

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Park Yacht Club, Trent Lane**

**1 SUMMARY**

Application No: 15/01202/PFUL3 for planning permission

Application by: Franklin Ellis Architects on behalf of McCann Family Investments Ltd.

Proposal: Demolition of existing buildings and erection of three apartment blocks (81 apartments) and associated works.

The application is brought to Committee because it is a major application, with Section 106 obligations, which raises important local issues.

To meet the Council's Performance Targets this application should have been determined by 7th August 2015

**2 RECOMMENDATIONS**

1. Subject to the prior completion of a Section 106 planning obligation which shall include:
  - i) The on-going management and maintenance of areas of open space within the development;
  - ii) Permission for public use of the foot/cycle path and open space provided along the riverside;

And, subject to the conclusion of the independent review of the submitted viability appraisal:

- iii) The provision of travel information packs for each dwelling, together with funding for the provision of initial Kangaroo travel passes on request (equating to a maximum financial value of £42,120);
- iv) A financial contribution of £32,665 towards the provision of further school places at Nottingham Academy;
- v) The provision of 16 on-site affordable housing units or, if appropriate, a commuted sum in lieu of this on-site provision.

**GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report. The power to determine the final details of both the terms of the Planning Obligation and conditions of planning permission be delegated to the Head of Development Management and Regeneration.

2. That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a)

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

3. That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

### **3 BACKGROUND**

- 3.1 The application site lies at the southern end of Trent Lane and is adjacent to the River Trent. The adjoining sites are the River Crescent apartments block to the east and a signage design and manufacturer premises to the north. On the western side of Trent Lane is the Trent Basin site, which is currently being developed for family housing.
- 3.2 The site is currently occupied by Trent River Cruises and Princess River Cruises who operate day and evening river cruises on the river from a number of associated single storey site buildings, with moorings for their vessels being located along the river adjacent to the site. The Park Yacht Inn restaurant and bar also currently occupies the site in the largest single storey building that is positioned in the centre of the site.
- 3.3 The application site has no recent planning history. The site has been previously linked to applications for the neighbouring River Crescent apartments development.

### **4 DETAILS OF THE PROPOSAL**

- 4.1 The application is for the demolition of the existing buildings and the redevelopment of the site for 81 apartments in three blocks (A, B and C) that would be arranged along the length of the riverside frontage of the site.
- 4.2 Block A is positioned at the entrance to the site off Trent Lane. This is a six storey building that would contain a ground floor reception with 13 apartments in the upper five floors, the top floor having a set back.
- 4.3 Block B is the middle block of the three and is seven storeys. This block has car parking at ground floor and 29 apartments in the upper six floors, the top floor also having a set back.
- 4.4 Block C continues up to the boundary of the site with the neighbouring River Crescent apartments development and is also seven storeys. This block also has car parking at ground floor and 39 apartments in the upper six floors, the top floor also having a set back.
- 4.5 The proposed overall apartments mix is:
  - 3 x 1-bed apartments
  - 75 x 2-bed apartments
  - 3 x 3-bed apartments
- 4.6 Vehicular access to the site is at the point of the existing access off Trent Lane. In addition to the car parking within the ground floor of the blocks, further surface car

parking spaces are provided to the rear of the block around the site perimeter. There are a total of 81 car parking spaces, being one space per apartment.

- 4.7 The primary area of public realm that is being proposed is between the apartment blocks and the rivers edge. Access to this new section of the riverside walk would be via Trent Lane and would continue across front of the blocks until it links with the existing footpath and landscaped area that is to the front of River Crescent. The width of this route has been supplemented with the proposed decking over of the existing inlet sections along the river's edge, to form a series of individual public spaces with seating. Sections of soft landscaping including tree planting are also to be provided along the river edge. An indicative pedestrian access route from the site to the rear, through the site to the riverside has been provided.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

River Crescent (all apartments)  
Original Movement, Units 402 And 501, River Crescent  
Meridan Health, Units 402 And 501, River Crescent  
Brazilian Beauty, Units 402 And 501, River Crescent  
The Flat, Park Yacht Inn  
Former Rablock Scaffolding Limited, Trent Lane  
Pleasure Park, Trent Lane  
Nottingham Racking, Trent Lane  
A E Industrial And Air Equipment, Trent Lane  
Daleside Shopfitters, Trent Lane  
Maythorn Mill, Trent Lane  
76 Mona Road, West Bridgford  
22 Goldswong Terrace, Nottingham  
162 Musters Road, West Bridgford

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

### **Responses**

River Crescent Resident's Association: Concern that no provision has been made for the highly desired foot/cycle bridge across the River Trent for which a feasibility study is being undertaken by a Steering Group supported by over 20 local interest groups. The steering group has been working on a comprehensive Feasibility Study, which has established that this is the best location for such a bridge. The group has received advice from the Environment Agency and have the broad approval of the Lady Bay Resident's Association and Rushcliffe Borough Council. One of the most important issues is the provision of a disabled access ramp to gain access to the bridge from the end of Trent Lane. It is envisaged that this will be a spiral that will have a minimum diameter of approx 16 metres. Trent Lane at this point is approx 11.5 metres wide. It is requested that sufficient consideration is given to enable the future delivery of this highly desired bridge.

River Crescent resident: Concern over safety risk in relation to apartments' use of gas.

City resident: Feel the proposed buildings lack the architectural interest of the River Crescent building, but support the redevelopment of this brownfield land.

Lady Bay resident: Objection. The blocks sit too close to the waterfront which means the loss of open green spaces and no consideration has been made for soft landscaping. The buildings should sit further back on the site and be closer in footprint to that of the existing building. Underground parking would be a much better option even if the cost is higher, as railings enveloping a ground floor never look attractive. There appears to be no consideration of the proposed buildings relationship to River Crescent. The density is far too great and is more akin to a city centre development.

### **Additional consultation letters sent to:**

**Pollution Control:** No objection subject to conditions. Recommend domestic noise condition given the location of this development on the edge of an industrial estate. Also recommend conditions relating to remediation of contamination

**Highways:** Query whether development will be gated and whether access road is being put forward for adoption. Access from Trent Lane needs to be designed to prioritise pedestrians. Riverside footpath should be lit and designed with security and privacy in mind. Noted that the bottom end of Trent Lane is not an attractive pedestrian environment, especially in the dark and would request consideration on how this could be improved. Layout plans need to confirm that all parking spaces are of an appropriate size to be useable and would welcome further cycle parking provision. Satisfied with submitted Flood Risk Assessment and will review detailed design of surface water disposal by SuDS techniques and sewers. Scale of development would warrant S106 contributions towards an annual kangaroo passes for each household.

### **Urban Design:**

**Biodiversity:** The River Trent is a key green infrastructure asset that, as set out in Policy 16 of the Core Strategy should be protected and enhanced. The current scheme for the Park Yacht site does not enhance this asset. The space along the riverside does not provide the multifunctional provision that Core Strategy Policy 16 para. 3 requires.

Recommend that the creation of waterside riparian habitat for wildlife and open space for people to relax and enjoy the riverside setting are considered and factored into the masterplan before the scheme develops any further. At the moment the development is not making the most of this opportunity to provide wildlife and people with the benefits a location immediately adjacent to the River Trent has the potential to provide. The low ecological value of the site at present may give a low starting point for improvement, but a little marginal planting and some small patches of amenity grassland near to the river are not adequate to realise the full potential that a scheme in this location could offer.

**Environment Agency:** No objection subject to development being implemented in accordance with the approved Flood Risk Assessment and mitigation measures that are to be reflected in planning conditions.

**Canal & River Trust:** No objection. Pleased to see that the proposal includes enhanced public access to the riverside in the form of a 3m wide paved footpath/cycleway along the site boundary with the river.

**Nottingham Regeneration Limited:** Support. Believe that the high density housing development as proposed would be consistent with, and complement both River Crescent and the proposed Trent Basin development. Particularly pleased to see that the developers are proposing to incorporate a public square and walkway alongside the Rivers edge - this will also complement and continue the creation of the proposed long distance River walkway as commenced at River Crescent and currently under construction at Trent Basin.

The scale of the proposed development is consistent with both River Crescent and Trent Basin. The introduction of a series of viewing corridors and public routes through and around the proposed 3 blocks should enable the site to the rear of the yacht club to retain glimpses of the River and thus not prejudice it's long term development potential. The proposed modern and simple elevation treatment proposed by the developer is to be welcomed as a means to help attract and foster further development within the area.

**Nottingham Civic Society:** Objection. Prejudices the wider Waterside Strategy to improve pedestrian and cycle connections along and across the river, does not adequately address the potential new public space where Trent Lane reaches the River Trent where there are serious proposals being put together for a new pedestrian / cycle bridge. The current scheme completely fails to acknowledge the significance of the site. The layout should create sufficient public space encircled by cafes with outdoor seating, making the most of spectacular south and west-facing views of the Trent Plain, whilst allowing for the design of the new bridge to have sufficient space at its landing in Trent Lane. This proposal puts in jeopardy the Council's expressed intention to maximise the use and enjoyment of the River Trent. The development of three blocks also looks too intensive for the limited size of the site, with insufficient space on the northern boundary for tree planting to screen the industrial neighbouring development. The height of the proposed blocks and their close juxtaposition together, would leave very little space between them for river views or adequate sunlight and daylight to penetrate any new residential development immediately to the north. This scheme should be reconsidered as premature in isolation from the land to the north and without safeguarding the site of a future bridge and major public space here.

**Rushcliffe Borough Council / Lady Bay Ward Councillor:** Objection. Have conducted a door to door survey of all the households in Lady Bay. There was a high response rate of over 85% with 80% strongly objecting to the development. Residents overwhelmingly like the "Blueprint" development around the Trent Basin which is low rise, looks aesthetically pleasing and is clearly replacing former warehouse buildings. The proposed development further towards River Crescent, with apartments in buildings which tower over the riverside trees, changes the riverside from a tree lined rural look to an urban one when viewed from the opposite bank. Residents do like the proposed riverside path for cyclists and pedestrians. Would like to see the city side of the river developed so that it is an attractive residential area for a mixed population, preferably in low rise houses and flats set back from the river bank so that the edge of the river continues to be tree-lined and a welcoming space for people on foot or bike and for wildlife. Building up to the bank with just a small strip of land in front of large buildings is also a factor in increasing flood risk. Low rise houses and flats with gardens and other green spaces would be much better at absorbing any flood water.

**Nottingham Local Access Forum:** Support the riverside path within the development. The design of the path should be appropriate to the riverside

environment and should maximise the space provided in the public realm. It should incorporate the appropriate standards to enable it to be adopted as a public right of way. The riverside path should take full account of the proposed foot/cycle bridge across the Trent, between Trent Lane and The Hook, Lady Bay and should not prejudice this improvement to the transport network.

**Pedals (Nottingham Cycling Campaign):** Emphasise the importance of this detailed application taking full account of the need to safeguard an adequate area of land for the landing at the north end of the proposed foot-cycle bridge between Trent Lane and The Hook, bearing in mind the current work in which Pedals and John Rhodes and other interested parties are involved on a feasibility study to demonstrate the case for a bridge at this point. This is very important as well as the further stretches of riverside path in the application which we very much welcome.

**Nottingham Design Panel (21.4.14):** The Panel considered the scheme in principle to be acceptable, welcoming the redevelopment of this important site as part of the redevelopment proposals for Trent Lane and the wider Waterside Regeneration Zone, considering pavilions to be the most appropriate approach for the site and commending the boardwalk treatment of the waterfront.

The main issues that were recommended to be addressed were:

- Attempting to reduce the scale of the blocks through the design.
- Giving the blocks greater unity.
- Better integration of parking to improve the visual impact on the waterfront and rear of the site, and increase the waterside open space offer.
- Strengthen the public realm along the waterfront to create a useable and valuable area of open space through incorporating moorings and pontoons.

It was advised that the development should not prejudice any forthcoming development to the north, working in its own right without reliance on adjacent development sites.

Overall the Panel were positive but considered the scheme as it was presented at that point trying to accommodate too much on the site and was in need of refinement.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.

- 6.3 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.7 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm can not be avoided, mitigated or as a last resort compensated, then permission should be refused.
- 6.8 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

**Nottingham Local Plan (November 2005):**

ST1 - Sustainable Communities.

H2 - Density.

H5 - Affordable Housing.

MU7 - Waterside Regeneration Zone Sites. (MU7.2 Trent Lane Basin)

R2 - Open Space in New Development.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T3 - Car, Cycle and Servicing Parking.

Waterside Regeneration Interim Planning Guidance – November 2001

**Aligned Core Strategies (September 2014)**

Policy 1 - Climate Change

Policy 7 - Regeneration

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Policy 16 - Green Infrastructure, Parks and Open Space

Policy 17 – Biodiversity

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

Whether:

- (i) The development will provide for the appropriate regeneration of the area.
- (ii) The overall density and layout of development is appropriate for this location.
- (iii) The scale and design of the buildings and open spaces will provide a strong sense of character and identity.
- (iv) The highway impacts of the proposed development have been appropriately addressed.

### **Issue (i) Regeneration** (Policies ST1, MU7/MU7.2 and Policy 7)

- 7.1 The application site falls within the Waterside Regeneration Zone and is an allocated site for mixed use redevelopment (MU7.2).
- 7.2 The regeneration policies of the Local Plan and Aligned Core Strategies positively promote development proposals which contribute to the creation of a new mixed use riverside quarter in the Waterside Regeneration Zone, with appropriate supporting facilities and strong links to surrounding communities and the riverside. Improved Green Infrastructure connections, including a continuous footpath and cycleway and improved pedestrian and cycle access to the city centre and to surrounding communities will be required (Policy 7c). Policy ST1(d) also supports the use of previously developed land in the context of the formation of sustainable communities and a successful economy.
- 7.3 The challenges in developing sites of in the Waterside Regeneration Zone remain significant. At this point in time it is appropriate to reinforce the regeneration that has already started at Trent Basin and at the Eastpoint retail scheme on Daleside Road with the provision of a good quality development that is of an appropriate density, layout and design to its riverside setting. Whilst the proposal is for the single use redevelopment of the site for housing, it is recognised that opportunity to provide a mix of uses on adjacent sites in future developments is still be capable of being realised as part of the wider regeneration of the area. It is therefore considered that the proposed development will strengthen the further phased regeneration of the Waterside area and accords with Policies ST1, MU7/MU7.2, and Policy 7.
- 7.4 The Waterside Regeneration Interim Planning Guidance and Trent Lane Planning Brief provide strategic guidance in relation to the redevelopment of the area. These documents were prepared in 2001 and 2002 and should be afforded very limited weight. It is noted that the Trent Basin area would be redeveloped as the hub of a



major new riverside community with a mix of uses including housing, leisure, and retail. The proposed development is for the single use redevelopment of the site for apartments. As above, it is considered that it is appropriate to encourage the proper start to regeneration of the area, which is in accordance with the overall aims of these documents.

### **Issue (ii) Density and Layout (Policies H2, R2 and Policies 8 and 10)**

- 7.5 The proposed overall density of the development would be 135 dwellings per hectare. Whilst this significantly exceeds the density range of 30-50 dwellings per hectare noted in the justification to Policy H2, this higher density is considered to be appropriate to the sites' riverside setting and adjacency to River Crescent apartments and to the Trent Basin scheme, which includes a six storey apartment block next to the riverside and basin area. The justification for Policy H2 also notes that higher density development requires particularly high standards of design and layout if it is to be attractive to occupiers, which is considered at Issue (iii) below.
- 7.6 The proposed layout has been developed to address the sites' primary riverside setting with a series of three pavilion blocks being evenly arranged along its length. This layout has been supported by the Nottingham Design Panel subject to it not prejudicing any forthcoming development to the north and further refinement of its scale.
- 7.7 The layout does provide for a relatively close relationship between the blocks (approximately 10 metres). However, it is considered that this is not unusual and akin to a residential street width in many cases. It is considered that this width will allow for adequate sunlight and daylight to penetrate through to the site to the rear and that the provision of a pedestrian route between Block B and C and this adjacent site will ensure links and views through to the river.
- 7.8 A hard and soft landscaped edge to the riverside will enable the provision of a publicly accessible path which is to be established as a key element of public realm within the scheme. The path will continue along the riverside frontage of the site and onto the adjacent River Crescent site, with pockets of public seating also being included.
- 7.9 It is considered that the proposed density and layout of the development is appropriate to the site and area and accords with Policy H2, R2 and Policies 8 and 10.

### **Issue (iii) Scale and Design (Policy 10)**

- 7.11 The proposed development is for a series of three pavilion buildings with a common contemporary aesthetic. The proposed height of the buildings at six storeys for Block A and seven storeys for Blocks B and C would provide a development of intermediate height between the taller River Crescent apartments, the approved six storey apartments block at Trent Basin and the primarily three storey housing that is the general typology for Phase 1 of the Trent Basin development. It is considered that proposed six and seven storey buildings are appropriate to their riverside setting, with Block C having been recently reduced to seven storeys to provide a more consistent height and greater unity across Block B and C.
- 7.12 Large floor to ceiling window openings and recessed balcony areas to the riverside elevations of the buildings provide order and depth to this facade. The external

finishes to the riverside elevation have also been recently revised to a traditional brick frame, to provide a durable quality of finish to this primary elevation as well as reflecting the brick finish that is used at River Crescent and which is being used at Trent Basin. It is considered that the use of a common design, good quality traditional materials, and careful detailing will provide the proposed development with an individual character and sense of place that will be of benefit to the further regeneration of the waterside area.

- 7.13 Revisions to amount of space that is being provided at the riverside walkway through the proposed decking over of the existing inlet sections along the edge of the river has also improved the spatial relationship of the proposed development with the river as well as a much improved opportunity for hard and soft landscape design for public and wildlife benefit.
- 7.14 It is considered that the proposed scale and design of the development is appropriate to the site and area and, in association with the aspects of density and layout above, will create a cluster of distinctive contemporary waterside apartments. The proposed development is, therefore, considered to accord with Policy 10.

#### **Issue (iv) Highway Impacts (Policy T3 and Policy 14)**

- 7.15 Highways have no objection to the access and layout of the proposed development, with final details being able to be a condition of planning permission. The applicant has confirmed that the access will be gated and that the access road will remain private to the development. The design of the riverside footpath is being reviewed with the applicant, with full details also being a recommended condition of planning permission.
- 7.16 It is noted that a number of the consultee responses refer to the future prospect of a pedestrian and cycle bridge across the River Trent between Trent Lane and The Hook at Lady Bay. Whilst the ambition for such a bridge is to be commended, there are no up-to-date policy or other commitments in place for this to happen. If, through design, it is necessary for land to be secured then this would need to be negotiated through conventional means. In these circumstances the local planning authority is not a position to constrain the proposed development for this future uncertain purpose and it is, therefore, a matter that can only be noted as part of a decision on the merits of this current planning application.
- 7.17 Highways have no objection to the level of car parking provision being made within the proposed development and are currently reviewing the revised layout in order to ensure that the car parking spaces are to an appropriate size. Subject to this confirmation it is therefore considered that the proposed development accords with Policy T3 and Policy 14.

#### **Other Material Considerations**

##### **Flood Risk and Drainage (Policy NE10, Policy 1)**

- 7.18 The application site is identified to fall within Flood Zones 2 and 3. The Environment Agency originally objected to the application due to the absence of a sequential test, which has now been satisfied. The Environment Agency now has no objection to the proposed development subject to conditions, including the setting of minimum floor levels. Accordingly it is considered that the proposed development accords with Policy NE10 and Policy 1.

## **Pollution and Contamination (Policies NE9 and NE12)**

- 7.19 Pollution Control is satisfied that the contamination report submitted with the application provide sufficient assurances that the site is able to be redeveloped for housing. Recommended conditions include the need for verification that development works have been implemented in accordance with the approved report recommendations, and a domestic noise condition in relation to the proximity to the neighbouring industrial estate. It is, therefore, considered that the proposed development accords with Policies NE9 and NE12, subject to the conditions included in the draft decision notice that is appended to this report.

## **Planning Obligations: (Policies ST1, H5, T3, and Policy 8)**

- 7.20 The applicant has submitted a viability appraisal in support of their assertion that the proposed development would not be viable based upon the provision of the full range of planning obligations that the scheme would otherwise require. This range is included in the above recommendation 1., and is:
- i) The on-going management and maintenance of areas of open space within the development;
  - ii) Permission for public use of the foot/cycle path and open space provided along the riverside;
  - iii) The provision of travel information packs for each dwelling, together with funding for the provision of initial Kangaroo travel passes on request (equating to a maximum financial value of £42,120);
  - iv) A financial contribution of £32,665 towards the provision of further school places at Nottingham Academy;
  - v) The provision of 16 on-site affordable housing units or, if appropriate, a commuted sum in lieu of this on-site provision.

## Riverside Path and Open Space

- 7.21 The proposed development makes provision for on site open space along the riverside walk, which will be of benefit to the public and occupants of the proposed development and accords with Policy R2 in relation to the provision of open space within new development.
- 7.22 The grant of permission to the public to use the riverside path is being sought in order to secure public access to the riverside and the provision of a continuous riverside path.
- 7.23 The on-going management and maintenance of areas of the riverside path and other areas of open space within the development is also to be secured by the Section 106 agreement in the interests of ensuring that appropriate management and maintenance is provided.

## Travel Plan

- 7.24 Highways have advised that the scale of development would warrant S106 contributions towards an annual Kangaroo travel passes for each household, which is considered necessary in order to ensure implementation of the Travel Plan.

## Education

- 7.25 The proposed development is of a scale which generates the need to consider the need to make provision for further school places. The School Organisation Team have advised that the application site falls into the Sneinton catchment area where provision is being expanded at Nottingham Academy. It is considered that the contribution is necessary towards the provision of further primary and secondary school places within this area.

## Affordable Housing

- 7.26 The proposed development is expected to provide on-site affordable housing at a level of 20% of the total number of dwellings. This would generate the need for 16 affordable apartments. The applicant asserts that the provision of on-site affordable housing is having a significant impact upon the viability of the proposed development and this is currently being reviewed. It is considered that, subject to the conclusion of the viability assessment, that there should be flexibility on this element of the planning obligation in the interests of the further regeneration of the area.

## Other

- 7.27 The developer has offered to make provision for local employment and training during the construction and operation of the development, which is to be included in the Section 106 obligation.
- 7.28 The viability appraisal is currently being reviewed by the District Valuers, and it is anticipated that their conclusions will be available prior to Committee. However, the applicant has advised that, notwithstanding the conclusions of the viability appraisal, a £100k allowance for S106 has been included in their viability appraisal.
- 7.29 The above recommendation 1. a) i) – v) are therefore subject to review upon the response of the District Valuers and will be reported to Committee by means of an update sheet.

## **8. SUSTAINABILITY / BIODIVERSITY**

- 8.1 The proposed Energy Strategy for the Park Yacht Club development focuses on a fabric first energy strategy where the proposed thermal performance of the building fabric is typically 30-50% better than the minimum requirements of the Building Regulations (Part L 2013).
- 8.2 In addition to the Fabric-First energy strategy, the project proposes the use of efficient gas-fired condensing boilers would be located within each apartment, and energy efficient artificial lighting and water efficient sanitary-ware throughout. Landscaping is also proposed to be designed to minimise the need for irrigation to help reduce water consumption.

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

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

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

## **13 STRATEGIC PRIORITIES**

Ensuring Nottingham's workforce is skilled.

## **14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

## **15 VALUE FOR MONEY**

None.

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

1. Application No: 15/01202/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NNPNM6LYCB000>

2. Pollution Control, 28.5.15

3. Highways, 8.6.15

4. Canal & River Trust, 15.6.15

5. Environment Agency, 18.6.15

6. Nottingham Regeneration Ltd., 25.8.15

7. Biodiversity, 30.6.15

8. River Crescent resident, 19.5.15

9. City resident, 19.5.15

10. River Crescent Resident's Association, 20.5.15 & 25.8.15

11. Nottingham Local Access Forum, 9.6.15 & 11.9.15

12. Pedals (Nottingham Cycling Campaign), 28.5.15 & 3.9.15

13. Nottingham Civic Society, 11.6.15 & 10.9.15

14. Lady Bay resident, 1.6.15

15. Nottingham Design Panel, 21.4.14

16. Rushcliffe Borough Council / Lady Bay Ward Councillor, 4.9.15

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

Nottingham Local Plan (November 2005)

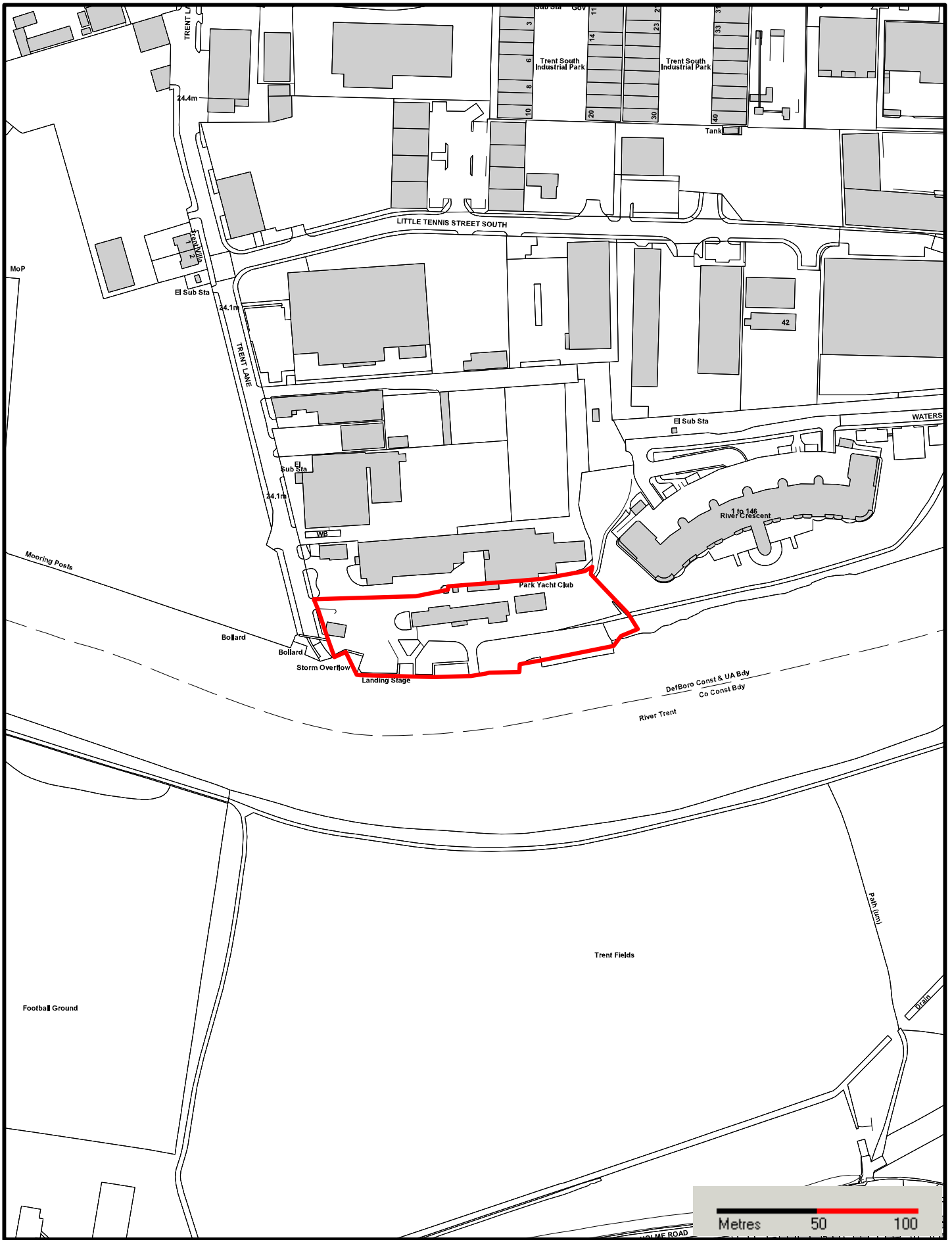
Aligned Core Strategies (September 2014)

Waterside Regeneration Interim Planning Guidance – November 2001

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.

Email: [jim.rae@nottinghamcity.gov.uk](mailto:jim.rae@nottinghamcity.gov.uk). Telephone: 0115 8764074



© Crown Copyright and database right 2014. Ordnance Survey License number 100019317



**Nottingham**  
City Council

**My Ref:** 15/01202/PFUL3 (PP-04143503)  
**Your Ref:**  
**Contact:** Mr Jim Rae  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

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

Franklin Ellis Architects  
FAO: Mr Andy Dowding  
The Old Pumphouse  
5 The Ropewalk  
Nottingham  
NG1 5DU

Date of decision:

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

---

Application No: 15/01202/PFUL3 (PP-04143503)  
Application by: McCann Family Investments Ltd.  
Location: Park Yacht Club, Trent Lane, Nottingham  
Proposal: Demolition of existing buildings and erection of three apartment blocks (81 apartments) and associated works.

---

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. No development shall commence until the following documents have been submitted to and approved by the Local Planning Authority:
- a) A Remediation Strategy based on Phase I & II Geo-Environmental Report, undertaken by HSP Consulting (Ref C2072 Dated 18/02/15), giving full details of the remediation measures required (this should include both ground gas and soil measures) and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
  - b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) 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 can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.*

3. No development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of groundwater has been submitted to and approved in writing by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- a) all previous uses;
- b) potential contaminants associated with those uses;
- c) a conceptual model of the site indicating sources, pathways and receptors;
- d) potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved unless with the further written consent of the Local Planning Authority.

*Reason: The reports submitted have not included an assessment of the risks posed by the site and its development to controlled waters, i.e. the groundwater beneath the site and the River Trent adjacent to the site, in accordance with Policy NE9 of the Nottingham Local Plan.*

4. No development shall commence until an environmental noise assessment and sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority. The environmental noise assessment shall take into account the impact of road traffic and industrial/commercial noise 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 plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas). The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical 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 more than 45dB L<sub>Amax</sub>(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

*Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.*

5. The development shall not be commenced until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policy 10 of the Aligned Core Strategies and Policy NE9 of the Nottingham Local Plan.*

6. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

7. Notwithstanding the details included within the application submission, no development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species (with a preference towards the use of native species and suitable species that will attract/create ecological assets) and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

*Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategies and NE5 of the Local Plan.*



8. No development shall commence until the detailed design of the approved extension to the riverside walkway and public realm along the river's edge, including full details of all hard and soft landscaping; furniture; fencing/bollards; and lighting, has been submitted to and approved by the Local Planning Authority. The approved detailed design shall thereafter be implemented prior to the occupation of the approved development.

*Reason: In the interests of ensuring the high quality design and appearance of this publicly accessible area within the approved development and amenity of occupants in accordance with Policy 10 of the Aligned Core Strategies.*

9. No development shall commence until the detailed design of the external areas to the rear of the approved buildings, including the pedestrian access that is to be provided from the site to the rear of the approved development and the riverside has been submitted to and approved by the Local Planning Authority. The approved detailed design shall thereafter be implemented prior to the occupation of the approved development.

*Reason: In the interests of ensuring the high quality design and appearance of this area of the approved development and amenity of occupants in accordance with Policy 10 of the Aligned Core Strategies.*

10. Before any above ground development commences (excluding demolition), large-scale elevation and section drawings to show the detailed design of each part of the building (e.g. scale 1:50 and/or 1:20) shall be submitted to and approved in writing by the Local Planning Authority. The submissions shall incorporate details of:

a) Elevations: including cladding and glazing systems; window types, reveals, soffits, entrances, doors, and handrails;

b) Roofs: including edges, parapets and terrace areas;

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

d) Associated features: including walls, railings/balustrades and car park screens.

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

*Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the Adopted Core Strategy 2014.*

11. No development shall commence until samples of the external materials of the buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategies.*

12. No development shall commence on any phase of the approved development until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- i) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.
- ii) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
- iii) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- iv) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- v) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

*Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy NE10 of the Nottingham Local Plan.*

**Pre-occupation conditions**

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

- 13. The approved development shall not be occupied until a Verification Report, which shall include the data referred to in the Verification Plan to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed, has been submitted to and be approved in writing by the Local Planning Authority. The Verification Report shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Plan. The long-term monitoring and maintenance plan shall be implemented as approved.

*Reason: To ensure that any remediation required as a result of further site investigation is undertaken in line with the agreed strategy and to ensure adequate protection of controlled waters in accordance with Policy NE9 of the Nottingham Local Plan.*

14. The approved development permitted shall be implemented in accordance with the approved Flood Risk Assessment (FRA) report reference 23528 prepared by Price and Myers in April 2015 and the following mitigation measures detailed within the FRA:

1. The ground floor non-residential internal finished floor levels shall be set no lower than 24.00m AOD (Above Ordnance Datum).
2. The internal finished floor levels shall be set no lower than 25.50m AOD.
3. The development shall incorporate the flood resistance and resilient measures recommended on page 13 of the approved FRA and shall give consideration to the recommendations of the Environment Agency and DEFRA report, 'Improving the flood performance of New Buildings : Flood Resilient Construction' (ISBN 9781859462874).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

*Reason: To reduce the risk of flooding to the proposed development and future occupants and to facilitate a quicker recovery in the event of a flood in accordance with Policy 1 of the Aligned Core Strategies.*

15. The approved development shall not be occupied until verification that the approved sound insulation scheme has been implemented and is fully operational has been submitted to approved in writing by the Local Planning Authority.

*Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.*

16. The approved development shall not be occupied until details of the gas meter house, electricity sub-station, and bin store within the rear area of the site have been submitted to and approved by the Local Planning Authority. The submitted details shall have regard to the design of the approved apartment blocks. The approved details shall also be implemented before the approved development is occupied.

*Reason: In the interests of ensuring the appropriate appearance and amenity of occupants of the approved development in accordance with Policy 10 of the Aligned Core Strategies.*

17. The approved development shall not be occupied until details of the boundary enclosure to the rear of the site and access gates to the site access/egress have been submitted to and approved by the Local Planning Authority. The approved details shall thereafter be implemented before the approved development is occupied.

*Reason: In the interests of ensuring the appropriate appearance of the approved development and amenity of occupants in accordance with Policy 10 of the Aligned Core Strategies.*

18. No individual apartment shall be occupied until the parking provision for that apartment has been completed and is available for use.

*Reason: In the interests of the amenity of occupants of the development and in accordance with Policy T3 of the Nottingham Local Plan.*

**Regulatory/ongoing conditions**

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

19. The approved development shall be implemented in accordance with the approved Mechanical & Electrical Services Summary and Energy Strategy by Couch Perry Wilkes that form part of the approved documents.

*Reason: In the interests of ensuring the sustainable development of the site in accordance with Policy 1 of the Aligned Core Strategies.*

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

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.*

#### **Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 8 May 2015.

*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. The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings. The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

#### 4. 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' and other authoritative guidance. The Remediation Strategy must also provide details of how 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 Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

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

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

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

7. For information regarding the drainage requirements at the site please contact Paul Daniels on 0115 8765 275.

#### 8. Groundwater

Shallow groundwater is present but has not been sampled. Further investigation should include the collection of representative groundwater samples from the site and laboratory testing for an appropriate suite of determinands given the nature of the site and any elevated concentrations that have been identified in soil samples to date. WS4 near to the existing underground red diesel tank has shown elevated concentrations of hydrocarbons in the soil samples. It would be useful to undertake further site investigation once the site has been vacated and access to all areas can be gained. groundwater sampling around the area of the underground tanks would be most useful to ascertain whether the tank has had any impact on shallow groundwater.

It should be noted that shallow groundwater beneath the site is likely to be in hydraulic continuity with the River Trent and this should be taken into account in any risk assessment. A detailed

conceptual site model should also look at whether current site drainage may act as preferential flow pathways for groundwater to enter the River Trent, such as drainage outfalls.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.



## **RIGHTS OF APPEAL**

Application No: 15/01202/PFUL3 (PP-04143503)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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