoenvironmental development of the site. The boreholes will need to be followed by trench excavation in areas where remains of archaeological interest are identified by the boreholes and which are identified to be worth further investigation. Any trench investigation will be confined to the eastern part of the site. A second condition should also be used, requiring the submission of details of the foundation design (including pile layout) and pile methodology.

Elsewhere within the Phase 1B area, monitoring of any further investigative works and groundworks associated with development, including groundworks for services, should be archaeologically monitored. The extent of monitoring will be agreed in advance of works commencing.

Drainage: No objection with comments. Pleased to see that although the majority of flows will be managed through underground attenuation and flow control devices, and that rain gardens are also proposed as part of the SuDS train. Query design and stated rates of flow. Note the overall increase in impermeable area, and query if there are any further measures that can be taken to improve this, such as green roofing. The drainage layout has a grey water tank proposed, and request further information on this feature. A detailed maintenance regime for the drainage will be required as well as and confirmation of who will be undertaking this.

Proposed flood resistance measures e.g. demountable flood doors, will need to be linked to a Flood Response Plan to be produced prior to occupation, and to include clear guidance around the flood risk to the site. As with Phase 1A, it is essential that the site is deemed safe by the EA. All mitigation measures within the FRA must be undertaken.

In terms of the Off Site highway/public realm improvements, these do not appear to be included in the drainage strategy although they are part of this application. It is essential that SuDS and suitable rates are agreed for the Manvers Street/City link junction. If NCC are undertaking these works (and therefore responsible for the design), our team will need to be consulted and SuDS are required as with the main development proposals.

Biodiversity: The Design and Access Statement mentioned that green or brown roofs are encouraged as a means of improving the biodiversity and amenity value of the site. However, this is no longer mentioned in the DAS addendum, which only mentions roof terraces and not any green or brown roofs.

The linear park has also significantly reduced in size from that presented with the previous outline planning application and is very limited in its scope to provide resources and connectivity for wildlife and recreational space for residents. The spaces provided are formal and urban in that there is little scope for wildlife and development of naturalised or informal areas.

Education: No objection. William Booth Primary's catchment is fairly full, but there is capacity in the area and a new primary school to be developed at Waterside.

Environment Agency: No objection. The updated documentation does not appear to impact the conditions requested by the EA as detailed in our previous response. Therefore, recommend a planning condition that the development shall be carried out in accordance with the submitted flood risk assessment. Recommend further conditions in relation to groundwater and contaminated land.

Historic England: Do not wish to offer any comments on the further information provided. Suggest that the Council seeks the views of its specialist conservation and archaeological advisers, as relevant.

(Original comment: Permission granted pursuant to the application for outline planning permission 18/01354/POUT defined the height of buildings within the Phase 1B site area. We remain concerned by the impact the taller building in the Phase 1B area would have on the significance of the Lace Market conservation area, St Mary's church and Nottingham Castle in particular.)

Canal & River Trust: No objection.

Nottinghamshire Police: No objection with comments. Are encouraged by the proposed new urban business and residential community within the Creative and Canal quarter and the Nottinghamshire Police Designing out Crime Officers are keen to work with and support this development.

It appears the developer has considered many facets of good design, but resistance to offending is not detailed sufficiently in the DAS or other accompanying documents. Given the significance of this build to the city, and in the interests of mutual efficiency and collaboration, Nottinghamshire Police request that a meeting with the developers be arranged to discuss in detail the proposed security and crime prevention features intended to be incorporated into the various aspects of design.

Nottingham Civic Society: Objection. Continue to have reservations about the changes proposed to the scheme. The 'crown' feature remains disappointing, just additional floorspace on top of a building which is already too tall for its context and a site for unnecessary, unsustainable, intrusive lighting in the night sky.

The changes to the atrium with the introduction of the brise soleil continues to interrupt most of the view of its original elevation, weakening the architectural idea of the arched colonnade referencing the site's historic Victorian railway architectural antecedents, with the result that the promised design merit of the original scheme is being diluted. The design should revert to the interstitial solar glazing for the Atrium Entrance, as originally specified.

The images still give the impression of flatter, less articulated elevations around the Atrium complex. In such large buildings, the detrimental changes to the elevations consequent upon a revised window strategy will be very noticeable.

Whilst the loss of elements of the active ground floor use is regrettable, the large unadorned temporary car park is an unsustainable development. Once set out, the car park is likely to become permanent without any of the benefits of the landscape strategy to improve its detrimental appearance.

Therefore, NCS's original concerns about detrimental changes to the development remain.

(Original comment: Nottingham Civic Society is very concerned that the scale of the hotel tower would vie for prominence with the historic Lace Market skyline in long views from the south and east of the city centre. From Nottingham Castle, a key viewpoint identified in the adopted City Centre Urban Design Guide 2009, the hotel tower obtrudes significantly into the eastern horizon in an assertive manner so far largely avoided in other new developments.)

Nottingham Local Access Forum: NLAf is broadly supportive of the application. Its location is inherently sustainable, and the Forum welcomes the emphasis on sustainable measures in the application. Proposals complement the towpath improvements in the application for Phase 1A and are in line with the several other cycling and walking improvements planned for the whole Island Quarter regeneration site over the next few years. These include the new east-west landscaped Linear Park along with junction improvements at both ends of the site which should, in principle, make them more cycle and pedestrian friendly.

NLAf is concerned, however, that proposals concerning active travel are underpinned by pre-pandemic data from 2011 which are arguably of little relevance now. It is critically important that junction improvements (City Link/Manvers Street and London Road/Station Street/Great Northern Close) are designed with the safety of pedestrians and cyclists as a priority.

The Highways Technical Note (HTN) of the application states (4.2.6) "The application also includes for significant upgrades to the Manvers Street / City Link junction..." The form of these upgrades is however in development and NLAf would wish to have sight of them before they are finalised because of the importance of the walking and cycle links across Manvers Street, including to Sneinton Greenway, and the potential conflict with the vehicular access to the site.

NLAf would suggest that a new planning condition is applied to this and future phases of development to secure improvement of the City Link footways and cycleways to bring them up to an appropriate, up to date standard.

This phase of development will see removal of the security cabin at the west end of City Link, (HTN 4.8.16) as required under the outline planning consent. A planning condition should be applied to secure the removal of the existing security cabin on City Link, and that the joint use cycleway footway on the south side is made contiguous across this area.

The Forum welcomes the commitment to keep the well-used temporary cycle/walking link connecting Great Northern Close and Station Street open throughout the construction of the new development, subject to health and safety considerations. Its continuing availability should be required by a pre-commencement condition through an agreed construction and environment management plan.

It is very disappointing to note that the revised proposals seek to further denude the already poor level (quantum) of cycle parking for the apartment residents to only 59% of the level called for in the Local Plan (para 4.6.4 refers). To suggest that such under provision could be addressed in future by conversion of car parking spaces is fanciful when the majority of the car parking spaces will be dedicated to residents/premises in binding lease agreements that leaseholders are unlikely to be willing to surrender. In light of these specific observations we must register our

objection to the application.

Additional cycle parking is proposed across phase 1b but the majority of it is provided via Sheffield hoops in the public realm. As we noted in our comments on the original application, this will be insufficiently secure to be attractive to apartment residents, and similarly unlikely to provide the kind of close to hand and secure, long stay cycle parking sought by staff working in the various premises.

The Forum again suggest that robust planning conditions are required to secure the appropriate quantum (Local Plan standard at least) of carefully designed and located cycle parking.

Cycle parking for the hotel element is proposed in numbers substantially greater than required (48 spaces vs the required 22), which is welcomed.

Cycle parking for other uses within the development also exceeds the required standard (96 spaces vs the required 72). Whilst this is welcome from a simple numbers perspective, the parking is distributed across the public realm and is unlikely to provide the kind of secure, long stay parking sought by staff working in the various premises. Carefully designed and located cycle parking for this specific group of users should be made a requirement via an appropriate planning condition.

With the regard to the proposed Travel Plan, conditions should give a clear definition of its content and when it should be written and implemented. Similarly, the timing of the appointment and length of operation of the Travel Plan Coordinator, with a minimum of 5 years for the latter, should be defined by conditions.

Pedals: While broadly supporting the application and very much in support of the general potential throughout the Island Quarter development for good cycling / active travel routes we do think that the targets for increased cycle use and for the levels of proposed cycle parking could be more ambitious, especially in view of the clear increase in cycling since the onset of the Covid 19 pandemic and the evident wish of many people to be able to cycle and walk without being intimidated by motor traffic. This also would be fully in line with current Government policy to make cycling and walking the default modes for shorter trips.

Pedals also considers that it is very important that good provision within the site is complemented by high quality links nearby especially at nearby major junctions such as on London Road to the west and on Manvers Street to the east

We think it very important that junction improvements (City Link / Manvers Street and London Road / Station Street / Great Northern Close) are designed with the safety of pedestrians and cyclists as a priority. This should reflect the new DfT guidance in designing all the off-site highways works, specifically Local Transport Note 1/20 'Cycle Infrastructure Design Guidance'. This guidance should also be used to update the existing substandard cycling and pedestrian provision on City Link and its connections, to and from nearby roads and also the Sneinton Greenway. Pedals wishes to be consulted on these detailed plans.

Pedals welcomes the commitment to keep open the well-used temporary cycle / walking link, connecting Great Northern Close and Station Street etc. across the site to the east, throughout the construction of the new development, subject to

health and safety considerations.

We agree with the detailed comments of the Nottingham Local Access Forum on the need for more ambitious cycle parking provision, and also that provision should be made for the charging of ebikes.

Taking on board these suggestions, we very much agree with NLAF, should not only help provide safe and attractive cycling and walking access to the development site, but also between the City Centre and Nottingham Station areas to the various existing and proposed new housing developments in the Waterside Regeneration Area, to various employment sites, to the important green link of the Sneinton Greenway, to Colwick Park via the extended riverside path and to the planned foot-cycle bridge between Trent Basin and Lady Bay.

Cadent: No objection. We have Intermediate pressure gas pipelines and an above ground gas installation in the boundary of the development , Cadent must be approached and consulted and liaised with before any activities in the vicinity of our assets commences as we will have protection measures that will need to be employed.

6 Relevant policies and guidance

Aligned Core Strategies (ACS)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 5: Nottingham City Centre

Policy 7: Regeneration

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 17: Biodiversity

Land and Planning Policies (LAPP)

Policy CC1: Sustainable Design and Construction

Policy CC2: Decentralised Energy and Heat Networks

Policy CC3: Water

Policy EE4: Local Employment and Training Opportunities

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

Policy RE2: Canal Quarter (overlap)

Policy RE3: Creative Quarter (overlap)

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN6: Biodiversity

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

Policy IN2: Land Contamination, Instability and Pollution

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

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.

The duty in s66 of the Planning (Listed Building and Conservation Area) Act 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses arises in the context of the developments affect upon the Low Level Station and Great Northern Warehouse and so must be considered as a material consideration in the

planning balance.

Island Site Nottingham Supplementary Planning Document (April 2016)

- 6.1 Provides guidance to developers in bringing forward one of the City's key development sites. Supplementary to the saved Local Plan policies and those of the Aligned Core Strategy (2014). Also aligns with the emerging Local Plan Part 2 (the Land and Planning Policies document). Describes the vision for the development of the site as a new urban business and residential community, a safe, attractive, high quality and mixed neighbourhood with its own identity and character. To be well connected to the network of routes within and beyond the site. New development will have sustainability at its heart, being a mixed use neighbourhood, incorporating innovative design and construction techniques to reduce energy use, being highly accessible, adopting sustainable drainage systems and other measures to mitigate impact on water resources, and incorporating Green Infrastructure, which includes biodiversity enhancement.
- 6.2 The majority of employment provision on the Island Site allocation is envisaged to be offices, and research and development use, anticipated to make a vital contribution to meeting the economic development aims of the City Council. The SPD also envisages development of a range of between 500 and 650 homes to make a significant contribution to meeting the housing requirements of Nottingham City. Most or all of the housing development on the site to be in the form of flats. Retail uses to complement rather than compete with the City Centre retail core, provided in a range of unit sizes appropriate to serving the new community and to include other facilities, such as services, leisure, cafes and bars. Scope for community and cultural uses.

Nottingham City Centre Urban Design Guide (May 2009)

- 6.3 The Urban Design Guide (UDG) provides a physical framework and promotes the highest standard of urban design and architecture for the City Centre within which the site is located. The UDG defines the application site as being within the "Zone of Reinvention" where the urban form is largely beyond repair and a new urban form is proposed. The application site also falls within the "Tall Building Zone" on the eastern side of the city centre
- 6.4 The UDG also contains rules which help to promote good quality design. Relevant to the application site are rules requiring the masterplanning of strategic proposals to re-establish urban form and building lines, a clear network of streets and public realm, and the massing and height of development having consideration on identified important views and vistas. Increasing the density of development around the fringes of the city centre is an identified opportunity, with the need for sustainable buildings also being required to ensure that potential benefits of higher densities and taller buildings are not outweighed by additional energy and resource use.

7. Appraisal of proposed development

Main Issues

Whether:

- (i) the proposed uses are appropriate to the neighbouring properties and the wider area;

- (ii) the design of the proposed development in terms of its height, massing, layout and external appearance is appropriate to its position in the city centre and to the setting of listed buildings including the adjacent Low Level Station and Great Northern Warehouse;

Issue (i) the proposed uses and impact upon neighbouring properties and the wider area (ACS Policies 5 and 7 and LAPP Policies RE2, RE3 SH6, and SA1)

- 7.1 ACS Policy 7 ‘Regeneration’ sets out strategic regeneration priorities for the City and states that the “Eastside Regeneration Zone will be a focus for major residential and employment led mixed use regeneration and redevelopment across a number of key sites, supported by complementary hotel, conference centre and retail development, sports and leisure, education, and new public open space. The improvement of east – west links and better connections with the existing central core will be required.”
- 7.2 The Island Site has been allocated in the LAPP for mixed use development (Site Ref: SR59) and has been promoted for mixed use development for many years. Previous outline planning permissions have recognised this potential and have included both hotel and residential apartments within the mix of proposed development. The principle of the inclusion of those uses within the proposed development again is therefore considered to be appropriate and is indeed to be encouraged. No objections have been received in relation to the proposed uses within the development, and with no responses having been received from the nearest neighbours, including hotel uses at Premier Inn Nottingham Arena and Jurys Inn Nottingham.
- 7.3 The adopted Island Site Nottingham SPD indicates that the early redevelopment of the site is a fundamental priority for regeneration and construction works are now well underway on the ‘Canal Turn’ building as the first new building on the new phase of development on the Island Site. The SPD emphasises that it is vital that new office provision is brought forward early in the redevelopment of the site and also proposes a range of homes to boost the supply of housing in the city, with most or all of this accommodation being flats.
- 7.4 The proposed mix of uses are therefore considered to represent the further positive regeneration and redevelopment of the Island Site. The proposed uses are considered to be compatible with the redevelopment of this prominent site within the city centre and are not considered to unduly impact upon neighbouring properties and the wider area. The proposed development is therefore considered to accord with ACS Policies 5 and 7 and LAPP Policies RE5, SH6, SA1 and IN2.

Issue (ii) the design of the proposed development in terms of its height, massing, layout and external appearance is appropriate to its position in the city centre and to the setting of listed buildings including the adjacent Low Level Station and Great Northern Warehouse.

- 7.5 The recent Outline Planning Permission for the redevelopment of the whole Island Site (18/01354/POUT) has established that the principle of a tall building in this location would be appropriate as the location falls within the “Tall Building Zone” on the eastern side of the city centre.
- 7.6 The Urban Design Guide advises that any tall buildings proposed within the ‘tall

building zone' defined to the east of the city centre are anticipated not to exceed 25 or at the most 30 storeys, with any taller structures subject to tests of exceptional design quality. Tall building assessment is required in all cases, to include a view analysis of impacts from the range of identified UDG key views and vistas. The application submission provides this level of required analysis of the hotel tower and proposed development as a whole. Key views and vistas within the UDG including those from Lady Bay Bridge and Trent Bridge are demonstrated not to be affected, with the hotel tower being offset from the city centre skyline and its historic landmark buildings. Whilst it is has been recognised that the horizon view from the Castle would be broken at this location, it would be one of several buildings in this view that do this and key horizon views from the Castle to the south would remain unaffected.

- 7.7 Original comments on the visual impact of the proposed development from Historic England and Nottingham Civic Society are noted above in *italics*. Although the proposed hotel tower will be visible in numerous views, the principle of a tall building in this location on the Island Site has been recently approved as part of the granted Outline Planning Permission and following careful assessment. Whilst the precise position and design of the proposed development has now been defined through this planning application, it is considered that the primary principle of a tall building at this location remains justified. It is also to be expected that further development of the Island Site as a whole will include buildings of some scale, thereby altering the existing context of the site with its surrounds. It is in this context that the position of tower element of the proposed development is considered appropriate in terms of its existing and future landscape and visual context, and that the individual qualities of the proposed buildings as a group be the focus of the remainder of the assessment.
- 7.8 The presence of proximate heritage assets including the Low Level Station (Virgin Active) and Great Northern Warehouse listed buildings have been reviewed within the Archaeology and Cultural Heritage Impact Assessment, with consideration of the potential impact upon built heritage remains and surrounding heritage assets. That document concludes that either no harm, or less than substantial harm would be caused and no mitigation is deemed necessary. This conclusion is supported, and it is considered that the Low Level Station will benefit through the development of the site with a building of scale and where that scale provides sufficient space for the identity of the Low Level Station to retain its individual significance. Whilst the degraded condition of the Great Northern Warehouse remains a concern and future priority for sensitive development, it is considered that the robust warehouse quality of this building is able to sustain the presence of the proposed development as well as having had an influence on the arched features that have been included within its design.
- 7.9 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. The duty in s66 of the Planning (Listed Building and Conservation Area) Act 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest is also noted. It is considered that the submitted Archaeology and Cultural Heritage Impact Assessment and accompanying application details provide a thorough and clear analysis of the heritage issues. It is considered that the impact caused to the significance of the heritage assets in this instance would be 'less than substantial' and that the public benefits of the proposed development substantially outweigh any heritage impacts. The proposals

are therefore considered to constitute less than substantial harm to the setting of the listed buildings. On this basis it is considered that the proposed development accords with ACS Policy 11 and LAPP Policy HE1.

- 7.10 The layout of the proposed development is considered to present an integrated and interconnected group of buildings that would be unique to the city. Whilst there would be an individual focus to each element it is also clear that there would be a dynamic that would indicate a higher level of internal activity than would otherwise be present if the proposed uses were to be separated within single buildings. This is considered to be both bold and encouraging in establishing an early vision and identity for the Island Site, linking well with the development of the Canal Turn building and its associated external public spaces. Attention to the quality of external spaces being provided is also clearly presented as part of the proposed development and, whilst the comments of the Biodiversity team above are noted in terms of the amount of green space being provided, it is recognised that there is significant opportunity to address this within the evolving masterplan for the wider Island Site, where there is a current vision for a greater quantum of green space within the central area of the site. It is also noted that the adjacent Virgin Active car park, included as part of the indicative masterplan that accompanied the outline planning application masterplan, is not currently part of the application site and that there is future potential for green space provision to expand into this adjacent area. Subject to conditions requiring further details of hard and soft landscaping the proposed development is therefore considered to accord with ACS Policy 17 and LAPP Policy EN6.
- 7.11 The design and external appearance of the proposed buildings are considered to be well considered, also including reference points to the site's industrial heritage. The hotel tower is considered to be slender and elegant in its form and design, with proposed materials being used in a complementary manner to provide an appropriate vertical emphasis. The design and finishes to the hotel tower has been the focus of the applicants' review and it is considered that the design has been improved through this process. Horizontal breaks between floors have been substantially omitted, allowing the window openings to carry up the building and for the design of these openings and to make a collective contribution to the whole. A further key design change has been the removal of the proposed inverted arches to the crown of the tower, which could have presented long term technical challenges, including issues with adverse weathering impacts. Nottingham Civic Society's comment that the crown feature remains 'disappointing' is noted but is not agreed. Irrespective of the technical justification that the applicant has provided for making this change, it is also considered that the design of the crown provides appropriate definition and interest to the top of what will represent a new city landmark building. The provision of public access to this level with fully glazed protection from the weather is a commendable and valuable feature to the proposed hotel use and identity of the development as a whole. The further comments of Nottingham Civic Society in relation to the brise soleil across the atrium entrance is also noted. The shadowing effect of the brise soleil plays an important role in the scheme's overall sustainability strategy and is also included to emphasize the atrium entrance. The rhythm of the arch structures at the ground floor on the south elevation are maintained and therefore it is not considered that this feature compromises the design quality of the proposed development.
- 7.12 Whilst no comments received in relation to the design of the apartment blocks, as buildings of significant individual scale it is considered that they define their new streets in a strong form and with a unity of appearance that complements the hotel

tower through the continuation of arched openings and with shared open spaces being created at the podium level. The depth and quality of details of the elevations of these buildings are considered to provide a clear link to the industrial heritage context of the site as well as being contemporary in their inclusion of residential features such as Juliet and projecting balconies.

- 7.13 It is proposed that further details of the facades of the proposed development be determined via planning conditions, including a requirement for sample panels of details and materials to be constructed on site for final review and quality assurance. Subject to planning conditions the proposed development is considered to accord with ACS Policy 10 and LAPP Policies DE1 and DE2.
- 7.14 The broad support of Nottingham Local Access Forum and Pedals is noted and welcomed. Whilst both consultees raise concerns over the level of cycle parking attributed to individual uses (a shortfall in provision for the apartments and a surplus for the hotel), it is considered that the sustainable location of the site allows for the degree of flexibility noted by Highways. The opportunity for the applicant to make up this shortfall throughout further phases of the development is also recognised.
- 7.15 This conclusion is also drawn in relation to the proposed shortfall in car parking and interim proposal for temporary car parking associated to this phase of proposed development. This is noted by Highways not to be a concern as the site is in a sustainable location close to core city centre transport hubs and because any demand for parking that cannot be met on the site will be absorbed by the dedicated car-park that is located on the wider development site. The concept of providing self-sustaining, walkable neighbourhoods is also endorsed by the applicant and, as a result, the precise parking strategy is expected to evolve through focussed further consultation. The proposed development is therefore considered to accord with LAPP Policy TR1.

Other

- 7.16 The response of the City Archaeologist is noted and reflected in the proposed conditions regarding an archaeological evaluation in order to determine the character, condition and extent of archaeological remains on the site. Subject to the proposed condition it is considered that the proposed development accords with LAPP Policy HE1.
- 7.17 The final response of Environmental Health is anticipated and is expected to be substantially similar to the applicant's neighbouring Canal Turn development in terms of proposed conditions. Draft conditions on ground contamination remediation strategy; noise assessment and mitigation in relation to potential noise from plant and equipment; and an external lighting assessment are therefore included in accordance with LAPP Policy IN2.
- 7.18 The response of the Environment Agency and the Drainage team are noted and, subject to planning conditions, the proposed development is considered to accord with LAPP Policy CC3.
- 7.19 The response of Nottinghamshire Police is noted and has been referred to the applicant for further dialogue.

8. Sustainability

- 8.1 The sustainable vision for the Phase 1B project is advised to have been framed around 7-key themes:
- Transition to carbon neutrality
 - A happy and healthy community
 - Blue + Green infrastructure
 - Water
 - Resilience
 - Materials + Waste
 - Stewardship
- 8.2 A fabric-first principle has been applied with a high-performance façade being proposed, where glazing proportions, openable areas, balcony design, shading, and thermal performance of all external elements look beyond ‘standard’ Building Regulation compliance.
- 8.3 An all-electric energy strategy is proposed, with an air-source heat pump providing heating and cooling to the development. Photovoltaics are included to provide supplementary on-site energy generation.
- 8.4 Accordingly, it is advised that the proposed development will realise a 49% reduction in carbon emissions over the development’s baseline: representing a substantial improvement over ‘standard practice’. The proposed energy strategy for Phase 1B and the wider masterplan for development is viewed to be compatible with connection into Enviroenergy’s district heating network
- 8.5 To provide further robustness and ongoing commitment to sustainability, the applicant has voluntarily elected to seek BREEAM Certification for Phase 1B, to provide further verification of the development’s performance.
- 8.6 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 HO3 and IN4)

- 9.1 In accordance with LAPP policies, the proposed development would be expected to provide the following S106 contributions:

Affordable Housing (in lieu of on-site provision): £2,382,821.35

Public Open Space (subject to negotiated adjustment for on-site provision):
£436,903.15

Education: £114,221.98

Employment & Training: £171,529

- 9.2 The applicant has submitted a viability appraisal with the application, which has been independently reviewed by the Council’s consultants. The independent review has reviewed evidence of the applicant’s tender pricing exercise and has considered this information to be compelling. The independent review therefore concludes that the scheme is unviable and not able to support any planning policy contributions. A copy of this report has been made available to Councillors. On the basis of the conclusions of the independent assessment it is therefore considered that the proposed development accords with LAPP Policy IN4. The applicant will be

encouraged to engage with the Employment & Training team to ensure that local construction and operational job opportunities are provided in accordance with LAPP Policy EE4.

109 Financial Implications

None.

110 Legal Implications

The duty in s66 of the Planning (Listed Building and Conservation Area) Act 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses arises in the context of the developments affect upon the Low Level Station and Great Northern Warehouse and so must be considered as a material consideration in the planning balance.

The Committee must afford considerable importance and weight to the "desirability of preserving... the setting" of listed buildings when weighing this factor in the balance with other "material considerations" which have not been given this special statutory status.

A finding of harm to the setting of listed buildings is a consideration to which the Committee must give "considerable importance and weight, when weighing up the harm, against any benefits or countervailing factors. However, that does not mean to say that a strong presumption against granting permission for development that would harm the listed building and or its setting, cannot be outweighed by substantial public benefits so as to rebut that presumption. It is to be noted that there is a finding of either no harm, or less than substantial harm to the listed buildings in the context of this application.

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

121 Equality and Diversity Implications

The provision of Disability Discrimination Act (DDA) compliant accessible buildings.

132 Risk Management Issues

None.

143 Strategic Priorities

The proposed development addresses the following Council Plan themes:

Progressing the Island Site to provide employment opportunities for Nottingham people.

Ensuring the development of 4000 new homes including low-cost homes to rent or buy, and ensuring that new homes have due regard for accessibility and space standards.

Grow Nottingham's economy through attracting inward investment into the city to create jobs, bringing back into use vacant sites

154 Crime and Disorder Act implications

Improved surveillance and community safety.

165 Value for money

None.

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

1. Application No: 20/02790/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QM6ZIDLYLW100>

187 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)

City Centre Urban Design Guide (2009)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

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

Nomad printed map



Key



City Boundary

Printed map generated by a Nomad user on 10/05/2022. This map is not suitable for publishing, for high quality maps please contact gj@nottinghamcity.gov.uk.

Description

A map printed from Nomad.



Nottingham
City Council

My Ref: 20/02790/PFUL3 (PP-09289483)

Your Ref:

Contact: Mr Jim Rae

Email: development.management@nottinghamcity.gov.uk



Nottingham

City Council

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

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

Date of decision:

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

Application No: 20/02790/PFUL3 (PP-09289483)

Application by: Conygar Nottingham Ltd. Mr Christopher Ware

Location: Phase 1B Of The Island Quarter, Island Business Centre, City Link

Proposal: Mixed-use commercial development comprising enabling works (demolition and earthworks), hotel, BTR apartments, co-working and retail uses, access modifications, utility and drainage infrastructure, new areas of permanent and temporary public realm/landscaping and off-site highway improvements.
(REVISED TOWER DRAWINGS)

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. 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, dust control measures, 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.

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

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

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

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

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

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

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

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

Reason: To ensure that 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).

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

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

7. Prior to the commencement of above ground development a large scale sample panels of all proposed materials to be used on the external elevations of each block of the approved development shall be constructed on site and shall be reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials shall also be submitted to and approved in writing by the Local Planning Authority before above ground development commences on that block 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).

8. Prior to the commencement of the fitting out of the approved food and drink uses, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the premises shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that 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).

9. Prior to the commencement of the fitting out of individual commercial uses, 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 that individual commercial use 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 use. The environmental noise assessment shall also include the impact of any transportation noise, noise from people on the street, predicted noise from the individual commercial use, and predicted noise levels for any plant and equipment which will form part of the use, octave band analysis and all assumptions made (e.g. glazing and façade areas).

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

Reason: To ensure that residential properties within 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).

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

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

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

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

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

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

Pre-occupation conditions

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

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

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

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

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

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

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

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

15. The approved commercial uses shall not be individually first operated until written verification that the approved mechanical services plant or equipment (including any air handling plant) specified to serve that individual commercial use has been implemented, including any mitigation measures, and has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that 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).

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

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

17. Prior to first occupation of the development, verification that the measures in the approved Sustainability and Energy Strategy by Elementa Consulting, Ref: 510408-ELE-ZZ-XX-RP-YE-51001, October 2021 have been implemented and are fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In order to ensure that these measures are incorporated into the approved development, in the interests of the sustainable development of the site and in accordance with Policy 1 of the Aligned Core Strategies and Policy CC3 of the 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)

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

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

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

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

20. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Ref: The Island Quarter, Nottingham - Phase 1B, Flood Risk Assessment, IQ1-BWB-ZZ-XX-RP-YE-0006_FRA, BWB, December 2020) and mitigation measures it details.

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)

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 19 January 2021.

Reason: To determine the scope of this permission.

Informatics

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. 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 Orders 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.

4. Removal of access cabin on City Link

It is noted that in accordance with the previously imposed planning condition 38 of the outline permission, the former security cabin, barrier control and other security-related apparatus on City Link will be removed and the highway reinstated, so as to allow for two-way traffic movement along this section of City Link. This is shown on Drawing No. 2100-01-Ph1B-D01 in Appendix C, although it should be noted that the hard landscaping and footway link scheme shown around that area will be the subject of a future, separate planning application.

It is requested that the applicant enters into discussions with the Highway Authority regarding incorporating speed restraining features on City Link and that the features are introduced alongside the removal of the kiosk that currently restricts City Link from being a two-way through route. Full details should be submitted to the Highway Authority indicating how the highway will be reinstated once the kiosk is removed, along with how the applicant proposes to control 2-way traffic movements on City Link to prevent the route becoming a rat run through the site to the detriment of highway safety. Details should be submitted and approved prior to works commencing on site.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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 further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

10. 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.

11. Mud on the public highway

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

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.



DRAFT⁹ ONLY
Not for issue

Continued...

RIGHTS OF APPEAL
Application No: 20/02790/PFUL3 (PP-09289483)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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 as soon as possible,

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.