

Report of Director of Planning and Regeneration

Units 1 To 4, Queens Road

1 Summary

Application No: 22/00593/PFUL3 for planning permission

Application by: Lichfields on behalf of C/O Agent

Proposal: Redevelopment of the site, including demolition of all buildings, to provide student accommodation and apartments with associated infrastructure, works and landscaping

The application is brought to Committee because it is a major application on a prominent site where there are important design and heritage considerations. Additionally, for viability reasons, the application is being recommended for approval with proposed planning obligations which are less than required by planning policy.

To meet the Council's Performance Targets this application should have been determined by 7th July 2022; an extension of time has been agreed with the applicant to cover the extended period of negotiation.

2 Recommendations

The Committee resolves:

- 2.1 That the requirements of regulations 18(3) and (4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("the 2017 Regulations") are satisfied by reason of the submission of the Environmental Statement and the Supplementary Environmental Statement as part of the application which includes at least the following information:
 - (a) a description of the development comprising information on the site, design, size and other relevant features of the development;
 - (b) a description of the likely significant effects of the proposed development on the environment;
 - (c) a description of the measures envisaged to avoid, prevent or reduce and offset likely significant adverse effects on the environment;
 - (d) a description of the alternatives studied by the developer and an indication of the reasons for the option chosen, taking into account to environmental effects;
 - (e) a non-technical summary of the information referred to at paragraphs 2.1(a) – (d).
- 2.2 That it be recorded in the resolution that the environmental information being the Environmental Statement and Environmental Statement Addendum has met the requirements of schedule 4 to the 2017 Regulations.
- 2.3 That it be recorded in the resolution that no further information pursuant to

regulation 25(1) of the 2017 Regulations is required.

- 2.4 That it be recorded in the resolution that the environmental information (namely the Environmental Statement and the Environmental Statement Addendum together with any representations made by any body required by the 2017 Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development) has been examined and considered.
- 2.5 That it be recorded in the resolution that as required by regulation 26(1)(b) of the 2017 Regulations, the Committee has reached a reasoned conclusion on the significant effects of the proposed development on the environment, as contained in this report.
- 2.6 That in the opinion of the Committee the reasoned conclusion referred to at paragraph 2.5 above addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the development and the Committee is therefore satisfied pursuant to regulation 26(2) of the 2017 Regulations that the reasoned conclusion is up to date.
- 2.7 That it be recorded in the resolution that the Committee does not consider it appropriate to impose monitoring measures pursuant to regulation 26(1)(d) and regulation 26 (3) of the 2017 Regulations given the nature, location and size of the proposed development and its effects on the environment.
- 2.8 That following the determination of the application, the publicity and notification requirements pursuant to regulation 30(1) of the 2017 Regulations be complied with as soon as reasonably practicable and the Director of Planning and Regeneration be delegated authority to undertake the necessary requirements.

2.9 GRANT PLANNING PERMISSION for the reasons set out in this report, subject to:

- a) Prior completion of a Section 106 Planning Obligation to include the follow:
 - i) regarding Phase I (PBSA), a financial contribution of £200,000 toward the provision or enhancement of off-site Public Open Space/Public Realm
 - ii) regarding Phase II (BTR apartments), a financial contribution of £200,000 toward the provision or enhancement of off-site Public Open Space/Public Realm
 - iii) regarding Phase II (BTR apartments), potentially additional financial contributions towards Affordable Housing, Education, Public Open Space/Public Realm and Local Employment and Training subject to the completion and assessment of a further viability appraisal, prior to the commencement of development, to establish whether the aforementioned additional contributions are justified
 - iv) targets associated with Local Employment and Training opportunities
 - v) regarding Phase 1 (PBSA), a Student Management Scheme, which shall include a restriction on car usage, mitigation and management of potential noise nuisance, security details, cleaning and refuse management
- b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

- 2.10 To delegate power to determine the final details of the conditions of planning permission to the Director for Planning and Regeneration.

- 2.11 To delegated power to determine the final details and terms of the Planning Obligation (including whether any, all or some of the financial contributions referred to in 2.9a) iii) above should be sought and, if so, the quantum of the relevant contributions) to the Director of Planning and Regeneration, in consultation with the Chair, Vice Chair and Opposition Spokesperson, and subject to him being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the Planning Obligation sought is (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 site is 0.63 ha in size and is located at the corner of Queens Road/London Road, between the railway line and Nottingham Station to the north (with Station Street beyond) and Queens Road to the south. London Road, the A60, rises on a bridge over the railway line to the east. The site, until recently, contained four single storey industrial units with associated forecourt/parking area. These have now been demolished. The site is served by a single vehicular access from Queens Road.
- 3.2 The surrounding area comprises a mix of commercial, industrial and residential uses which are generally characterised by large scale buildings, both in mass and height, along Queens Road and Station Street. The historic Hicking Building sits on the opposite corner which has been converted to apartments with restaurant/bar to part of the groundfloor. An apartment scheme comprising 348 units is currently at an advanced stage of construction on the adjoining site immediately to the west, approved in 2020 (ref: 19/01642/PFUL3).
- 3.3 The site is within the Southside Regeneration Zone, the Station Conservation Area and adjoins the grade II* listed Nottingham Station. The southwest part of the site is also within flood zone 2 of the River Trent.

Planning History

- 3.4 Planning permission was refused in 2014 for the redevelopment of the site for a single storey food store with associated car park (ref: 14/01809/PFUL3). The development was not considered inappropriate in terms of its scale, layout and design, and would have prejudiced the delivery of a comprehensive mixed used scheme that maximised the efficient development of this prominent and strategically important site within the Southside Regeneration Zone. Furthermore, the proposal failed to preserve or enhance the character and appearance of the Station Conservation Area and grade II* listed Nottingham Station, or to address the issue of flood risk.
- 3.5 In May 2022 planning permission was granted for the demolition of the existing 4 industrial units (ref: 22/00505/PFUL3), pending redevelopment of the site. The buildings have now been demolished and the site hoarded.

4 Details of the proposal

- 4.1 The application proposes a mixed residential development comprising three buildings; a purpose-built student accommodation (PBSA) building with 406 beds, and two buildings containing a total of 238 Build to Rent (BTR) apartments. Each are described in further detail as follows:

London Road Tower: A 22 storey tower with lower 9 and 11 storey elements to its south and west sides. The tower is to be positioned in the eastern part of the site at the corner of London Road and Queens Road. The building would contain 163 BTR apartments comprising 5 studios, 108 one bed and 50 two bed apartments. The main entrance is located on the western side of the building facing onto a central courtyard between all of the three buildings. Its ground floor would accommodate a reception foyer, a 115sqm gym/amenity space, a designated cycle store for 164 cycles, plant/equipment and waste storage facilities. A roof terrace for use by residents is provided on the roof of the building. The ground floor of the building sits at a lower level than London Road and Queens Road which are rising at this point to cross the railway line.

Queens Road Apartment Building: A 9 storey rectangular building fronting Queens Road. The building would contain 75 BTR apartments comprising 26 one bed and 49 two bed apartments. The main entrance to the building would be from Queens Road. Its ground floor would accommodate a reception area, 450sqm of communal amenity space, a designated cycle store for 82 cycles, plant/equipment and waste storage facilities.

Purpose Built Student Accommodation (PBSA): A 12 storey 'L' shaped building located at the western end of the site. The PBSA would accommodate 406 student beds within a range of studios and 5, 8 and 9 bed cluster flats. The main entrance is on the southern side of the building, accessed from the central courtyard. Its ground floor would accommodate communal facilities such as lounge/study space, a cycle store (150 secure plus 34 external spaces), plant/equipment, a laundry and waste storage facilities.

- 4.2 All three buildings are of different but complimentary design and would be finished in differing brick colours ,all with varied tones; a light grey for the tower, a red for the Queens Road building and a darker grey for the PBSA.
- 4.3 A 6m setback from the kerb of Queen's Road is proposed to facilitate a widened footpath and public realm, with tree planting to the front of the Queens Road building. The main pedestrian access to the site would be via a new stepped walkway created at the corner of the Queens Road with London Road, with an additional pedestrian access at the south western corner of the site from Queens Road. The site's vehicular access would be maintained in its current location from Queens Road, providing access to a service road which wraps around the west and northern boundaries of the site. 4 disabled parking spaces are proposed to the rear of the PBSA.
- 4.4 In addition to the new area of public realm fronting Queens Road, a landscaped central courtyard is to be provided incorporating seating, planters and other soft landscaping. Soft landscaping is also proposed as part of the main pedestrian accesses into the site from Queens Road.
- 4.5 Each building would have an area of green roof, solar photovoltaic panels are to be installed on the roof of both BTR buildings and air source heat pumps are proposed to heat the PBSA.
- 4.6 The developer is proposing to build the PBSA as phase I and the BTR buildings as phase II.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

350 neighbouring properties have been notified individually, including occupants of the following:

Hicking Building
Waterfront House
Forward House
Trent House
Jurys Inn
Virgin Active
Eastcroft Depot
London Road Construction and Technology Centre, London Road

The application has also been publicised through press and site notice, along with additional consultation procedures carried out in line with the 2017 Regulations.

The applicant also undertook a public consultation exhibition and event in November 2019 at the former Urban Room, 38 Carrington Street.

3 letters of objection have been received and one letter of support.

The following objections have been raised:

- The development would not respect the existing streetscape or its local context. It is considered an overbearing and overly large development. The 22 storey tower is seen as too high to respect the height of neighbouring properties.
- One resident considers that the tower building is a poor study of its lower levels, especially the ground floor, and how they interact with the corner of the site. They consider that level changes have barely been taken into account and the narrow pedestrian path that surrounds the site is left as existing. They feel it is great opportunity lost to use this landmark development to improve its immediate surrounding. They suggest that the pedestrian path should extend to touch the tower all around the southeast side of the site, along London Road, with the potential of accessing the tower at different levels. The total absence of retail is also worrying for a neighbourhood that in the coming years will be growing its population, and given the number of students that will be living in the area without access to a car.
- Harmful impact on the visual amenities of residents of the Hicking Building which overlook the site.
- Loss of light and outlook and overbearing relationship with residential apartments in the Hicking Building, resulting from its height, scale and massing.
- Loss of privacy to the apartments in the Hicking Building.
- Increased noise and disturbance for residents in the Hicking Building due to the development resulting in reflected traffic noise which currently dissipates over the site due to the nature of the former low lying units.
- Increased light pollution to the apartments in the Hicking building.
- Increased student accommodation in the city centre and associated amenity issues.

- Increased traffic along the heavily trafficked Queens Road.

One local resident considers the scheme to be good and ideal for the city centre. It would provide much needed housing, including housing for young professionals and graduates (like myself). It would provide a small new public plaza space that is shielded from the traffic noise on Queens Road. It has no requirement for parking spaces as all amenities are well within walking distance, with a major transport hub on the doorstep, massively reducing transport related ecological impacts. Improved aesthetics of the site, which at the moment is an eyesore. Wider footways on the north side of Queens Road. Intensification of the site shifts it from being low revenue to high council tax revenue. Their only concerns relate to current problems with the traffic and pedestrian experience on Queens Road which will only increase with the developments taking place, including this one, with more pedestrians attempting to cross the road. To remedy this, they consider that some form of traffic controlled pedestrian crossing is required between Summer Leys Lane and the station car park entrance. They also wish to see some measures to reduce vehicle speed such as a central reservation to constrict the carriageway or speed cameras; something that means fewer people speed along this section, with many drivers travelling well above the 30mph limit.

The Nottingham Civic Society (NCS): object on the basis that the development will have a detrimental and adverse effect on 1) the Grade 1 listed Nottingham Castle site and its setting within the Castle Conservation Area, 2) on the Grade II* listed Nottingham Station and its setting, and upon undesignated heritage assets within the Station Conservation Area, and 3) upon the Grade 1 listed St Mary's Church and its setting within the Lace Market Conservation Area.

The NCS note that the Environmental Statement submitted by the applicant acknowledges that the scale of the new development would change the setting of the heritage assets referred to above but dismisses these 'adverse heritage effects' as not significant. NCS vigorously disagrees with this assessment for the following reasons:

- The development challenges the Castle's pre-eminence in the landscape of Nottingham City Centre and its wider setting in the Trent plain. The tall building (illustrated in View 10) not only projects above the distant horizon and assertively dominates the foreground view, but also diminishes the sense of the Castle's rock outcrop being the most significant feature in the landscape. The cumulative impact of this development alongside other tall buildings already approved in Southside within the visual orbit of Nottingham Castle amplifies the harm to the Castle's setting and significance.
- The development would block existing views of St Mary's from the views shown from Trent Bridge and Nottingham Canal at London Road. The character of the Lace Market Conservation Area would also be impacted by the appearance of the tower in the view looking south down Stoney Street to the 'Cliff Edge'. Because of its proposed height, this tower would appear in the view, disrupting the sense of the Lace Market Cliff topography. This tall building would intrude into the Georgian skyline, failing to preserve the character and appearance of the Lace Market Conservation Area.
- NCS considers that the 11 storied student accommodation along the boundary with the Grade II* listed Station would overwhelm the setting of the

listed building with a long, tall, regimented elevation which fails to enhance the setting of the Station.

- The Hicking Building opposite the application site makes a positive contribution to the character and appearance of the Station Conservation Area and characterises the scale of traditional buildings in the conservation area. The Station Conservation Area Appraisal and Management Plan advised that new buildings infilling gap sites should respect the scale of traditional buildings whereas the Hicking Building would be overwhelmed by the scale of both the tower and frontage apartment block, the latter offering little interest in its long street elevation, thus failing to preserve or enhance the appearance of the Station Conservation Area.

The Nottingham Local Access Forum: welcomes the consideration that has been given to active transport including pedestrian, cycle and public transport networks and that the application provides a large number of secure cycle parking spaces. They however state that whilst the Transport Statement states that 246 cycle parking spaces will be provided for the Buy to Rent apartments (i.e. 1 per unit), the proposed cycle storage of 184 (150 secure plus 34 external) spaces proposed for the student accommodation (406 units) falls significantly short of the guidance contained in Appendix 2 of the LAPP, at just under 1 space per 2 student apartments. They recommend that a condition be imposed to agree cycle storage.

Historic England: Historic England refer the City Council to their published advice in terms of design in the historic environment, tall buildings and the setting of heritage assets. They also suggest that the Council seeks the views of its conservation specialist with regard to the setting of listed buildings and the character of conservation areas.

Conservation Officer: The site contained range of low rise modern portal framed sheds which made no significant contribution to the historic or architectural interest of the Conservation Area. Their demolition was therefore uncontentious and the redevelopment of the site is acceptable in principle.

When assessing the impacts of the proposed development on the setting and significance surrounding cultural heritage, the Environmental Statement concludes that these are Minor Adverse (Not Significant). Given the overall height and prominence of the development and its effect on the setting of a wide range of designated and undesignated assets (some of which are highly graded), this conclusion is not considered to be credible and is overly dismissive. The impact that the development will have on the vistas from Nottingham Castle (grade I listed and a scheduled monument) and the immediate adjacent setting of Nottingham Railway Station (grade II* listed) are considered to constitute a moderate degree of less than substantial harm.

Nottingham Castle

The height of the tower element of the scheme will impinge on the primacy of Nottingham Castle in views of the Nottingham Skyline from the south. From within the Castle grounds the development is shown to break the horizon in the panoramic views across the plain of the River Trent from the terrace and Middle Bailey. While other development in the southern fringes of the City Centre have broken this horizon, none do so to such a degree and in the case of Unity Square the visual impacts were justified by the significant public and economic benefits of securing an office site for a major Government employer. While 1-4 Queens Road is further

from the Castle than Unity Square, the former's proposed height will afford it a similar degree of prominence in the wider vista identified in the Nottingham City Centre Urban Design Guide.

Nottingham Railway Station

While the heritage significance of Nottingham Station lies principally in its frontage onto Carrington Street and its platform buildings, the surrounding development of generally low rise buildings contributes to the appreciation of its 19th and early 20th century industrial and commercial context. The presence of imposing modern buildings in this area has the potential to erode the historic townscape of the Station's surroundings and to challenge the Station's position as the dominant landmark within the Station Conservation Area.

These impacts have not been adequately justified or balanced against an argument for the public benefits of the scheme. In order to comply with section 16 of the NPPF and be considered sustainable development, the scheme must provide a more compelling public benefit argument and justify the overall height and quantum of development proposed.

City Archaeologist: The archaeological potential for this site is very limited. The City Archaeologist agrees with the conclusions of the archaeological desk based assessment. Consequently, there is no requirement for archaeological works in advance of determining this application or as a condition of planning permission.

Environmental Health and Safer Places: No objections. Conditions are recommended relating to an air mitigation scheme, contamination, a sound insulation and complementary ventilation scheme, an environmental noise assessment in relation to plant and equipment, a construction and environmental management plan, piling, and electric vehicle charging points.

Health and Safety Executive (Tall Buildings): The HSE are satisfied with the revised plans and the information provided in the revised Fire Statement.

Drainage: No objection. Conditions are recommended relating to the management of surface water during construction, final design details of drainage strategy, and verification that drainage system has been installed as approved.

Highways: No objections. Conditions are recommended relating to a construction management plan; access design (to be a pedestrian priority); details of works that impact on the adopted highway; disabled parking and servicing areas being provided; cycle parking; redundant footway crossings and altered areas of footway to be reinstated; existing street furniture to be relocated/replaced; no doors/windows to open onto the adopted highway; the provision of Electric Vehicle Charging Points; refuse collection; investigation to see if any additional/amended Traffic Regulation Orders are necessary; provision of a student traffic management plan, and; a Travel Plan.

Network Rail: No objection in principle. Given the scale of the development NR consider it appropriate that a S106 contribution is sought towards station facility improvements. Conditions are recommended in relation to consultation with the Asset Protection Manager (due to the proximity of the site to the operational railway), details of landscaping, boundary treatment and lighting.

Carbon Neutral Team: The team consider the application to be impressive with multiple sustainability and carbon reduction features.

Biodiversity Officer: No objections. Proposed landscaping should seek to provide biodiversity gain and should be controlled via condition.

Employment and Training Officer: No objection subject to applicant agreeing to an Employment Training Plan and provision of a contribution to facilitate this.

Education: No objection subject to applicant agreeing to provision of a contribution to improved education facilities in the area.

6 Relevant policies and guidance

National Planning Policy Framework (July 2021) (NPPF)

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment.

Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.

Making effective use of land: Paragraphs 119-125 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Achieving well-designed places: Paragraphs 126-136 are focused on achieving the creation of high quality buildings and places. Paragraph 126 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments 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; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 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); establish or maintain a strong sense of place using streetscapes and buildings to create attractive and comfortable places to work, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and 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.

Conserving the Historic Environment: Paragraph 194 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including its setting). Paragraph 197 requires account to be taken of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets

can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) a grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201 states that where a development proposal will lead to substantial harm to a designated heritage asset permission should ordinarily be refused unless certain specified criteria are met. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 2: Spatial Strategy

Policy 5: Nottingham City Centre

Policy 7: Regeneration

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE3: Change of use to non-employment uses

Policy EE4: Local Employment and Training

Policy RE1: Facilitation Regeneration

Policy RE2: Canal Quarter

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy HO4: 10% Adaptable Units

Policy HO5: Locations for Purpose Built Student Accommodation

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

Policy DE1: Building Design and Use
Policy DE2: Context and Place Making
Policy TR1: Parking and Travel Planning
Policy EN2: Open Space in New Development
Policy EN6: Biodiversity
Policy IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions
Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets
Policy SA1: Site allocations (SR61)

Supplementary Planning Policy Documents:

Nottingham Station Development Brief July 2004

Station Conservation Area Character Appraisal and Management Plan 2008

Nottingham City Centre Urban Design Guide May 2009

7 Appraisal of proposed development

Main Issues

- (i) Principle of the development**
- (ii) Environmental impacts**
- (iii) Design considerations, impact upon the adjacent conservation areas, the setting of nearby listed buildings and key views**
- (iv) Impact on neighbour amenity**
- (v) Highways impact**
- (vi) Planning obligations**
- (vii) Other matters**

Issue (i) Principle of the development (Policies A, 2, 5, 7 and 8 of the ACS, Policies EE3, RE1, RE2, HO1, HO4, HO5, HO6, DE1 and SA1 of the LAPP)

- 7.1 The application site is in a highly prominent location when travelling along London Road and Queen's Road. It is a key development site with the potential to make a significant contribution to the area becoming a vibrant extension to the City Centre and a gateway into the City from the south, reinforcing the revitalisation of the Meadows, and occupying a prominent position adjacent to the Station Hub. The redevelopment of the site would bring inward investment and further the regeneration of this area.
- 7.2 Policy RE1 of the LAPP supports proposals that maximise site potential, ensuring that development is of an appropriate scale, density and design and enables the regeneration of brownfield sites. The site is located within the Canal Quarter Regeneration Zone as detailed by policy RE2 and is allocated for mixed use development under Policy SA1 (site - SR61) of the LAPP. Within the Canal Quarter, policy RE2 of the LAPP supports, amongst other things, the provision of residential and student accommodation, provided that it does not prejudice the activities of nearby uses. Policy EE3 (Change of use to non-employment uses) supports proposals which provide a comprehensive re-development to the benefit of the wider area.
- 7.3 The proposal would be compatible with the higher density, mixed use characteristics of the surrounding area and would be close to a choice of

sustainable means of transport; namely bus (local, regional and national), tram and train services. The proposed redevelopment of the site would enhance the approach to the City when arriving by train or tram, or when travelling along London and Queen's Road, providing a built and active frontage where there is currently none.

- 7.4 The size and quality of the units is considered acceptable and the development would predominantly provide a good mix of 1 bed and 2 units, with only 5 studio units. 10% of the apartments have been designed to be 'accessible and adaptable' in accordance with policy HO4.
- 7.5 In terms of the PBSA, the site is on the southern fringe of the City Centre which in general terms is considered to be an acceptable location for student accommodation. Policy HO5 of the LAPP States that PBSA of an appropriate scale and design will be encouraged, subject to developers demonstrating that there is a need for additional student accommodation. Acceptable locations are detailed as being, amongst others, within the City Centre boundary subject to accordance with site and area policies such as the 'Quarters' policies. The number of students within the City continues to grow and has done for many years. The Council carries out an annual vacancy survey of PBSA which has consistently shown that the vast majority of the PBSA bedspaces within Nottingham are reported to be close to full occupancy. The reported vacancy rate for the academic year 2021-22 was just 1.1%, despite an increase of 1,600 bedspaces last year.
- 7.6 The provision of further good quality PBSA would attract students that would otherwise occupy houses of multiple occupation outside of the City Centre. The site is within a mixed use environment and is sufficiently distant and separated from residential properties situated to the south within the Meadows.
- 7.7 As previously stated the site is in a highly accessible location with good pedestrian, cycle, bus and tram links to the City Centre and both university campuses. Rooms proposed are of an appropriate size with cluster flats being approximately 14sqm with shared communal space. Studio flats range from approximately 17-21sqm which is not dissimilar to other schemes within the area. There are also generous shared communal facilities proposed on the ground floor of the building. All floors of the three buildings would be accessible to wheel chair users with level access provided from Queens Road and lifts at each stair core. The requirement for an element of 'Accessible and Adaptable' units in accordance with policy HO4 is to be addressed by condition.
- 7.8 In accordance with guidance contained within policy HO6, details have been provided to demonstrate that should in the future the demand for student accommodation dissipate, the proposed development would be capable of being re-configured to meet general housing needs.
- 7.9 It is concluded that the principle of the development is therefore acceptable and in accord with policies A, 2, 5, 7 and 8 of the ACS and policies EE3, RE1, RE2, HO1, HO4, HO5, HO6, DE1 and SA1 of the LAPP.

Issue (ii) Environmental impacts (Policies 10 and 11 of the ACS, Policies DE1, DE2 and HE1 of the LAPP, and the NPPF)

- 7.10 Due to its size and significance, the application has triggered the need for

an Environmental Impact Assessment (EIA), the details of which are set out in an Environmental Statement (ES).

- 7.11 The environmental effects which may arise as a result of the proposed development are addressed throughout the ES and the impacts are identified according to the degree of impact on the environment, ranging from substantial to negligible. The overall conclusion of the assessment is that the development would not result in significant impact on the environmental effects identified in the ES and is therefore environmentally acceptable. Compliance with the mitigation measures identified in the ES are to be secured through condition.
- 7.12 The Cultural Heritage chapter of the ES includes an assessment of impact on relevant heritage buildings and assets, referred to as a Heritage Impact Assessment. The ES identifies one Scheduled Monument, three Grade I listed buildings, two Grade II* listed buildings, eight Grade II listed buildings, five conservation areas and one non-designated asset. The key Heritage assets and areas are identified are:

- The setting of the Station (Grade II*)
- The setting of Nottingham Castle (Grade I)
- The setting of St Marys Church (Grade 1)
- The setting of Meadow Hill (Grade II)
- The setting of the Council House (Grade II*)
- The setting of the Station Conservation Area
- The setting of the Canal Conservation Area
- The setting of the Castle Conservation Area
- The setting of the Lace Market Conservation Area
- The setting of the Old Market Conservation Area

The Cultural Heritage chapter examines the demolition, construction and operational effects of the development. The assessment concludes that overall the proposed development would result in no long term harm or environmental effects which could be considered as significant on any of the heritage assets identified. The assessment found that the development would appear as a noticeable new feature in the setting of heritage assets. This would alter how the setting of the assets are experienced and would add a new high-rise development on the skyline alongside various historic landmarks. The effect of this on the heritage significance of these heritage assets would range from very minor adverse to minor adverse and in terms of the NPPF, is at the lowest level of 'less than substantial harm' in each case. Furthermore, minor heritage benefit has been identified on the permanent setting of the Station Conservation Area. No mitigation is identified for either of the two phases of the development.

- 7.13 The Visual Impact chapter of the ES sets out the Townscape and Visual Impact Assessment (TVIA) that has been carried out for the development and assesses its impact on townscape character areas, in addition to the likely impact on a range of short, medium and long views towards the development, identified within a 1.5km study area. In each case an assessment is provided to ascertain the Sensitivity to Change of each receptor (Low, Moderate, High), the Magnitude of Change (Major, Medium, Small or Negligible), and the degree and nature of effects on Significance during both the construction and operational phases (Beneficial, Adverse, or Neutral).

7.14 The viewpoints are:

- View from London Road/Queens Road junction
- View from canal path south east of the site
- View from Queens Road looking east
- View from London Road looking south
- View from Nottingham Castle upper terrace
- View from Carrington Street/junction Station Street
- View from Wilford Street Bridge
- View from Trent Bridge
- View from the Embankment/ Meadows
- View from Lady Bay Bridge
- View from Sneinton Windmill
- View from Queens Walk
- View from Stoney Street

7.15 The TVIA concludes that the development would appear as a high-quality contemporary element in a range of these viewpoints, which are located within a local and wider context that includes large scale and contemporary buildings. The proposed development, in the construction phase, would have a minor to moderate adverse townscape effect from London Road, at the junction with Queens Road. This would be due to the temporary visual effect of construction activity that would take place. None of the visual effects during the construction phase are considered to be significant. Once the development is completed there would be a marked improvement (moderate beneficial) to the appearance and townscape contribution of the site to Queens Road and London Road. This would result from replacement of the existing retail warehouses with new frontage buildings of an appropriate height, form, scale, materials and design that would provide more characteristic definition of the frontages and introduce activity and natural surveillance to the area. There would be a minor beneficial effect on the canal as a result of the introduction of a group of well designed buildings that would be viewed along stretches of its towpath. A minor adverse townscape effect was identified when viewed from Trent Bridge and along Stoney Street, but there would be no effect on the landmark role of the station clocktower. Overall, there would be between minor adverse to moderate beneficial visual effect on both the site and the surrounding townscape character due to the slender form of the tower, an appropriate transition to the surrounding area, and high quality architecture and materials.

7.16 A more detailed assessment of the impact upon cultural and heritage assets, townscape, visual impact and key views is contained within paragraphs 7.21 - 7.44 of the ES report.

7.17 The Socio Economic chapter of the ES established the baseline position in terms of Socio-Economic conditions and has drawn upon a range of sources including nationally published and Local Authority data. The assessment considers the potential Socio-Economic effects of the development and their significance during construction and once operational. During construction the development would have a short term moderate beneficial effect on generating new construction employment and economic output. Once fully operational the development is anticipated to have a permanent and minor beneficial effect on housing.

7.18 The Cumulative Impact chapter of the ES has considered the additional impacts from the proposed development alongside either committed developments or those that are the subject of current planning applications, which include:

- 19/01642/PFUL3 – Residential development, former car park, Nottingham Railway, Queens Road
- 18/02277/POUT and 22/00188/PFUL3 – Office development, Phases 1 and 2 Unity Square, Queens Bridge Road
- 16/01352/PFUL3 - Residential development, former Lace Market Service Station, London Road
- 18/0135/POUT – Outline planning application for mixed use development, Island Quarter.
- Phases 1a, 1b and 2 – Mixed use development, Island Quarter
- 16/02249/PFUL3 – Residential development, Short Hill and High Pavement
- 20/02756/PFUL3 - Residential development 152 London Road

7.19 The Cumulative Impact chapter concludes that the development would not give rise to an unacceptable cumulative impact when the proposed development is considered alongside others in the surrounding area.

7.20 Overall, it is considered that the environmental information provides an adequate basis for understanding the main likely effects of the development on the environment. With appropriate mitigation measures identified in the ES in place, and without prejudice to the consideration of section (iii) below, it is considered that policies 10 and 11 of the ACS, policies DE1, DE2 and HE1 of the LAPP and the relevant sections of the NPPF are satisfied in this regard.

Issue (iii) Design considerations, impact upon the adjacent conservation areas, the setting of nearby listed buildings and key views (Policies 10 and 11 of the ACS, policies DE1, DE2 and HE1 of the LAPP, and the NPPF)

7.21 The main consideration for the proposed development concerns the impact of the height and scale of the 22 storey London Road Tower and the potential impact that this would have on the setting of important heritage assets including Nottingham Castle and the Ducal Palace, Nottingham Station and the Station, Canal and Castle Conservation Areas.

7.22 The existing site is of poor townscape quality and the proposed development would result in significant change to the area, with the potential for considerable enhancement. The area surrounding the station is characterised by the large scale buildings along both Queens Road and Station Street. These are predominantly 6 to 7 stories with taller buildings landmarking the end of each street, with the 10 storey Pictureworks building at the western end of Queens Road and the 9 to 13 storey Jurys Inn hotel at the eastern end of Station Street. The adjacent apartment development when completed will also be 10 storey in height. Additionally, a specific characteristic of this site is its lower ground level relative to the Queens Road / London Road junction, due to the latter rising over the railway line. This results in the already low level buildings on the site appearing partially hidden when viewed from London Road heading north. It is generally recognised that corner points at key junctions provide an opportunity to step up in scale and are appropriate for greater height than their immediate surroundings. These are often the sites for 'landmark' buildings, particularly when such sites are of significance in urban design terms to support a strategic land use policy, as is the case here with

the Canal Quarter Regeneration Zone. The Pictureworks and Jurys Inn buildings are examples of this principle in practice in the immediate vicinity.

- 7.23 For these very reasons the site in question is identified as one of the few sites having potential for a tall building (taller than the predominant building height in the area) in the Nottingham City Centre Urban Design Guide (May 2009). This was published to promote the highest standard of urban design and architecture in the City Centre. A further justification for a taller building on the site is to address the lower ground level referred to above. This is identified in the 'development principles' for the site (as part of its allocation in the LAPP) which state that development "...should be of high quality design that positively addresses the prominent corner at the junction of London Road and Queens Road, and resolves the level differences between London Road and the site". The City Centre Urban Design Guide also includes the application site within the 'Zone of Repair', which includes the Station and adjacent Station Conservation Area, where the priority is to ensure that new buildings respect and repair the historic urban form and integrate with it in terms of their height, massing and configuration.
- 7.24 The NPPF Glossary GPA3 'The setting of a Heritage Asset' states that *"The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 7.25 The setting of Nottingham Station is defined by how the building is appreciated in its local context. Nottingham Station is a relatively low-rise building with a high townscape value created by the architectural flourishes of its Neo-Baroque design and the townscape value of its landmark central clock tower. Its historic setting was created by its association with historic buildings of a similar date and scale within the Station Conservation Area. The Nottingham Station Development Brief (2004) further identifies the site as part of the South East Development Site where mixed use development with parking below is envisaged. Building heights could range from four to five storeys to the west up to ten to eleven storeys at potential penthouse level towards London Road. Elevations, built up to the pavement edge, will need to be attractively modelled and carefully articulated in order to provide visual interest.
- 7.26 The significance of the setting of Nottingham Castle is defined by its commanding topographical position being situated on Castle Rock with far reaching views over the low lying River Trent and towards the Nottinghamshire Wolds. The historic siting of the Castle is fundamental to its purpose in the Medieval period and the understanding of its historical function. Views to and from the Castle are intrinsic to the understanding of this significance.
- 7.27 The relationship with the former Saxon Borough (centred at St Mary's Church) which now forms the focus of the Lace Market Conservation Area, and Old Market Square, focused on the listed Council House, are also key; however, it is considered that the proposed development does not have a significant impact on these. The Cultural Heritage chapter of the ES confirms that the existing site plays a negligible role on the setting on these heritage assets. The site is entirely screened in views from within these conservation areas by intervening developments and tall buildings. The Townscape and Visual Impact Assessment (TVIA) chapter of the ES does acknowledge that the tower would screen a partial

view of the tower of St Mary's Church on part of Trent Bridge and along Stoney Street in the winter, where the top of the tower would be seen above the roofline of buildings on High Pavement. However, it concludes that it would have a minor adverse visual impact in these cases which is not considered significant.

- 7.28 By virtue of the scale and height of the London Road Tower, it is recognised that it would have an impact on the setting of the Grade II* Nottingham Station, the Station Conservation Area, the Grade I and Scheduled Nottingham Castle and the Castle Conservation Area. The impact on wider townscape, the city skyline and key views have been considered in detail in the TVIA chapter of the ES.
- 7.29 The TVIA chapter concludes that in relation to the site itself, Queens Road and the Station, the development would have a moderate beneficial effect on the surrounding townscape character. The proposed development would be a marked improvement on the appearance and townscape contribution of the site to Queens Road and London Road, as a result of the replacement of the existing low lying industrial units and associated parking with new frontage buildings of appropriate height, form, scale and design, also introducing activity and natural surveillance to the area. The buildings step up to the 22 storey tower which marks a gateway into the City Centre along London Road and contributes to legibility. This building has a distinctive slender form that is accentuated by its architectural treatment. There would be a moderate beneficial townscape effect on the canal as a result of the introduction of a group of taller and well-designed buildings that would appear as a new feature and focal point into views along the canal. There would be no effect on the landmark role of the main listed Station building and its clock tower. A neutral townscape effect has been identified and the development is not seen to affect key elements of the view from Nottingham Castle where the building would be seen in conjunction with other tall elements on the skyline, and the understanding of the wider landscape and topography would be maintained.
- 7.30 The Cultural Heritage chapter of the ES and its Heritage Impact Assessment also considers the impact of the development when completed (operational) on the Castle and Station. Once completed, a minor adverse effect is identified for the Castle. In addition, a moderate negative effect is identified for the Station, the Station and Canal Conservation Areas and a number of Grade II listed buildings within these. A neutral effect is identified for the Station and Canal Conservation Area and a number of Grade II listed buildings within these. The level of impact on the setting of the Station is considered to constitute low degree of less than substantial harm to the overall significance.
- 7.31 The Conservation Officer concerns relate to the tower element of the development and the impact of the development on the significance of the Grade II* listed Station, the character of the surrounding conservation areas and the skyline of Nottingham City Centre with views towards its highly graded heritage assets. They consider that this impact would result in a moderate degree of less than substantial harm in NPPF terms.
- 7.32 The applicant has submitted a further heritage response to the Conservation Officer's concerns and remain of the opinion that the level of harm to the significance of these heritage assets is a lower degree of 'less than substantial harm'.

- 7.33 It is acknowledged that the most notable effects to the Station Conservation Area would be the addition of substantial new buildings at its south eastern boundary. The scale of the PBSA and Queens Road Apartment Building would be commensurate with the height, scale and form of development on adjacent sites on Queens Road. However, the 22 storey tower would have a degree of adverse impact on the setting of the conservation area and would be highly visible in views in and out of the conservation area. However, it is recognised that the development is sufficiently separate from the Grade II* listed Station and its landmark clock tower to ensure its significance is not undermined and can still be appreciated without the intrusion of competing tall structures in key views from Carrington Street.
- 7.34 When seen as part of the panoramic views and skyline across the Trent Plain from the Castle terrace, the development would be seen alongside the Eastcroft incinerator stack and within the context of other substantial high-rise developments such as at the Island site, Jurys Inn and Unity Square. It is argued that the scale and prominence of Unity Square in views from the terrace and its closer proximity would result in a greater extent of the panoramic view being obscure than the proposed tower. It was considered that due to the existing development surrounding the Castle that punctuates the skyline and the site being further to the east than key views from the Embankment, that the Castle would be less sensitive to the this type of development on the site.
- 7.35 Para 202 of the NPPF advises that where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Therefore, any consideration of the proposal should weigh harm identified to the setting of the Station and Castle against the public benefits derived from the proposals.
- 7.36 It is also important to note the requirements of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This places a duty to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings including Grade II, however, it does not create a bar to the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring. (Additionally, section 72(1) of the Act states that there is a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any building or land in a conservation area.
- 7.37 In this case Section 6 of the Planning Statement sets out that the less than substantial harm would be outweighed by the social, economic and environmental contributions that the development, including enhancements to the character and appearance of the Station Conservation Area, which are summarised below:
- The development would increase the amount and variety of homes in City Centre, which presents an opportunity to address local housing needs on an allocated site whilst providing quality homes and redeveloping a brownfield site. This is considered to represent a substantial public benefit. The types of homes being provided would also help to retain young graduates and professionals in the city and create a livelier and more vibrant community around the southern edge of the City Centre.

- The economic benefits include capital investment, job creation and an uplift in economic output throughout the build period. The addition of new residents and students in the area would increase expenditure in the area which has the potential to support approximately 135 jobs in local businesses. The proposed development would also generate an additional £335,000 per annum in council tax receipts.
 - The environmental benefits of the scheme are manifold and relate both to the regeneration of this brownfield site through the provision of new housing in a sustainable location, the delivery of improved biodiversity net gain and a development with multiple sustainability and/or carbon reduction features and considerations.
- 7.38 Furthermore, in this case there are clear benefits to be derived from a scheme that would deliver considerable regeneration benefits as detailed in 7.1. It would see the delivery of this allocated site in the Canal Quarter Regeneration Zone and within an area designated as a Zone of Reinvention that is in need of transformation, where development of greater density and scale is appropriate. Whilst there are clearly sensitivities in terms of the proposed development's impact upon heritage assets, its positive impact in townscape terms must also be recognised. The Urban Design Guide recognises the site as having the potential of accommodating a taller building.
- 7.39 The benefits of replacing the former buildings with a high quality development are clearly recognised. The development and particularly the 22 storey tower would be visible in views to and from the conservation area and Station but would be experienced in the context of a number of current and proposed modern developments which surround it along Queens Road and London Road. Whilst the conservation area would experience a high magnitude of change due to the developments scale, height and prominence, the appearance of the site and conservation area would be enhanced. Regarding the Grade II* Station, the proposal is not directly adjacent to the primary element of this building that fronts Carrington Street, and is in fact separated from this by the Station's multi-storey car park and the adjacent apartment development. It is also recognised that the Station sits at the heart of the strategically important Regeneration Zone, the redevelopment of which is key to inward investment and economic prosperity of the city. It is therefore appropriate for buildings of the scale and density proposed to be found in close proximity to the Station, to take advantage of this being the foremost transport hub and interchange for the city.
- 7.40 The scheme has been the subject of extensive pre-application discussions in relation to the proposed scale, mass and form of the development. As shown within the design and access statement, the building has evolved overtime into the form and configuration of the three buildings. Each building through its scale, form, architectural treatment and materials has been given its own identity, whilst forming a family of buildings with a shared identity. The Queens Road Apartment Building in terms of its massing and treatment of the facades has been designed to respond to the Hicking building opposite and would provide the active frontage of the scheme onto Queens Road. The massing of PBSA building responds to the adjacent residential development and has been designed to provide a strong architectural frontage to the railways and central courtyard. The London Road Tower has been designed to step around the corner of Queens Road and London Road and its height reflects this position to create a landmark building and act a gateway into the city. The form and massing of the tower aims to achieve a

slender form. The facades of each building have been designed to have a clear base, middle and top and incorporate a balanced composition of horizontal and vertical detailing to break up their mass and reduce apparent scale. The proposed materials are considered to sit well within their surroundings and take clear reference from neighbouring buildings, resulting in buildings which would positively contribute to the character and appearance of the Station Conservation Area.

- 7.41 It has not been possible to position the London Road Tower building to sit directly at the back of the pavement at the corner of Queens Road and London Road and to widen the pavement at this point. There has been a requirement to set the building back to provide sufficient room for access and maintenance of the London Road bridge and district heating infrastructure.
- 7.42 A fundamental aim in the development of the scheme has been to set the buildings within the context of strong and high quality landscaping to provide improved visual interest at street level. This includes:
- A central courtyard of hard and soft landscaping, providing amenity space for the occupants of the development;
 - The setting back of the Queens Road building to provide a widened tree lined pavement along Queens Road;
 - A new landscaped pedestrian stepped entrance into the development from the south east corner of the site with Queens Road and London Road;
 - Green Roofs;
 - Roof terrace to London Road Tower building.
- 7.43 In conclusion, it is considered that the economic, regeneration and townscape benefits of the scheme for the city represent a level public benefit that can justifiably be weighed against the development's 'less than substantial harm', as set out in Paragraph 202 of the NPPF, and the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The site is a longstanding allocation within the development plan for mixed use development, the delivery of which in itself constitutes a wider public benefit. It is also considered that any residual impacts of the development on the designated heritage assets referred to in this report would not significantly or demonstrably outweigh the public benefits of the proposed development, when assessed against the policies of the development plan and NPPF as a whole.
- 7.44 The proposed development is therefore considered to be in accordance with policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP.

Issue (iv) Impact on neighbour amenity (Policy 10 of the ACS, Policies DE1, HO6 and IN2 of the LAPP)

- 7.45 The Queens Road building at its closest point would be approximately 20.5m to the north of the Hicking building situated on the southern side of Queen's Road. The London Road Tower would have an approximate separation distance of over 65m to the eastern block of the Hicking building, where there is also the intervening car park to the bar/restaurant. The front gable of the PBSA block at the eastern end of the site at its closest point would be approximately 35m to the north of the Hicking Building. At its closest point the development would share a similar relationship to the Hicking building as the development now under construction to the west.

- 7.46 The PBSA building has been set back by 8m from the western boundary to minimise the impact on privacy between the two facing elevations of these neighbouring developments.
- 7.47 A Daylight and Sunlight Analysis submitted in support of the application demonstrates that daylight and sunlight levels to residential properties in Blocks 2 and 4 of the Hicking Building fully accord with the British Research Establishments (BRE) guidelines for Vertical Sky Component (VSC) and No Sky Line (NSL) daylight. The consented eastern elevation of the development to the west and Block 1 of the Hicking Building do not fully accord with BRE target criteria however, in line with the NPPF guidance, the impacts must be considered against the emerging context of the site, its dense urban location and the emerging height and density in the surrounding area. Both properties would retain good average VSC levels. A supplementary Averaging Daylight Factor (ADF) assessment, which measures the overall amount of daylight within a room, has been applied to Block 1 of the Hicking Building. This shows that sufficient daylight amenity would continue to be received. The application of BRE guidelines shows that the proposed development would generally have acceptable levels of daylight and sunlight. In conclusion, the analysis considers that the daylight and sunlight impact on the surrounding properties and amenity within the development is acceptable given the emerging high density urban context of the site and its City Centre location.
- 7.48 A small roof terrace area is proposed on the London Road Tower facing northwards, towards the City Centre. The precise access arrangements to this area remain to be determined by the applicant however, is not considered that it would adversely impact upon the privacy of neighbouring businesses/occupants.
- 7.49 The proposal has been reviewed by Environmental Health colleagues in relation to land contamination, noise and air quality. Subject to the submission of further details which shall be secured via condition, it is not considered that the development would significantly impact upon future occupants or the amenity of the surrounding area in this regard.
- 7.50 The apartments have been designed to meet Nationally Prescribed Space Standards and both the two BTR buildings and the PBSA would be served by good communal spaces throughout, including the external amenity space provided by the central courtyard.
- 7.51 The applicants recognise that there is need for strong management arrangements with PBSA. Accordingly, a management plan is proposed as part of the S106 to negate issues regarding vehicle ownership and anti-social behaviour issues within the locality. An integral part of the management plan would be a contact point for local residents to liaise directly with those responsible for the management of the accommodation.
- 7.52 In conclusion, it is considered that the proposed development would have an acceptable impact on the amenities of adjacent occupiers and future occupants of the development, in accord with policy 10 of the ACS and policies DE1, HO6 and IN2 of the LAPP.

Issue (v) Highways impact (Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)

- 7.53 The development is located in a highly sustainable location on the southern edge of

the City Centre and in close proximity to bus, tram and rail connections. Vehicle access would be via Queen's Road and the proposed development would provide 4 disabled car parking spaces to the north of the PBSA. A total of 430 cycle parking spaces would be provided, in accord with the standards set out within the recently adopted LAPP.

- 7.54 Comments relating to the development resulting in further traffic congestion are noted, however no parking provision is to be provided other than a small number of disabled spaces and its sustainable location, Highways are satisfied that the proposal is acceptable and would not significantly impact upon traffic flows along Queens Road. There is no student parking provision for this development and there would be a restriction within the student management plan in the S106 to prevent residents from bringing vehicles to the development and surrounding area. A condition is also recommended with regard to drop-off and pick-up arrangements.
- 7.55 The internal access road which runs along the western and northern boundaries of the site would not only provide access for servicing and refuse vehicles but would also provide the necessary easement and access for maintenance of the London railway bridge and district heating infrastructure which runs to the north of the site.
- 7.56 Subject to condition, the proposal therefore accords with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

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

- 7.57 In order to comply with development plan policy and the requirements of the relevant Supplementary Planning Guidance, the development attracts the following S106 obligations:
- A commuted sum of £3,079,337.90 in lieu of on-site affordable housing provision (PBSA - £783,340; BTR apts - £2,295,998)
 - A financial contribution of £910,149.91 towards the enhancement of public open space/public realm in the surrounding area, in lieu of on-site provision (PBSA - £478,146; BTR apts - £432,004)
 - A financial contribution of £131,448.09 towards education improvements (PBSA - £0; BTR apts - £131,488.09)
 - Local employment and training benefits including opportunities in the construction and operational phases of development, together with payment of a financial contribution of £183,006 towards their delivery
 - A student management scheme for the PBSA, which shall include a restriction on car usage, mitigation and management of potential noise nuisance, security details, cleaning and refuse management
- 7.58 Policy 19 of the ACS and Policy IN4 require consideration to be given to the viability of schemes when determining whether it would be reasonable to require contributions from developments. The applicant has submitted a viability appraisal and the conclusions of the assessment are that the development would be unviable with the burden of the total contribution being sought and indeed, that no contribution could be offered. Following review by an independent assessor and extensive negotiation regarding this matter, it has been agreed that a contribution of £200,000 should be paid for Phase I of the development, which relates to the PBSA. The same contribution would then also be paid for the Phase II BTR apartments but in addition, prior to the commencement of this second phase a

further financial appraisal shall be submitted for review, at which point there will be clarity on the costs and values associated with this element of the development. Should they be justified following that review, further contributions would then be payable.

- 7.59 Regarding the requested contribution by Network Rail for improvements to Nottingham station, it is recognised that improvement of sustainable modes of travel referenced in Policies 14 and 19 of the ACS and Policies IN4 and TR2 of the LAPP are relevant. However, such a contribution would be difficult to justify without a clear indication of what the monies would be required to fund and the direct correlation between this and the development in question. Without this, the request does not meet CIL requirements. Furthermore, in this instance there are viability challenges which mean that the development is not able to meet the full policy compliant contributions, indicating there would be no monies available to facilitate requests for additional funding.

Issue (vii) Others matters

Contamination (Policy IN2 of the LAPP)

- 7.60 The condition relating to the remediation strategy, recommended by Environmental Health colleagues, would be secured by condition.

Flood risk and drainage (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 7.61 The site resides within Flood Zone 1 and has been supported with a site specific Flood Risk Assessment (FRA). No objection to the proposed development has been raised by Drainage colleagues subject to the imposition of conditions relating to the final details of the surface water drainage strategy being agreed and details of surface water management during construction. Drainage support the inclusion of green roofs as part of the scheme, the final details of which will be agreed by condition. The proposal is therefore in accord with policy 1 of the ACS and policy CC3 of the LAPP.

Biodiversity (Policy 17 of the ACS, Policy EN6 of the LAPP)

- 7.62 The site was largely covered by the former industrial units or hard surfaced, however there is some scrub vegetation along the rear boundary. An ecological appraisal has been carried out that concludes the site is of limited ecological value and that enhancement can be achieved through the provision of green roofs, bird and bat boxes integrated within the buildings and native wildlife landscaping. Being a high density City Centre site the scheme offers limited landscaping opportunity, however, together with details of the green roofs and bird/bat boxes, further details of landscaping can be secured via condition. The proposal subject to condition accords with Policy 17 of the ACS and Policy EN6 of the LAPP.

Sustainability (Policy 1 of the ACS, Policies CC1 and CC3 of the LAPP)

- 7.63 The site is sustainably located and the scheme incorporates new public realm and pedestrian routes through the site. A wide range of sustainable measures are also to be incorporated within the built development, including:
- Fabric first, high-performance façades
 - Energy efficiency to exceed Building Regulations by 30%

- Air source heat pumps for cooling of main front of house areas and domestic hot water of the PBSA
- Photovoltaic panels for additional electricity supply to the two BTR buildings
- An all-electric building solution
- Highly efficient glazing to manage solar gain
- A low energy ventilation strategy with passive ventilation and cooling
- Building management system (BMS) to optimise the building services and maintain internal environmental conditions efficiently
- High water efficiency fixtures and fittings
- Incorporation of Sustainable Urban Drainage (SUDs) with green roofs, permeable pavements and below ground attenuation tanks to achieve a 30% reduction in surface water run-off
- A comprehensive waste management strategy for the reuse and recycling of materials
- The provision of an Electric Vehicle Charging Point
- Landscaping and building design adopt flood mitigation features
- Ecological enhancements proposed to both the buildings and landscaping

7.64 On this basis, it is considered that the proposed development accords with policy 1 of the ACS and policies CC1 and CC3 of the LAPP.

8 Financial Implications

As indicated above in relation to the S106 planning obligation, the applicant has submitted a viability appraisal that is currently being independently assessed. This process has the potential for S106 contributions to be reduced or waived, depending on the outcome of the assessment.

9 Legal Implications

Under s 66 Planning (Listed Building and Conservation Area) Act 1990, in determining an application which affects a listed building or its setting, the local planning authority, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The duty in s66 of the Planning (Listed Building and Conservation Area) Act 1990 must also 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 also necessary for a Local Planning Authority, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, as designated heritage asset, under section 72 of the Planning

(Listed Building and Conservation Area) Act 1990, when determining a planning application within a conservation area.

While the duty with regard to preserving or enhancing may only require that no harm should be caused, it nonetheless creates a “special presumption” and “considerable weight and attention” as a material planning consideration, should be given to any harm found to arise with regard to the character or appearance of the area.

The above duty means there is a strong statutory presumption against granting planning permission which does not so preserve or enhance. This must be placed in the planning balance in determining the application. However, that presumption may be outweighed by other material considerations great enough.

The weight to be attached to each of the relevant historic dimensions or ingredients of the judgment is a matter which section 72 clearly leaves to the decision-maker in each individual case.

Aside from the main EIA consideration addressed within this report, on determination of the application, regulation 30(1) of the 2017 Regulations requires that the Secretary of State and consultation bodies be informed of the decision in writing, the decision has to be advertised and a statement made available for inspection. The statement must include a range of elements specified in the 2017 Regulations but particularly the main reasons and considerations on which the decision was based, a summary of the results of consultations undertaken and information gathered and how those results have been incorporated or otherwise addressed.

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

10 Equality and Diversity Implications

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

11 Risk Management Issues

None.

12 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a long term brownfield site with a high quality sustainable residential development as part of the wider regeneration of the southern gateway

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood

13 Crime and Disorder Act implications

The development would provide active frontages and natural surveillance where non currently exists.

14 Value for money

None.

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

1. Application No: 22/00593/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R8W3MDLY0KU00>

16 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

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

NPPF (2021)

Open Space SPD 2019

Biodiversity SPD 2020

Affordable Housing SPD 2021

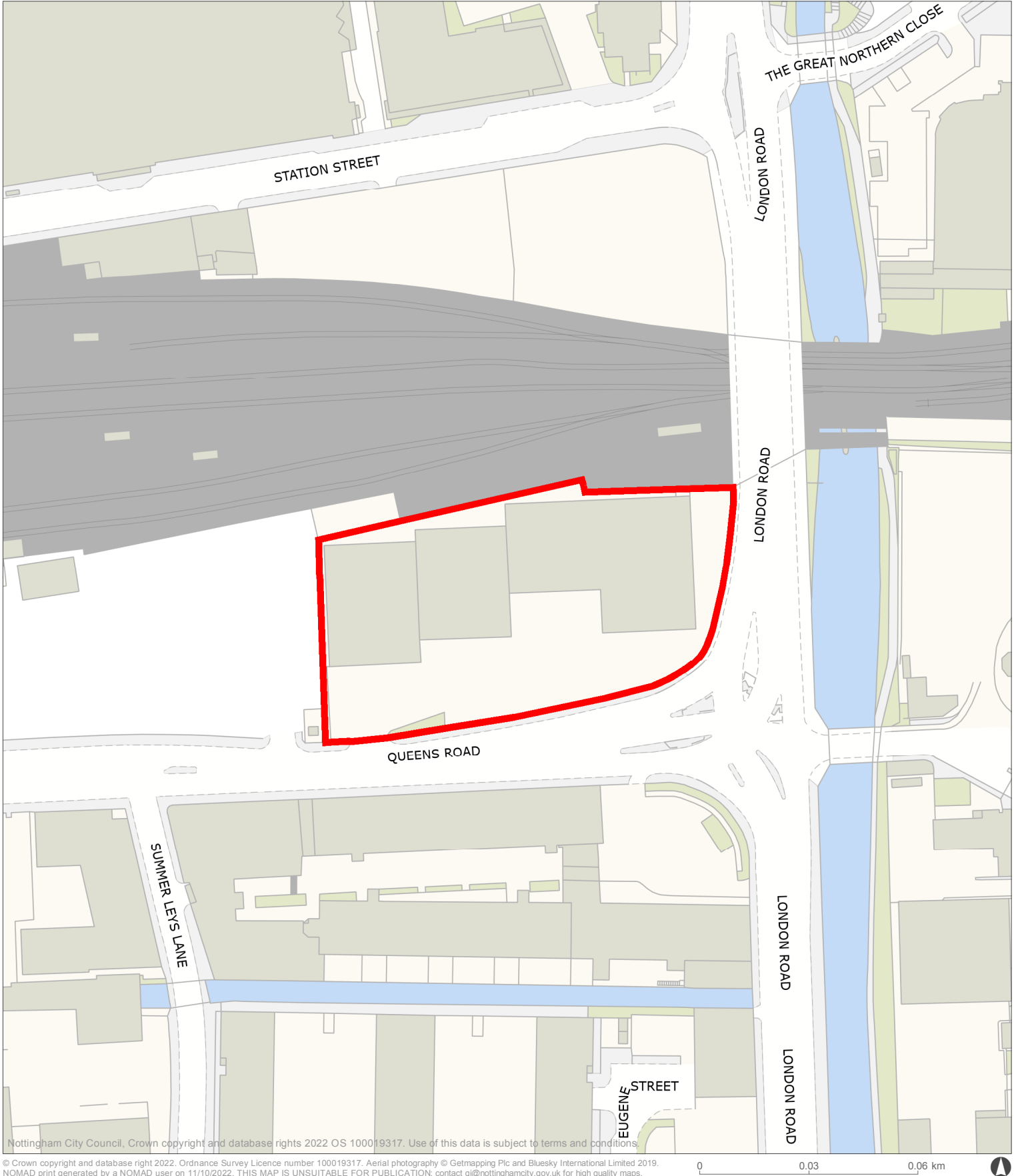
Nottingham City Centre Urban Design Guide (May 2009)

Contact Officer:


Mrs Jo Bates, Case Officer, Development Management.

Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041

NOMAD printed map



Key

 City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 22/00593/PFUL3 (PP-11016890)
Your Ref:
Contact: Mrs Jo Bates
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

Lichfields
FAO Mr James Fryatt
St Nicholas Building
St Nicholas Street
Newcastle Upon Tyne
NE1 1RF

Date of decision:

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

Application No: 22/00593/PFUL3 (PP-11016890)
Application by: C/O Agent
Location: Units 1 To 4, Queens Road, Nottingham
Proposal: Redevelopment of the site, including demolition of all buildings, to provide student accommodation and apartments with associated infrastructure, works and landscaping

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)



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ¹ ONLY
Not for issue

Continued...

2. The development shall not be commenced until details of the phasing of the development have been submitted to and agreed in writing with the Local Planning Authority. Details shall include the following:

- The timescales for the start of each phase.
- A phasing plan showing the parts of the site to be included in each phase.
- Details of the treatment and enclosure of the parts of the site to remain undeveloped until later phases.

The development shall then be carried out in full accordance with the approved phasing plan.

Reason: To ensure satisfactory development of the site to accord with policies A, 10 and 11 of the ACS and policies DE1, DE2 and HE1 of the LAPP.

3. Prior to the commencement of the development, a Remediation Strategy that has regard to the Desk Study & Ground Investigation Report by GEA dated Feb 2022 Rev 3 and includes details of the remedial capping of all landscaped areas forming part of the development and an appropriate Verification Plan shall be submitted to and be approved in writing by the Local Planning Authority:

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 proposed development poses no contamination risks to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.

4. No phase of the development shall be commenced until a construction methodology statement in relation to both the railway, the Queens Road Bridge structure and district heating system infrastructure located immediately to the east and north of the site has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with both the Asset Protection Project Manager at Network Rail and the City Council Highways and Enviroenergy teams

The construction methodology for each phase shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the neighboring transport and district heating infrastructure in accordance with policies 10 and 14 of the ACS and policies IR2 and TR1 of the LAPP.

5. Prior to the commencement of the development a scheme to ensure appropriate access for the future maintenance, operation, emergency access and future improvements of the neighbouring bridge structure and district heating infrastructure shall be submitted to and agreed in writing with the Local Planning Authority.

The arrangements should be designed to enable the access to the site using appropriate vehicular modes of transport within the site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing by the Local Planning Authority.

Reason: To allow the City Council access to the London Road bridge structure and district heating infrastructure for essential maintenance and thereby ensure there is no health and safety risk to third parties in accordance with the aims of policies 1, 10 and 14 of the ACS and policies DE1, IN2 and TR1 of the LAPP.

6. No phase of the development shall be commenced until a construction traffic management plan has been submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement.

The Construction Management Plan for each phase of development shall be implemented in accordance with the approved details.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with Policies 10 and 14 of the ACS and Policies DE1, IN2 and TR1 of the LAPP.

7. No phase of the development shall be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers.

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

Reason: To ensure that the proposed development poses no contamination risks to accord with Policy IN2 of the LAPP.

8. No phase of the development shall be commenced until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

The management of surface water for each phase of development shall be implemented in accordance with the approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with policy 1 of the ACS and policy CR3 of the LAPP.



9. No phase of the development shall be commenced until details of the air quality mitigation scheme set out in the Air Quality Assessment by Hydrock dated 24/02/2022 have been submitted to and be approved in writing by the Local Planning Authority:

The air quality mitigation scheme for each phase of the development 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 proposed development poses no contamination risks and to ensure an appropriate noise environment for future occupants to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.

10. No above ground phase of the development shall be commenced until finalised details of the sound insulation and complementary ventilation scheme for each phase, as set out in the Noise Impact Assessment by Adnitt Acoustics dated 18/02/2022 shall be submitted to and be approved in writing by the Local Planning Authority:

The sound insulation and ventilation scheme for each phase of the development 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 an appropriate noise environment for future occupants and to accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

11. No above ground phase of the development shall be commenced until an environmental noise assessment and sound insulation scheme has been submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment for that phase 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 for that phase 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 an appropriate noise environment for future and neighbouring occupants and to accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.



12. No phase of the development shall be commenced until details of the surface water drainage strategy for that phase of the development, to include sustainable drainage measures, has been submitted to, and approved in writing by the Local Planning Authority.

The management of surface water for each phase of development shall be implemented in accordance with the approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems in accordance with policy 1 of the ACS and policy CR3 of the LAPP.

13. No above ground phase of the development shall be commenced until precise details of the materials to be used externally within the development including the construction of a sample panel on the site shall be submitted to and approved in writing by the Local Plan Authority.

The approved detailed design shall thereafter be implemented prior to the occupation of the approved phase of the development.

Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the development in accordance with policies 10 & 11 of the ACS and policies DE1 and HE1 of the LAPP.

14. No above ground phase of the development shall be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority:

a) Large-scale elevation and section drawings (e.g. at a scale of 1:20/1:10) of the detailed design of the following elements of the extension and new building:

a) Elevations: including window, glazing systems, reveals, window panels and entrances;

b) Roofs: including edges and parapets;

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

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

Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policies 10 and 11 of the ACS and policies DE1 and HE1 of the LAPP.

15. Notwithstanding the approved drawings, no above ground phase of the development shall be commenced until a scheme of Accessible and Adaptable units to be provided within the development has been submitted to and approved in writing by the Local Planning Authority.

Thereafter that phase of the development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the accommodation is designed to meet all accessibility needs, in accordance with policy HO4 of the LAPP

Pre-occupation conditions

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



16. Each phase of the development shall not be brought into use until 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 contamination of the site has been fully implemented and completed

Reason: To ensure that the proposed development poses no contamination risks to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.

17. Each phase of the development shall not be brought into use until the applicant has submitted written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve that phase of the development including any mitigation measures have been implemented.

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

18. Each phase of the development shall not be brought into use until verification that the approved sound insulation and ventilation scheme, for that phase of the development has been implemented and is fully operational, has been submitted to and approved in writing by the Local Planning Authority.

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

19. Each phase of the development shall not be brought into use until a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

Reason: To ensure the drainage system is constructed to the National Non-Statutory Technical Standards for SuDS and to accord with Policy 1 of the ACS and policy CR1 and CR3 of the LAPP.

20. Each phase of the development shall not be brought into use until a Waste Management Plan which shall be implemented in accordance with details that shall first, have been submitted to and approved in writing by the Local Planning Authority. The submitted management plan shall include provisions for the management, storage and collection of waste arising from the development.

That phase of the development shall be carried out in full accordance with the Plan and maintained for the life of the development.

Reason: To ensure waste arriving from the development is dealt with in an appropriate manner to safeguard the amenities of the future and neighbouring occupiers in accordance with Policy 10 of the ACS and Policy DE1 of the LAPP.



21. The Purpose Built Student Accommodation Building shall not be occupied until details of a Traffic Management Plan for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term, has been submitted to and agreed in writing with the Local Planning Authority.

The Traffic Management Plan shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the ACS and Policy TR1 of the LAPP.

22. Prior to first occupation of the development, an electric vehicle charging scheme shall have been installed in accordance with details that have first been submitted to and be approved in writing by the Local Planning Authority.

Reason: To promote sustainable forms of travel to comply with Policies 1 and 14 of the ACS and Policies CC1 and TR1 of the LAPP.

23. Each phase of the development shall not be brought into use until a landscaping scheme (both hard and soft landscaping including surfacing and means of enclosure), including details to enhance biodiversity and a management strategy relating to on-going maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall also include the type, height, species and location of proposed trees, shrubs, planters and other planting.

The approved hard surfacing shall be carried out prior to first occupation of that phase of the development. The approved soft landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of that phase of the development. Any trees or plants which die, are removed or become seriously damaged or diseased within five years following the occupation of development, 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 secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS and policies DE1, DE2 and EN6 of the LAPP

24. Each phase of the development shall not be brought into use until verification that the approved scheme to mitigate the impact of poor air quality has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development poses no contamination risks and to ensure an appropriate noise environment for future occupants to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.

25. Each phase of the development shall not be brought into use until a scheme of ecological enhancement measures, including those integrated within the fabric of the building, have been submitted to and approved in writing by the Local Planning Authority

The approved measures shall be installed in accordance with the approved details before each phase of the development is occupied.

Reason: In the interests of nature conservation in accordance with Policy EN6 of the LAPP and Policy 17 of the Aligned Core Strategy



26. A full residential Travel Plan with supporting measures for residents must be submitted for approval by the Local Planning Authority no later than 3 months after initial occupation. The Travel Plan will use survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation, with a Travel Plan update to be submitted and approved by the Local Planning Authority within 3 months of each survey date.
- Reason: In the interests of promoting sustainable travel and to accord with policy TR1 of the LAPP*
27. Each phase of the development shall not be occupied until until provision has been made within the application site for cycle parking in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Cycle provision shall be conveniently located to the main entrance, be covered and secure and that area shall not thereafter be used for any purpose other than the parking of cycles.
- Reason: To secure appropriate provision of cycle parking in order to encourage an alternative mode of transport and to accord with policy 14 of the ACS and Policy TR1 of the LAPP.*
28. No part of the development shall be brought into use until the proposed vehicular access has been provided.
- Reason: To ensure that the development will provide satisfactory highway/transportation arrangements in accordance with Policy 14 of the Aligned Core Strategy.*
29. Each phase of the development shall not be occupied until secure cycle has been provided in accordance with the approved details.
- Reason: To promote sustainable forms of travel in accordance with Policies 10 and 14 of the Aligned Core Strategy and policy TR1 of the LAPP.*
30. Each phase of the development shall not be occupied until details of its sustainable measures and their precise siting has been submitted to and agreed in writing with the Local Planning Authority.
- That phase of the development shall not be occupied until the approved sustainable measures for that phase have been installed.
- In the interests of minimising the impact on the environment of the building, in accordance with Policy 1 of the ACS and Polices CR1, CR3 and DE1 of the LAPP.*
31. No phase of the development shall be occupied until details of external lighting scheme for that phase have been submitted to and approved by the Local Planning Authority.
- The approved lighting scheme for that phase of the development shall be installed prior to its occupation.
- Reason: In order to ensure that the external public spaces of the approved development are appropriately lit having regard to public safety in accordance with Policies 10 of the ACS and Policies DE2 and EN6 of the LAPP.*
32. Prior to the first occupation of the development, any redundant footway crossings and/or damaged or altered areas of footway or other highway street furniture shall be reinstated or

relocated in accordance with details that have first been approved in writing by the Local Planning Authority.

Reason: To ensure that any redundant crossings or damaged crossings are reinstated appropriately to safeguard highway safety and to accord with Policy 10 of the ACS and Policy TR1 of the LAPP.

Regulatory/ongoing conditions

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

33. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and Environmental Health. An investigation and risk assessment must be undertaken in accordance with current guidance and good practice, and where remediation is necessary a remediation scheme must be prepared and be submitted for approval in writing by the Local Planning Authority.

Following completion of remedial measures identified in the approved remediation scheme a verification report must be prepared, which again is subject to the approval in writing of the Local Planning Authority.

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

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 7 April 2022.

Reason: To determine the scope of this permission.

Informatives

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

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

3. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)

Saturday: 0830-1700 (noisy operations restricted to 0830-1300)

Sunday: at no time

Bank Holidays: at no time



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY
Not for issue

Continued...

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

4. Air Quality

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

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

5. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from



the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

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

6. Environmental Noise Assessment

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

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

- The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme
- example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)
- photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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

7. Commercial Noise

The objective of this condition is to prevent background noise creep in the vicinity of the development. The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

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

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

8. i: 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 8765238 or Highway.Agreements@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

ii: It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

iii: In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Highway Agreements on 0115 876 5293 or Highway.Agreements@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

iv: The proposed development appears to require the stopping up public highway. The grant of planning permission for this development does not authorise the obstruction or the stopping up or diversion of this public highway and an unlawful obstruction to the highway is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up the public highway will be required. This is a separate legal process and the applicant will need to contact the Department for Transport at their earliest convenience to discuss this matter further. Their contact details as follows: The National Transport Casework Team, Department for Transport, 2nd Floor, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH (T) 0191 226 5216. It is strongly recommended that the applicant liaise with our Rights of Way Officer, John Lee who can be contacted on 0115 876 5246.

v: 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. For further information please refer to the DSP Design Guide which is available at <https://www.nottinghaminsight.org.uk/Document-Library/Document-Library/197452>

vi: The applicant should provide a Travel Plan to contain transport related information on the provision of sustainable modes of transport. The applicant is advised to contact Robert Smith (Senior Transport Planner) on 0115 8763604 or Transport.Strategy@nottinghamcity.gov.uk for further information.

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: 22/00593/PFUL3 (PP-11016890)

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/pics.

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



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ¹² ONLY

Not for issue

Continued...

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.