

Report of Director of Planning and Transport

191-195 Victoria Centre and 16A & 16B Lower Parliament Street, Nottingham, NG1 3DA

1 Summary

Application No: 22/00889/PFUL3 for planning permission

Application by: Miss Kelly Paddick on behalf of Maven Property (Nottingham) LP

Proposal: Full Planning permission for the upward extension (1 - 3 storeys) to existing 2-storey building (plus basement) to create a building of 3- 5 storeys in height (plus basement) to accommodate:- up to 104 student bedspaces in a mixture of cluster and studio flats, along with associated ancillary facilities, including communal lounges, gym, laundry, cycle store; retention of retail units at ground floor level and the provision of facilities for market traders along Clinton Street East and Clinton Street West

The application is brought to Committee because it relates to a major application on a prominent site, where there are important design and heritage considerations

To meet the Council's Performance Targets this application should have been determined by 28th July 2022. An extension of time has been agreed until the 31st March 2023 with the applicant to cover the extended period of negotiation and completion of the S106 obligation.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

Prior completion of a planning obligation which shall include:

- (i) a financial contribution of £122,481 towards off-site Public Open Space/Public Realm;
- (ii) targets associated with Local Employment and Training opportunities, including a financial contribution of £23,212;
- (iii) a financial contribution of £200,659 towards off-site affordable housing;
- (iv) A student management scheme which shall include a restriction on car usage.

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

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

3 SITE, SURROUNDINGS AND BACKGROUND

- 3.1 The application site is a two storey building within Nottingham City Centre. The footprint of the site is 0.17ha. The ground floor (16A and 16B Lower Parliament Street) is occupied by two retail units (Poundland and Bonmarche) who also have ancillary use of the basement and first floor. The first floor also has a bridge which connects to the first floor of the Victoria Shopping Centre opposite. This bridge is not within the applicant's ownership and outside of the site boundary. There is a lower basement which is part of the Victoria Centre car park.
- 3.2 The building has two shopfronts on the north side to Lower Parliament Street, with the other three elevations consisting of a black brick ground floor and concrete cladding at first floor level, with minimal windows and openings throughout. The rear (south) elevation of the building is prominent at the northern end of Thurland Street. To the sides of the building are Clinton Street East and Clinton Street West, pedestrianised streets where street traders' stalls vans/trailers are commonly found.
- 3.3 The site is not within a conservation area but bordered by the Lace Market Conservation Area to the east and south-east and the Old Market Square Conservation Area to the west and south-west. To the east of the site, on the corner of Lower Parliament Street and Clinton Street East, is the Old Dog and Partridge public house (18 Lower Parliament Street) which is Grade II Listed. Clinton Street East contains a substation and air quality testing plant close to the application site. On the other side of the street is the side elevation of 20 Lower Parliament Street, a building occupied by Wilko and where a secondary side entrance is found.
- 3.4 To the south east is Crusader House, a six storey building with a ground floor retail unit (New Look) and apartments above. To the south west is 11-13 Thurland Street, a three storey building with a nail salon on the ground floor and commercial use/s above.
- 3.5 To the west of the site, on the corner of Lower Parliament Street and Clinton Street West, is 12-16 Lower Parliament Street, a Lloyds Bank which is Grade II Listed. Adjoining this to the south is the rear elevation of the two/three storey building occupied by the retail units along Clumber Street, which offers no active frontage.
- 3.6 In terms of policies within the Local Plan, the site sits within the Primary Shopping Area and the Lower Parliament Street elevation is a Primary Shopping Frontage. All of the streets bordering the site are identified for potential pedestrian environment improvements. The application site also falls within a Retail Opportunity Area.
- 3.7 The site is built above the Thurland Street Railway Tunnel (Victoria Street Railway Tunnel) which was constructed in 1896 and served the south end of the Nottingham Victoria Railway Station from 1901 to 1967. The Tunnel has been put forward for the Local List of heritage assets but has yet to be assessed.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal is for an upward extension of between one and three stories to create a building three to five stories in height (plus existing basement). The ground floor would be retained as retail use, with the upper floors used as 104 student bedspaces with a mixture of cluster and studio flats. The development also includes communal lounges, a gym, a laundry room and cycle store with two small roof gardens. The development would be three stories at the northern end facing Lower Parliament Street, stepping up to five stories facing Thurland Street.
- 4.2 The proposal includes the removal and re-facading of the existing building, including the creation of new openings on the ground and first floor. The entrance to the student accommodation is on the southern elevation, accessed from the northern end of Thurland Street.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

123 neighbouring properties were notified of the proposed development by letters dated 20th May 2022. The notification included; Lower Parliament Street, Crusader House, Thurland Street, Lincoln Street, Clinton Street East, Clinton Street West and the Victoria Centre.

The application was also publicised through a site notice (posted 26th May 2022) and a press notice (published 25th May 2022).

Five representations were received. One response, from the Nottingham Civic Society, neither objects or supports the application and has the following comments:

- Disappointed the bridge across Lower Parliament Street cannot be removed
- No objection to the mass of extensions proposed
- Changes to the appearance has the potential to improve the streetscene in both conservation areas
- Proposal to enliven the blank side elevations to encourage street traders is welcomed
- Southern elevation would benefit from a more striking architectural approach to terminate the view from Thurland Street.

The Nottingham Local Access Forum objects for the following reasons:

- Welcomes the large number of secure cycle parking spaces and the lift access from the street to the basement storage area
- However, object that the 70 cycle spaces for 104 bedrooms does not meet the latest guidance on cycle parking provision (Department for Transport recommend one cycle parking space per bedroom)
- If permission is granted, ask for a condition that prior to first occupation of the development, the cycle storage shall be provided in accordance with details which first shall be submitted to the LPA

The three other representations were from neighbours who raise the following objections:

- Student population causes noise, disruption and anti-social behaviour in the city centre, particularly in evenings and weekends
- Development will cut out almost all natural light to Crusader House flats on

the side facing the development and will remove privacy through directly looking into the flats

- Submitted documents assumes that city dwellers cannot expect natural light
- Construction will create extreme levels of noise, dust, pollution and disruption. Construction vehicles will increase traffic in the area
- Will make the flats within Crusader House more difficult to sell and reduce their value
- Neighbours have been given very little time to react to a significant change
- Development will reduce view of City from Crusader House

These concerns will be discussed in the main body of the report. However, loss of a view and negative impact on the property value are not material planning considerations. The statutory consultation period for the application has been followed, which is 21 days plus Bank Holidays.

City Archaeologist: No objection.

Drainage: No objection. Request drainage plan and design details for green roof and rooftop planting, with a pre-occupation condition to ensure they are constructed. Details on who will undertake maintenance should also be included.

Carbon Neutral Policy Team: No objection. Query whether solar PV panels will be used on the roof.

Environmental Health and Safer places: No objection, subject to condition for an environmental noise assessment for street noise and nearby licensed premises (including the Old Dog and Partridge public house, 18 Lower Parliament Street).

Highways: No objection, subject to a number of conditions covering a Demolition and Construction Traffic Management Plan, that any damaged areas of the highway should be reinstated, that openings should not open onto the highway, and for a student arrival and departure traffic management strategy.

Nottingham Jobs: An employment and training plan is recommended, including a proposed contribution of £23,212 to support the services provided by the Jobs Hub.

6 RELEVANT POLICES AND GUIDANCE

National Planning Policy Framework (2021)

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 126 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 195 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Aligned Core Strategies (ACS) (2014):

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

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 17: Biodiversity

Policy 19: Developer Contributions

Land and Local Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction

Policy CC2: Decentralised Energy and Heat Networks

Policy CC3: Water

Policy EE4: Local Employment and Training Opportunities

Policy RE1: Facilitating Regeneration

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy HO5: Location 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 DE4: Shop Fronts

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

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

Supplementary Planning Documents

Biodiversity (2020)

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

Affordable Housing Contributions arising from Student Accommodation (2021)

Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

The site is not a designated listed building but there are listed buildings adjacent. The site is not within but abuts two Conservation Areas. As such consideration needs to be given to Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66 places a duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings (including Grade II). However, it does not prevent the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring.

Section 72 places a duty on local planning authorities, in exercising their planning functions in relation to Conservation Areas, to give special attention to the desirability of preserving or enhancing the character or appearance of that area.

7. APPRAISAL

Main Issues:

- (i) Principle of the development
- (ii) Design, scale and impact on townscape and heritage assets
- (iii) Residential amenity
- (iv) Highways and parking
- (v) Sustainability and biodiversity
- (vi) Planning obligations

Issue (i) Principle of the Development (Policies A, 5, 7 and 8 of the ACS, Policies RE1, DE2, HO1, HO5 and HO6 of the LAPP)

- 7.1 The proposal includes the retention of the existing ground floor retail provision and will refurbish part of the basement to provide retail storage space to compensate for the loss of the existing first floor storage space. Additionally, the scheme incorporates enhancements and the provision of infrastructure to the side elevations fronting Clinton Streets East and West to facilitate comprehensive street trader provision along both frontages. Policy DE2 states that within Retail

Opportunity Areas, planning permission will be granted for development which significantly enhances the City Centre environment and contributes to the wider regeneration of the City Centre. It is considered that these elements of the scheme would meet the aspirations of policy DE2.

- 7.2 The existing building is of poor architectural quality that is harmful to its immediate context and adjacent streets in particular. The proposed scheme, including the re-facading of the existing building, would transform the appearance of this property and functionally how it interacts with the adjacent streets, thereby constituting significant regeneration in accordance with policy 7 of the ACS and policy RE1 of the LAPP.

Policy 5 of the ACS supports City Centre living initiatives including student housing where appropriate. Policy 8 of the ACS sets out, inter alia, that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. This includes the development of PBSA in appropriate locations, to help reduce the demand for HMO properties and the negative impact that high concentrations of these can have on local communities.

- 7.3 Policy HO5 (Locations for Purpose Built Student Accommodation) and HO6 (Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation) are also relevant in this regard.
- 7.4 Policy HO5 of the LAPP acknowledges that PBSA of an appropriate scale and design will be encouraged within the City Centre boundary, subject to developers demonstrating that there is a need for additional student accommodation. The applicants have submitted a 'Socio-Economic Assessment' which demonstrate that the existing and planned PBSA does not meet the demand from current students and that many PBSA schemes experience very low vacancy rates.
- 7.5 The provision of further good quality PBSA in the City Centre is likely to attract students that would otherwise occupy houses of multiple occupation outside of the City Centre, freeing up such accommodation for families and assisting in rebalancing communities currently with high concentration of student occupation. The scheme would therefore help to deliver an important element of the Council's housing policy, including the long term aim to promote high quality PBSA in the right locations. It would not only help to meet the housing needs of a growing student population, and reduce the demand on the City's existing housing stock, but also have a broader role to play in facilitating redevelopment of key sites within the City Centre, adding vitality and the economic benefits of regeneration in these areas.
- 7.6 Monitoring reports on the provision of student accommodation have consistently illustrated the need to maintain an on-going supply of additional bedspaces in order to meet increases in the number of students attending further education courses within the City. The strategy to meet this on-going supply has been, in part, to focus upon the provision of high quality PBSA within the City Centre, in accordance with policy HO5 of the LAPP. As the application site is within the City Centre, an area where PBSA is encouraged, there is no HO6 policy requirement to assess the concentration of student households in the locality.
- 7.7 Policy HO6 does require schemes to be designed in such a way that they are capable of being re-configured through internal alterations to meet general housing

needs in the future. It is evident from the applicant's submission that the building could be adapted to become an apartment building with no significant intervention to its structure or envelope. The policy requirement for adaptability is therefore met.

- 7.8 In light of the above, the principle of the proposed scheme is considered to be acceptable and would accord with policies A, 5, 7 and 8 of the ACS, and policies RE1, DE2, HO1, HO5 and HO6 of the LAPP.

Issue (ii) Design, Scale and Impact on Townscape and Heritage Assets
(Policies 10 and 11 of the ACS, Policies DE1, DE2, DE4 and HE1 of the LAPP)

- 7.9 The submitted scheme has been developed through extensive pre-application discussions in relation to its design, scale, mass and form.
- 7.10 The proposed upward extension has been designed with three stories fronting Lower Parliament Street to reflect the massing of the nearby buildings, particularly the listed buildings either side. At its southern end, fronting Thurland Street and where the adjacent buildings are not listed, the building increases to five storeys, reflecting the greater scale of the adjacent six storey Crusader House. This staggered massing is considered to respond appropriately to this townscape and heritage context.
- 7.11 As mentioned in section (i), the existing building is of particularly poor architectural quality that is harmful to its immediate context and the pedestrian experience of its surrounding streets. Unusually for the City Centre the site is not within a conservation area and indeed, this is the only building south of Lower Parliament Street that has been omitted from the two adjacent conservation areas that abut the site to the east, west and south. The proposal to remove the existing concrete cladding and to re-façade the entire building in an elevational treatment that is continued onto the upward extension therefore represents a significant transformation of the building that is very much supported. The elevations are now punctuated with a rational fenestration pattern of large and regular openings, with various changes in plane and recessed elements used to help break down and modulate the overall form of the building, particularly where the upper floors are stepped back. Different materials are used to reinforce the depth and texture of the building, and to express detailing such as stone arches to the side elevations.
- 7.12 The proposed materials are intended to create a building that is light in colour, comprising two tones on brickwork (the primary material), stone detailing, and light grey/blue terracotta cladding to the recessed upper floors. The windows, louvres and other elements of metalwork are to be finished in anodised aluminium, bronze in colour.
- 7.13 The southern elevation has been designed as a primary façade that acts as an end-point to the view northwards along Thurland Street; the current building is particularly harmful in this regard. The entrance to the student accommodation is located at this point behind a double height colonnade within the frame of the building. Further architectural interest is created by the stepped treatment of the south eastern and western corners of the building. This would not only transform the appearance of this southern end of the building but also strengthen the activity and natural surveillance its new function would provide.
- 7.14 The side elevations to Clinton Streets East and West are to be significantly uplifted with enhancements to facilitate an improved street trading offer. In addition to an

upgrade of the hard surfacing/public realm immediately surrounding the building, each plot is to be demarked with a differing tiled backdrop and individual awnings, the details of which are to be subject of further conditional approval.

- 7.15 It is concluded that given the existing appearance of the building, the proposed development would cause no harm but rather have a positive visual impact upon the site and its surroundings, enhancing the setting of the adjacent conservation areas and listed buildings. No alterations are proposed to the lower basement level (which is outside the applicant's ownership) and therefore the proposal would not harm the Thurland Street Railway Tunnel. In granting permission for the scheme, it is considered that the statutory duty imposed by sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, would be complied with.
- 7.16 Subject to precise materials and landscaping details being secured by condition, it is considered that the development would accord with policies 10 and 11 of the ACS and policies DE1, DE2, DE4 and HE1 of the LAPP.

Issue (iii) Residential Amenity (Policy 10 of the ACS, Policies DE1 and IN2 of the LAPP)

- 7.17 The development will include a mixture of studios and cluster apartments (with five to seven bed spaces per apartment). The floorspace of the studios range from 26.7 sqm to 42 sqm and the bedrooms (including en-suites) within the cluster apartments range from 14.9 sqm to 20.8 sqm. Only four out of the 104 bedrooms have a north facing aspect. The future occupiers have access to an external roof garden on the fourth floor, basement cycle storage (with lift access), a gym, and a lounge on each floor.
- 7.18 Environmental Health have recommended the usual conditions regarding a noise assessment and sound insulation scheme and with this mitigation the future occupiers of the student accommodation would have an acceptable standard of amenity in accordance with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.
- 7.19 In terms of impact on neighbouring occupiers, the upper three floors of 12-16 Lower Parliament Street, the Lloyds Bank, have recently been converted to 20 student studios following the granting of Listed Building consent in 2017. By increasing the height of the application property and introducing windows on its upper floor side elevations, the proposal would have some impact upon this accommodation, albeit the greater increase in height is at the southern end of the application property.
- 7.20 The National Planning Practice Guidance on 'Effective Use of Land' states the appropriate levels of sunlight and daylight will depend on the context of the development. "For example in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings."
- 7.21 Whilst there would be approximately 10m between the windows in the proposed development and 12-16 Lower Parliament Street, given the City Centre location and existing relationship between these two buildings, it is not felt that this would unduly harmful, particularly when set against the benefits that the scheme would bring.

- 7.22 To the south east of the site the upper floors of Crusader House, a former telephone exchange, were converted to 58 apartments following the grant of planning permission in 2001. These loft-style apartments are mixture of owner-occupied, privately rented and student lets. The gap between the application property and this neighbouring building is 11m at its nearest point, although its upper floors are recessed and positioned further away. Additionally, the southern elevation of the application property is relatively short and cut away at its corners. Crusader House sitting to the south east would mean that the proposed development would not result in any significant loss of light.
- 7.23 Given the City Centre location, these relationships are considered to be acceptable and the proposal compliant with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

Issue (iv) Highways and Parking (Policy 10 of the ACS, Policies DE1, DE2 and TR1 of the LAPP)

- 7.24 The proposal includes no off-street parking, which is acceptable given the nature of the accommodation and the City Centre location. A condition will be included requiring details of the management of students being dropped-off/collected at the start and end of the academic year.
- 7.25 The proposal includes 70 cycle parking spaces within a basement store, accessed via a dedicated lift. The parking standards within the LAPP recommend 47 spaces for the number of beds within this development, the proposal therefore significantly overproviding in this regard. The Local Access Forum have highlighted the Department for Transport 'Cycle Infrastructure Design' note (July 2020), which recommends one cycle parking space per bedroom for residential development. However, given the proposed cycle parking exceeds the current guidance within the LAPP and the cycle parking is securely located underground with its own lift for access, it is considered Policy 10 of the ACS and policies DE1, DE2 and TR1 of the LAPP are satisfied.
- 7.26 Due to the constrained nature of the site, a Construction Management Plan will also be secured by condition.

Issue (v) Sustainability and Biodiversity (Policies 1 and 17 of the ACS, Policies CC1, CC2, CC3 and EN6 of the LAPP, the Biodiversity SPD)

- 7.27 The application site is within Flood Zone 1, which means it has a low probability of flooding. Drainage have request a drainage plan and design details for green roof and rooftop planting, which can be secured by condition.
- 7.28 Sustainable design measures will include:- a thermally efficient building fabric; air Source Heat Pumps for hot water; efficient lighting; water saving sanitary fittings and appliances; the use of materials with a low lifecycle environmental impact and embodied energy; consideration of the principles of Secured by Design, and; efficient construction and operational waste management.
- 7.29 The district heat network runs directly below the application site. The applicants have consulted with EnviroEnergy and given the anticipated load of the building, the applicants do not consider this option to be financially viable at this time. The plan room will be designed to allow a future connection, subject to the heat being

provided at commercially viable rates and at a lower carbon factor than on-site alternatives.

- 7.30 Policy 1 of the ACS and policies CC1, CC2 and CC3 of the LAPP are therefore considered to have been satisfied.
- 7.31 Given the current lack of any vegetation on site and the proposal for roof top gardens, the proposal is a positive in biodiversity terms, satisfying policy 17 of the ACS, policy EN6 of the LAPP and the Biodiversity SPD.

Issue (vi) Planning Obligations (Policy 19 of the ACS, Policies HO3, EN2, EN6, EE4 and IN4 of the LAPP, the Open Space and Affordable Housing from Student Accommodation SPDs)

- 7.32 In order to comply with development plan policy and the requirements of the relevant Supplementary Planning Guidance, the revised development attracts the following S106 obligations:
- a financial contribution of £122,481 towards off-site Public Open Space/Public Realm
 - targets associated with local employment and training opportunities, including a financial contribution of £23,212
 - a financial contribution of £200,659 towards off-site affordable housing
 - A student management scheme which shall include a restriction on car usage
- 7.33 The scheme is fully policy compliant in planning obligation terms and thereby satisfies policy 19 of the ACS, policies HO3, EN2, EN6 and EE4 of the LAPP, and the Open Space and Affordable Housing from Student Accommodation SPDs.

8 Financial Implications

None.

9 Legal Implications

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

There is an overarching statutory duty imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires considerable weight to be given to the desirability of preserving the setting of all listed buildings. Section 72 of that Act also requires that special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. These matters are addressed within the main body of the report.

10 Equality and Diversity Implications

None.

11 Risk Management Issues

None.

12 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of an unsightly building with a high quality, sustainable and mixed-use development

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

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

13 Crime and Disorder Act implications

None.

14 Value for money

None.

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

1. Application No: 22/00889/PFUL3 - link to online case file:

<https://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RB1D6GLYG3200>

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)

Biodiversity SPD (2020)

Open Space SPD (2019)

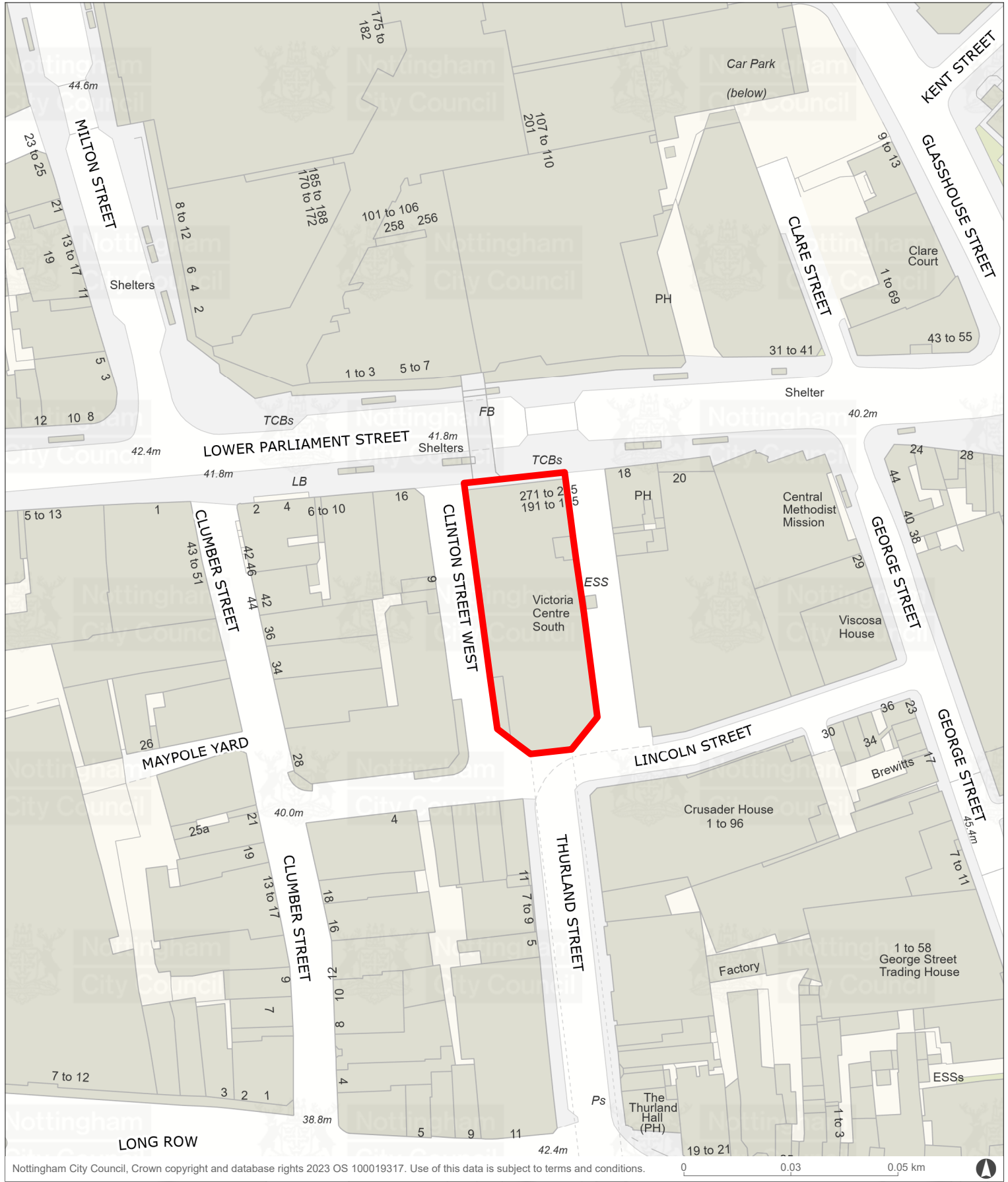
Affordable Housing Contributions arising from Student Accommodation SPD (2021)

Contact Officer:

Ms Katherine Lowe, Case Officer, Development Management.

Email: katherine.lowe@nottinghamcity.gov.uk Telephone: 0115 8762435

Nomad printed map



Key
 City Boundary

Printed map generated by a Nomad user on 14/02/2023. This map is not suitable for publishing, for high quality maps please contact gl@nottinghamcity.gov.uk.

Description
 A map printed from Nomad.

My Ref: 22/00889/PFUL3 (PP-11130850)
Your Ref:
Contact: Miss Katherine Lowe
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

Miss Kelly Paddick
Landmark House
Station Road
Cheadle Hulme
Cheadle
SK8 7BS

Date of decision:

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

Application No: 22/00889/PFUL3 (PP-11130850)
Application by: Miss Carolyn McEwan
Location: 191-195 (16A And 16B) Lower Parliament Street, Nottingham, Nottingham City
Proposal: Full Planning permission for the upward extension (1 - 3 storeys) to existing 2-storey building (plus basement) to create a building of 3- 5 storeys in height (plus basement) to accommodate:- up to 104 student bedspaces in a mixture of cluster and studio flats, along with associated ancillary facilities, including communal lounges, gym, laundry, cycle store; retention of retail units at ground floor level and the provision of facilities for market traders along Clinton Street East and Clinton Street West

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. Prior to the commencement of the development, an environmental noise assessment and sound insulation and ventilation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. This shall include an assessment of noise on the street from the licensed premises at 18 Lower Parliament Street, Clinton Street Market and potential future market traders adjacent to the building along Clinton Street East and Clinton Street West.

In addition, it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas, commercial / residential separation).

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

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

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

Reason: In the interests of the amenity of future occupiers in accordance with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

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

Reason: In the interests of highway safety and the amenity of neighbouring developments in accordance with Policies DE1 and IN2 of the LAPP.

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

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

5. Prior to the commencement of above ground development (excluding any demolition/removal of existing cladding) a panel incorporating all of the key the external materials shall be constructed on site for inspection by the Local Planning Authority. Thereafter, details of all the external material shall be submitted to and agreed in writing with the Local Planning Authority.

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

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

6. No works shall be commenced (excluding any demolition/removal of existing cladding) until large scale drawings to show the following, including sections where appropriate, have been submitted to and approved in writing by the Local Planning Authority:

- (i) Details and sections of the window and door frames, ventilation louvres (if any) and window and door reveal depths;
- (ii) Details and sections of the the arches on the east and west (side) elevations;
- (iii) Details of the treatment to the east and west elevations at ground floor level to include all finishes, fixtures and facilities to be provided for street trading along these frontages;
- (iv) Details and sections of the shop fronts on Lower Parliament Street;
- (v) Details and sections showing the junction between the upper floors and bridge to the north of the site.

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

Reason: To secure a development of satisfactory appearance that accords with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

7. Prior to commencement of development (excluding any demolition/removal of existing cladding), a drainage plan for the roof top landscaping shall be submitted to and approved in writing by the Local Planning Authority.

The drainage plan 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 appropriate drainage from the green roofing and planting in accordance with Policy 1 of the ACS and Policy CC3 of the LAPP.

8. Notwithstanding the submitted information with the application, prior to the commencement of above ground development, details of the sustainability measures to be incorporated into the developments shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Pre-occupation conditions

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

9. Prior to first occupation of the student accommodation and notwithstanding the approved drawings, a scheme of public realm enhancement works surrounding the building shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of new hard surfacing and street furniture associated with the use of the areas alongside the ground floor frontages to Clinton Streets East and West being use for street trading, along with a timetable for implementation.

Thereafter, the approved public realm scheme shall be implemented in accordance with the approved details and timetable.

Reason: To secure a development of satisfactory appearance that accords with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

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

Reason: In the interests of the amenity of future occupiers in accordance with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

11. The cycle store as detailed in Dwg No. ADD REF E shall be provided prior to the first occupation of the development hereby permitted.

Reason: In the interests of promoting sustainable transport and to accord with policy TR1 of the LAPP



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

Reason: To avoid the prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety in accordance with Policy TR1 of the LAPP.

13. Prior to first occupation of the development, verification that the approved drainage plan for the roof top landscaping has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure appropriate drainage from the green roofing and planting in accordance with Policy 1 of the ACS and Policy CC3 of the LAPP.

14. No part of the development hereby permitted shall be brought into use until a waste management plan for the entire building has been submitted to the Local Planning Authority for written approval. This will include details of where bins are to be stored on collection day for kerbside collection, to ensure ease of collection either from an adopted highway or through waste management contract with access onto the site. The applicant is to ensure that bin storage areas are appropriate to the development size. The waste management scheme shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

Reason: To ensure bins are not stored in public highway and waste/refuse collection vehicles do not block access to public highway users, in the interests of highway safety, in accordance with policy 10 of the ACS and policies DE1, DE2 and TR1 of the LAPP.

Regulatory/ongoing conditions

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

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 following drawings/documents:
Location Plan reference Drawing No. 10001 revision P2, received 11 May 2022
Plan reference GA Sub-basement and Basement Plans (Drawing No. 20100) revision P3, received 16 January 2023
Plan reference GA Ground and First Floor Plan (Drawing No. 20101) revision P3, received 16 January 2023
Plan reference GA Second and Third Floor Plan (Drawing No. 20202) revision P3, received 16 January 2023
Plan reference GA Fourth and Fifth Floor Plans (Drawing No. 20203) revision P3, received 16 January 2023
Other reference Section 1 (Drawing No. 35300) revision P2, received 11 May 2022
Plan reference GA Proposed Roof Plan (Drawing No. 20204) revision P3, received 16 January 2023
Elevations reference East and West Elevations (Drawing No. 30201) revision P6, received 16 January 2023
Elevations reference North and South Elevations (Drawing No. 30200) revision P5, received 16 January 2023
Other reference Section 2 (Drawing No. 35301) revision P2, received 11 May 2022
Other reference Bay Studies 1-2 (30202) revision P2, received 28 October 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

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

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: 22/00889/PFUL3 (PP-11130850)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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,



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

DRAFT ONLY

Not for issue

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.

DRAFT ONLY
Not for issue