

Report of Director of Planning and Transport

Site Of 2, Queens Road

1 Summary

Application No: 22/02422/PFUL3 for planning permission

Application by: CMPG on behalf of Zen Nottingham Limited

Proposal: Purpose Built Student Accommodation and associated infrastructure, including demolition of the existing two storey vacant building (west side of the site).

The application is brought to Committee due to its departure from Policy SA1 of the LAPP.

To meet the Council's Performance Targets this application should have been determined by 09.02.2024. An extension of time is to be agreed with the applicant.

2 RECOMMENDATIONS

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

- (i) prior completion of a Section 106 Planning Obligation, to secure the following:
 - a financial contribution of £176,018 towards Affordable Housing in lieu of on-site provision
 - a financial contribution of £106,460 towards the provision or enhancement of off-site Public Open Space or Public Realm, in lieu of on-site provision
 - a Local Employment and Training contribution of £22,595, including targets associated with Local Employment and Training Opportunities
 - 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
- (ii) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report;

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

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a)

necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 Background

- 3.1 The application site extends to approximately 945sqm and forms part of the much larger site allocation SR65 in the LAPP. SR65 is allocated for Offices (B1a), light industry/research & development (B1) with additional uses which could include residential (C3), non-residential institution (D1) and ancillary ground floor uses which could include small scale retail (A1, A2, A3) delivered as integral part of a mixed-use scheme. The application site is partially occupied by a vacant, two-storey building which was originally a cinema auditorium. Abutting this building to the west are 1 Arkwright Street (solicitors office) and 1a and b Arkwright Street. 1a is a derelict vacant building and 1b has a takeaway to its ground floor and flats to its upper floors. Over-sailing the eastern part of the site is the NET tram bridge. Immediately to the south is Tinkers Leen, which is culverted under the derelict cinema building. There are some self-set trees to the southern boundary of the site.
- 3.2 Across Queens Road to the north is the Nottingham Train Station, a Grade II * listed building. Further to the east of the NET Bridge is the 10 storey Picture Works building which accommodates retail/commercial units at ground floor level and apartments above. To the south of Tinkers Leen is a vacant site which has previously been given granted planning permission for an office building known as Crocus Place.
- 3.3 The site sits within the Station Conservation Area. Meadows Mill is a further listed building in the vicinity of the site; this is located to the east of the Picture Works. The site is underlain by a principal aquifer and is located in Flood Zone 2. Queens Road forms part of the inner ring road system and there are no stopping regulations in force outside the frontage of the site. The site also sits within the Canal Quarter regeneration area.
- 3.4 Planning permission was granted (25th September 2020) under planning application 19/00936/PFUL3 for the erection of a nine and six storey building to provide 39 no. apartments (C3) and 2 no. ancillary commercial units (A3 and / or B1); formulation of new dropped kerb vehicular access from Queen's Road for servicing area; and, associated hard and soft landscaping works.

4 Details of the proposal

- 4.1 Planning permission is sought for construction of purpose-built student accommodation (PBSA). The scheme is largely the same as the 19/00936/PFUL3 permission but now proposes student accommodation in place of apartments. The ground floor commercial units proposed under 19/00936/PFUL3 have also been removed from the scheme.
- 4.2 The proposed building would sit to the back edge of the pavement and the ground floor uses have been arranged to provide an active frontage to Queens Road. The building has been divided into 2 elements, with 9 storeys adjacent to the NET bridge and 6 storeys next to 1 Arkwright Street. The 9-storey element is proposed in a grey/brown brick and the 6-storey element a red brick. Stone detailing is proposed below the first floor of the 9-storey element to strengthen the base of this

element of the building. Both the 9 and 6 storey elements have deep reveals to their upper floor windows and to the top of the building, their parapets incorporate a recessed line of brick detailing and stone capping. The western side of the building would be largely obscured by 1 Arkwright Street and only the upper floor would be visible over the roof of this adjacent building.

- 4.3 The scheme would comprise 31 studios and 50 cluster beds. The cluster beds would be provided as 10 x 5 bed cluster flats, their bedrooms would range in size from 12.5 sqm to 17.3 sqm, with living areas of approximately 21.8 sqm (about 4.4 sqm of communal living space per person). The studios would range in size from 18.5 sqm to 23.3 sqm. On the ground floor is proposed approximately 116.4 sqm of additional communal space for all occupants (equivalent to 1.4 sqm per person). A laundry room, plant rooms and bin store are also proposed on the ground floor. To the eastern side of the building a service yard is proposed which would include temporary parking spaces for loading and unloading, as well as a cycle store. This yard would be accessed off Queens Road. A patio area would be provided to the rear of the site which would overlook the un-culverted part of the Tinkers Leen. An outdoor roof terrace is also proposed to the roof of the 6-storey element of the building, whilst plant and solar photovoltaics are shown to the roof of the 9-storey element.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

Neighbouring properties within the Picture Works and on Arkwright Street have been notified of the development. The application has also been publicised through a site and press notice. 1 letter of representation has been received which raises the following matters:

- Close proximity to neighbouring properties on Arkwright Street
- Need to respect right to light and party wall matters and request that developers liaise with owners/occupiers of neighbouring property
- Concerns with sewage capacity
- Over development of the site

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections. Have requested conditions to secure an air quality impact assessment, remediation strategy, environmental noise assessment (with sound insulation and ventilation scheme) for noise and vibration and plant, and an environmental vibration assessment. Additionally, they have requested a condition in relation to piling and noise and dust management during construction.

Environment Agency (EA): No objections. As the site falls within flood zone 2, national flood risk standing advice should be applied. This advice covers finished floor levels, use of flood resilient materials, provision of flood resilience measures, to ensure that appropriate management measures are in place in the event of flooding, and that there is safe access and egress from developments.

The EA have noted that the development does not propose to un-culvert the Tinkers Leen which is an aspiration of Policy EN5 of the Local Plan. They have also highlighted the impact of culverting on biodiversity and protected species.

Lead Local Flood Authority (LLFA): Have expressed concerns over the height of the finished ground floor level, and the robustness of the Flood Risk Assessment in relation to the Tinkers Leen. They have raised queries in relation to the management of ground water and sewage, and the potential of flooding from these sources. They have also requested details of flood resilience and mitigation measures and a flood management plan. Additionally, a comprehensive construction management plan will be required, together with measures to safeguard the culvert. The LLFA have advised that any works in or nearby an ordinary watercourse may require consent under Section 23 of the Land Drainage Act (1991), which is in addition to the planning application process.

Upon the advice of the LLFA, comments were sought from the EA in regard to the flooding relationship between Tinkers Leen and the River Trent. However, the EA have expressed no concerns in relation to this.

Health and Safety Executive (HSE): Originally objected to the scheme in relation to fire risk. Revisions have been made to address the HSE concerns; a revised Fire Safety Report has been submitted which has been reviewed by the HSE, who advise that they are content with the conclusions of the report.

Highways: No objection subject to conditions relating to the parking/loading and unloading of construction vehicles, preventing construction debris entering the highway, the design of the access and ensuring vehicles can enter and leave the site in forward gear, the making good redundant footway crossings, providing cycle parking and bin storage, and measures to promote sustainable transport.

NET: Have raised concerns regarding the potential for vehicular movements beneath the tram bridge and have requested conditions relating to the creation of a protection zone, the provision of a method statement to cover construction, the provision of a cycle store, provision of 24 hour access for the NET, and measures to limit damage to NET assets. They have also requested that residents be provided with tram season tickets.

Ecology: Request pre-commencement conditions requiring a method statement and construction environmental plan to ensure that appropriate mitigation is provided should protected species be found, and to safeguard the Tinkers Leen.

Carbon Neutral Team: Welcome the re-use of a brownfield site. Building fabric first approach mentioned, but more details are required.

University of Nottingham: Concerns were raised with the scheme as only studio accommodation was initially proposed, which would conflict with the university's Student Living Strategy. Following discussions with the universities the applicant has revised the scheme to incorporate cluster flats within it.

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, beautiful 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 the conservation area.

Aligned Core Strategies (ACS) (2014):

Policy 1: Climate Change
Policy 5: Nottingham City Centre
Policy 8: Housing
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 Opportunities
Policy RE1: Facilitate Regeneration
Policy RE2: Canal Quarter
Policy HO1: Housing Mix
Policy HO3: Affordable Housing
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 HE1: Proposals affecting designated and non-designated assets
Policy TR1: Parking and Travel Planning
Policy EN2: Open Space in New Development
Policy EN5: Development Adjacent Waterways
Policy EN6: Biodiversity
Policy IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions
Policy SA1: Site Allocations

Site Allocation SR65 - Canal Quarter- Arkwright Street East

Supplementary Planning Policy Documents:

Station Conservation Area Character Appraisal and Management Plan (April 2008)

This notes that the combination of transport corridors has divided the Conservation Area into a series of relatively large and often impenetrable urban blocks that typify the overall character of the Conservation Area. The appraisal identifies the Station as the principal building in the Conservation Area. It also advises that the Conservation Area offers the potential for higher buildings in the vicinity of the Station subject to a considered analysis on the local context and important views.

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 City Centre Urban Design Guide (May 2009)

Although not a statutory document that is part of the development plan, this guide provides a physical framework and promotes the highest standard of urban design and architecture for the city centre. The area in which the development falls has been identified as a 'Zone of Reinvention' in the Urban Design Guide. In this area of the City buildings of ground plus 4 are envisaged due to its sensitive location and need to respect longer views adjacent to the Meadows residential area.

7. Appraisal of proposed development

Main Issues

- (i) Principle of the development
- (ii) Building design including impact on the character and appearance of the Station Conservation Area and adjacent Listed Buildings
- (iii) Impact on neighbours and future occupants
- (iv) Other matters
- (v) Planning obligations

(i) Principle of the development (Policies 5 and 8 of the ACS, Policies RE1, RE2, HO1, HO5, HO6 and SA1 (allocation SR65) of the LAPP)

- 7.1 The proposal is for the redevelopment of a derelict and unsightly brownfield site that will assist the continued regeneration of the Canal Quarter and therefore supports Policy 5 of the ACS and Policies RE1 and RE2 of the LAPP. The scheme is also largely the same as the one approved under permission 19/00936/PFUL3, other than the change in type of residential accommodation to be provided and loss of commercial units. However, the proposal is a departure from Policy SA1 (allocation SR65) as purpose-built student accommodation does not form part of the uses listed as being acceptable under the site allocation policy, of which 2

Queens Road is a part. Despite this, the individual characteristics of the site suggest that the site is suitable for PBSA, as there is a mix of commercial and residential uses in the immediate area including other new build apartment and PBSA schemes, the site is also close to the many facilities on offer within the City Centre, and directly adjacent to multiple public transport options. Additionally, it is noted that Policy RE2 does not preclude student accommodation where it is compatible with the activity of nearby uses. As the proposal is compatible with its context and that there is need for student accommodation (particularly schemes that provide cluster beds), the proposal will accord with Policy 8 of the ACS and Policies HO5 and RE2 of the LAPP.

- 7.2 The proposal would involve the redevelopment of a small part of site allocation SR65 which also incorporates the existing buildings on the corner of Arkwright Street and Queens Road, the Crocus Place site, Crocus Mill buildings and a further vacant site between Crocus Street and Waterway Street. The other areas of this allocation have a planning history that relates to either office or apartment use. 2 Queens Road is the smallest parcel, separated by the Tinkers Leen, and therefore capable of being developed without prejudicing the delivery of the rest of this allocation for the uses it has primarily been designated for.
- 7.3 It is also felt that the proposal would not cause harm to existing businesses in the area and would enhance the frontage to the Tinkers Leen, which would also accord with Policy RE2 of the LAPP.
- 7.4 It is therefore concluded that the proposal complies with Policies 5 and 8 of the ACS and Policies RE1, RE2, HO1, HO5 and HO6 of the LAPP. Whilst not in full accordance with Policy SA1 (allocation SR65), this is outweighed by other material considerations and the merits of the proposal in this particular case.

(ii) Building design including impact on the character and appearance of the Station Conservation Area and adjacent Listed Buildings (Policies 10 and 11 of the ACS, Policies RE1, RE2, DE1, DE2 and HE1 of the LAPP, the NPPF and Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990)

- 7.5 The material heritage related considerations regarding the proposed development are its scale, height, and appearance in relation to neighbouring buildings, and how it responds to the local heritage context. The scale, height and appearance of the scheme are largely the same as the 2019 proposal, which in itself was altered to address concerns raised by officers, the Conservation Officer, Civic Society and Historic England at that time.
- 7.6 The site is within the Station Conservation Area, its southern boundary extending to the Tinkers Leen. Opposite the site to the north is the Nottingham Train Station, a Grade II * Listed Building. The other nearby listed building, Meadows Mill (48-50 Queens Road), sits to the eastern side of the Picture Works and on that basis, it is felt that the proposed development would not directly affect the setting of Meadows Mill.
- 7.7 With regards to the impact of the proposal on the local heritage context, the relevant aspects for consideration are:
- Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the duty this places on having 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. In this instance, the relevant listed building is the Nottingham Train Station;

- Section 72 of the afore mentioned 1990 Act, and the duty this places on having regard to the desirability of preserving or enhancing the character or appearance of the Station Conservation Area;

- The impact on the setting of the Old Bank Building as a non-designated heritage asset within the Station Conservation Area; and

- The level of harm created by the impact of the proposal on local heritage assets.

- 7.8 The NPPF Glossary 'Setting of a Heritage Asset' indicates 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.
- 7.9 The setting of Nottingham Station is defined by how the building is appreciated in its local context. Nottingham Station is a relatively low-rise building with a high townscape value created by the architectural flourishes of its Neo-Baroque design and the townscape value of its landmark central clock tower. Its historic setting was created by its association with historic buildings of a similar date and scale within the Station Conservation Area.
- 7.10 It is considered that the new building would be located sufficiently to the east to avoid significantly affecting views of the Station Clock Tower from the south, in particular along Queens Walk. Additionally, in views south along Carrington Street the new building would similarly be positioned sufficiently to the east to avoid significantly impacting the Station Clock Tower.
- 7.11 When looking down Queens Road from its junction with Carrington Street, the new building would be seen sitting opposite to the corner of the main Station building and the former Police Station associated with the site. It is felt that the design and height of the new building, at 6 and 9 storeys, would feel appropriate given the height and character of the buildings along the southern side of Queens Road. The proposal would have limited impact on longer views of the Station and its Clock Tower as described above and would not compete with the Station in the immediate streetscape. Therefore, in relation to the statutory duty of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the setting of the Station would be preserved and that any harm would be less than substantial.
- 7.12 The character and appearance of the Old Bank Building would also not be significantly affected by the proposal. This neighbouring building is of stone and brick construction and has ornate detailing of the Edwardian Baroque style. It also has a robust ground floor to its Queens Road frontage which provides a base for the colonnade above. The 6-storey element of the proposed building would sit on the same building line as the Old Bank Building and its red brick frontage would blend with the red brick to the first and second floors of its neighbour. Whilst the proposed building would be a storey taller than the Old Bank Building, the difference in height between the two would be lessened by the deep and very

detailed parapet to the Old Bank Building. Overall, it is considered that the proposal would cause less than substantial harm to the setting of the Old Bank Building.

- 7.13 The Nottingham City Centre Urban Design Guide identifies the application site as falling within a Zone of Repair, where new development is expected to respect and repair the historic character of the area. The Station Conservation Area Character Appraisal and Management Plan recognises that whilst the preservation and enhancement of the Conservation Area's historic environment is important, there is an opportunity to promote regeneration and development initiatives. Policy RE2 indicates the need to make better use of the Tinkers Leen waterway by improving its visibility and access to it. It is also noted that the Station Conservation Area Character Appraisal and Management Plan Conservation indicates that the Area offers the potential for higher buildings in the vicinity of the Station, subject to a considered analysis of the local context and important views.
- 7.14 The site is currently of very poor townscape quality within the Station Conservation Area and has a negative impact on the character and appearance of the area. The proposal would repair the streetscape of Queens Road and respect the character and appearance of surrounding buildings. As stated above, the massing and scale of the building are considered to be an appropriate design response in relation to the Station opposite and Old Bank to the west. The scale of the building is also similar to that of the 10 storey Picture Works to the east of the site. In longer views of the Station Conservation Area from the Castle, the lower red brick building would only just be visible above the Law Courts, whilst the use of a grey/brown brick in the taller 9 storey element would not be easily distinguishable from the Picture Works building. The scale and density of the building is also felt to be appropriate for a site in such close proximity to the Station, taking advantage of this being the foremost transport hub and interchange for the City. Additionally, the proposal makes the most of its frontage to the Tinkers Leen, providing an active frontage with a terrace that allows residents of the scheme to utilise this space next to the waterway. The scheme also proposes new planting to the edge of the Tinkers Leen.
- 7.15 Overall, it is felt that the redevelopment of this derelict site and the proposed design would enhance the character and appearance of the Station Conservation Area. The scheme satisfies the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a building or land in a Conservation Area in accordance with section 72 of the Planning (Listed Buildings And Conservation Areas) 1990 Act. With regard to the NPPF and Policies 11 of the ACS and HE1 of LAPP, the impact of the proposal on the character and appearance of the Conservation Area is considered to be of less than substantial harm. As the harm caused to local heritage assets is less than substantial, the afore mentioned policies require this level of harm to be weighed against the public benefits of the scheme. These policies indicate that if the public benefits of a scheme clearly outweigh the harm caused, then the proposal is considered to be acceptable.
- 7.16 Policies RE1 and RE2 of the LAPP recognise the strategic importance of the area that the site sits within; the Canal Quarter, with the Station at its heart. The redevelopment of this area is key to inward investment and economic prosperity of the City. Redeveloping this derelict site in close proximity to the Station would therefore, greatly assist the regeneration of the area. The less than substantial harm caused by this development in relation to its impact on the setting of the Station, the Old Bank Building and the Station Conservation Area, would therefore be outweighed by the public benefit that the proposal brings in regeneration terms.

The proposal therefore accords with Policy 11 of the ACS, Policies HE1, RE1 and RE2 of the LAPP and the NPPF, and enables the duties placed by sections 66 (1) and 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 to be met.

- 7.17 Policies 10 of the ACS and DE1 and DE2 of the LAPP require consideration of the proposal against design criteria that take account of whether a development would respect and enhance the streetscape, townscape and character of an area. They indicate the need to pay particular attention to aspects such as scale, mass and historic views. As discussed above, the proposal would have a positive impact on the character of the area, its townscape and streetscape. It is also of an appropriate scale and mass and respects historic views. The proposal therefore accords with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

(iii) Impact on neighbours and future occupants (Policies HO6, DE1 and IN2 of the LAPP)

- 7.18 It is considered that there is sufficient distance between the new building and neighbouring properties so as not to cause any undue impact on privacy and light levels, including the similarly sized Picture Works on the opposite side of the NET Bridge. 1a Arkwright Street does have east facing windows that face onto the site, however the new building would not project far enough south to adversely affect these. Rights to Light and Party Walls are civil matters and are not material planning considerations.
- 7.19 A student accommodation management plan can be secured by S106 obligation, which would assist in managing noise and disturbance at the site and safeguard the amenity of any neighbouring residential properties.
- 7.20 The site is located within the City Centre and an area of high density where there are a number of comparable tall buildings. As such, it is not considered that the proposal represents overdevelopment of the site.
- 7.21 Conditions have been recommended by Environmental Health and Safer Places to ensure that construction works do not cause undue disturbance, noise, or dust for neighbouring occupants. Only vehicular movements associated with servicing would take place once the development is occupied, which would not represent a significant level of traffic movement. The site is located within the City Centre and as such there will already be a degree of background noise and disturbance. It is not considered that the proposal would add greatly to this.
- 7.22 The proposed accommodation incorporates studios and cluster bedrooms of an appropriate size, and additionally occupants would be provided with sufficient indoor and outdoor communal space. The level of amenity provided to occupants complies with Policies DE1 and HO6 of the LAPP.
- 7.23 It is noted that Environmental Health and Safer Places have raised no objection to the development in relation to its proximity to the NET line and have agreed that a vibration assessment can be conditioned. Along with the additional conditions they recommend, it is considered that the amenities of future occupants of the building would be adequately protected. It has also been concluded that the proposed development would have an acceptable relationship with the approved office building at Crocus Place to the south, for occupants of both buildings.

- 7.24 Overall, therefore, the proposal raises no undue amenity concerns for either neighbouring properties or future occupants of the development, in accord with Policies HO1, DE1 and IN2 of the LAPP.

(iv) Other matters

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

- 7.25 The site is in a sustainable location close to the train station, tram, bus stops and public car parks. The provision of the service yard to the east of the building would enable the site to be serviced without vehicles impeding the flow of traffic along Queens Road. The use of conditions suggested by Highways and the NET would also assist in ensuring that there is no adverse impact on the highway and that the NET line is safeguarded during construction and subsequently. However, the request for tram season tickets for future occupants of the development is not considered to be justified in planning terms. A total of 42 cycle spaces are proposed, which exceeds the minimum amount of 36 spaces required by Policy TR1 and set out in Appendix 1 of the LAPP. The proposal therefore complies with Policies 10 and 14 of the ACS and Policy TR1 of the LAPP.

Contamination (Policy IN2 of the LAPP)

- 7.26 Environmental Health and Safer Places 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, Sewers and Tinkers Leen (Policy CC3 and EN5 of the LAPP)

- 7.27 The Environment Agency (EA) have raised no objections to the proposal regarding flood risk. Whilst the Lead Local Flood Authority have raised concerns over finished floor levels, the impact of the development on surface water drainage and the Tinkers Leen, the issues can be addressed using conditions and as such, Policy CC3 of the LAPP is therefore satisfied.
- 7.28 The EA have queried the acceptability of retaining the Tinkers Leen as a partially culverted watercourse, with reference to Policy EN5 of the LAPP. Policy EN5 states that where feasible and viable, waterways should be un-culverted. However, in this instance and given the particularly small and constrained nature of the site, this has not been found to be feasible.
- 7.29 In relation to the comments received regarding sewer capacity, the LLFA have requested further details in this regard which can be addressed by condition, and separate consent would also be required from Severn Trent.

Planning Obligations (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP, and the Open Space and Affordable Housing Contributions arising from PBSA SPD)

- 7.30 A policy compliant planning obligation for the proposed development would be expected to provide a total financial contribution of £305,073, comprising the following:
- a financial contribution of £176,018 towards Affordable Housing in lieu of on-

site provision

- a financial contribution of £106,460 towards the provision or enhancement of off-site Public Open Space or Public Realm, in lieu of on-site provision
- a Local Employment and Training contribution of £22,595, including targets associated with Local Employment and Training Opportunities

7.31 The applicant has agreed to pay the contributions in full.

7.32 A Student Management Plan is also to be included as part of the S106 Planning Obligation. This would include contact details for those responsible for managing the behaviour of future residents, provisions to prevent students from keeping a motor vehicle in the City whilst in occupation at the accommodation, and arrangements for waste and litter management.

7.33 As the developer has agreed to pay the full contributions the scheme will comply with Policy 19 of the ACS and Policy IN4 of the LAPP, as well as HO3, EN2 and EE4 of the LAPP.

8. Sustainability / Biodiversity (Policies 1 and 17 of the ACS, Policies CC1, CC3 and EN6 of the LAPP, and the Biodiversity SPD)

8.1 Conditions can be used to secure the provision of an ecology method statement and a Construction Environmental Management Plan, which would safeguard the biodiversity of the Tinkers Leen and ensure that the requirements relating to protected species can be met. Provision of a landscaping scheme and measures to enhance biodiversity would enhance the biodiversity of the 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:

Building

- Betterment (%) above Building Regulations – The proposal will achieve 6.5% betterment above Part L Building Regulations
- Renewable / low carbon energy - There will be roof-mounted PV arrays.
- Photo Voltaic Panels - There will be a minimum 40 sqm PV panel array at roof level.
- SUDs / water re-cycling. None proposed
- Reduced water consumption - Water consumption will be reduced to 110 litres per person/per day through use of low flow sanitaryware. With such measures, the target a water consumption rate of 110 litres/ person/day in line with Policy CC1 of the Local Plan.

Transport

- Number of parking spaces - No permanent car parking spaces are to be provided, to allow service vehicles to enter and leave in forward gear.
- Number of EVCPs - No EVCP to be provided as no permanent car parking spaces are to be provided.
- Number of cycle parking spaces - 42 spaces.

Waste

- Re-cycling facilities - 8 no 1100 litre storage bins will be provided within the refuse area with facilities for the separation and recycling of waste.

8.2 Given that the scheme has yet to be designed to a sufficiently detailed stage, further details of the proposed sustainability strategy are to be required by condition. 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 as detailed above are in accordance with policy 19 of the ACS and policy IN4 of the LAPP, other noted policies and the relevant Supplementary Planning Documents.

10 Legal Implications

Under s 66 Planning (Listed Building and Conservation Area) Act 1990, in determining an application which affects a listed building or its setting, the local planning authority, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The duty in s66 of the Planning (Listed Building and Conservation Area) Act 1990 must also be considered as a material consideration in the planning balance.

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

A finding of harm to the setting of listed buildings is a consideration to which the Committee must give "considerable importance and weight, when weighing up the harm, against any benefits or countervailing factors. However, that does not mean to say that a strong presumption against granting permission for development that would harm the listed building and or its setting, cannot be outweighed by substantial public benefits so as to rebut that presumption.

It is also necessary for a Local Planning Authority, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, as designated heritage asset, under section 72 of the Planning (Listed Building and Conservation Area) Act 1990, when determining a planning application within a conservation area.

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

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

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

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: 22/02422/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RMZ29RLYFY100>

17 Published documents referred to in compiling this report

NPPF (2021)

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

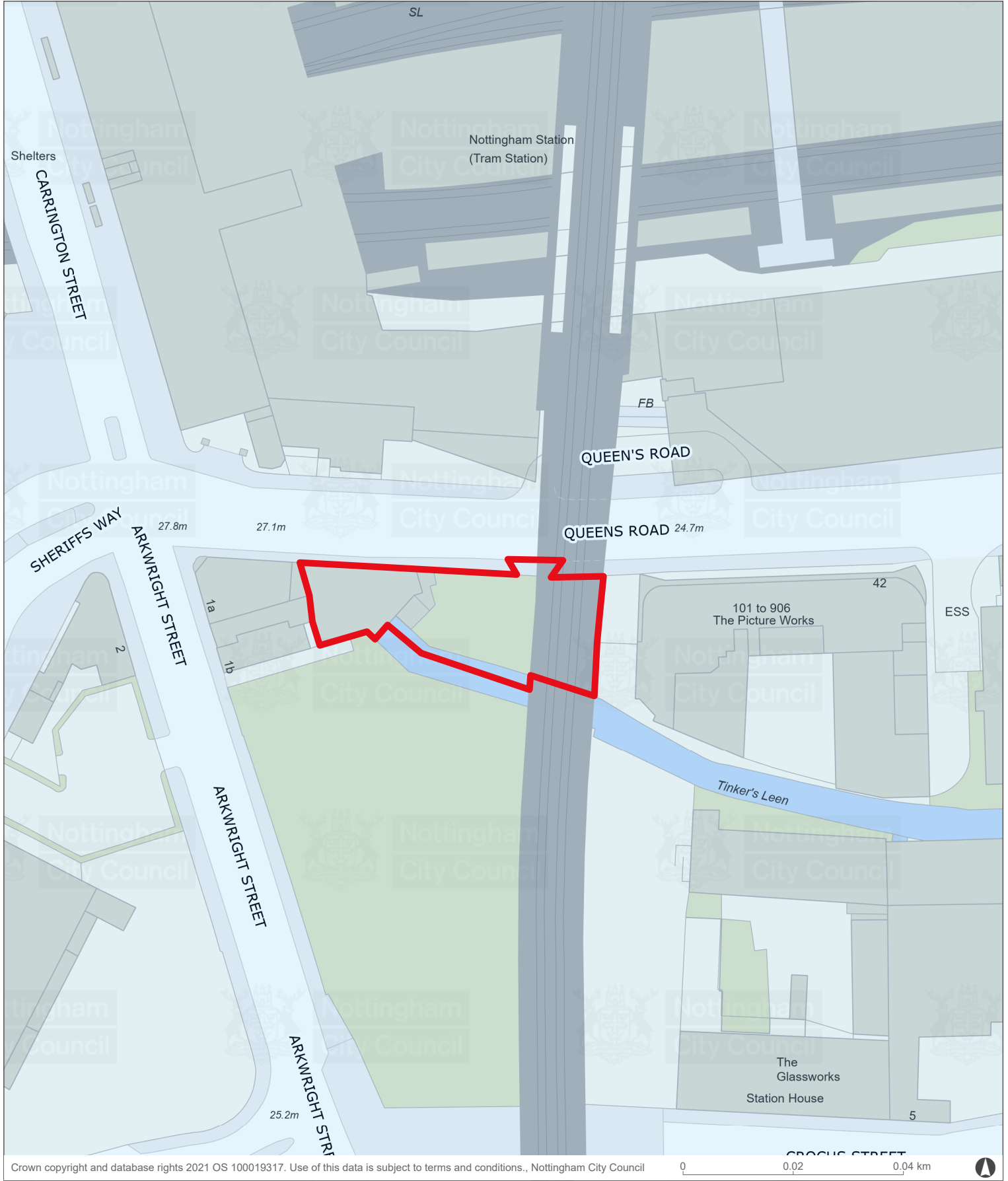
Affordable Housing Contributions Arising from Purpose Built Student
Accommodation (2021) SPD

Contact Officer:

Mrs Jennifer Curry, Case Officer, Development Management.

Email: jennifer.curry@nottinghamcity.gov.uk. Telephone: 0115 8764027

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0 0.02 0.04 km



Key



City Boundary

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Description

A map printed from Nomad.



Nottingham
City Council

My Ref: 22/02422/PFUL3 (PP-11629748)

Your Ref:

Contact: Mrs Jennifer Curry

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
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CPMG Architects
FAO Nick Gregory
13 St Peters Gate
Nottingham

Date of decision:

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

Application No: 22/02422/PFUL3 (PP-11629748)
Application by: Zen Nottingham Limited
Location: Site Of 2, Queens Road, Nottingham
Proposal: Purpose Built Student Accommodation and associated infrastructure, including demolition of the existing two storey vacant building to the west of the site

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

Time limit

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

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

Pre-commencement conditions

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

2. Prior to the commencement of development (including demolition, ground works and vegetation clearance) a Method Statement relating to bats shall be submitted to and approved in writing by the Local Planning Authority. The statement shall provide for the surveying of the site/buildings for bats and include appropriate mitigation measures and timescales should bats/roosts be found on site/buildings.

The approved Method Statement shall be implemented in accordance with the approved details and timescales.

Reason: To ensure that protected species associated with the site are safeguarded to comply with Policy 16 of the ACS and Policy EN6 of the LAPP.



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

DRAFT ¹ ONLY
Not for issue

Continued...

3. Notwithstanding any submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP), in relation to the Tinkers Leen has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
- i. Risk assessment of potentially damaging construction activities;
 - ii. Identification of 'biodiversity protection zones';
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - v. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - vi. A non-native invasive species protocol (e.g. for Japanese knotweed) should any be found;
 - vii. The times during construction when specialists ecologists need to be present on site to oversee works;
 - viii. Responsible persons and lines of communication;
 - ix. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
 - x. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works; and
 - xi. The submission of a verification report by the EcOW or similarly competent person(s) to the LPA at the end of the construction period.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that the biodiversity of the Tinkers Leen is safeguarded during the construction of the development to comply with Policy 16 of the ACS and EN6 of the LAPP.

4. Prior to the commencement of development, a construction management plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include details of the following:
- (i) Measures to accommodate all vehicles associated with site operatives, and visitors on site, or elsewhere in the vicinity of the site;
 - (ii) Measures to accommodate construction vehicles loading, offloading, within the site details for the use of banksman in relation to large loads during the construction period, to ensure that vehicles delivering to the site do not wait/park on the highway, or affect traffic flow on Queens Road;
 - (iii) Hours of delivery, which shall be outside of peak commute times;
 - (v) Plan showing the location of storage of materials, welfare units and plant/machinery on site during construction, including details of the height of such items;
 - (vi) Plan showing the location of temporary enclosures and gates erected during construction phase to secure the site together with details of type and height.
 - (vii) Plan showing the proposed location and dimensions of the vehicular access to the site during construction;
 - (viii) plan showing the location of a protection zone to be established adjacent to the NET structure into which no vehicles, plant or machinery can encroach and details of protective measures to be provided to the NET Bridge during the construction phase to ensure that no damage takes place to this structure;
 - (ix) details for allowing 24 hours access to be made available to NET to enable maintenance and inspections of the structure during the construction phase, easements around the structure shall be maintained at all times; and
 - (x) Measures to prevent mud and debris being deposited on local highways.

The development shall be implemented in accordance with the approved details and measures shall be retained on site until construction works have been fully completed.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and NET and has no significant impact on neighbouring properties to accord with Policy TR1 of the LAPP.

5. Prior to the commencement of development, a scheme for the management of surface and ground water during construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be provided shall also include measures to protect the water quality and structural integrity of the Tinker Leen (both the open and culverted channel) during construction.

Surface and ground water shall be managed in accordance with the approved details during the course of construction and approved mitigation measures shall remain in place until the development is completed.

Reason: To ensure that the construction of the development does not increase the risk of flooding elsewhere to accord with Policy CC3 of the LAPP.

6. Prior to the commencement of development, a survey of the open and culverted channel of the Tinkers Leen within and along the boundary of the site together with a condition assessment shall be undertaken, and a report detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i) findings of the survey;
- ii) details of the condition survey and assessment conclusions;
- iii) details of the proposed foundations of the building adjacent to where the Tinkers Leen passes under Queens Road; and
- iv) assessment of the development impact on the structural integrity of the open channel and culvert, together with mitigation measures, including design details to safeguard the structural integrity of the open channel and culvert following development and timetable for implementing any proposed mitigation measures.

The approved mitigation measures to safeguard the structural integrity of the open channel and culvert shall be provided in accordance with the approved design details and timescales.

Reason: To ensure that the Tinkers Leen is safeguarded, so that the proposal accords with Policy CC3 of the LAPP.

7. Notwithstanding any submitted details, prior to the commencement of development precise details of the mitigation and flood resilient measures to be incorporated into the design and fabric of the proposed building, including measures to protect the proposed sub-station and other building services against failure during a flood event, shall be submitted to and approved in writing by the Local Planning Authority.

The design of the mitigation and flood resilient measures shall demonstrate that consideration has been given to the impact of flooding along the River Trent and the Tinkers Leen on the site and the proposed building.

Thereafter the development shall be completed in accordance with the approved details prior to the development being first occupied.

Reason: To reduce likelihood of risk to occupants and the building in the event of flooding on site or within the building, so that the proposal accords with Policy CC3 of the LAPP.

8. Notwithstanding any submitted details, prior to the commencement of development, a scheme for the management of surface, ground, and foul water within and from the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme to be submitted shall make provision for and include the following information:

- i) Surface water discharge rates shall be designed to be below 5s/l;
- ii) Measures to reduce the flow of surface water from the site and increase on-site surface water storage capacity, whilst ensuring that such measures do not increase the risk of flood risk elsewhere;
- iii) Details of the surface water drainage levels across the site;
- iv) All micro drainage calculations and results
- v) Details, including mapping, of exceedance routes and demonstration that neighbouring land shall not be impacted by run-off from the development
- vi) Details of how surface water (including from roof top and service yard) is to be treated and discharged from site to prevent water pollution and to ensure that water is discharged appropriately from site;
- vii) Measures to manage ground water at the site to reduce/eliminate the risk of increased flood levels because of ground water;
- viii) Measures to manage foul water within the site to eliminate the risk of flood waters being contaminated and the mitigation measures to be provided in the event of foul water management system failures, together with details of the future management, maintenance and responsibilities relating to the foul water management scheme; and
- ix) Details of the storm sewer interaction with the Tinkers Leen and proposed mitigation measures to prevent excess surface water run off and increasing the risk of flooding elsewhere; and
- x) Details of any outfall structures to be provided to the Tinkers Leen.
- xi) Timetable for providing any mitigation measures to deal with surface, ground, and foul water at the site.

Thereafter the development shall be completed in accordance with the approved details and within the agreed timescales.

Reason: To ensure that surface water, ground water and foul water is appropriately managed to reduce the risk of flooding on site and elsewhere and to ensure that surface water, ground water and water within the Tinkers Leen is safeguarded, so that the proposal accords with Policy CC3 of the LAPP.

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

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

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

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

Reason: To safeguard the residential amenity of occupants of existing neighbouring properties to accord with Policy IN2 of the LAPP.

10. Notwithstanding any submitted details, prior to the commencement of development, drawings showing the detailed design of the vehicular access proposed off Queens Road including its layout geometry (with tracking), signing, lining, a 'Swept Path Analysis', visibility splays and a road safety analysis, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to the development being first occupied.

The detailed design of the vehicular access off Queens Road, shall also demonstrate that a fixed axle refuse vehicle can access and egress the site in a forward-facing gear without crossing the centre line of Queens Road.

Reason: To ensure that the access into the site is of an appropriate design to safeguard the local highway network to accord with Policy 10 of the ACS, and Policies DE1 and TR1 of the LAPP.



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

The environmental noise assessment shall include the impact of any transportation noise, noise from 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 LAm_{ax}(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 that future occupants of the site and not adversely affected by noise to accord with Policy IN2 of the LAPP.

12. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme for noise associated with plant 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 or air source heat pumps) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA₉₀ background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

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

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

Reason: To ensure that future occupants of the site and not adversely affected by noise associated with plant to accord with Policy IN2 of the LAPP.

13. Prior to the commencement of development, details of any piling or other foundation designs using penetrative methods shall be submitted to and approved in writing by the Local Planning Authority, demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that ground water and the culvert is safeguarded to accord with Policy CC3 of the LAPP.

14. Prior to the commencement of the development, 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 Preliminary Risk Assessment which has identified:

- i. all previous site uses
- ii. the nature and extent of potential contaminants associated with those uses
- iii. the underlying geology of the site
- iv. a conceptual model of the site indicating sources, pathways and receptors
- v. potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.

b. A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.

c. A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

d. 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 site is remediated appropriately to accord with Policy IN2 of the LAPP.

15. Prior to the commencement of the development, an environmental vibration assessment and any appropriate mitigation measures shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental vibration assessment shall include the impact of any transportation, industrial or other activity, and be carried out whilst any premises and or activities in the vicinity that are likely to have an adverse effect on vibration levels are operating. In addition it shall include predicted Vibration Dose Values in accordance with BS 6472 - 1 2008 - Guide to Evaluation of Human Exposure to Vibration in Buildings - Part 1 Vibration Sources other than Blasting.

Details of any mitigation scheme required to reduce human exposure to vibrations shall also be provided.

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

Reason: To ensure that future occupants of the site and not adversely affected by vibration/noise to accord with Policy IN2 of the LAPP.

16. Prior to the commencement of any above ground development, an assessment of the overall air quality impact of the development, which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:

- i. An appropriate air quality screening assessment,
- ii. Where the screening assessment indicates it appropriate, a full air quality impact assessment including heating and power generating proposals, emissions from existing road and rail transport activities and vehicles movements associated with the development and the concentrations of pollutants of concern at sensitive receptors; and
- iii. Details of any abatement techniques and mitigation of potential impacts

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

Reason: To ensure that development does not contribute to poor air quality to accord with Policy IN2 of the LAPP.

17. Notwithstanding any submitted details, prior to the commencement of development, details of the sustainability measures to be incorporated within the development to reduce carbon emissions shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be completed in accordance with the approved details prior to the development being first occupied.

Reason: To ensure that the development incorporates sustainable design features to accord with Policy CC1 of the LAPP.

18. Prior to the commencement of any above ground development, details of the external materials of the building, including the construction of a sample panel on site, shall be submitted to and approved in writing by the Local Plan Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that complies with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP.

19. Notwithstanding any submitted details, prior to the commencement of any above ground development, large-scale elevation and section drawings (e.g. at a scale of 1:20/1:10) of the following detailed design elements, for each architectural variation in the building's elevations, shall be submitted to and approved in writing by the Local Planning Authority:
- a) Elevations: the glazing systems, louvers, reveals, window panels and entrances;
 - b) Brick detailing;
 - c) Roofs: the edges and parapet; and
 - d) Plant: the lift enclosure and any external ventilation or similar systems that are integral to the fabric of the building.
 - e) Main entrance to the student accommodation, which shall ensure provision of a strong and legible primary entrance to 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 a high quality of the development and in accordance with Policy 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP.

20. Notwithstanding any submitted details, prior to the provision of cycle storage beneath the NET structure, the following shall be submitted to and approved in writing by the Local Planning Authority;

- i) scaled block plan showing the precise location of the cycle storage facility;
- ii) elevation and layout drawings of the cycle storage facility; and
- iii) a method statement detailing how the cycle storage facility is to be provided beneath the NET structure together with details of mitigation measures to be implemented to protect the NET structure during the construction/provision of the cycle storage facility.

Thereafter the cycle storage facility shall be provided in accordance with the approved plans and method statement. Any approved mitigation measures shall be retained in-situ until the cycle storage facility has been fully provided.

Reason: To ensure that the provision of the cycle storage facilities has no adverse impact on the NET to accord with Policy TR1 of the LAPP.

Pre-occupation conditions

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

21. Prior to the development being first occupied, a wildlife friendly lighting scheme shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that biodiversity associated with the site is safeguarded to comply with Policies 16 of the ACS and EN6 of the LAPP.



22. Prior to the development being first occupied a detailed management and maintenance plan for the Tinkers Leen, which shall include details of those responsible for the Tinkers Leen (both its open and culverted channel) within and along the boundary of the site, together with a contingency plan should the surface, ground and foul water drainage systems fail, shall be submitted to, and approved in writing by the Local Planning Authority.

The information to be submitted shall also include details of the easement to be provided to facilitate the future management and maintenance of the Tinkers Leen within and along the boundary of the site.

Thereafter the Tinkers Leen within and along the boundary of the site shall be managed and maintained in accordance with the approved management plan for the lifetime of the development.

Reason: To ensure that the Tinkers Leen is safeguarded to accord with Policy CC3 of the LAPP.

23. Notwithstanding any submitted details, prior to the development first being occupied, a landscaping scheme (both hard and soft landscaping, including surfacing and means of enclosure), shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the approved drawings, soft landscaping shall be maximised within the site, including the area between the building and the Tinkers Leen. Plants and trees shall be native species selected for their biodiversity value and shall include a focus on bee friendly planting. The landscaping scheme shall also include proposals for the on-going management and maintenance of the external areas of the site.

The landscaping scheme shall be provided in accordance with the approved details within the first planting season following the completion of the development. Any trees or plants provided as part of the approved landscaping scheme which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with other plants of a similar size and species, unless otherwise prior agreed in writing by the Local Planning Authority. Management and maintenance of the landscaping shall at all times be in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that accords with Policies 10 and 17 of the ACS.

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

Reason: To ensure that development does not contribute to poor air quality to accord with Policy IN2 of the LAPP.

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

Reason: To ensure that future occupants of the site and not adversely affected by noise to accord with Policy IN2 of the LAPP.



26. The applicant shall submit written verification to the Local Planning Authority that the approved sound insulation and any other noise mitigation measures for mechanical services plant or equipment (including any air handling plant) specified to serve the development have been implemented prior to occupation of any part of the development.

Reason: To ensure that future occupants of the site and not adversely affected by plant noise to accord with Policy IN2 of the LAPP.

27. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

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.

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

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

Reason: To ensure that future occupants of the site and not adversely affected by vibration/noise to accord with Policy IN2 of the LAPP.

29. Prior to the development being first occupied, bin storage facilities shall be provided in accordance with the details shown on the approved Ground Floor Plan plan.

Reason: To ensure that appropriate bin storage facilities are provided as part of the development and do not affect highway safety to accord with Policies DE1 and TR1 of the LAPP.

30. Prior to the development being first occupied, a service/delivery management plan for the student accommodation, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:
- (i) Frequency of deliveries to site, size of vehicles used and hours of delivery (which shall be outside of peak commute times);
 - (ii) 2D and 3D 'Swept Path Analysis' tracking to show that the largest vehicles required to service the site can enter and leave the site in forward gear;
 - (iii) Measures to protect the NET structure from potential damage caused by vehicular movements within the service yard, which shall include (but shall not be limited to) provision of signage to highlight the low height of the structure, bollards and kerbing etc;
 - (iv) Measures to accommodate service/delivery vehicles entering and leaving the site, in order to ensure that vehicles delivering to the site do not wait/park on the highway, or affect traffic flow on Queens Road;
 - (v) Measures to accommodate unplanned deliveries to site;
 - (vi) A plan showing the location of proposed enclosures and gates for the development when operational, together with details of how gates shall be operated to prevent waiting/parking on Queens Road. Details of the type and height of such enclosures and gates shall also be provided.
 - (vii) Signage for the service area to assist with the safe loading/unloading of service/delivery vehicles.

The approved service delivery plan shall be implemented in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the operational phase of the development has no adverse impact on the local highway network and no significant impact on neighbouring properties to accord with Policy TR1 of the LAPP.

31. Prior to the development being first occupied a 24-hour access maintenance and access plan to the NET structure to enable maintenance and inspections of the NET structure shall be submitted to and approved in writing by the Local Planning Authority.

The NET access arrangements shall be implemented in accordance with the approved details for the lifetime of the development. Easements around the structure to allow for maintenance and inspections shall be maintained at all times.

Reason: To ensure that the operational phase of the development has no adverse impact on the operation of the NET to accord with Policy TR1 of the LAPP.

32. Prior to the development being first occupied, a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be operated in accordance with the approved details.

Reason: To ensure that in the event of flooding residents are safeguarded to accord with Policy CC3 of the LAPP.

33. Prior to the development being first occupied, any redundant footway crossings and/or damaged or altered areas of footway/highway shall have been reinstated to the satisfaction of the Local Planning Authority.

Reason: To ensure that footways are made good to accord with Policy DE1 and TR1 of the LAPP.

34. Prior to the development being first occupied, a travel plan detailing how occupants shall be encouraged to use sustainable forms of travel shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the travel plan shall be implemented in accordance with the approved details.

Reason: To assist in managing the demand for travel generated by occupants of the development to accord with Policy 14 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

35. The area to the east of the building shall only be used as a service/delivery yard for loading/offloading associated with the operation of the development and shall not be used for any other purposes including the parking of vehicles or as an external storage area, other than in association with loading and unloading relating to servicing/delivery taking place.

Reason: To ensure that servicing can take place in the area to the side of the building and that there are no adverse effect on the flow of traffic or pedestrian movement to accord with Policy 10 of the ACS and Policy DE1 and TR1 of the LAPP.

36. All external doors/gates of the development fronting Queens Road shall open inwards.

Reason: To ensure that external doors/gates of the development do not affect the flow of traffic or impede pedestrian movement to accord with Policy 10 of the ACS and Policies DE1 and TR1 of the LAPP.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference Ground Floor revision 9363-CPMG-DR-A-2001 P04, received 11 March 2024
Drawing reference First to Fifth Floor revision 9363-CPMG-DR-A-2002 P03, received 11 March 2024
Drawing reference Sixth Floor revision 9363-CPMG-DR-A-2003 P02, received 11 March 2024
Drawing reference Seventh to Eighth Floor revision 9363-CPMG-DR-A-2004 P02, received 11 March 2024
Drawing reference Roof Plan revision 9363-CPMG-DR-A-2005 P04, received 11 March 2024
Elevations reference North and West Elevations revision 9363-CPMG-DR-A-2010 P05, received 11 March 2024
Elevations reference South and East Elevations revision 9363-CPMG -D R-A-2011 P, received 11 March 2024
Elevations reference Context Elevations revision 9363-CPMG -D R-A-2014 P, received 11 March 2024
Elevations reference Context Elevations 2 revision 9363-CPMG-DR-A-2013 P05, received 11 March 2024
Elevations reference Cross Section Drawings revision 9363-CPMG-DR-A-2020 P05, received 11 March 2024
Location Plan reference Site Location Plan revision 9363-CPMG-DR-A-7002 P04, received 11 March 2024

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. Environmental Health and Safer Places

Ground Gas Contamination

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing and Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of how gas precautions including any radon gas precautions will be validated.

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 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 and 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.

Construction and Demolition

Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below;

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0900-1300)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Nottingham City Council's Environmental Health Team (email: pollution.control@nottinghamcity.gov.uk)

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 off-site 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 measures include;

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

Vibration Assessment

The environmental vibration assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 6472 - 1 2008 - Guide to Evaluation of Human Exposure to Vibration in Buildings - Part 1 Vibration Sources other than Blasting
The approved mitigation scheme must be maintained and serviced in accordance with manufacturer's recommendations.

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 scheme has been implemented shall include;

The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme

Example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)

Photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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

4. Highways

1. Mud on road and CTMP

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Network Management 0115 8765238. A Construction Traffic Management Plan will be required. All associated costs will be the responsibility of the developer.

2. Highway licences and S278

Planning consent is not consent to work on the highway. Licences may be required to carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 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.

A Section 278 agreement will be required at the development. The details for the design and suitability can be resolved through the Section 278 discussions and technical approval stage.

Considerations for:

Vehicle crossover designs to provide for pedestrian priority.

Reduction in radii to access with tracking to demonstrate requirements for the width of the highway accesses.

Tracking to demonstrate the manoeuvrability for refuse collection and fire tender.

Consideration of street lighting location and where the lamp column is to be placed.

Consideration for any required traffic regulation orders.

Sightlines to access.

Suds and drainage needs to be considered and the impact this will have.

Loading and unloading of goods and appropriate TROs.

Ensure the pedestrian accesses are properly signed so to minimise pedestrians entering through the car park, if there is a pedestrian entrance within the car park itself.

There is only enough room for one vehicle in/out at a time at the access, which could lead to traffic build up on Queens Road if vehicles are waiting to enter, so ensure the access is adequately signed to reflect this, warning users that they may have to give way to vehicles entering/exiting.

At the earliest opportunity, the applicant is to submit the designs for the access proposals for Stage 1 Road Safety Audit, for the road safety team to complete.

Height restrictions to be put in place for vehicles accessing the site for parking, refuse collection or servicing of units. The site is compromised due to the Tram/NET infrastructure which means that the applicant must put measures in place to protect the overhead structures.



The points above can be addressed via liaison with the highway authority, through discussions and any technical preparation.

3. Commuted sums

The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

4. Refuse collection

The applicant is to ensure that bin storage suitable in size to accommodate all residents is placed adjacent to the adopted highway and to an access. The applicant must be able to collect waste from within the curtilage of the site due to the red route of Queens Road.

5. Servicing and Deliveries

All deliveries and servicing must take place within the curtilage of the site due to the red route along Queens Road. Height restrictions must be in place due to the Tram/NET infrastructure.

6. TROs (Traffic Regulation Orders)

The applicant is to investigate if alterations to the TROs on Queens Road and the surrounding network are to be amended to ensure vehicle manoeuvrability. All costs to be borne by the applicant. Please contact Scott Harrison 0115 8765245 to initiate a discussion.

7. Travel plan

Please contact Highways to discuss sustainable transport options to be promoted as well as the provision of Residential Travel Packs.

8. Tinkers Leen

The Tinkers Leen culvert is in multiple ownership, with Network Rail responsible for the western Section, Nottingham City Council are responsible for the section under Queen's Road, and the landowner responsible for the section under the existing building.

As the highway authority the main concern would be when installing new piled foundations for the part of the new building that will span over the culvert and what effect this might have on the stability of the bridge carrying Queen's Road.

9. NET

The applicant is required to work with the NET/TRAM operators to ensure that safety measures are in place to prohibit improper use of the viaduct.

Considerations:

The developer must take into consideration the safe working alongside NET guidance given its proximity to live Overhead Line Equipment.

Height restrictions for construction traffic may need to be enforced.

Given the proximity to the Station Ramp clarity is needed that the proposed construction methodology does not affect the TRAM/NET structure.

It is imperative that construction practices minimise / have no impact on the live operation of NET.

A turning head for vehicles close to the NET infrastructure will need to take place. Their movements **MUST NOT** compromise the structures safety.

The height clearance of the NET bridge is only 4.59m, the structure will need to be signed to indicate this. Such measures will need to be agreed with the NET operators and all associated costs will need to borne by the applicant/developer.

5. Lead Local Flood Authority

The Lead Local Flood Authority have made the following comments in relation to the proposal:

1. FLOOD RISK

1.1 Fluvial - Flood Zone 2

- o It would be useful for EA to review the site as it is sited within FZ2. I understand they have previously provided standing advice however it may be prudent for them to review this further given they have aspirations with the Tinkers Leen penstock.

- o The product 4 data used within the FRA is from correspondence dated 15/09/2019 - Developer/EA need to confirm if the latest datasets have been used for FRA if applicable

- o Concerns regarding the usage of the ground floor particularly; bin areas, a sub-station, a lift, stairs, a store, reception and a foyer with a proposed FFL of 25.60mAOD and has been classified as 'Less Vulnerable' and has been proposed to be floodable. This requires review.

1.2 Tinkers Leen

- o The FRA has not fully considered the flood risk associated with the Tinkers Leen. Should the sluice gate be shut where this watercourse enters the Trent, there is a known risk of the Tinkers Leen backing up with no free outfall. A connection to the Tinkers Leen therefore risks surcharge to the site therefore mitigation will need to be considered and the risk accounted for.

- o There is also a risk of blockages of culverts and trash screens along the Tinkers Leen upstream from this site & requires further investigation. The Tinkers Leen is currently not modelled and it may be appropriate as a minimum to conduct a blockage assessment.

- o Confirmation is required to demonstrate that the finished floor levels proposed are also deemed adequate should the Tinkers Leen flood.

- o No details have been provided on the existing culvert, what type of culvert is it? What is the diameter, depth etc?

- o A structural survey of the culverted watercourse should be undertaken by a suitably qualified Structural Engineer and shall assess the impact of the proposed development on the structural condition and integrity of the culvert. The survey shall make recommendations to demonstrate the structural integrity of the culvert shall be maintained for the lifetime of the development.

- o A survey of the open channel section of the Tinkers Leen will be required prior to the installation of any outfall structures.

- o A suitable easement is required in order to facilitate future maintenance.

1.3 Groundwater

- o Groundwater was encountered at depths between 3.00m and 4.50m below ground level.

- o Section 4.35 of the FRA states 'a sustainable drainage system and suitable finished floor levels will reduce/eliminate the flood risk from groundwater in the areas within the site subject to development.' How will groundwater be accounted for in the proposed drainage system? Will it have capacity and formally account for these flows?

1.4 Sewer Flooding

o The drawing titled 'Proposed Drainage Strategy' noted that a foul water pumping station is proposed to ensure foul water can pass over the existing culvert, tbc at detailed design. The risk to the development should be assessed accounting for pump failure, similar to the potential surface water pumped solution.

2. FLOOD RESILIENCE & MITIGATION

- o We will need further information on how the recommended mitigation measures will be incorporated into the design of the building and what will be included as opposed to recommended.
- o Section 4.14 states that the lower ground lower level can be allowed to flood if the sub-station is made to be flood resilient and that services are protected against failure in a flood event. We would require further details on how this will be achieved.
- o Section 5.9 outlines recommended mitigation measures. Please see comments below.
- o All services entering the building must be protected against failure during a flood event to ensure safe refuge, with all critical services being located in areas where flood waters are unable to reach or where they can be protected - this includes the sub-station located at the lower ground floor. - we would require further details about how these recommendations will be incorporated into the design.
- o A suitable Evacuation Plan must be implemented; - see section 2.1 below.
- o In the event of a flooding, buildings structures should be capable of withstanding the potential lateral loading associated with a flood event. - Further information required to demonstrate this is achieved.
- o Internal access is provided to upper floors to provide safe refuge in a flood event. Such refuge should be permanent and accessible to all occupants and users of the site. - Occupiers will be able to return to their studios, where will site staff / visitors be able to take permanent and accessible refuge?

2.1 Flood Management Plan

A Flood Emergency Management Plan will be required to ensure that evacuation and flood response procedures for the development are documented and agreed. Guidance can be found at ADEPT/EA Flood risk emergency plans for new development guidance. Happy to provide further guidance on what we would expect.

2.2 Safe Access & Egress & Flood Warning Service

- o The access to the proposed building by lift or stairs is located at lower ground level. The access is considered to be protected from direct flood velocity effects of flowing water but not from the overall flood depths'. Whether this is acceptable is a decision for the local planning authority.
- o Access/egress route plans for vehicles and people has been submitted as part of the FRA. Whilst these routes may be sufficient to safely leave the site prior to a flood event, they do not demonstrate what those routes would look like during a flood event which should include flow direction, depth, and velocity of flooding to demonstrate this is the safest / feasible route.
- o Section 5.7 does state that there is no dry entry and evacuation route during a flood event and therefore refuge would be the only option. Whether this is acceptable is a decision for the local planning authority.

3. DRAINAGE STRATEGY

3.1 Existing Drainage Infrastructure

o According to the FRA, there are no known existing private or public surface water sewers on site and no positively drained areas. Where do the existing buildings and hardstanding currently drain to?

3.2 Discharge Rates

- o With vortex flow control devices it is possible to have a lower rate and therefore it is not agreed that 5l/s is the minimum rate. Through the use of appropriate design, discharge rates can be limited below 5l/s without causing an unacceptable risk of blockage.
- o A pumped solution may be required and in our opinion it should be an absolute last resort. Surface water pumps do not constantly pump water as is such with a foul system and therefore has the potential to cause a flood risk to the proposed development. Where would the pump be located and what interaction would this have with the Tinkers Leen? It is not clear from the level of detail submitted at this stage if the drainage proposals are feasible.

3.3 SuDS

- o All developments must consider the use of Sustainable Drainage Systems (SuDS) within their application and we require robust evidence for the justification as to why they haven't been included. Whilst we recognise that the roof will include solar and plant equipment, blue green roofs should be explored.
- o SuDS should be utilised to achieve multiple benefits e.g. biodiversity, carbon capture etc. Whilst below ground geo-cellular storage has been proposed they do not provide any benefits other than storage and further SuDS consideration is required.
- o The proposed geo-cellular storage is situated adjacent to the Tinkers Leen, what are the interactions and impacts of this during a flood event?
- o Further details is required on the filter drain, it will be useful to treat run-off prior to discharge into the watercourse but will require effective pre-treatment of sediment included in the design.

3.4 Treatment

- o The FRA provides no evidence that treatment stages for surface water has been considered to improve the quality of surface water prior to disposal off site. This must incorporate treatment from all sources of pollution, including rooftops and carparking areas to reduce the risk of pollutants entering watercourse.

3.5 Drainage Plan & Microdrainage Calculations

- o Drainage levels across the whole site require review. E.g. will the soakaway sit at ground level? Is there no cover depth?
- o Is the storm drainage to be adopted by Severn Trent Water?
- o Concerns regarding the storm sewer interaction with existing Tinkers Leen. What is the cover depth?
- o Developer needs to provide precise location of culverted watercourse including cover depth, soffit levels, invert levels etc.
- o Microdrainage Calculations have been submitted as part of the Drainage Strategy but not all the outputs have been provided. At detailed design, all Micro Drainage calculations and results must be submitted for design approval.

4. MAINTENANCE & RIPARIAN OWNERSHIP RESPONSIBILITY

- o As riparian owners, the site owners will be responsible for the maintenance of the watercourse up to the centre point, it must be ensured that maintenance is possible with a suitable easement in place to ensure access and annotated on the drainage layout plan.
- o A detailed management and maintenance plan needs to be submitted for the lifetime of the development, giving evidence of a contingency plan subject to the designed drainage system failing. This should also be inclusive of maintenance responsibilities for the Tinkers Leen.

5. EXCEEDANCE

- o The exceedance routes for the proposed drainage should be mapped with levels and submitted, to ensure third parties will not be impacted by run-off from the site.

6. CONSTRUCTION MANGEMENT PLAN

- o At detailed design, a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
- o This should also include management of groundwater if encountered, due to the risk highlighted in the FRA.
- o The LLFA will request plans to put in place as part of the Construction Management plan to demonstrate how the watercourse will be protected during construction e.g. from pollutants and structurally.

7. LAND DRAINAGE CONSENT

- o Any works in or nearby an ordinary watercourse may require consent under Section 23 of the Land Drainage Act (1991) and is in addition to the planning application process. Whilst planning may be permitted this does not automatically mean that the proposals will receive permission for Land Drainage Consent as this is a separate application. For further advice, or to make an application please contact floodriskmanagement@nottinghamcity.gov.uk.

The LLFA have advised that the above remarks can be incorporated within planning conditions.

- 6. There is evidence to indicate this site supports populations of European protected species (bats, great crested newts, dormice). These species are protected by law. Prior to undertaking any works a European Protected Species Licence, administered by Natural England, will be required

If a bat or evidence of bats using a feature on site is discovered prior to or during development all work should stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them. This advice note should be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017. This advice note should be passed on to any persons/contractors carrying out the development.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible, quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.