

## **Report of Director of Planning and Transport**

### **Cleared Site At Junction Of Traffic Street And Wilford Road, Site Of Laboratories Corner Traffic Street**

#### **1 Summary**

Application No: 22/00188/PFUL3 for planning permission

Application by: Harriet Nind on behalf of Jensco (Wilford Road) Limited

Proposal: The erection of a part 7, part 12 (excluding lower ground level), and part 17 storey building comprising student accommodation and associated access, open space and ancillary communal facilities

The application is brought to Committee because it is 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 20th February 2024; an extension of time has been agreed with the applicant to cover the extended period of determination.

#### **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 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 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 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 following:
    - i) a financial contribution of £860,532 towards the provision of affordable housing
    - ii) a financial contribution of £520,471 toward the provision or enhancement of off-site Public Open Space/Public Realm
    - iii) a Local Employment and Training contribution of £122,207, including targets associated with Local Employment and Training opportunities
    - iv) 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 Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director for Planning and Transport.

### **3 Site and Background**

- 3.1 The application site is located at the south western edge of the City Centre and Canal Quarter Regeneration Zone as defined by the LAPP. It sits at the junction of Wilford Road and Traffic Street (although the two are not adjoined for vehicular

movements), south of the Wilford Road railway bridge. The site slopes downwards from Wilford Road on its western boundary to its eastern boundary. An elongated car park associated with Nottingham Station abuts the northern boundary with the railway line running alongside this. Beyond this is Castle Meadow Road and the car park for the Nottingham Justice Centre.

- 3.2 The site has historically been used for industrial and commercial purposes since the 1880's. The site was latterly occupied by a relatively low rise building known as Sentinel House, used by Boots as offices and a laboratory. This was demolished and the site cleared in 2008. The site is currently hoarded and in use as a construction compound and parking area associated with the development of adjoining sites on Traffic Street.
- 3.3 The area surrounding the site comprises a mix of commercial, industrial and residential uses and is undergoing significant transformation in line with the City Council's regeneration policies for the area as part of the former Southside Regeneration Zone, now Canal Quarter. The Traffic Street area is largely characterised by Purpose Built Student Accommodation (PBSA) development. Directly to the south of the site on the opposite side of Traffic Street is The Vantage PBSA (ref: 18/00819/PFUL3). Directly adjacent to the east, on the former Enterprise car rental site, is a further PBSA scheme nearing completion (ref: 21/01004/PFUL3) and to the east of the Vantage is the PBSA development comprising two blocks known as Ten Traffic Street. Further to the east, Phase 1 of the Unity Square office scheme (ref: 1802277/POUT), opposite Nottingham station on Sherriff's Way, is occupied by HMRC (HMRC). Reserved matters for Phase 2 of Unity Square was approved in April 2023.
- 3.4 To the western side of Wilford Road are industrial units to the south of the railway line and the new University of Nottingham Castle Meadow University Campus to its north.
- 3.5 The site is served along Traffic Street from the east.
- 3.6 The site is allocated under Policy SA1 in the LAPP for mixed use development including student accommodation (Allocation SR63 Waterway Street).

### **Planning History**

- 3.7 The site has the following planning history:
  - Planning permission granted in 2008 and subsequently renewed in 2012 for the erection of new office/retail development with associated basement parking. The development took the form of an 9/10 storey building (ref. 11/01251/PFUL3).
  - A planning application for a new residential building comprising 183 apartments an associated parking was submitted as subsequently withdrawn in August 2020 (ref: 19/01115/PFUL3).

## **4 The Proposal**

- 4.1 This full planning application was submitted in January 2022 for an original scheme of PBSA comprising a total of 356 bedrooms; 222 cluster flat bedrooms (47 flats with shared kitchen/dining/living space), 112 studios and 22 studio suites. The proposal also incorporated 164 sqm of shared communal space (largely on the

lower ground and ground floors), external communal space and public realm improvements to Traffic Street. The building was to be part 20, part 11 and part 7 stories in height.

- 4.2 The scheme was subsequently revised in December 2022 to comprise a total of 335 bedrooms; 215 cluster flat bedrooms (45 flats with shared kitchen/dining/living space), and 120 studios. The main tower element of the building was reduced to 17 stories in height with lower elements being 11, 10, 7, 6 stories. Its footprint and design were similar that of the original submission, but with changes to its architectural treatment and brick colouring.
- 4.4 Following further negotiations regarding the height, massing and design of this development, in October 2023 a further revised scheme was submitted which significantly changed the design and form of the proposed building.
- 4.5 The October 2023 scheme comprises a total of 395 bedrooms; 239 cluster flat bedrooms across a range of 4, 5 and 6 bed cluster flats, and 156 studio flats. The building is to be part 17, part 12 (excluding lower ground level), and part 7 storey in height.
- 4.6 The lower ground, ground and first floors would accommodate communal facilities including a gym, cinema, private dining space, games area, amenity spaces, meeting rooms, a cycle store, laundry and waste storage facilities. Externally, a sunken entrance space fronting Wilford Road incorporates soft landscaping and tapering steps to provide informal seating, whilst a further courtyard space with soft landscaping and seating is proposed between the two wings fronting Traffic Street. A series of roof terraces would provide additional amenity space for future occupants of the building.
- 4.7 There are no on-site parking spaces but a total of 86 secure cycle spaces are to be provided at lower ground level.
- 4.8 This latest scheme has been revised further with the following amendments:
- The removal of cladding to the access core on the tallest element of the building
  - The crenulated 'crown' at the top of the tower has been reduced in height by 0.5m
  - The metal cladding has been changed to a lighter gold/bronze colour
  - The number of studios bedrooms has been reduced from 156 (39%) to 131 (33%), which includes 3 wheelchair accessible and 10 adaptable rooms. This has resulted in the number of cluster rooms increasing from 239 (61%) to 265 (67%). The total number of bedrooms has increased from 395 to 396

## **5 Consultations and observations of other officers**

The planning application has been subject to three rounds of consultation; firstly in relation to the original scheme, secondly the revised scheme of December 2022, and thirdly the revised scheme of the October 2023. Comments received in relation to each are summarised below.

### **Adjoining occupiers consulted:**

322 neighbouring properties were notified individually regarding all three schemes,

including occupants of properties on:

Kinglake Place  
Castlefields  
Castle Meadows Road  
Traffic Street  
Castle Park  
Wilford Street

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

The applicant has also carried out their own public consultation.

### Original Scheme

8 representations received raising the following concerns:

- As a scheme that solely provides student accommodation the development is likely to add little to the economy of the Meadows.
- The development is considered to be out of scale and height with surrounding developments and would detract from the prominence of Nottingham Castle in views approaching from the south of the city. The Vantage building is already considered to result in a significant change to the horizon. They consider it wrong to continue to approve ever taller buildings which affect views across the city landscape.
- Consideration should be given to providing a lower room density, with an overall height capped to the same as, or lower than, the neighbouring Vantage building, bringing these two buildings into equal relationship with each other.
- The design is seen as mediocre and the need for a further tall 'iconic' building is questioned, as is its relationship with the adjacent Vantage building. The resident would like to see more explicit attention to design distinctiveness to justify the 'landmark' tag given by the developer and also to justify the additional height above existing buildings in the area. They would also want to see more focus in the design on how it represents and inspires the learning/innovation that our local universities seek to realise. One way of achieving this might be in more use of architectural details that make local references.
- Public realm and connectivity with the Meadows is not clear and needs to be improved.
- A development of some sort would be acceptable but not something that dominates the skyline unless it is a real feature that will set the city apart.
- Limited potential for conversion of the building to other uses.
- The development would physically and psychologically, together with recent developments built, represent a creeping curtain wall of relatively tall development around the Meadows, with a claustrophobic effect for Meadows residents and a feeling of being hemmed in.
- The need for more trees along Traffic Street and Waterway Street.
- A critique was submitted of the submitted energy statement. It considered that in comparison to other schemes in the area the ambition in carbon reduction at 58% over 1990 levels, and a 19% reduction over Building Regulations Part L 2103, is not ambitious. Concerns were raised regarding

the level of information on energy use, fabric standards, passive design in terms of orientation and solar shading, solar overheating, the Be Green approach, embodied energy and monitoring and maintenance.

- The economic and social contributions to the Meadows Community. The development together with those taking place on Traffic Street will create significant demand on local services and not aid social cohesion and integration with the existing Meadows community. Apart from creating a continuous length of development along Traffic Street the development would not add anything to the Meadows. The City Council should maximise and earmark a major part of developer contributions for projects in the Meadows that deliver progress against the Meadows neighbourhood plan.
- No planned increase in local community facilities is proposed such as shops and health centres, placing more pressure on services.
- Duty to promote wellbeing. The need for the wellbeing of future residents to be safeguarded in what is a high density development.
- The loss of privacy of residential outdoor spaces, and potentially the enjoyment of open spaces from such tall buildings.
- The combined effect of these dense developments, including noise and pollution, should also be considered in relation to the social and environmental effects of re-routing of the Southern relief road around the north of the Meadows.

The Old Meadows Tenants and Residents Association have expressed their strong objection to the development. The height of the building is seen as excessive and will impact negatively on residents of The Meadows who feel that the increasing number of tall buildings in the area is blocking the light as well as their views of historic buildings, leaving the Meadows community feeling shut off from the city. In addition, there has been no attempt to landscape or ameliorate the harsh appearance of the building which would have a negative impact on the neighbouring conservation area. They are also concerned that no parking is provided when students may well have cars; this is likely to cause problems of parking in the streets of the Meadows.

Nottingham Civic Society (NCS): The NCS strongly object to the development. It would detrimentally affect the setting of Nottingham Castle, an Ancient Monument and Grade 1 listed building, by challenging its pre-eminence in the landscape of Nottingham City and its wider setting. It would also adversely affect the setting of the Castle Conservation Area. The NCS go on to further comment in summary:

- The adopted City Centre Urban Design Guide (2009) recognises the sensitivity of the setting of Nottingham Castle and its dominance atop Castle Rock. The view from the Castle is identified as a key vista given its domination of the landscape. This is the reason the area in its foreground is not proposed as a Tall Buildings Zone.
- When viewed from the upper terrace the tall building would punctuate the skyline interrupting distant views out from the Castle. This would diminish the significance of the Castle's historic siting as an iconic focal point.
- The submission omits a key view from the Lower Bailey around the perimeter walls. They consider the tall building would loom over the Castle ramparts in a manner which would challenge the height of the Ducal Palace and its heritage status.
- The development is also considered to be over intensive and would overwhelm the local character of Traffic Street. There is little external amenity space to

relieve the oppressive effect of the development when experienced at street level.

**Environmental Health:** No objections subject to conditions relating to contamination and remediation, piling, air quality and noise.

**Historic England (HE):** HE has raised concerns regarding its impact on heritage grounds. The development sits to the south of the Grade 1 listed and Scheduled Nottingham Castle. HE considers that the Castle is vulnerable to harm from the emergence of tall and massy structures in its setting, such as that proposed, since they would tend to individually and cumulatively be viewed with the Castle in its landscape context. Views in towards the Castle Rock particularly from the south of the City should be equally considered as those looking out when assessing impact upon the designated assets. They advise that the Council need to consider carefully whether the incremental loss both to aspects of the Castle's significance and the character of the historic city as whole is justified by the public benefits of the scheme. They consider that the issues and safeguards outlined in HE advice need to be addressed in order for the application to meet the requirements of the NPPF in terms of built heritage.

**Conservation Officer:** Objection. The site is a prominent one on the southern approach to the city centre and is visible in two key views as identified in the City Centre Urban Design Guide. The first is a view from the Queens Drive/Wilford Road junction towards the Council House dome (a grade II\* listed building) and the second is Vista A which is the panoramic view to the east, south and west from Nottingham Castle (a grade I listed building and Scheduled monument). The proposed development of up to 20 storeys in height is considered to impact on both the view of the Council House dome and Vista A. The view to the Council House, from the Queens Drive/Wilford Road junction, although not blocked by the development, would be detrimentally affected by the new building intruding visually in the view and diminishing the prominence of the dome. The adverse impact of the development on Vista A is far more significant. The height of the latest proposal would break the horizon in views from the Castle and the building's prominence is significantly increased. At present only the Unity Square scheme imposes itself on Vista A and the wider setting of the Castle to such a degree. That building's impact was justified partly on the basis of its substantial socio economic and public benefits and it must therefore be considered to be an exception rather than a precedent for a new norm. The public benefits of the Wilford Road proposal would have to be equally substantial in order to outweigh the impact on the setting of such a highly graded heritage asset and a clear and convincing justification given for the harm to the historic environment. Furthermore, by diminishing the historic prominence of Nottingham Castle in its landscape setting and infringing on views of the Nottingham skyline (which includes the Council House and other designated assets) beyond, the new building would fail to respect or make a positive contribution to the local character and distinctiveness of Nottingham.

**City Archaeologist:** No objections. The archaeological desk based assessment accompanying the application highlights the potential for archaeological remains within the proposed development site. These remains consist primarily of Hooper's Sconce, a large Civil War fort. A programme of archaeological works should be required as a condition of planning permission.

**Highways:** Further discussion required regarding proposals for improvements to Traffic Street and the use of Traffic Street to service the development.

**Drainage:** No objections subject to conditions relating to a flood evacuation plan, access to the Tinkers Leen and surface water drainage.

**Health and Safety Executive (Tall Buildings):** The original submission did not originally include a fire statement.

**Carbon Neutral Team:** Additional information is required in terms of BREEAM and other housing energy efficiency standards.

**Environment Agency:** The site sits within Flood Zone 2 and therefore National Flood Risk Standing advice should apply. No objections were raised in relation to the risk of contamination of controlled waters (the Tinkers Leen adjacent to the site).

**Network Rail:** No objections. Given the size of the building and its proximity to the operational environment and adjacent railway structures (the bridge), they consider it essential that the developer engages with their Asset Protection Team at an early stage to ensure that the development can be built without adverse impact to operational railway safety. The proposed building is close to the railway boundary and the developer should give consideration on how the property can be constructed and maintained in future without access to operational railway land. Network Rail therefore recommend conditions relating to a construction methodology, surface water drainage, boundary treatment and lighting.

#### Revised Scheme - December 2022

One letter was been received from a local resident who welcomed the design changes made, the affordable housing contribution, its viability for repurposing and the use of roof tops as garden space. They do query how the scheme would be integrated into the Meadows, whether such development would be best accommodated on the vacant Broadmarsh site and how the PBSA sits with existing student concentrations in the area. There is also concern regarding the overall height of new development in the area and impact on the Meadows and views of the Castle.

**City Archaeologist:** No objections. A programme of archaeological works should be required as a condition of planning permission.

**Historic England (HE):** HE has raised concerns regarding its impact on heritage grounds. HE considers that the Castle is vulnerable to harm from the emergence of tall and massy structures in its setting, such as that proposed, since they will tend to individually and cumulatively view with the Castle in its landscape context. Views in towards the Castle Rock particularly from the south of the City should be equally considered as those looking out when assessing impact upon the designated assets. They advise that the Council need to consider carefully whether the incremental loss both to aspects of the Castle's significance and the character of the historic city as whole is justified by the public benefits of the scheme. They consider that the issues and safeguards outlined in HE advice need to be addressed in order for the application to meet the requirements of the NPPF in terms of built heritage.

**Conservation Officer:** They re-emphasise with regards to the significance of the Castle, Castle Rock and the setting of the Castle on its vantage point. In relation to



the revised plans they are in agreement with HE with regards to their continued concerns on the impact to the setting of Nottingham Castle. It is noted the material treatment is largely unaltered in the revised submission. The principle change is the massing of the building, which has now been spread outwardly with a reduction in height and storeys. The result is a building which is actually considered to be a worsened architectural composition due to its bulk and cumbersome singular mass leaving a confused architectural composition that continues to contribute less than substantial harm to the setting of Castle Rock and Nottingham Castle. The revised scheme is also considered to have no outstanding or distinctive about the style, massing or scale. The public benefits of the proposal are questioned.

**Environment Agency:** The site sits within Flood Zone 2 and therefore National Flood Risk Standing advice should apply. No objections were raised in relation to the risk of contamination of controlled waters (the Tinkers Leen adjacent to the site).

**Environmental Health:** No objections subject to conditions relating to contamination and remediation, piling, noise and a noise management plan.

**Carbon Neutral Team:** The site is close to public transport. The building's carbon reduction is approximately 10% over Building Regulations requirements which is seen as good and will be built with 'be lean', 'be clean' and 'green' principles. It will also involve a number of energy efficiency measures including air source heat pumps. The plans include greenspace which is welcomed.

**Network Rail:** Comments as above.

**Drainage:** No objections subject to conditions relating to a flood evacuation plan, access to the Tinkers Leen, surface water drainage scheme and the management of surface water during the construction period.

**Biodiversity Officer:** There is evidence of Japanese Knotweed adjacent to the site and without mitigation. A method statement for either treatment of the plant or creation of a buffer zone of at least 7m should be provided. A condition relating to a construction environmental management plan is recommended.

**Health and Safety Executive (Tall Buildings):** The HSE have concerns in relation to fire safety matters regarding the means of escape, the basement smoke ventilation, the standard of sprinkler system for the commercial area of the building and the fire and rescue access/services.

**Highways:** No objections. Conditions relating to a construction traffic management plan, reinstatement of redundant crossings, removal of existing street furniture, cycle provision, student management, deliveries and refuse collection are recommended. They highlight that any necessary Stopping Up Orders and Traffic Regulation Orders will need to be sought and implemented where necessary.

### Redesigned Scheme – October 2023

One representation has been received from a local resident. They have commented on the previous revised scheme and consider the transformation to be evident in the newest design. They consider that compared to the previous iteration the latest design would make a positive landmark with good dialogue with neighbouring buildings. They would be proud to have the development as a close neighbour.

They welcome the incorporation of local detailing and consider the stepped form of the building when viewed from Queens Drive to be good. They consider that long southern views from the Castle would not be a significant factor and that the new design creates a complementary trio of cylinder towers on the city skyline, with the Roundhouse Royal Standard Place and Orbital at Royal Standard. The continued focus of developers on the provision of PBSA in the Southside remains a concern and the need to improve pedestrian accessibility to the Meadows.

**University of Nottingham (UoN):** The University consider this to be a well-considered scheme. The provision of 4 and 5 bed cluster flats and the approach to amenity space are seen as positive. The overall appearance of the scheme is seen as being of high quality and development of this derelict site is welcomed. Whilst they would like to support the scheme, they cannot due to the number of studio bedrooms proposed. They consider this does not align with the principles of the Student Living Strategy. The current stock of PBSA in the City comprises 22% studios, however this is well above the national average of 12% and with the increase in rental price point the University are concerned that the prevalence of expensive studios would impact on student recruitment, and are the wrong product mix for them.

**Nottingham Trent University (NTU):** NTU welcomes PBSA developments where the schemes reflect the needs of NTU students. In line with the above comments from the UoN, NTU supports cluster flat developments, they are more collegiate and more affordable. Nottingham is seen as being overrepresented with studio accommodation and supply out strips demand resulting in proportionately more studios than cluster flats being empty at the start of the academic year. NTU state that they are extremely unlikely to enter a nomination agreement and their marketing support for the scheme will be heavily influenced by both the cluster / studio mix and the cost to the student.

*(The applicant subsequently engaged in further discussions with both Universities which resulted in the reduction in studio rooms to 33% and increase in cluster flat bedrooms to 67%. As a result, NTU now support the scheme. The UoN agree that the reduction in studios is a step in the right direction but do not consider this enough to remove their objection in principle)*

**Nottingham Civic Society (NCS):** Still objects strongly to the latest version of this tall building because it damages the setting of Nottingham Castle and recommend refusal of the planning application. Their concerns outlined above in their response to the original scheme remain. The NCS consider that at 17 storeys high, the new building would still loom over the Castle's Lower Bailey public vantage points, in a manner which challenges the height of the Ducal Palace, threatens the setting and undermines the status of the Grade I listed building and Scheduled Ancient Monument.

NCS also make the following comments on the revised scheme:

- Verified Views 8 and 9 within the Environmental Statement demonstrate how overbearing the proposed building would be in the setting of the Grade II listed Castle Meadow Campus both from Wilford Street looking south and from within the Campus itself.
- Consider the entrance to be understated and mean in proportions, sunk below street level at the important street corner, resulting in very little public presence or

allowing the appropriate level of casual surveillance for a building housing so many occupants.

- Do not consider the architectural design to be successful - the 'golden crown' has no architectural reference and serves only to emphasise the height and proportions of the intruder into the Castle's setting.
- Consider that there is no reason at all why this building should exceed the height of The Vantage and its neighbours in such an intimidating way.

**City Archaeologist:** No objections. A programme of archaeological works should be required as a condition of planning permission.

**Historic England (HE):** This letter should be read further to our advice of 7 March 2022. Having reviewed the amended design drawings submitted and the metric visualisations of the proposed development we find that the tower element now at 17 floors (including the gold corona levels) would be harmful to the significance of the grade I listed and scheduled Nottingham Castle through intrusion into its setting relationship to Nottingham and the rising ground beyond. The landscape dominance of the Castle forms part of its significance particularly in the Ducal Palace phase, the status of its Ducal proprietors is articulated in the views from the terraces including across the flood plane to the woods on the rising ground skyline to the south. A reduction in height to 12 stories would address the effect as shown in the visualisation where the proposed tower rears up behind the GII listed former HMRC building and crosses the horizon.

In determining this application the Council should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and also section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The Council should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

**Conservation Officer:** In light of the latest comments (dated January 2024) from Historic England regarding planning application 22/00188/PFUL3 it is necessary to address the concerns raised on the impact upon the setting of Nottingham Castle (Grade I listed and Scheduled).

#### *Historic England Comments March 2022*

The first comments from Historic England were made in March 2022 when concerns were raised regarding the impact of what was then a 16-storey development upon the setting of Nottingham Castle. No specific mention was made with regards to the height of the proposals, only to the sensitivity of broad vistas and the vulnerability of the site to tall structures. Since the initial application 22/00188/PFUL3 there have been two major design iterations, which have sought to address the issue of the building's composition, detailing and material quality. Notwithstanding the increase in height by a single storey, there have been significant improvements in the design of this scheme.

### *Historic England Comments January 2024*

Following the design of the third iteration Historic England submitted new comments that re-iterated the sensitivity of the castle's setting but this time made specific reference to the height of the proposals, suggesting the revised scheme at 17 stories was harmful and the scheme should be reduced to 12 stories so that the horizon (specifically Sharphill Woods) remained unbroken. This comment proposed a highly significant change to the scheme when this planning application was 22 months old, and as such did not align with Historic England's own guidance in "working collaboratively and openly with interested parties at an early stage". (Historic England, *The Setting of Heritage Assets*, p.4) It is understandable that occurrences such as these are frequently caused by pressures on workload and resource.

### *Assessment Criteria*

Nevertheless the views raised are important and it is necessary to address the issue of the castle setting. In that regard it is integral to use Historic England's own guidance in the matter, which stipulates that the significance of a setting is characterised by the composition of the views and their historic associations.

### *The Broad Setting*

The setting of Nottingham Castle and the Trent Valley is predominately characterised by broad vistas and impressive width of the Trent Valley. Views from Nottingham Castle are exceptionally wide and it was this aspect that provided the political strategic advantage for siting a castle at this location. For example, views from the south-east look towards the historic town centre; east towards Colwick Woods, Radcliffe on Trent, Bassingfield and the Vale of Belvoir; south towards Sharphill Woods, Wilford Hill and the Nottinghamshire Wolds; south-west towards Ratcliffe-on-Soar Power Station and Charnwood Forest in Leicestershire; west towards Lenton, Beeston, Bramcote Hills and Wollaton Hall.

### *Impact of Height*

In terms of height the impact of this development upon this broad vista causes low 'less than substantial harm' as it only partly obscures the view of Sharphill Woods, to the south. There is no highly significant historical association between Nottingham Castle and Sharphill Woods; for example during the Norman Conquest, various medieval feudal conflicts, Civil War, the authority of the Duke of Newcastle, the Reform Bill Riots or the founding of the museum and art gallery. Nor are there any major disruptions of views in terms of height towards the castle from primary vantage points south of the city. Where there is disruption, the view is not regarded as defining the history or character of the castle.

### *Conclusion*

In summary this application is acceptable from a conservation perspective. It is however important that the Castle should not become crowded and that future developments should understand the broad vistas of the Trent Valley.

**Environmental Health:** No objections subject to conditions requested as part of the consultation on the December 2022 revised scheme.

**Carbon Neutral Team:** The latest revised scheme would have a positive impact on the City Council's carbon reduction ambitions and is supported.

**Health and Safety Executive (Tall Buildings):** The HSE is satisfied with the fire

safety design of the latest revised scheme.

**Environment Agency:** No objections subject to the development being carried out in accordance with the Flood Risk Assessment with particular attention being drawn to its finished floor levels, flood resilience measures and no essential infrastructure and sleeping accommodation to be located at basement level.

**Highways:** No objections subject to conditions recommended in the consultation for the December 2022 revised scheme.

**Drainage:** No objections subject to conditions relating to a flood evacuation plan, access to the Tinkers Leen, surface water drainage scheme, and the management of surface water during the construction period and during a flood.

## 6 Relevant policies and guidance

### National Planning Policy Framework (2023) (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 123-127 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 131-141 are focused on achieving the creation of high quality buildings and places. Paragraph 131 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 135 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 201 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 203 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 205 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 206 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 207 - 208 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.

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

It is 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 a conservation area.

### **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 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 (SR63)

### **Supplementary Planning Policy Documents:**

Nottingham City Centre Urban Design Guide May 2009

Castle Conservation Policy Guidance (1994)

Biodiversity (2020) SPD

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

Affordable Housing Contributions Arising from Purpose Built Student Accommodation (2021) SPD

Nottingham Student Living Strategy (2023)

## **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) Other matters
- (vi) Planning obligations

**Issue (i) Principle of the development** (Policies A, 2, 5, 7 and 8 of the ACS, Policies RE1, RE2, HO1, HO4, HO5, HO6, DE1 and SA1 (allocation SR63) of the LAPP)

- 7.1 The application site occupies a prominent corner on one of the main approaches into the City Centre. It is key development site with the potential to make a significant contribution to the Traffic Street area becoming a vibrant extension to the City Centre and a gateway into the City from the south. 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 of the LAPP and is allocated for mixed use development, including student accommodation, under policy SA1 (allocation SR63) of the LAPP. Within the Canal Quarter, policy RE2 supports, amongst other things, the provision of residential and student accommodation, provided that it does not prejudice the activities of nearby uses.
- 7.3 The application site is located on the southern fringe of the City Centre which in general terms is an appropriate location for purpose built student accommodation (PBSA) and would be in accordance with policies RE2 and SA1 (allocation SR63) of the LAPP. The latest report 'Student Accommodation in Nottingham' (January 2024) recognises that there is still a need for PBSA and that the demand for student accommodation remains high. It is considered that the provision of further good quality PBSA would attract students that would otherwise occupy houses in multiple occupation (HMOs) outside of the City Centre. The location of the site is distant from the main areas of high student concentration (largely) to the west, rather being situated in a mixed-use commercial environment at the periphery of the City Centre. It is also set away from the nearest residential area, the Meadows, from which it is separated by the ring road and tramline.
- 7.4 The proposed accommodation is of an appropriate size internally with cluster bedrooms averaging 13-15sqm and benefitting from associated communal kitchen/living areas commensurate to the size of the cluster flat, and studios ranging from 18-27sqm. The proposal would be compatible with the higher density, mixed use characteristics of the surrounding area and is in a highly accessible location with good pedestrian, cycle and tram links to the City Centre and both university campuses. The proposed redevelopment of the site would enhance the approach to the City when arriving by train or tram, or when travelling along Queens Drive and Wilford Road, providing a built and active frontage where there is currently none.
- 7.5 The Nottingham Student Living Strategy (SLS) (2023) is a plan that was prepared jointly by Nottingham City Council, the University of Nottingham, and Nottingham Trent University, with the aim of improving the quality, safety, affordability and location of student accommodation in the City. The plan includes a focus on the provision of more PBSA buildings which should offer a diverse range of housing options, particularly to meet the needs of 'returning students' and to encourage cluster-based accommodation as the dominant typology, rather than single-bedroom studios.
- 7.6 The University of Nottingham, despite a reduction in their number in the revised scheme, remain concerned with the percentage of studio rooms being proposed.



The number of studios has been reduced from 158 (39%) to 131 (33%), of which 13 are to be accessible and adaptable in accordance with policy HO4.

- 7.7 The City Council has been working with both universities on the typology of accommodation within PBSA schemes since the SLS was launched in March 2023. Negotiations concerning the development of the application site have been ongoing for approximately 5 years, culminating in the latest iteration which has resulted from significant negotiation and re-design. However, a substantial amount of design development was completed in advance of the SLS and developer assumptions on the mix of accommodation within the PBSA established long before this. The applicant's adjustment to the mix in favour of cluster flats at a very late stage is therefore very much welcomed and, at 67%, is by far the dominant form of accommodation within the scheme. This issue also needs to be balanced against what is considered to be a successful design solution for the site that has proved challenging to resolve, and the fact that the scheme would be fully S106 compliant. The applicant has indicated that there is no possibility to alter the mix further in viability terms and that additional revisions, particularly to the fenestration pattern, may dilute the quality of the building's appearance. The accommodation mix currently proposed is therefore considered to be acceptable.
- 7.8 The proposal therefore complies with Policies A, 2, 5, 7 and 8 of the ACS, Policies RE1, RE2, HO1, HO4, HO5, HO6, DE1 and SA1 (allocation SR63) of the LAPP.

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

- 7.9 Due to its size and significance, the application triggered the need for an Environmental Impact Assessment (EIA). The purpose of the EIA is to ensure that the environmental effects of a proposed development are fully considered and any necessary mitigation measures to be provided are identified before a planning application is determined. The EIA is contained within the Environmental Statement (ES) which has been submitted alongside the application. The scope of EIA has been agreed with officers in advance of its preparation and in this instance the ES specifically examines the impacts of the proposal under the headings of Heritage, Townscape and Visual Impact, Socio-Economic Impact, and Cumulative Impact.
- 7.10 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 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.

#### Heritage

- 7.11 The Heritage chapter includes an assessment of impact on relevant heritage buildings and assets, referred to as a Heritage Impact Assessment. The key groupings of heritage assets and areas are identified are:
- 7.12
- The setting of Nottingham Castle Scheduled Monument and Grade 1 listed

Castle Museum and Art Gallery (the Ducal Palace).

- The Castle Conservation Area and scheduled rock houses to the south of the castle.
- The Nottingham Station Conservation Area and associated listed buildings including the Nottingham Station (Grade II\*).
- The Nottingham Canal Conservation Area and associated listed buildings.
- The Park Conservation Area and associated listed buildings.
- The Old Market Conservation Area and associated listed buildings.
- The listed Church of St George and attached boundary wall are war memorial.
- The Grade II listed Wollaton Hall and registered park and garden.
- The Grade II listed Greens Mill.
- The group of Grade II listed Inland Revenue buildings (now Castle Meadow University Campus).

7.13 The Heritage chapter examines the demolition, construction and operational effects of the development and the direct/ indirect impacts together with the cumulative effects when regarded in combination with consented or other planned schemes. 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. Overall, the development is seen to have negligible or no effect on the significance of the identified heritage assets.

7.14 The proposed development would introduce a further tall building into the urban setting of the Castle and Ducal Palace, which also includes other large scale and taller developments. However, the character and nature of that setting would not change, and as such the addition of the development is considered to lead to a change of negligible degree only. The contribution the urban setting makes to the assets would remain unchanged, with no harm to their heritage significance. It would not prohibit the ability to understand and appreciate them or undermine the contribution that the setting of the heritage assets makes to their heritage significance. Furthermore, it would also not hinder the ability to still experience the southern long-distance views which would remain urban in nature within the foreground. In conclusion, the impact on these high value heritage assets is considered to be of negligible magnitude and effect.

7.15 In relation to the Castle, Station and Canal Conservation Areas and associated listed buildings, the development would introduce a tall building which would be visible within their settings. However, their historic setting has always captured areas of urban development to the south of the City. This change is considered to be negligible and would not diminish the contribution made by the setting to the significance of these heritage assets, or adversely affect the ability to understand or appreciate that significance.

7.16 Finally, with regard to the recently listed former Inland Revenue buildings, it is again concluded that the development would lead to the introduction of a tall building within the wider mixed, post medieval to modern setting of these listed buildings. This would not be a novel introduction as the area has increasingly become more modern in character, especially with the introduction of The Vantage and other developments along Traffic Street which are already visible in views from within this campus. The key views of both these listed buildings and the Castle/Ducal Palace beyond remain unobstructed and unchanged

when approaching from Queens Drive and Wilford Road due to the development sitting to the east.

### Townscape and Visual Impact

- 7.17 This chapter sets out the Townscape and Visual Impact Assessment (TVIA) that has been carried out for the development, both during construction and once completed/operational, and assesses its impact on townscape character areas, including the Castle and Canal Regeneration Basin. In addition, it looks at 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 (High, Medium or Low), the Magnitude of Change (High, Medium, Low or Negligible), and the degree and nature of effects on Significance (Beneficial, Adverse, or Negligible). The visual impact of the development has also been considered alongside other recent developments, including those currently being constructed or with planning permission.
- 7.18 The identified viewpoints are:
- View from Nottingham Castle upper terrace
  - View from Castle Meadow University Campus
  - View from Queens Drive Recreation Ground
  - View from Carrington Street, opposite Nottingham Station
  - View from Wilford Road (looking south)
  - View from Trent Bridge
  - View from the Embankment/Meadows Recreation Ground
  - View from Meadows Way
  - View from Queens Drive
- 7.19 The TVIA concludes that the massing and scale of the development has been designed with the intention of being a focal point within the City, particularly given the site's prominent location in a gateway position at the junction of Queens Drive, Waterway Street West and Wilford Road. It would have a direct effect on the Canal Regeneration Basin and views from Carrington Street, Queens Drive and Wilford Road. There would be a moderate beneficial improvement in the character of the site, changing it from an almost vacant extent of hardstanding to a developed site with a modern building and designed landscaped areas. There would be a minor beneficial effect on the wider Basin due the improvement to the character immediately surrounding the site in conjunction with the ongoing new developments of Traffic Street and Unity Square.
- 7.20 A moderate adverse townscape effect was identified to the Castle Character Area due to the high value of the Castle as a heritage asset and the potential to visually detract from the area as a result of the development. The main visual impact would result from the tower element, which would result in a change in the skyline and would be in addition to the already approved Unity Square which would dominate and conceal a greater proportion of the skyline. The remaining lower sections of the building would remain below the skyline and their massing appears to relate to the existing built form of Traffic Street and, more closely, The Vantage development. Overall, it is considered that the compositional change would be proportionally small when the overall extent of the view is considered.

- 7.21 In two viewpoints from Trent Bridge and the Embankment/Meadows Recreation Ground it was found that the development would have 'negligible' impact. From The Queens Drive Recreational Ground and Meadows way the impact would be 'minor adverse', although not significant. From Carrington Street, Queens Drive and Wilford Road the impact was found to be 'minor beneficial', and from the Castle the impact would be 'moderate adverse'. The overall impact of the proposed development in terms of likely townscape and visual effects as a whole, was deemed to be 'negligible' to 'minor beneficial' and therefore not significant.
- 7.22 A more detailed assessment of the impact upon heritage assets, townscape, visual impact and key views is contained within paragraphs 7.26 to 7.53 of the report.

#### Socio Economic Impact Chapter

- 7.23 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, increased local expenditure and job creation. The development could also act as a catalyst in support of other regeneration proposals across the regeneration area.

#### Cumulative Effects Chapter

- 7.24 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 in terms of the townscape and visual cumulative effects, heritage impact and socio economic impact. It 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.
- 7.25 Overall, it is considered that the environmental information provides an adequate basis for understanding the main likely effects of the development on the environment. 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, the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990)

- 7.26 It is considered that the key material planning consideration for the proposed development concerns the impact of the height and scale of the 17 storey tower on the setting of important heritage assets including Nottingham Castle and the Ducal Palace, the Castle Conservation Area and the former Inland Revenue listed

buildings.

- 7.27 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 townscape enhancement. Traffic Street is characterised by large scale modern buildings which are predominantly 5 to 7 stories with taller buildings landmarking each end of the street. Unity Square, occupied by HMRC, is a 10 storey office building that sits adjacent to Sheriffs Way and Carrington Street, at the eastern end of Traffic Street. Planning permission has also been granted for phase two of this development, which is for a slightly taller office building to be positioned immediately adjacent. At the western end of Traffic Street, opposite the site, The Vantage building rises from 5 to 12 stories at the prominent junction of Queens Drive, Waterway Street West and Wilford Road.
- 7.28 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 site and surrounding area were previously within the former Southside Regeneration Zone and identified as being capable of accommodating a large building, designed to create a focal point on this approach into the City Centre. The City Centre Urban Design Guide has also identified the application site as falling within a 'Zone of Reinvention' where it is expected that a new urban form would emerge, through the introduction of high quality gateway buildings, whilst respecting the wider historic context, and in particular views to/from the Castle. The ES includes images illustrating the impact of the development from a number of key verified viewpoints, including from the Castle and longer distant views from the south, together with the heritage impact assessment and TVIA.
- 7.29 The development has been the subject of significant and lengthy negotiations over a 5 year period concerning its scale, massing and architectural treatment, including the use of 3D contextual modelling. Great weight has been given to its relationship with the Castle and its Conservation Area, the development along Traffic Street and railway to the north, when viewed from Queens Drive, and the recently listed former Inland Revenue buildings. This has resulted in the scheme passing through numerous iterations to reach the proposal now presented for consideration at Planning Committee.
- 7.30 In terms of its scale, form, architectural treatment and materials, it is considered that the latest October 2023 iteration presents a building of appropriate quality which responds to both its historic setting and meets the aspirations of the City Centre Urban Design Guide. The height and position of the tower element reflects its key position and together with The Vantage would create a complementary pair of landmark buildings which would act as a gateway on what is a primary route into the City from the south west. The facades of the 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 its 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 a development which would positively contribute to the character and appearance of this regeneration area and the setting of surrounding heritage assets.

7.31 It has not been possible to position the main entrance from Wilford Road at existing pavement level due to the significant level change on the site and the need for the building to also address the lower frontage to Traffic Street. However, it is felt that both external amenity spaces work well with their respective frontages, and that the level change from Wilford Road is appropriately addressed with steps integrated within the landscaping that would also serve as a seating area.

7.32 Some of the notable design features of the latest revised scheme include:

- A distinct oval form to the main body of the building with the curved aesthetic carried through on the lower wings fronting Traffic Street. This, along with other stylistic elements of the building, has taken reference from the former inland Revenue buildings, designed by Hopkins and now listed.
- The crenulated gold/bronze 'crown' to its top 3 floors references the Nottingham Contemporary and Nottingham's lace history.
- The height and form of the building have been development to create a unified composition with The Vantage. In the primary view along Queens Drive from the west it intentionally presents a slim form that does not unduly intrude on the setting of the Castle and former Inland Revenue buildings to the north.
- The creation of a clear break between the tower and lower element on the building's northern elevation to the railway, allowing the tower to be read as a distinct form.
- The use of a simple pallet of materials – predominantly red brick with stone banding and bronze/gold aluminium cladding featuring as accent materials.
- The creation of hard and soft landscaped courtyards which would further enhance the frontages to both Wilford Road and Traffic Street.
- The incorporation of landscaped roof terraces to each wing.

7.33 The NPPF Glossary Appendix 2 '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"*.

7.34 The significance of the setting of Nottingham Castle and Ducal Palace 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.

7.35 By virtue of the scale and height of the proposed tower, it is recognised that there would be an impact on the setting of the Grade I and Scheduled Nottingham Castle, Ducal Palace, the Castle Conservation Area and setting of the former Inland Revenue buildings. The impact on the wider townscape, city skyline and key views have also been considered in detail in the TVIA chapter of the ES.

7.36 In the TVIA chapter (10.14 to 10.23), when considering the townscape and visual effects as a whole, the majority have been found to be negligible, minor beneficial or to have no effect. As a result, the overall impact has been deemed to be negligible to minor beneficial.

7.37 The proposed development would have a marked improvement on the

appearance and townscape contribution that this currently vacant and hoarded site makes to Traffic Street and its immediate environs. The conclusion was that there would be a moderate beneficial townscape effect on the canal regeneration area as a result.

- 7.38 A moderate adverse townscape effect was identified in relation to the Castle character area, with the main visual impact resulting from the tower and its change to the skyline. However, in southern views from the Castle it was felt that the compositional change is proportionally small when the overall extent of the view is considered.
- 7.39 The Heritage chapter of the ES and its Heritage Impact Assessment (HIA) consider the impact of the development on identified heritage assets. Overall, the development is seen to have no or negligible effect upon their significance.
- 7.40 It is acknowledged that the development would introduce a further tall building in addition to Unity Square into the urban setting of the Castle and Ducal Palace. However, the character and nature of that setting would lead to a change of negligible degree only and would not hinder the ability to experience the long-distance views from the Castle.
- 7.41 In relation to the Castle, Station and Canal Conservation Areas and associated listed buildings, the HIA notes that their historic setting has always captured areas of urban development to the south of the City. Within this context the impact of the proposed change is considered to be negligible.
- 7.42 Finally, in relation to the recently listed Inland Revenue buildings and within the context of the regeneration that has taken place along Traffic Street, including a building of the scale of The Vantage, the change to their setting is considered to be negligible.
- 7.43 Whilst registering concern in relation to earlier iterations, the Conservation Officer is supportive of the current scheme. They conclude that this would have low 'less than substantial harm' in relation to how the height of the building punctures the horizon when viewed from the Castle terrace.
- 7.45 Whilst the scale of the lower elements of the building would be commensurate with the adjacent developments on Traffic Street, it is acknowledged that the 17 storey tower would have a degree of adverse impact on the setting of the Castle and to a lesser extent the former Inland Revenue buildings. However, it is felt that the development would be sufficiently distant from both, particularly the Grade I Castle, to ensure their significance is not undermined and can still be appreciated. The Castle is not dominant in a single view from the south that is aligned with the proposed development, but rather it is seen in views of varying degree within a wide arc from east to west when approaching the southern side of the City Centre. Within this context the proposed development would not diminish an appreciation of its prominence on the City skyline.
- 7.46 Within the panoramic view from the Castle terrace, the development would be seen as one of a limited number of high-rise developments, including Unity Square and The Vantage, rather than forming part of wall of similarly scaled development. The setting of the Castle is now informed by a dynamic urban context of varying scale, with the wider views of the Trent plain and horizon beyond. This would remain the case with the proposed development in place.

- 7.47 It is noted that Historic England in its last response recommend a reduction in the height of the development to 12 stories. This has been their first reference to a specific height reduction despite the original application proposal, submitted in 2022, being greater in height and massing. For the reasons outlined above, officer's assessment is that the impact of the height of the tower would result in low 'less than substantial harm'.
- 7.48 Para 208 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 Castle, its Conservation Area and the former Inland Revenue buildings against the public benefits derived from the proposal.
- 7.49 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.
- 7.50 In this case Section 5 of the applicant's Planning Statement sets out that the less than substantial harm would be outweighed by the social, economic and environmental contributions that the development would make. There are clear benefits to be derived from a scheme that would deliver considerable regeneration benefits. It would see the delivery of this allocated site in the Canal Quarter Regeneration Zone, also designated as a Zone of Reinvention in need of transformation and 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. Following a lengthy period of significant design development, the resulting scheme is felt to be of considerable architectural merit and a positive solution for this long term vacant site that is befitting of a landmark, gateway building.
- 7.51 Furthermore, it would provide public benefit through housing delivery and the continuing need for PBSA as an alternative to the use of the City's family housing as students HMOs. It would deliver high quality student accommodation for both universities. The economic benefits include capital investment, job creation and an uplift in economic output throughout the build period. The environmental benefits of the scheme include the regeneration of a longstanding brownfield site, the provision of new housing in a sustainable location, the delivery of biodiversity net gain and a development with multiple sustainability and/or carbon reduction features.
- 7.52 In conclusion, it is considered that cumulatively these represent a level public benefit that can be weighed against the development's 'less than substantial harm', as set out in Paragraph 208 of the NPPF, and the requirements of sections



66 (1) and (72) 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7.53 The proposed development is therefore in accord with policies 10 and 11 of the ACS, Policies DE1, DE2 and HE1 of the LAPP, the NPPF, and enables the duties placed by sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 to be met.

**Issue (iv) Impact on neighbours and future occupants** (Policy 10 of the ACS, Policies DE1, HO4, HO6 and IN2 of the LAPP)

- 7.54 The scheme has been designed to ensure that there is sufficient distance between habitable rooms windows in the new building and neighbouring properties so as not to cause any undue impact on privacy and light levels, including the adjoining development being constructed on the former Enterprise car hire site and The Vantage PBSA on the opposite side of Traffic Street.
- 7.55 Two roof terraces are proposed for occupants of the building above floors 7 and 12. Access arrangements to these terraces remains to be determined by the applicant however, given the limited size of these spaces and the managed nature of the accommodation, is not considered that they would adversely impact upon the amenities of neighbouring businesses/occupants.
- 7.56 The applicant recognises that there is need for strong management arrangements with PBSA. Accordingly, a management plan is proposed as part of the S106 Planning Obligation to negate issues regarding vehicle ownership and anti-social behaviour 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.
- 7.57 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 would 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.
- 7.58 The proposed accommodation incorporates studios and cluster bedrooms of an appropriate size, and additionally occupants would benefit from the communal indoor and outdoor facilities. The level of amenity provided for occupants complies with policies DE1 and HO6 of the LAPP. Additionally, a condition is proposed to ensure the development meets the requirements of Policy HO4 for accessible and adaptable rooms.
- 7.59 The proposal is therefore in accord with policy 10 of the ACS and policies DE1, HO4, HO6 and IN2 of the LAPP.

**(v) Other matters**

**Highways** (Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)

- 7.60 The site is in a sustainable location close to the train station, tram, bus stops and public car parks. In addition, the scheme incorporates a secure and easily accessible cycle parking facility at lower ground level. There is no parking provision for this development and there would be a restriction within the S106 Planning

Obligation to prevent residents from keeping vehicles within the City. A condition is recommended with regard to student drop-off and pick-up arrangements, which can be adequately managed given the nature of Traffic Street and the limited number of properties that it serves. Highways are satisfied that the proposed development would not pose a risk to highway safety.

7.61 As with other new development along Traffic Street, the agreed S106 contribution towards the improvement of open space/public realm would be directed towards the completion of the recent upgrading of Traffic Street to a more pedestrian friendly environment. This would include re-design of the turning head at the western end of Traffic Street, to create a cohesive area of public realm between the proposed development and The Vantage. Final details of these public realm works would be dealt with by condition, alongside the completion of the necessary highway agreements.

7.62 The requirement for a construction traffic management plan together with other matters requested by Highways can be addressed by condition. The proposal therefore complies with Policies 10 and 14 of the ACS and Policy TR1 of the LAPP.

#### **Archaeology** (Policy 11 of the ACS and HE1 of the LAPP)

7.63 A programme of archaeological works would be required as a condition of planning permission, in accord with policy 11 of the ACS and policy HE1 of the LAPP.

#### **Contamination** (Policy IN2 of the LAPP)

7.64 Environmental Health have raised no objection and have requested standard conditions to deal with the risks associated with ground, groundwater and ground gas contamination of the site. Policy IN2 of the LAPP is therefore satisfied.

#### **Flood Risk** (Policy 1 of the ACS, Policy CC3 of the LAPP)

7.65 The site is located within Flood Zone 2 in accordance with the Environment Agency Flood Map. The Environment Agency (EA) have raised no objections to the proposal regarding flood risk subject to a condition requiring the development being carried out in line with the Flood Risk Assessment and its specific requirements. 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, along with details of surface water management during construction. The proposal is therefore in accord with policy 1 of the ACS and policy CC3 of the LAPP.

#### **Fire Safety**

7.66 The Health and Safety Executive (HSE) are satisfied with the submitted Fire Strategy Report for the revised scheme.

#### **Issue (vi) Planning obligations** (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP and the Open Space SPD and PBSA Affordable Housing Contributions SPD)

7.67 A policy compliant S106 Planning Obligation for the proposed development would be expected to meet the following requirements:

- A financial contribution of £860,532 in lieu of on-site affordable housing provision
- A financial contribution of £520,471 towards the enhancement of public open space/public realm in the surrounding area, in lieu of on-site provision
- Local employment and training opportunities in both the construction and operational phases of development, including a financial contribution of £122,207 towards their delivery
- A student management scheme, to include a restriction on car usage by occupants within the City

7.68 The applicant has agreed to meet these requirements and the scheme is therefore to be fully S106 compliant.

**8. Sustainability / Biodiversity** (Policies 1 and 17 of the ACS and Policies CC1 and EN6 of the LAPP, and the Biodiversity SPD)

8.1 The site has minimal existing ecological value so the development would not be harmful in biodiversity terms. However, there is scope to improve the biodiversity of the site, including the provision of bird and bat boxes, which can be secured by condition, along with a Construction Environmental Management Plan to safeguard the biodiversity of the Tinkers Leen. An informative is proposed to make the applicant aware of the presence of Japanese Knotweed on the adjacent site. The scheme therefore accords with Policy 17 of the ACS and Policy EN6 of the LAPP.

The following sustainability measures are to be incorporated into the scheme:

- Betterment (%) above Building Regulations - The proposal will achieve 4% betterment above Part L Building Regulations.
- BREEAM rating (commercial buildings only) - Excellent.
- Renewable / low carbon energy - Heating and Hot Water to be via Air Source Heat Pumps.
- SUDs / water re-cycling - 72m<sup>3</sup> of cellular storage (SuDs) is to be provided for surface water attenuation. The surface water discharges from site into the existing STW network on Traffic Street are to be restricted to 5.0l/s using a Hydro-brake installed in a Flow Control Chamber, including 100-year plus 40% Climate Change rainfall events. The discharge rate is currently subject to LLFA/LPA approval.
- Reduced water consumption - Water consumption is to be reduced to 110 litres per person/per day through use of low flow sanitaryware, in line with Policy CC1 of the LAPP.

Transport

- Number of parking spaces - No car parking spaces are to be provided.
- Number of EVCPs – None, given no car parking spaces.
- Number of cycle parking spaces - 86.

Waste

- Re-cycling facilities - Refuse store to be provided with 16no. 1100L bins, with an appropriate proportion of these being for recycling.

8.2 The proposal is therefore in accordance with policy 1 of the ACS and policies CC1 and CC3 of the LAPP.

## **9 Financial Implications**

Financial contributions detailed above are in accordance with policy 19 of the ACS and policy IN4 of the LAPP, and the relevant Supplementary Planning Documents.

## **10 Legal Implications**

Under s66 of the 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 s72 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 s72 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.

## **11 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 wheelchair users and lifts are proposed at every stair core.

## **12 Risk Management Issues**

None.

## **13 Strategic Priorities**

Neighbourhood Nottingham: Redevelopment of a brownfield site 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.

## **14 Crime and Disorder Act implications**

The development would enhance natural surveillance in and around the site.

## **15 Value for money**

None.

## **16 List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 22/00188/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R6DGG2LY0MC00>

## **17 Published documents referred to in compiling this report**

NPPF (2023)

Aligned Core Strategies – Local Plan Part 1 (2014)

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

Biodiversity (2020) SPD

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

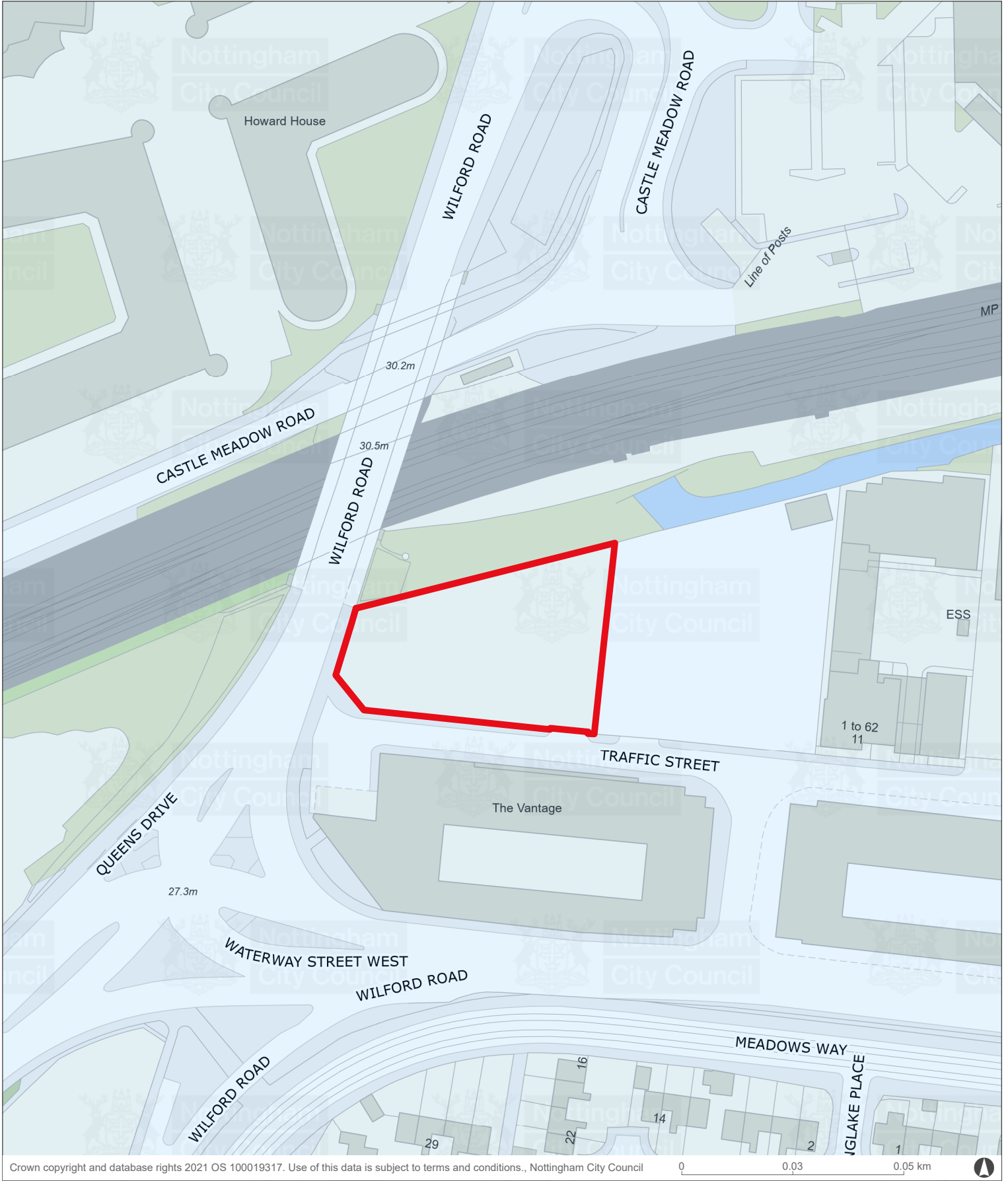
Affordable Housing Contributions Arising from Purpose Built Student  
Accommodation (2021) SPD

**Contact Officer:**

Mrs Jo Bates, Case Officer, Development Management.

Email: [joanna.briggs@nottinghamcity.gov.uk](mailto:joanna.briggs@nottinghamcity.gov.uk) Telephone: 0115 8764041

# Nomad printed map



**Key**  
City Boundary

Printed map generated by a Nomad user on 10/06/2024. This map is not suitable for publishing, for high quality maps please contact [gl@nottinghamcity.gov.uk](mailto:gl@nottinghamcity.gov.uk).

**Description**  
A map printed from Nomad.

**My Ref:** 22/00188/PFUL3 (PP-10541570)  
**Your Ref:**  
**Contact:** Mrs Jo Bates  
**Email:** development.management@nottinghamcity.gov.uk

Development Management  
City Planning  
Loxley House  
Station Street  
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NG2 3NG

Harriet Nind  
Pure Offices  
Lake View Drive  
Nottingham  
United Kingdom  
NG15 0DT

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Date of decision:

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

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Application No: 22/00188/PFUL3 (PP-10541570)  
Application by: Jensco (Wilford Road) Limited  
Location: Cleared Site At Junction Of Traffic Street And Wilford Road, Site Of Laboratories  
Corner Traffic Street, Wilford Road  
Proposal: The erection of a part 7, part 12 (excluding lower ground level), and part 17  
storey building comprising student accommodation and associated access, open  
space and ancillary communal facilities

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

<b>Time limit</b>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>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.</i>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



**DRAFT ONLY**  
**Not for issue**



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

The development shall be carried out in full accordance with the approved Written Scheme of Investigation.

*Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with policy HE1 of the LAPP.*

3. The development shall not be commenced until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority. Provision shall be made for all site operatives, visitors and construction vehicles loading and offloading at the site during the construction period. The Plan shall also include a construction traffic routing agreement and adequate precaution taken to prevent the deposit of mud and similar debris on the adjacent public highway.

The development shall be constructed in accordance with the approved Plan.

*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.*

4. Prior to the commencement of the development, and further to the Phase 1 Site Assessment by Curtins dated 19/11/2018 and the Phase 2 Site Investigation by Curtins dated 19/11/2018, the ground gas monitoring on site shall be completed and a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

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

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

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

**DRAFT ONLY**  
**Not for issue**

5. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail.

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

*Reason: To ensure that the construction of the development has no adverse impact on the adjacent railway line and embankment to accord with policies 10 and 14 of the ACS and policies DE1, IN2 and TR1 of the LAPP.*

6. The development shall not 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 shall 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.*

7. The development shall not be commenced until details for 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 the 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.*

**DRAFT ONLY**  
**Not for issue**

8. The development shall not be commenced until details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment to be provided to the Local Planning Authority.

Where a sustainable drainage scheme is to be provided the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface sewers;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure operation of the scheme throughout its lifetime.

Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

*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.*

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

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

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

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

*Reason: To ensure 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.*

**DRAFT ONLY**  
**Not for issue**

10. Prior to the commencement of above ground development, an finalised environmental noise assessment and sound insulation scheme which has regard to the Noise Impact Assessment by BWB Consulting dated Sept 2023 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 fixed plant and equipment, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition, it shall include predicted noise levels for any [relevant premises which may not currently be operating, and] plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas, 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 L<sub>Amax</sub>(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: 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. Prior to the commencement of above ground development, a large scale sample panel of all proposed materials to be used on the external elevations of the approved development shall be constructed on site and shall be reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials shall also be submitted to and approved in writing by the Local Planning Authority before above ground development commences.

The approved detailed design shall thereafter be implemented prior to the occupation 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 and 11 of the ACS and policies DE1 and HE1 of the LAPP.*

**DRAFT ONLY**  
**Not for issue**

12. No above ground development shall be commenced, other than construction of the concrete frame of the building hereby approved, 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, parapets and plant enclosures;

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

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

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

13. Notwithstanding the approved drawings, no above ground 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 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)

14. The development shall not be brought into use until the public realm enhancement works to the Traffic Street/Wilford Road have been completed in accordance with details that have first been submitted to and agreed in writing. Details shall include the following:

- existing and proposed ground levels along the frontage
- relocation, repair replacement of new items of street furniture, bollards, lighting columns and road signs
- the retention of walls or other boundary treatments
- hard surfacing materials
- tree specifications
- demarcation of adopted highway and privately maintained public realm
- maintenance proposals

*Reason: In the interests of the appearance of the development and to avoid prejudice to traffic conditions within the vicinity of the site, in accordance with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.*

**DRAFT ONLY**  
**Not for issue**

15. 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 proposed boundary treatment shall include trepass proof fencing along the northern boundary with the railway line.

The approved hard surfacing shall be carried out prior to first occupation 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*

16. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 2 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, The details of which shall be submitted to and approved in writing with the Local Planning Authority.

*Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with policy HE1 of the LAPP.*

17. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
  - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

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

18. 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 the development including any mitigation measures has 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.*

**DRAFT ONLY**  
**Not for issue**

19. The development shall not be brought into use until a scheme of ecological enhancement measures, including those integrated within the fabric of the building, has been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of nature conservation in accordance with policy EN6 of the LAPP and policy 17 of the ACS.*

20. The development shall not be brought into use until a verification report carried out by a qualified drainage engineer has been submitted to and approved by the Local Planning Authority. This shall demonstrate that the drainage system has been constructed in accordance with 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 and 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.*

21. 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.*

22. The development shall not be brought into use until a Flood Management Plan (FMP) shall be submitted to and approved by the Local Planning Authority.

The operation of the PBSA shall be carried out in full accordance with the approved Flood Management Plan for the life of the development.

*Reason: To reduce the risk to future occupants in the event of a flood in accordance with policy 1 of the ACS and policy CC3 of the LAPP.*

23. Prior to the occupation of the development a detailed Noise Management Plan shall be submitted to and be approved in writing by the Local Planning Authority.

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

- Minimise noise arising from operational activities by technical and physical means, and through management best practice
- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from any residents
- Regularly review the Noise Management Plan.

*Reason: To ensure an appropriate noise environment for neighbouring and future occupants and to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.*

**DRAFT ONLY**  
**Not for issue**

<p>24. Prior to the first occupation of the development, draft designs for amendments to Traffic Regulation Orders in the area shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The developer shall thereafter pursue an application for the proposed amendments, prior to first occupation of the dwellings.</p> <p><i>Reason: In the interests of Highway Safety and sustainable development in accordance with policies 10 and 14 of the Aligned Core Strategy and policy TR1 of the LAPP.</i></p>
<p>25. The development shall not be brought into use until a Waste Management Plan has been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include provision for the management, storage and collection of waste arising from the development.</p> <p>The development shall thereafter be carried out in full accordance with the Plan.</p> <p><i>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.</i></p>
<p>26. The development shall not be occupied until details of a Student 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.</p> <p>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.</p> <p><i>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.</i></p>
<p>27. External lighting shall not be installed other than in accordance with details that have first been submitted to and approved by the Local Planning Authority.</p> <p><i>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.</i></p>
<p>28. 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.</p> <p><i>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.</i></p>
<p><b>Regulatory/ongoing conditions</b> (Conditions relating to the subsequent use of the development and other regulatory matters)</p>

**DRAFT ONLY**  
**Not for issue**



29. The food and drink provision in the café shall be consistent to a 'coffee shop offer' and shall not require the ventilation and odour abatement systems associated with a commercial kitchen.

*Reason: To ensure that an appropriate amenity environment for future occupants and to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.*

30. The development shall be carried out in accordance with the submitted flood risk assessment (ref WRN-BWB-ZZ-XX-RP-YE-0001\_FRA, NTW-2879\_FRA, Revision P05, 17/10/2023) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 26.06 metres above Ordnance Datum (AOD) as per section 4.3 of the FRA.
- Flood resilience measures to be designed as per section 3.12 of the FRA.
- No essential infrastructure/sleeping accommodation to be located within the basement of the building.

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

Reason(s)

To reduce the risk of flooding to the proposed development and future occupants

*Reason: To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere, to ensure no impediment to flood flow across the site, to ensure Risk Management Authorities/future users/owners of the site can access the watercourse, to enable future flood risk improvements in the area and to ensure development is in accordance with policy 1 of the ACS and policy CC3 of the LAPP.*

31. 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 the Council's Environmental Health department. 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 again be submitted to and approved in writing by 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.*

32. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

*Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.*

**(Note: This condition affects the requirements of the Building Regulations that apply to this development. You must ensure that the building control body responsible for supervising the work is informed of this condition)**

**DRAFT ONLY**  
**Not for issue**

## 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 31 October 2023.

*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

#### 4. 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

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for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

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

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

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

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

#### 5. 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)

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- 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

#### 6. 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.

#### 7. Network Rail

A copy of railway standard informative and standard drainage requirements is attached to this decision notice

Given the size of the building and its proximity to the operational railway environment and adjacent railway structures (for example the road bridge over the railway), it will be imperative that the developer engage with our Asset Protection Team at an early stage to ensure that the scheme can be built without adverse impact to operational railway safety. The proposed building is very close to the railway boundary and the developer should give consideration to how the property can be constructed and maintained in the future without access to operational railway land. Should access to railway land be required, this must be arranged in advance and will need to be supervised at all times. This comes with a cost, which can be high especially if a line closure is required to facilitate such works.

Network Rail

In addition, from the design of the active roof plan, it appears that there may be a football goal incorporated into the scheme. We would strongly recommend that this is removed from the scheme and games of this nature are not encouraged on the roof, as a football kicked over the side of the building at that height could have potentially serious consequences for the surrounding area including the railway infrastructure. If this is to remain, sufficient mitigation measures must be included to prevent this from occurring.

Works in Proximity to the Operational Railway Environment

Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

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## Drainage

It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail. Please note, further detail on Network Rail requirements relating to drainage and works in proximity to the railway infrastructure is attached for your reference.

## Boundary Treatments, Landscaping and Lighting

### Trespass Proof Fencing

Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Due to the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway.

### Landscaping

It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary;

#### Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorn (*Crataegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

#### Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra var. betulifolia*), Lombardy Poplar (*Populus nigra var. italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

### Lighting

Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

### Condition

Detail of any external lighting should be provided to the Local Planning Authority to be approved in conjunction with Network Rail.

## Additional Requirements

### Railway Noise Mitigation

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling.

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Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

## 8. Highways

### 1. Construction Traffic Management Plan (CTMP) & mud on the road

The applicant should provide a CTMP as conditioned. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Network Management via email [highway.approvals@nottinghamcity.gov.uk](mailto:highway.approvals@nottinghamcity.gov.uk). All associated costs will be the responsibility of the developer.

### 2. Highway licences

The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them via [highway.approvals@nottinghamcity.gov.uk](mailto:highway.approvals@nottinghamcity.gov.uk). All costs shall be borne by the applicant.

### 3. Section 278 agreement - highway works

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

### 4. Cycle Parking

The applicant is to contact our cycling team [CyclingTeam@nottinghamcity.gov.uk](mailto:CyclingTeam@nottinghamcity.gov.uk) to progress the cycle parking provision.

### 5. Stopping Up Orders

If required, these are to be pursued and agreed by the applicant in consultation with our expert John Lee (Traffic and Safety) [John.Lee@nottinghamcity.gov.uk](mailto:John.Lee@nottinghamcity.gov.uk)

### 6. Traffic Regulation Orders (TROs)

Prior to occupation of the consented development, it is necessary to amend and introduce Traffic Regulation Orders. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed. For TRO advice and further information the applicant is advised to contact [traffic.management@nottinghamcity.gov.uk](mailto:traffic.management@nottinghamcity.gov.uk).

### 7. Refuse collection

Bins left unattended on our highway are fined and should not block any footway or carriageway. Waste operatives should not need to enter onto private property to carry out refuse collection. The applicant is to contact Jason Martyn [Jason.Martyn@nottinghamcity.gov.uk](mailto:Jason.Martyn@nottinghamcity.gov.uk) in the first instance to liaise on an acceptable waste management strategy and collection agreement to serve the development with all servicing being carried out within adopted highway. To achieve this the applicant is to pursue TROs to support their requirements and be mindful that planning consent is NOT consent within the adopted highway and TROs are subject to separate consultation and legal process.

### 8. Sustainable Transport, Travel Plan & Student Traffic Management Plan

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The applicant is to contact Tim Bellenger [tim.bellenger@nottinghamcity.gov.uk](mailto:tim.bellenger@nottinghamcity.gov.uk) to gain 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.

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## **RIGHTS OF APPEAL**

Application No: 22/00188/PFUL3 (PP-10541570)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

## **STREET NAMING AND NUMBERING**

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

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

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