

**REPORT OF CHIEF PLANNER**

**Site Of Popham Court, Popham Street**

**1 SUMMARY**

Application No: 17/02664/PFUL3 for planning permission

Application by: Landmark Planning Limited on behalf of Mr Matthew Varley

Proposal: Development of Educational Hub (College) and associated works for Nottingham College

The application is brought to Committee because it relates to a major development where there are important land use, design, heritage and regeneration considerations.

To meet the Council's Performance Targets this application should be determined by 23rd February 2018

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Chief Planner.

**3 BACKGROUND**

- 3.1 The application site comprises approximately 0.97 hectares of land to the east of the former Broadmarsh multi storey car park and bus station, Middle Hill and the NET viaduct. The site currently incorporates Malt Mill Lane, a temporary car park and Popham Street, but excludes the electricity substation located to the north.
- 3.2 The eastern boundary of the site is adjacent to the rear gardens of 13 to 18 Shortwood Close, the side garden to 26 Cliff Road and the side elevation of 117 Canal Street. Immediately to the north are 11 to 15 Cliff Street and the Lace Market Cliff. On the ridge of the Cliff are the Nottingham Contemporary, The Pitcher and Piano public house, Heritage Centre and the Galleries of Justice. Further along Cliff Road are more residential properties, including apartments within Kings Court. To the south of the site is 116 to 119 Canal Street, occupied by Eversheds Sutherland Solicitors, and the western end of Nottingham One. Further to the south are the railway station and Loxley House.
- 3.3 The site is at the foot of the Lace Market Conservation Area and within the setting of the Station Street Conservation Area, as a result of the site terminating the views of Trent Street.

## **Context**

- 3.4 The proposals for the City Hub building for Nottingham College form part of a wider programme of works to transform the southern part of the City Centre, commonly known as the Southern Gateway. The proposal is a key element in the regeneration of this area.
- 3.5 Enabling development for the City Hub building has already commenced through the works currently taking place to relocate Popham Street to the east, providing a new link road from Canal Street to Cliff Road. Permission for this road was granted under planning reference 16/00090/PFUL3.
- 3.6 Temporary planning permission until 31<sup>st</sup> May 2019 was granted for use of part of the site as a car park under planning reference 17/00390/NFUL3, to help mitigate the short term loss of the Broadmarsh car park.

## **4 DETAILS OF THE PROPOSAL**

- 4.1 Permission is sought for the construction of a new City Hub for Nottingham College. It would sit approximately 13m from the NET viaduct and about 26m from the rear elevation of properties on Shortwood Close. The building would have a frontage to Canal Street and the new Popham Street.
- 4.2 The building would have a maximum height of 6 storeys, but it has been designed so that it decreases in height from south to north. The building also reduces in scale above the groundfloor; to the NET Viaduct side it is proposed to provide a roof terrace above the larger groundfloor and above this the building is conceived as three distinct blocks. The northern and middle block are four storeys in height, whilst the southern block is 6 storeys. Beyond these, the most northerly element of the scheme is two storey in scale.
- 4.3 The ground and first floor of the western elevation comprise a brick frame with large elements of double height glazing, which would face the new north-south pedestrian route and expanded area of public realm beyond. The northern element of the building, treated almost as a separate freestanding structure, is finished in a black profiled metal rainscreen cladding. Above the brick plinth created by the ground and first floor would sit the three blocks referred to above. These have a sculptural form and would be clad in perforated metal cladding, in three complementary but slightly different colour tones. The blocks are joined by strongly recessed, fully glazed 'links', reinforcing the sense of the development comprising a group of different building blocks.
- 4.4 The theme of separate blocks is continued on the southern elevation, the frontage to Canal Street. Here a further block is introduced on the south eastern corner of the building to further break the mass of the building and add verticality.
- 4.5 The building's eastern elevation is treated differently from the more prominent western, southern and northern elevations. This is the more functional rear aspect of the building but this is not reflected in the design approach. This elevation is broken down into different elements that are set on different plains, vary in height and use different materials, although from the same palette as used in the rest of the building. The brick elements in particular add a grain and verticality, the interest of which is reinforced by significant areas of contrasting pattern work.

- 4.6 The main entrance to the building would be located to its south western corner, at the junction of Canal Street with the new north-south pedestrian route that runs alongside its western edge, and is also aligned with Trent Street to the south. Two further entrances are also proposed; one more central to the Canal Street elevation which would access the proposed 'business hub' element of the building, and the other at the north western corner of the building, once again accessing the new north-south pedestrian route but also the public space which is incorporated within the scheme at the northern end of the site.
- 4.7 The proposal makes provision for 4 disabled car parking bays, 2 mini bus bays and 114 cycle parking spaces. The disabled car parking bays would be accessed from the new Popham Street, close to the junction with Canal Street. The mini bus bays would be located closer to the junction with Cliff Road. Cycle parking would be provided around the building in clusters with a minimum of 10 spaces and a maximum of 30.
- 4.8 Servicing to the building would be via the new Popham Street. The plans show that a service road would be provided to the eastern elevation of the building which would have a separate access and exit. The service road is shown to be screened from the new Popham Street by hedging and trees and the entrance and exits are to be gated.
- 4.9 Hard and soft landscaping is incorporated around the building with hard surfaces broken up by tree planting and hedging. The larger area of public realm at the northern end of the site provides a more extensive area of soft landscaping, incorporating areas of grass along with hedging and tree planting. Planting is also shown around the existing electricity substation, and the trees within the vicinity of this would be retained. The plans indicate that one existing tree would be removed from the site.
- 4.10 The roof terrace to the western elevation would be highly visible from Middle Hill, the NET viaduct and from the Lace Market, and would therefore be an important landscape space. The proposals show that there would be tree planting within this space and that a green roof would be provided.
- 4.11 The information submitted indicates that the City Hub would provide employment for approximately 200 full time staff, 140 trainee work places and that there would be approximately 1,562 students on site.

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

### **Adjoining occupiers consulted:**

251 neighbouring properties were notified of the proposed development in writing at the following addresses: Apartments within Nottingham One, Narrow Marsh House, Shortwood Close 1-27, Cliff Road 26 to 40, Canal Street 116 to 126 and Shire Hall High Pavement.

A site and press notice have also been displayed.

As a result of this publicity 4 letters of representation have been received. These raise the following matters:

- Increase in noise and disturbance for local residents

- Increase in the level of traffic in the area
- Obstruction of views from surrounding residential properties and reduction in sunlight
- Impact on privacy of neighbouring properties
- Queries over the height of the building
- There is a need to improve and recognise historic routes in the area, for instance there is no route for Sussex Street
- The proposal is a welcome addition to revitalise and smarten up this area

### **Pre-application Consultation 31<sup>st</sup> October to 17<sup>th</sup> November**

As part of the design development process pre-application consultation was undertaken by the applicants. As set out in their Statement of Community Involvement, the following views were expressed as a result of this publicity:

- Reservations about the availability, accessibility and location of the proposed public realm.
- Reservations about the building's height, the view of the cliff and also the blocking of sunlight to gardens.
- Accessibility of the site for disabled users.
- Noise and general demeanor/behavior of students.
- Whether sufficient space had been provided internally for teaching space. Lack of gym space and crèche provision.
- Need for more greenery around the site and along the boundaries of the new Popham Street.
- Whether a new tram stop is required.
- Adequacy of the proposed cycle storage facilities.
- Need for more visuals of the building from Cliff Road.

Also as result of this publicity queries have been received in relation to traffic movement in the area.

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

**Environmental Health and Safer Places:** They advise that the reports submitted are satisfactory.

The layout of the building focuses pedestrian movement to the south of site with no entrances to the east except for services and deliveries, which assists in reducing noise for neighbouring residential properties. To ensure that the servicing area causes no adverse impacts for local residents it is recommended that servicing and deliveries to and from the site are restricted to those referenced in the Noise Assessment; 0800 to 1800 hours Monday to Friday.

The operation of the development will not impact on local air quality as the current

design option is for the use of mains power and heating supplied by the district heating system.

The reports submitted do suggest that when the City Hub is operational there is potential for a marginal increase in road traffic emissions, due to proposed changes in traffic flows on the road network surrounding the site, which are not related to the proposed development. Once the new Broadmarsh car park has been completed, Collin Street pedestrianised and when the southern relief road is in operation, it is expected that these changes will reduce traffic flow significantly and therefore improve air quality locally.

The development has the potential to create light nuisance and as such there is a requirement to minimise the impact of light on surrounding residents which may include treating the glazing surfaces, to minimise light breakout from the building itself.

Conditions are recommended to secure details to deal with contamination, noise and dust during construction, plant noise, odour and ventilation, artificial lighting and servicing and delivery when the site is operational.

**Environment Agency:** Initially the Environment Agency (EA) objected to the proposal as the Flood Risk Assessment required further work. The issues raised by the EA have now been addressed. The EA have advised that the development will be acceptable subject to it being constructed in accordance with the submitted Flood Risk Assessment (FRA) and addendum dated 22/01/2018, prepared by Aecom on behalf of Nottingham College. Request a condition that finished floor levels be set no lower than 25.35m AOD and resilience measures should be included to a minimum of 26m AOD.

**Drainage:** No objections, subject to the development being carried out in accordance with the Flood Risk Assessment and addendum.

**Highways:** There will be no formal car parking on site and only a small provision for disabled drivers. This is acceptable given the sustainable transport options in the vicinity. Provision has been made for servicing off the new Popham Street. It is considered that the development would have no vehicular impact upon Cliff Road. However, as Malt Mill Lane will be lost as a result of the development, vehicle tracking is required to show the impact of refuse collection on Cliff Road and the service route undertaken by HGVs using the Nottingham Contemporary loading bay. Some reservations are raised in regards to the number of cycle spaces provided. However, overall there are no objections to the proposal subject to conditions in relation to construction traffic, gate operation, provision of appropriate sight lines, making good footway crossings, and cycle/disabled parking.

*Additional tracking information has been requested and further discussions are being held in regards to the level of cycle parking; an update on these matters will be provided at Committee.*

**Historic England (HE):** The application site is overlooked by the dramatic cliff face of the Lace Market, whose Conservation Area contains numerous listed buildings; the Grade I listed St Mary's Church is a prominent landmark. The site occupies an important, strategic position on the corner of Canal Street and Middle Hill, with the NET tram line running parallel along the site's western boundary and pedestrian/cycle route of Sussex Street immediately adjacent. Cliff Road extends

along the northern boundary, forming the edge to the Lace Market Conservation Area. The site also lies within the setting of the Station Conservation Area.

HE are supportive of the City Hub Project being located within the City Centre and recognise the redevelopment opportunities the application site presents. They welcome the distinctive design and the intention to create a high quality scheme.

HE appreciate both the difficulties and opportunities in delivering and designing a development which meets the College's brief, on what is a challenging and restricted site. Though, it is recognised that the extent of accommodation has been reduced since the initial pre application discussion in 2014, a significant amount of accommodation is still required and needs to be delivered in a safe and secure environment.

HE remain concerned by the impact the development will have on views towards the Lace Market conservation area and St Mary's Church in particular. Whilst the loss of views of the Cliff is harmful, HE believes further consideration could be given to reduce this harm and improve the design in the reconfiguration of the blocks and detailed design, they do feel that the a generous public realm provided to the west and north is at the expense of the views of the Cliff. Although they recognise the benefits of the public realm provision, concentrating the required volume on a reduced footprint makes the structure read as a single building rather than separate blocks - this is despite the attempts to break down the massing on the upper floors. It is very disappointing that opportunities to extend the footprint and reduce the public realm to try to break down the massing more convincingly and reduce the overall heights has not been considered.

HE are also not convinced that the proposed design makes a strong enough statement to terminate the vista along Colin Street and agree with the Design Panel in relation to this and the potential value of the gap within Middle Hill as a development site HE believe the application site, in such a key location, should not be considered in isolation and development proposals for this site must be properly integrated with the Council's aspirations for the wider area, including the potential remodelling of Colin Street, future options for Middle Hill, and the redevelopment of Broadmarsh.

HE have constantly advised that there is a fundamental need to ensure that views and experience of the cliff are not impaired by development. HE admit though that in reality any development on this site over two storeys will impact on the cliff and HE can see that the design response has attempted to retain key views to St Peter's on the Cliff along Canal Street and glimpsed views of St Mary's. However, they still believe there is further scope to reconfigure the blocks to create more views from key viewpoints along Canal Street, Trent Street and Middle Hill. They consider it difficult to see how the development will preserve and enhance the prospect of the Lace Market Conservation Area in a meaningful way.

Though they have advised that it will be for the planning authority to give the heritage assets their proper weight and special regard in accordance with the 1990 Act when making a balanced decision on this application.

In determining this application the planning authority should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest

which they possess. HE recommend further advice is sought from the conservation and urban design officers and the City Archaeologist

**Archaeology:** A programme of archaeological works is required as a condition of planning permission. The works should consist of archaeological excavation of archaeologically sensitive areas (as identified by the City Archaeologist on the basis of previous work) where ground reduction and the creation of foundation slabs, ground beams and other elements of the foundations takes place. The use of cluster piling should be avoided wherever possible to reduce the adverse impact upon deeply stratified archaeological remains. The extent of archaeological excavation will be dependent upon the foundation design and will need to be established following determination, with details issued in a brief to be prepared by the City Archaeologist.

Following excavation, monitoring, by an archaeologist, during the installation of piling will be required. Monitoring, by an archaeologist, will also be required during groundworks in some areas where archaeological excavation has not taken place. The extent of this can be outlined in a brief once the applicant supplies the required information regarding the final foundation design.

It is understood that any foundation design will evolve on the basis of ground investigations and other factors. The applicant is encouraged to consult with the City Archaeologist, during the foundation design stage, to minimise the impact of the foundations upon archaeological remains. Specialist advice is available to minimise and mitigate the impact upon archaeology thereby potentially reducing the amount of archaeological excavation that is required.

The site contains alluvial deposits and waterlogged deposits with organic remains. No information has been provided regarding the use of sheet piling around the perimeter of the site. Should sheet piling be used this would affect the hydrology of the site which would cause significant damage, across the entire site, to the waterlogged deposits. Sheet piling should only be permitted if it is constructed in such a way that it is permeable.

The archaeological excavation and monitoring of groundworks should be undertaken by a suitably qualified and experienced archaeological contractor in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation (WSI) to be approved by the City Archaeologist. The WSI should be produced in response to a brief to be prepared by the City Archaeologist.

**Conservation Officer:** The site is within the setting of numerous heritage assets including listed buildings, conservation areas, nationally significant geology and archaeology. It also has the potential to impact on significant views from the south and west towards the Lace Market's skyline. A thorough and convincing analysis of the scheme's impact on the surrounding historic environment has been submitted with the application. This provides essential background on the historical development of this key part of Nottingham's urban landscape. It then goes on to explain in detail how the new scheme has been designed to protect and frame significant views, and respect the setting of the heritage assets.

The new college building is a pleasing mixture of contemporary design elements and high quality materials, and includes some interesting references to the heritage of the site. The massing is broken down into distinct blocks that reduce in scale and

height towards the north. The building's wedge like shape allows key views of the Pitcher and Piano to be preserved along the west side of the building while the realigned Popham Street to the east will retain the views towards the escarpment from Canal Street. The scheme's integration of soft and hard landscaping is particularly well considered and will provide a key stimulus for much needed improvements to the pedestrian routes between the Southern Gateway, the Lace Market and City Centre.

For the reasons above the application is considered to comply with policies BE12 and BE10 of the Nottingham Local Plan and Policy 11 of the Greater Nottingham Aligned Core Strategy.

**Nottingham Civic Society:** Nottingham Civic Society welcomes the plan to recreate Sussex Street (lost in the original Broadmarsh Redevelopment) as a new pedestrian axis from Southside and the Station towards Garners Hill and the Lace Market, and an important addition to the pedestrian network. The new college would have a long, active frontage to the new pedestrian route, but its success as a safe and comfortable public space will depend upon the Council fulfilling its stated intention to humanise, with creative urban design, the space beneath the tram viaduct and to close the view into the space under the Middle Hill road viaduct.

The Civic Society welcomes the fact that the footprint of the new college has been adjusted eastwards from previously-published designs, to leave open an uninterrupted view towards the western end of the Lace Market Cliff, framing a direct view of the Former Unitarian Chapel and the High Pavement School rooms clustered below it.

The way the building steps down northwards towards Cliff Road is supported because it retains views of the full face of the Cliff down to the ground at this point. The massing is in line with the Council's adopted guidance contained within the City Centre Urban Design Guide. The Heritage Statement concludes that there is only a minor adverse townscape impact upon the significance of the Lace Market Cliff because all of the identified Key Views in the Council's policy are left intact. The drama of the Cliff would still be visible from the junction of Collin Street and Middle Hill, from the tram route and in framed views from Canal Street either side of the college building. The open view of the Lace Market Cliff currently available across cleared sites, did not exist in the past when railway viaducts and industrial buildings occupied the area and obscured this view. This open view of the Lace Market is achieved at the expense of a very poor street environment on the north side of Canal Street itself which needs to be rectified.

The new college building would address Canal Street with appropriate stature to enclose the wide and busy street with a building which would generate activity and make a significant contribution to the repair of the damaged townscape, improving community safety both during the day and into the evening, at this important node of activity close to the new bus station and to the new on-street bus stops. It is recognised that a delicate balance is being struck by siting a vibrant, busy new college on this sensitive site which is the foreground to Nottingham's historic Lace Market Cliff. The taller element will enclose Canal Street and interrupt the wider view, but maintains important focussed longer views whilst greatly improving the pedestrian environment and the streetscene in general.

However, the Civic Society has some concerns that the newly aligned Popham Street leaves the rear curtilages of dwellings in Shortwood Close somewhat



exposed. Further landscaping should be provided to reinforce their rear curtilages and buffer this residential area from views of the service ('back of house') functions of the college.

The Archaeology Report identifies the likelihood of buried medieval archaeological deposits on the application site which then adjoined the braided channel of the River Leen (before its 18th century canalisation). The report highlights the potential in such water-logged conditions for well-preserved material. If permission is granted, planning conditions should require agreement with the Council's Archaeologist of the Brief for excavation, recording and the subsequent publication of findings for this important site.

**Biodiversity and Greenspace Officer:** The application is supported by a Phase 1 Habitat Report from 2014 and an addendum from 2017. During the time between reports, the site has been cleared and is now an area of hard standing which is used as a car park. The Biodiversity and Greenspace officer is satisfied with the findings of the addendum that there are no ecological constraints to the development on the basis of current land use.

The site used to contain a disused railway arch, which was designated as a Local Wildlife Site (LWS) 'Canal Street Viaducts', reference 2/1092. This was designated as an LWS, as it supported good undisturbed plant communities and was an important feeding area for birds. Taking this into account, this development should seek to replace habitats and focus landscaping priorities to provide maximum biodiversity value. Local Wildlife Sites are non-statutory designated sites which are protected under council planning policies (NE2 in the Saved Local Plan and EN6 in the emerging LAPP). Where planning permission is granted, conditions and/ or planning obligations will be sought to provide appropriate mitigation and compensation measures. The proposed development is located near to the Nottingham Canal green corridor, providing an opportunity to create an area of city centre greenspace and refuge for wildlife.

Taking this into account, any landscaping should contain species which attract bees and other pollinating insects and future nesting sites for bird when shrubs become mature. Whilst the ground floor open space provision is likely to be prone to disturbance, the landscaping on the roof terraces should provide habitat in areas which are less likely to have the same level of access. The plans provided indicate green areas (listed below) but appear to be focussed on more of an amenity planting scheme. The inclusion of a green roof should be considered, as previously discussed when the arches were demolished so as to provide habitat for invertebrates and birds.

Bird, bat and insect boxes should be incorporated into the design of the building, creating habitat for a range of species. Given the City Centre location and height of the building, the design should include the provision of a peregrine falcon nest box. This should be placed on the highest section of the building, as nest sites have been found on buildings around 20m high.

**Tree Officer:** The proposed landscaping would make a positive contribution to biodiversity. Subject to landscaping details this application is acceptable in tree terms. Tree pit details for new trees will be required and as the trees to the electricity substation are to be retained they will require an arboricultural method statement; both requirements can be secured by condition.

## **Design Review Panel 6<sup>th</sup> October 2017**

The Panel acknowledged the difficulty in developing the site to accommodate the massing to meet the floorspace requirement of the college, whilst also allowing and respecting views through to the Lace Market escarpment. The Panel appreciated the amount of building had been significantly reduced from when it had first been presented at design review, and the work that has been done in developing a massing strategy alongside trying to retain views of the cliff. However, the massing and impact on views still remain a concern of the Panel, as it has at previous design reviews. Progression has been made towards achieving an acceptable scheme, although more work was needed on the configuration and massing of the building blocks to expose more views of the cliff.

The Panel understood that it was difficult to fully retain the open view of the cliff, as anything above two storeys would begin to restrict views. The work that has been done with the massing and positioning of the blocks to retain views of the cliff does go some way in delivering a scheme that does not compromise the cliff. However, the Panel felt that there was further scope to reconfigure and manipulate the blocks to expose more views through to the cliff from the key viewpoints of Canal Street, Trent Street and Middle Hill. Wider visual analysis on views to assess the impact of the scale and massing on the cliff would inform this, as the scheme would also benefit from further detailed contextual analysis to show how the scheme sits within its context.

The Panel was not convinced that the Collin Street view would be strong enough statement to terminate the vista, with the lower storeys of the building not being visible due to the significant change in levels through from Collin Street to the site. Looking at the view from Collin Street, the Panel identified the Middle Hill gap as having potential value as a development site, and recommend that a building within this gap would offer a credible solution to terminating the Collin Street view, as well as dealing with the space.

The Panel welcomed the consideration given to the provision of open space within the scheme, but felt that it may be overly generous and was at the expense of the cliff. The Panel suggested making use of the rear open space to allow the footprint to be extended enabling height to be distributed through the blocks in order to protect and offer more view of the cliff. With the vast amount of surrounding public realm to be created from the transformation of Middle Hill and Collin Street, the college hub will be able to make use of this space and so can afford to sacrifice some of its own open space.

The Panel stressed the importance of careful material selection to ensure the college buildings do not detract from the backdrop of the historic Lace Market, and to aid in breaking up the built form. It welcomed the proposed use of a perforated metal cladding.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework**

- 6.1 The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 7 explains that key to this is building a strong responsive and competitive economy, supporting strong, vibrant and healthy

communities by creating high quality built environments with accessible local services that reflect the communities needs and which supports its social wellbeing by protecting and enhancing the natural, built and historic environment.

- 6.2 Paragraph 14 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.
- 6.3 Paragraph 17 sets out the core planning principles, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; secure high quality design; support the transition to a low carbon future, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable resources; contribute to reducing pollution; and managing patterns of growth to make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 6.4 Paragraph 23 sets out the approach to ensuring the vitality of town centres. It recognises town centres as the heart of their communities and advises policies should be pursued to support their viability and vitality. It promotes competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. A range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres should be allocated.
- 6.5 Paragraph 52 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, indivisible from good planning. Paragraph 58 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.6 Paragraphs 128 and 129 consider the requirement to conserve and enhance the historic environment when determining planning applications. It is advised the applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This assessment should take into account the need to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal. Great weight should be given to the asset's conservation and if substantial harm or loss will occur the reasons for approving the development need to be exceptional. Where less than substantial harm will occur the harm should be weighed against the public benefits of the proposal.

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):**

S2: Development Site

CE1: Community Facilities

BE10: Development within the curtilage, or affecting the setting, of a listed building

BE12: Development in Conservation Areas

BE16: Archaeological constraints

NE3: Conservation of species

NE5: Trees

NE9: Pollution

NE10: Water quality and flood protection

NE12: Derelict land

T3: Car, cycles and servicing parking

## **Aligned Core Strategy (2014)**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 5: Nottingham City Centre

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

## **Nottingham City Centre Urban Design Guide (May 2009)**

This guide provides a physical framework and promotes the highest standard of urban design and architecture for the City Centre.

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

### **Main Issues**

- (i) Land use and impact upon the southern gateway of the City Centre;
- (ii) Design and layout, including impact upon the character and appearance of the adjacent Lace Market and Station Street Conservation Areas and listed buildings;

- (iii) Residential amenity
- (iv) Flood risk
- (v) Traffic and transport

**(i) Land use and impact upon the southern gateway of the City Centre** (Local Plan policies S2 and CE1, and Aligned Core Strategies policies A, 1, 5 and 14)

- 7.1 The proposals for the redevelopment of the application site form part of the wider proposals to transform the southern part of the City Centre as set out in paragraphs 3.4 to 3.5 above. The proposal is a high priority for the City Council and an integral part of transforming the Southern Gateway.
- 7.2 The site is in a key location adjacent to a main pedestrian and public transport route between the railway station and the City Centre, and currently does not contribute positively to the townscape or provide an attractive visitor gateway into the City Centre.
- 7.3 This large scale education facility is appropriate in land use terms, with its high density occupation by largely non-car using students entirely suited to this City Centre location which is hugely accessible by a range of sustainable transport modes, and as indicated by the Highway response the use will not cause traffic congestion. This high profile education facility brings a significant level of footfall and vibrancy that will aid the transformation and regeneration of the Southern Gateway.
- 7.4 In the saved Local Plan the site forms part of the wider area allocated for extension of the Broadmarsh Centre to accommodate shopping, leisure and associated uses of regional significance, together with transport interchange and car parking. The proposals for the new Broadmarsh bus station and car park, the subject of another application on this agenda, also fall within the S2 allocated area and provide the transport and shopping elements identified within this policy. The approved redevelopment of the Broadmarsh shopping centre for retail and leisure uses is also an integral part of the wider proposals that will realise the aspiration of this policy. With the shopping and transport related facilities to be provided on these adjacent sites, it is considered appropriate for the part of the Broadmarsh east site to accommodate the City Hub, which is a complimentary use appropriate to this key City Centre site.
- 7.5 It is therefore considered that this proposal would accord with the Local Plan policies CE1, and Aligned Core Strategies policies A, 1, 5 and 14. With the approved redevelopment of the Broadmarsh shopping centre the proposal would not offend Local Plan policy S2.

**(ii) Design and layout, including impact upon the character and appearance of the Lace Market Conservation Area and listed buildings** (Local Plan policies BE10 and BE12 and Aligned Core Strategies policies 10 and 11)

- 7.6 The opinions expressed by the Conservation Officer and Nottingham Civic Society are concurred with in relation to the general design approach taken to the building and how it responds to the local context. The site is within the setting of numerous heritage assets including listed buildings, conservation areas, nationally significant

geology and archaeology. It also has the potential to impact on significant views from the south and west towards the Lace Market skyline.

- 7.7 The footprint of the building has been adjusted eastwards from more recent iterations (including the version commented upon by the Design Review Panel), to leave an open and uninterrupted view towards the western end of the Lace Market Cliff, framing a direct view of the Former Unitarian Chapel and the High Pavement School rooms located below it. This is a particularly key view from Trent Street and on arrival from the side entrance of the railway station. The building has also been positioned and designed to re-create Sussex Street as a primary pedestrian route alongside the western side of the building, adding to the activity and surveillance of this route with a highly glazed western elevation at groundfloor level, reinforced with two primary entrance points from the new street. Above groundfloor level the terrace is aligned with the NET viaduct and will provide an active and attractive aspect of the building from the passing tram.
- 7.8 The manner in which the building steps down northwards helps to retain a sense of separation from, and views of, the Lace Market Cliff. It is felt that the proposal has only a minor adverse townscape impact on the significance of the Lace Market Cliff as key views are left intact, particularly given that the current open view is achieved at the expense of a very poor street environment.
- 7.9 The building addresses Canal Street with appropriate stature to enclose this wide and busy street with a building that helps to repair a damaged townscape. The siting of the building and the presence it will create will also improve community safety during the day and into the evening, by bringing activity and natural surveillance close to public transport.
- 7.10 The overall design is felt to be of a strong architectural quality that is founded on a well considered response to the site and its context. It is appropriately contemporary in its design but incorporates high quality materials and an intricate level of detail. The colour palette of red brick, terracotta and bronze hues respect the primary colours of the Lace Market Cliff.
- 7.11 Whilst the comments of Historic England are noted it is felt that that the building is a successful solution for what is a particularly challenging site due to its siting and configuration, its articulation as a series of different building blocks, the varying heights of the blocks which respond to differing constraints and townscape needs, and the overall quality of the architecture and materials proposed.
- 7.12 The scheme also incorporates strong landscaping proposals that will significantly enhance the quality and function of the public realm surrounding the building and beyond.
- 7.13 The eastern elevation that is adjacent to the rear boundaries of the neighbouring residential properties on Shortwood Close is quieter in its architectural expression, but will still present a high quality development. Although servicing is proposed to this rear elevation, this is mitigated by landscaping to enclose the service road, which will also improve the appearance of the new street.
- 7.14 Overall it is considered that the design of the building does strike the balance required for this sensitive site in the foreground of the Lace Market Cliff. The proposed development is considered to be acceptable in terms of its layout, scale, mass, design and external appearance and would significantly enhance the built

environment of this part of the City Centre and the character and appearance of the Lace Market Conservation Area and the Station Conservation Area. Harm to the various heritage assets referred to by Historic England is considered to be less than substantial, this is because key views of these assets are left intact as indicated in paragraph 7.8 above. The harm caused is outweighed by the overall public benefits which will accrue from the development. The proposals are not felt to be detrimental to the appearance or character of the various listed buildings in the area nor their settings. The proposal therefore complies with the NPPF, Local Plan policies BE10 and BE12 and Aligned Core Strategies policies 10 and 11.

**(ii) Residential Amenity** (Local Plan policy CE1, NE9 and Aligned Core Strategies policy 10)

- 7.15 The scale, mass and footprint of the proposed building will have some impact on surrounding residential properties with the closest to the site being those on Shortwood Close. Information submitted shows that there are separation distances of 26m to 30m between the eastern elevation of the building and the rear elevations of these properties. The narrower distances are at oblique angles. At the narrowest separation points the height of the new building is just less than 17m, although it does increase in height by about 4m as the building steps back westwards. Although the difference in height between the proposed development and its domestic scaled neighbours is recognised, such relationships are not uncommon in a City Centre location and in this instance the separation distances are relatively generous. Sun path analysis information provided by the applicant shows that at the winter solstice the existing buildings to the south (such as the apartments at Nottingham One) already cause shadowing to the properties on Shortwood Close at midday, although this impact is lessened as the sun moves around to the west. The new building will cause loss of evening sun during the winter, spring and autumn, but in summer, due to the height of the sun, the impact is not significant. Overall it is felt that on balance the impact would not offend Aligned Core Strategies policy 10 and Local Plan policy CE1 with regards to affecting privacy, daylight, sunlight and immediate outlook.
- 7.16 Protecting private views and vistas of a surrounding area is not a planning consideration, but as indicated in the preceding section, key public views and vistas, identified in this instance within the Council's City Centre Urban Design Guide, are respected and retained.
- 7.17 The City Hub will bring more people into the area, however the siting of the facility near to a tram stop, railway station and bus station makes the use of public transport extremely attractive, thereby assisting to reduce reliance on traffic generation. Cycle parking provision will also promote another form of sustainable transport. The location of these public transport facilities to the south and west, together with the main entrances also located to the south and west, does mean that pedestrian movement will be focussed on these sides of the building, away from the residential properties to the east. The building's design therefore reduces the likelihood of visitors to the City Hub accessing the area via Cliff Road.
- 7.18 The servicing for the City Hub will take place off the new Popham Street, and while this activity is likely to be infrequent, as recommended by Environmental Health and Safer Places, servicing times can be restricted by condition to safeguard residential amenity for the Shortwood Close properties.

- 7.19 Conditions can also be used to ensure that plant and internal/external lighting associated with the building will not affect surrounding residents. Furthermore, the impact of the construction of the development can be reduced through the use of further conditions, as suggested by Highways and Environmental Health and Safer Places.
- 7.20 As a result of the design of the building and through the use of conditions, the proposal with regards to noise and disturbance will comply with Local Plan policy NE9 and Aligned Core Strategies policy 10.

**(iv) Flood Risk** (Local Plan policy NE10)

- 7.21 The site is located in Flood Zone 2 and its southernmost part is within Flood Zone 3. Following receipt of an amended FRA the Environment Agency have removed their objection to the proposed development, subject to the conditions suggested by them. Policy NE10 is therefore complied with.
- 7.22 The increase in the finished floor levels will increase the height of the building by 100mm, which is negligible and has no adverse impact either on the appearance of the building or neighbouring residents.

**(v) Traffic and Transport** (Local Plan policies T3 and Aligned Core Strategies policy 14)

- 7.23 The transport statement submitted as part of the application concludes that traffic to the site will be minimal and imperceptible as part of daily traffic flows. Highways have not raised any concerns with the content or conclusions of the statement. As servicing will be off Canal Street via the new Popham Street, there would be little desire for service vehicles to access the site from any other direction. The layout of the service area should ensure that deliveries and collections, using small to medium sized vehicles, can be made in forward gear. The documentation submitted indicates that service providers will be advised of servicing arrangements to further reduce disruption to the highway network. The applicants are happy to provide a travel plan and this will be secured by condition.
- 7.24 The site is in close proximity to the railway station, tram and the proposed replacement bus station, which makes the use of public transport highly attractive to users and visitors to the site. The provision of cycle parking encourages another form of sustainable transport.
- 7.25 The very limited amount of traffic generated by the proposal will have no impact on the character of the adjacent Conservation Areas and will not compromise highway safety. Local Plan policies T3 and Aligned Core Strategy policy 14 are therefore satisfied.

**OTHER MATTERS** (Local Plan policies NE9, NE12 and BE16)

**Contamination**

- 7.26 Conditions are recommended to deal with ground contamination and will ensure that the proposal complies with Policy NE12.



## **Archaeology**

- 7.27 A condition is recommended to ensure that the archaeological resources affected by the development are properly investigated and recorded. Policy BE16 is therefore satisfied.

## **Air Quality**

- 7.28 The site is adjacent to an air quality management area. The air quality assessment submitted confirms that when the City Hub is operational there will be no impact on local air quality. The proposals therefore comply with Local Plan policy NE9.

## **Consultation queries**

- 7.29 The pre-application consultation raised queries in regards to the level accommodation provided, the accessibility of the site for disabled users, the need for a new tram stop and general queries around traffic movement in the area. Some responses (including that of the Civic Society) raise some concern over the form of the rear curtilages of Shortwood Close.
- 7.30 The site will be accessible for disabled users and the College have given consideration to the accommodation required at site and also the ability to access other facilities in the City Centre. The level and type of accommodation is considered to be acceptable by the College, and as such no planning issues are raised
- 7.31 As indicated above there are number of different types of public transport facilities in the area, including a tram stop at the Station. Such proximity negates the need for an additional tram stop.
- 7.32 The loss of Malt Mill Lane has the potential to impact on the service requirements of the Broadmarsh Shopping Centre and the Nottingham Contemporary, which does suggest a need to review Traffic Regulation Orders in the area. A requirement for Traffic Regulation Orders to be investigated can be secured through condition, but further consultation may be required to confirm any proposed changes, which is outside the scope of the Planning process. The loss of the existing Popham Street has been addressed through planning application reference 16/0090/PFUL3, this application requires the provision of appropriate boundary treatment to the Shortwood Close. Stopping up orders are also in the process of being progressed.

## **8 SUSTAINABILITY / BIODIVERSITY (Local Plan policy NE3 and NE5 and Aligned Core Strategies policies 1 and 17)**

### **Sustainability**

- 8.1 The sustainability statement submitted with the application confirms that the proposed development can be built to surpass current Building Regulations. It also indicated that the current design option is to make use of the district heating scheme. A condition can secure information to ensure that carbon emissions are reduced in line with Aligned Core Strategies Policy 1.

## **Trees**

- 8.2 There is currently one tree within the application site which would be lost as result of the proposals, but the three others adjacent to the electricity substation can be retained. A condition is recommended to ensure that these are adequately protected during the construction process. Conditions can also be used to secure the provision of new trees within the site, along with tree pit details. Local Plan policy NE5 is therefore satisfied.

## **Biodiversity**

- 8.3 The ecology report confirms that there are no ecological constraints to the proposed development. As indicated by the Biodiversity and Greenspace officer, conditions can be used secure further ecological enhancements in addition to the landscaping proposals. Local Plan policy NE3 and Aligned Core Strategies policies 1 and 17 are therefore satisfied.

## **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**

The proposal addresses the following corporate themes:

World Class Nottingham: As part of the works to transform the southern gateway of the City Centre.

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

Neighbourhood Nottingham: Redevelopment with a high quality development

## **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: 17/02664/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OZWU5QLYH7300>

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

Nottingham Local Plan (November 2005)

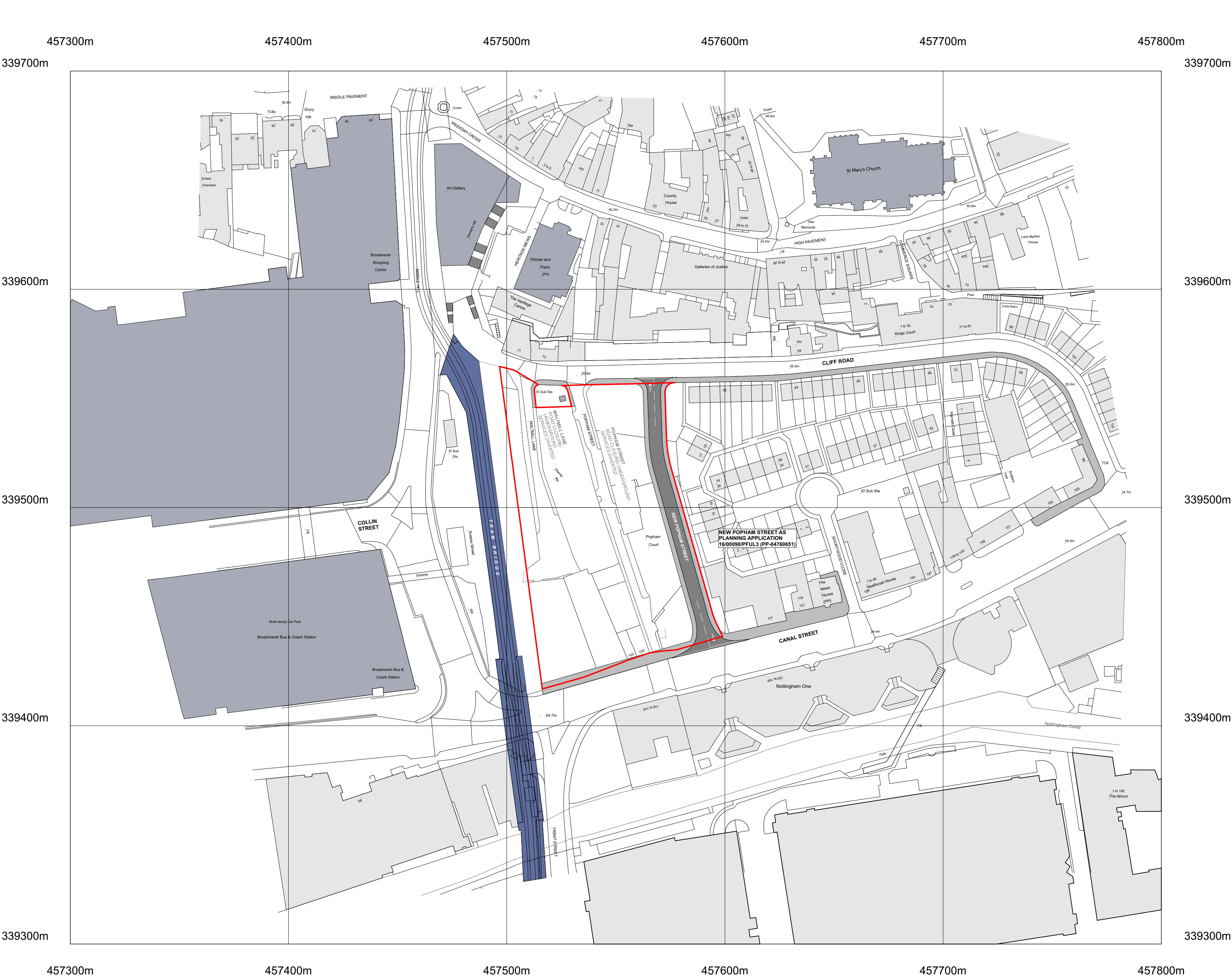
Aligned Core Strategies (September 2014)

Nottingham City Centre Urban Design Guide (May 2009)

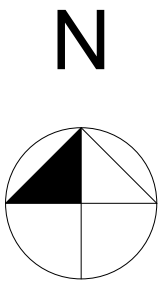
**Contact Officer:**

Miss Jenny Cole, Case Officer, Development Management.

Email: [jenny.cole@nottinghamcity.gov.uk](mailto:jenny.cole@nottinghamcity.gov.uk). Telephone: 0115 8764027



**SITE LOCATION PLAN**  
SCALE 1:1250



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**Note:**  
College ownership boundary indicated  
subject to deed plan verification

P02 Planning Issue	SS	AM	22/11/17
P01 First Issue	SS	AM	01/11/17

rev	description	drawn	checked	date
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**City Hub Project**  
**Canal Street, Nottingham**  
**FE College**

**Nottingham College**

**EXISTING SITE LOCATION PLAN**

bba project reference	scale(s)	original paper size
16-150	1:1250	A2

name :	
project	originator volume level type role number

**CHP - BBA - ZZ - XX - DR - A - 1001**

status : suitability description :  
**D5 SUITABLE FOR PLANNING**

revision : revision description :

**P02 PRELIMINARY**

This document is © Bond Bryan Architects Ltd. If in doubt ASK. Drawing measurements shall not be obtained by scaling. Verify all dimensions prior to construction. Immediately report any discrepancies on this document to the Architect. This document shall be read in conjunction with associated models, specifications and related consultant's documents.

**My Ref:** 17/02664/PFUL3 (PP-06538161)  
**Your Ref:**  
**Contact:** Miss Jenny Cole  
**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

Landmark Planning Limited  
FAO: Mr Peter Wilkinson  
10 Salisbury Road  
Leicester  
LE1 7QR

Date of decision:

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

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Application No: 17/02664/PFUL3 (PP-06538161)  
Application by: Mr Matthew Varley  
Location: Site Of Popham Court, Popham Street, Nottingham  
Proposal: Development of Educational Hub (College) and associated works for Nottingham College

---

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

<b>Time limit</b>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. Prior to the commencement of the development or site preparation works 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:

- (i) Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice;
- (ii) Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents;
- (iii) Set out a communication strategy to keep regulators, residents 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 applicant shall adhere to the agreed Noise and Dust Management Plan throughout the construction, demolition or refurbishment works undertaken on site.

*Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.*

3. Prior to the commencement of the development or site preparation works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- i) The parking of vehicles of site operatives and visitors;
- ii) Loading and unloading of plant and materials;
- iii) Storage of plant and materials used in constructing the development;
- iv) Wheel washing facilities;
- v) Measures to control the emission of dust and dirt during construction.

*Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.*

4. No development involving the breaking of ground shall take place within the site boundaries unless a written specification for the implementation of an archaeological watching brief, during the course of the development, has first been submitted to and approved in writing by the Local Planning Authority. The specification shall include arrangements for:

- (i) the recording of any finds made during the watching brief and for the preparation of a final report;
- (ii) the deposition of the records of finds, and any significant finds, capable of removal from the site, in a registered museum; and
- (iii) proposals for the publication of a summary of the final report in an appropriate journal.

The archaeological works approved under this condition shall be carried out in accordance with the approved specification.

*Reason: In order to safeguard archaeological resources in accordance with Policy BE16 of the Local Plan.*



5. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 2 Site Investigation by Curtains dated 08/06/2017 (B063859.00/P2/ST/8405) and supporting documents, and 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:

i) A Remediation Plan, 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).

ii) 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 safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 and NE12 of the Nottingham Local Plan.*

6. No above ground development shall take place until an environmental noise assessment and sound insulation scheme which has regard to the Environmental Noise Assessment by HRS dated 21/11/2017 (Ref: 126240 - AC - 5v4) shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

*Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.*

7. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

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

8. No above ground development shall take place until precise details of the design of the service road, together with details of sight lines to be provided, have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

*Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.*

9. No above ground development shall take place until details of the external materials to be used in the development, including details (at a scale of 1:20) of the proposed windows (with reveal depths), doors, roof plant/furniture, roof edges and the brick detailing, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of visual amenity to accord with Policy 10 of the Aligned Core Strategy.*

10. No above ground development shall take place until a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

*Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.*

11. Prior to any above ground development taking place a strategy for reducing carbon emissions that exceed Building Regulation standards by 10% shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

*Reason: In the interests of sustainable development to comply with Policy 1 of the Aligned Core Strategy.*

**Pre-occupation conditions**

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



12. Prior to first occupation of the building, an external lighting assessment for the development shall be submitted to and be approved in writing by the Local Planning Authority.

The external lighting assessment shall specify an appropriate external lighting scheme for the development and minimise the light breakout from the building itself and shall ensure that:

- i. Direct illumination of 'habitable rooms' (i.e. living rooms and bedrooms) does not occur and that any nearby residents are not subjected to glare anywhere within the boundary of their property,
- ii. There is no significant increase in existing light levels, attributable to the development, at the boundary of any nearby residential properties.

The submission shall also include the design and configuration specification for the external lighting scheme, any treatment of glazed areas and a prediction of light levels at the boundary of the nearest affected residential properties (vertical and horizontal isolux plots) attributable to the development.

*Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Aligned Core Strategy.*

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

- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
- b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

*Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 and NE12 of the Nottingham Local Plan.*

14. Prior to the occupation of any part of the building the service road shall be provided in accordance with the details approved in relation to condition 8 above.

*Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.*

15. Prior to the occupation of any part of the building, any redundant footway crossings and/or damaged or altered areas of footway or other highway shall have been reinstated in accordance with details that have first been submitted and approved in writing by the Local Planning Authority.

*Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.*

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

*Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.*

17. Prior to first occupation of the development, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.*

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

*Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Aligned Core Strategy.*

19. Prior to first occupation of any part of the development, an application and draft designs for amendments to the Traffic Regulation Order in the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority.

The developer shall thereafter pursue implementation of the proposed amendments, prior to the first occupation of any part of the building.

*Reason: In the interests of highway safety in accordance with Policy T3 of the Nottingham Local Plan and Policies 10 and 14 of the Aligned Core Strategy.*

20. Prior to the first occupation of any part of the building, details of a landscaping scheme including details of hard surfacing, seating, any boundary treatments and the type, height, height, species and location of proposed trees and shrubs (which shall be of native species), together with details of proposed tree pits shall be submitted to and approved in writing by the Local Planning Authority. 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.

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of visual amenity of the area in accordance with Policy 10 of the Aligned Core Strategy.*

21. Prior to the first occupation of any part of the building, bird, bat and insect boxes shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall cover the dimensions and proposed location of such boxes within/on the building.

*Reason: To enhance biodiversity at the site in accordance with Policy NE3 of the Local Plan*

and Policy 17 of the Aligned Core Strategy.

**Regulatory/ongoing conditions**

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

22. Within 6 months of the first occupation of the building, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out the measures proposed to promote the use of sustainable modes of transport and provide details for the implementation timescales of the Plan as well as the mechanisms for monitoring and reviewing it. Thereafter the development shall be operated in accordance with the approved details.

*Reason: To promote sustainable forms of transport in accordance with Policy 14 of the Aligned Core Strategy.*

23. The approved external lighting scheme shall be maintained and serviced in accordance with manufacturer's recommendations while the development continues to be occupied.

*Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Aligned Core Strategy.*

24. Servicing and deliveries to and from the development (including the collection of waste) shall not take place outside of the following hours:

- a) 08.00 to 18.00 hrs Mondays to Fridays;
- b) Not at all on Saturdays, Sundays or Bank Holidays.

*Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Aligned Core Strategy.*

25. Any gates at the development access must be set back a minimum of 5m from the back of the highway and open inwards, unless otherwise with the prior written agreement of the Local Planning Authority.

*Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.*

26. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and addendum dated 22/01/2018 prepared by Aecom on behalf of Nottingham College, and the following mitigation measures detailed within the FRA:

- 1. Finished floor levels shall be set no lower than 25.35 m above Ordnance Datum (AOD);
- 2. Resilience measures shall be included to a minimum of 26.0m AOD as discussed in section 3.2 of the FRA.

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. Thereafter the mitigation measures shall be retained in accordance with the approved details.

*Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with Policy NE10 of the Local Plan.*



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

**DRAFT <sup>7</sup> ONLY**  
**Not for issue**

Continued...

27. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

*Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources to accord with Policy NE12 and NE10 of the Local Plan.*

#### **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 24 November 2017.

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

Cut and fill operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions 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.

#### 4. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

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

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

#### 5. Construction & Demolition

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 (Tel: 0115 9152020; email: [pollution.control@nottinghamcity.gov.uk](mailto: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 or damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

## 6. Control of Odour & Provision of Adequate Ventilation

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: [fireprotectionsouth@notts-fire.gov.uk](mailto:fireprotectionsouth@notts-fire.gov.uk) ). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops> ).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire. Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

### Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within DW/172 produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS110).

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf>.

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

## 7. Highways

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk). All associated costs will be the responsibility of the developer.

The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management 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. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

To progress the discussions for TROs the applicant should contact Scott Harrison 0115 8765245 in the first instance concerning Cliff Road restrictions.

To progress the stopping up order the applicant should keep in contact with John Lee 0115 8765246.

To progress cycle parking details contact John Bann 0115 8764014.

## 8. Archaeology

A programme of archaeological works is required as a condition of planning permission. The works should consist of archaeological excavation of archaeologically sensitive areas (as identified by the City Archaeologist on the basis of previous work) where ground reduction and the creation of foundation slabs, ground beams and other elements of the foundations takes place. The use of cluster piling should be avoided wherever possible to reduce the adverse impact upon deeply stratified archaeological remains. The extent of archaeological excavation will be dependent upon

the foundation design and will need to be established following determination, with details issued in a brief to be prepared by the City Archaeologist.

Following excavation, monitoring, by an archaeologist, during the installation of piling will be required. Monitoring, by an archaeologist, will also be required during groundworks in some areas where archaeological excavation has not taken place. The extent of this can be outlined in a brief once the applicant supplies the required information regarding the final foundation design.

It is understood that any foundation design will evolve on the basis of ground investigations and other factors. The applicant is encouraged to consult with the City Archaeologist, during the foundation design stage, to minimise the impact of the foundations upon archaeological remains. Specialist advice is available to minimise and mitigate the impact upon archaeology thereby potentially reducing the amount of archaeological excavation that is required.

The site contains alluvial deposits and waterlogged deposits with organic remains. No information has been provided regarding the use of sheet piling around the perimeter of the site. Should sheet piling be used this would affect the hydrology of the site which would cause significant damage, across the entire site, to the waterlogged deposits. Sheet piling should only be permitted if it is constructed in such a way that it is permeable.

The archaeological excavation and monitoring of groundworks should be undertaken by a suitably qualified and experienced archaeological contractor in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation (WSI) to be approved by the City Archaeologist. The WSI should be produced in response to a brief to be prepared by the City Archaeologist.

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: 17/02664/PFUL3 (PP-06538161)

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

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

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



please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

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

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

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

## PURCHASE NOTICES

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

## COMPENSATION

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