

**REPORT OF CHIEF PLANNER**

**Avenue D And Avenue E, Sneinton Market**

**1 SUMMARY**

Application No: 17/02557/PFUL3 for planning permission

Application by: Leonard Design Architects on behalf of Carlton Street Trading

Proposal: Refurbishment and partial demolition of existing buildings with erection of new three storey building with accommodation within roofspace creating 44 new apartments (including 36 student apartments) with A1 and A3 uses at ground level.

The application is brought to Committee because it is a major development on a prominent site of some local sensitivity.

To meet the Council's Performance Targets this application should be determined by 16th February 2018

**2 RECOMMENDATIONS**

**Subject to no further material matters being raised in response to consultation by the expiry of the consultation period (21<sup>st</sup> February 2018)**  
**GRANT PLANNING PERMISSION** subject to:

- (i) Prior completion of an agreement under section 111 of the Local Government Act 1972 to require completion of a Planning Obligation and securing a public open space financial contribution of £10959.64 towards improvements to Victoria Park.
  - (ii) Student Management and restrictions on car use.
- (b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of both the terms of the Planning Obligation and the conditions to be delegated to the Chief Planner

- 2.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.
- 2.3 That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

### **3 BACKGROUND**

- 3.1 The application relates to Avenues D and E of Sneinton Market, and the adjacent single storey retail unit on the corner of Southwell Road and Bath Street. The site lies on the eastern edge of the City Centre and is identified within the Nottingham Local Plan as a specific site for regeneration within the Eastside Regeneration Zone of the City. The site is also within the Sneinton Market Conservation Area.
- 3.2 The site is bounded by Freckingham Street to the southwest, Bath Street to the northeast and Southwell Road to the southeast and comprises three individual buildings. There are two 1930s market buildings, which are in need of renovation and repair following fire damage, and a later single storey building at the southern end of the site. The original market buildings are characterised by their distinctive gables, which can also be seen on the other avenue buildings within the market. The later, single storey building to the south east of the market buildings is considered to be of no particular architectural or historic merit.

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

- 4.1 The application seeks permission for refurbishment of Avenues D and E. The application also proposes total demolition of the modern corner retail unit, along with limited demolition of elements of the existing market buildings, and the erection of a new three storey building on the Bath Street/Southwell Road corner. The new building would accommodate retail uses on the ground floor and 36 student flats above. The existing market buildings would be refurbished with retail and event space on the ground floor and a further 8 residential units within the roofspace of the central building. As amended, these would be marketed as live work units and would not be used as student accommodation.
- 4.2 The new three-storey building has been the subject of a number of design iterations, responding to concerns raised through the consultation process. The scheme that is brought to Committee is lower than that originally proposed, and has a simpler roof form, drawing influences from the gables and roofs of the wider Sneinton Market Area. The openings within the ground floor of the building and the architectural detailing have also been amended to reflect the scale and proportions of the frontages in the existing market buildings.

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

#### **Adjoining occupiers consulted:**

233 neighbouring addresses on Bath Street, Brook Street, Handel Street, Lower Parliament Street, Gedling Street, Longden Street, west Walk and Carlton Road have been notified of the proposals by a letter dated 20<sup>th</sup> November 2017.

The application has also been advertised by way of site notices and a press advertisement.

Four representations were received from local residents raising the following concerns:

- The proposed new building is too large and does not reflect the scale of Sneinton Market
- The proposals should include street planting
- The scheme should not include student accommodation. There is a shortage of apartments in the city centre, which is forcing graduates out of the city.
- The junction between the old and new buildings is poor
- The architecture is weak
- The massing, scale, design and detailing of the proposal is unsympathetic to the surrounding 1930s units, and if approved this proposal would cause permanent and irreparable harm to the heritage significances of this conservation area
- The development fails to support the sensitive reuse of vacant or underused historic buildings
- The supporting information does not sufficiently assess the significance of the heritage asset or allow the development to be fully assessed in terms of its impact upon the Conservation Area
- The architecture is Scandinavian in style and does not reflect the surrounding architecture in terms of scale, detail or materials
- Historic England should be consulted as this development is contrary to the aims of the Heritage Action Zone funding
- Concerns that the gates and bollards on Freckingham Street will impede access for servicing and deliveries to existing units
- How will the gates and bollards be managed?
- Concerns that the introduction of residential accommodation would affect the ability of existing units to use machinery.
- How will the development affect parking in the area, which is already in demand?

A representation from Nottingham's Creative Quarter and the residents and Tenants of Avenues A-C has also been submitted. The representation begins by expressing support for the development in principle but raises the following concerns:

- The design could have been more creative
- The design does not fully enclose the site and an additional gate is therefore required
- The use of a contrasting rather than matching brick is questioned
- The large expanse of brickwork facing the arena could contain a mural
- It is disappointing that no public toilets have been included in the development
- The provision of vehicle charging points is confusing given that no parking is provided
- The proposals could overshadow some of the existing units
- The allocation of all residential space to students could mean that at certain times of the year there would be reduced daytime activity. It would be preferable if some of the accommodation could be live-work units.
- Planting/greening of the site should be maximised
- Concerned that the gates, signage and street furniture will restrict access onto Freckingham Street

Re-notification letters were sent on 7<sup>th</sup> February 2018 in relation to the amended proposals. The deadline for the receipt of comments is 21<sup>st</sup> February 2018. Any responses received in response to the re-notification letters will be reported to

Committee by way of an update.

**Additional consultation letters sent to:**

**Pollution Control:** No objection. Conditions requiring Environmental Noise Assessment and details of foundation and piling are recommended.

**Highways:** No objection. Conditions requiring the submission of a Construction Traffic Management Plan, details of Cycle storage and a Travel Plan, are recommended.

**Historic England:** No objection. The retention and repair of the historic buildings is supported and there is no objection to the demolition of the late 20<sup>th</sup> Century building. The scale and massing of the proposed new building is considered to be appropriate and responds to surrounding 3 storey buildings but also steps down to address the scale of the existing Market buildings. Concern was raised over the expanse of blank brick gable but this has been addressed through the amendments to the design and the introduction of additional architectural detailing. The use of high quality materials is recommended and there is a need to ensure public realm proposals are in line with the aspirations for the wider Sneinton Market area. Historic England recommended that the advice of the Conservation Officer is sought in relation to any outstanding matters.

**Heritage and Urban Design:** No objection. The buildings were badly damaged by fire and vandalism in the late 20<sup>th</sup> century and have remained largely unoccupied until the present day. The intended refurbishment and re-use of these buildings is strongly encouraged and will bring clear heritage benefits by ensuring that the structures have long term sustainable uses. The building on the northeast corner of the market is a modern single storey structure of no particular architectural or historic merit. While the wholesale market is strongly characterised by the one and a half storey buildings, its periphery is punctuated by a number of individually designed buildings of higher stature. Of particular note are the former NatWest Bank at 2 Carlton Road (3 storeys with roof dormers), the Pegger's Inn (2½ storeys), the terrace on the south side of Southwell Road that forms the frontage to the tram depot (3 storeys), the Banana Warehouse on the corner of Gedling Street and Brook Street (3 storeys) and the former telephone exchange on Boston Street (9 storeys). In principle the construction of a taller building on the prominent corner site is therefore considered acceptable. It successfully provides a new landmark in the Southwell Road street scene and helps to frame the southern entrance to Bath Street. Its form and massing are adequately broken down and respond sympathetically to the character of both the market building alongside and the curved corner site. The roof form provides a contemporary reference to pitched roofs on nearby historic buildings and the materials are of a suitable quality standard and colour palette. Conditions requesting samples of materials and large scale drawings of the façade detailing will also be required to assess the depth of window reveals, the window system and the patterned brickwork.

**City Archaeologist:** The site lies within the City Centre and Nottingham Canal Archaeological Constraint Area. The Constraint Area represents the extent of occupation of Nottingham during the medieval and early post-medieval period. There is potential for archaeological remains to exist within the site and therefore archaeological evaluation will be required as a condition of planning permission. Excavations in the immediate vicinity of the proposed development area (at Brook Street) have demonstrated the preservation of archaeological features at shallow

depths. The site lies within an area of likely agricultural activity during the medieval and post-medieval periods. Two Viking graves were found in the vicinity (on land off Bath Street) in the 1850s and it is possible evidence of early medieval/Viking date may exist within the proposed development area. In order to assess the impact of the development upon archaeological remains, an archaeological field evaluation will be required as a condition of planning permission. The evaluation will assess the character, extent and condition of any such archaeological remains. It will then provide an evidence base to determine what further archaeological work may be required (which could consist of excavation, watching brief, or a combination of the two).

**Biodiversity Officer:** Bat and bird surveys are required for the buildings to be demolished.

**Drainage:** The application confirms that a sustainable drainage system will be used. As a brownfield site a reduction in the amount of surface water runoff by 30% compared to the sites previous use, is expected to be achieved through SuDS taking into account the building hierarchy for the disposal of surface water. This should be shown through the use of high level calculations showing the runoff from the sites previous use and the proposed runoff from the proposed use. A condition requesting this information prior to the commencement of development is recommended.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (March 2012)**

National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.

The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

Also of relevance to this application is section 12 of the NPPF that relates to conserving and enhancing the historic environment.

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

MU5- Eastside Regeneration Zone- mixed use sites

BE12 – Development in Conservation Areas

BE16 – Archaeological Constraints

H2 – Density

NE3 – Conservation of Species

NE9 – Pollution

R2 – Open Space in New Development

T3 -Car, cycle and servicing parking

**Greater Nottingham Aligned Core Strategies (September 2014):**

Policy A - Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 5 - Nottingham City Centre

Policy 8 – Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 11 – Historic Environment

Policy 17 – Biodiversity

Policy 19 – Developer Contributions

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

### **Main Issues**

- (i) Principle of the development
- (ii) Design and Impact on the Sneinton Market Conservation Area
- (iii) Residential Amenity
- (iv) Archaeology
- (v) Highways Consideration
- (vi) Planning Obligations

**Issue (i) Principle of the development** (Policies MU5 and ST1 of the Local Plan and Policies 5 and 8 of the Aligned Core Strategies)

- 7.1 The application site falls within the Eastside Regeneration Area of the City and Sneinton Market is allocated as a specific site for regeneration under Policy MU5.3. The Local Plan at paragraph 4.23 states that planning permission will be granted for a mix of uses on the site including residential, employment, leisure and education whilst at the same time making the best use of existing resources in the area. The proposed refurbishment and redevelopment of this section of Sneinton Market will bring vacant buildings back into use whilst enhancing the existing market area.
- 7.2 The mix of retail (A1) and restaurant/café (A3) uses on the ground floor would be in keeping with the wider aspirations for the regeneration of Sneinton Market and would also generate new employment opportunities. The provision of residential accommodation in the upper floors is considered to be appropriate in this city centre

location. The mix of live work units and student accommodation is considered to provide a suitable balance of city centre accommodation with the student accommodation being contained within one building to aid with future management and maintenance. It is considered that the proposed development would comply with policies ST1 and MU5 of the Local Plan and Policies 5 and 8 of the Aligned Core Strategies.

**Issue (ii) Design and Impact on the Sneinton Market Conservation Area** (Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategies)

- 7.3 Policy BE12 seeks to ensure that new development preserves or enhances the character or appearance of conservation areas. The intended refurbishment and re-use of these buildings will bring clear heritage benefits by ensuring that the structures have long term sustainable uses and as such is strongly encouraged. The building on the northeast corner of the market is a modern single storey structure of no particular architectural or historic merit, and the demolition of this building to facilitate the new three-storey building is acceptable.
- 7.4 Concerns have been raised about the potential conflict between the proposed development and the funding allocated by Historic England for heritage led regeneration through the Heritage Action Zone. Sneinton Market is one of the areas targeted for investment. Historic England are supportive of the proposals in principle and it is not considered that the proposal would be contrary to the aims of the Heritage Action Zone funding.
- 7.5 The proposals have been subjected to a series of amendments to address the various concerns raised in relation the scale, massing, roof form, architectural detailing and materials. The overall height of the proposed building has been reduced through amendments to the roof structure itself but also by reducing the floor to ceiling heights on each of the levels within the building. The prominence of the gables has also been reduced, although these would still be expressed above the roofline to provide sufficient articulation and interest. The dormers originally proposed within the roof of the new building have been omitted and the accommodation within the roof would be served by rooflights only. Various approaches to the scale and design of the roof have been explored but the final design proposes simple rooflights to reflect the glazed roofs of the original market buildings.
- 7.6 The junction between the proposed three storey building and the original market building to be retained has been re-addressed and the existing 'half gable' will be completed to create a third Art Deco style gable onto the Bath Street elevation. It is felt that this alteration will create a smoother transition between the existing and new elements of the development and will enhance this street frontage overall. It will be important to ensure that the new brickwork is of a very good match to the existing and a condition to regulate this is recommended.
- 7.7 It is now proposed to construct the new building in a red brick to match that of the existing market buildings and brick detailing has been added to the elevations to emulate the scale and proportions of the architectural detailing of the existing buildings. The curve of the building would be detailed with decorative brickwork but could potentially be used for a mural in the future. It is considered that these changes have improved the overall appearance of the proposed development and would ensure that the new building would relate in scale and design, to the existing buildings, which are to be retained. Conditions are recommended requiring the

submission of samples of all external materials and large-scale details of windows, rooflights, window reveals and the decorative brickwork.

- 7.8 The public realm within the site would be enhanced through the provision of planters, benches and other street furniture. The use of bollards would restrict vehicular movements and maintain pedestrian priority. The location of bollards and signage has been revised in response to concerns raised by existing tenants in relation to access. Conditions requiring further details of the planting scheme and street furniture are recommended.
- 7.9 The amended proposals are considered to be of an appropriate scale and design and would enhance the character and appearance of the Sneinton Market Conservation Area. The proposed development would therefore comply with policy BE12 of the Nottingham Local Plan and Policies 10 and 11 of the Aligned Core Strategies.

**Issue (iii) Residential Amenity** (Policy 10 of the Aligned Core Strategies)

- 7.10 The proposed layout provides student flats of an adequate size with satisfactory outlook and access to natural light. Conditions requiring the submission and implementation of an Environmental Noise Assessment and Sound insulation scheme are recommended to ensure that adequate insulation is provided to protect the future amenities of occupiers but also to protect existing non-residential uses in the area from threats of statutory noise complaints. It is not considered that the proposed development would have any significant impact upon the amenities of existing residential occupiers within the surrounding areas. The proposed development would therefore comply with Policy 10 of the Aligned Core Strategy.
- 7.11 The proposed student accommodation will be subject of a Student Management Scheme, which will be sought and agreed through the s106 Agreement.

**Issue (iv) Archaeology** (Policy BE16 of the Local Plan Policy 11 of the Aligned Core Strategies)

- 7.12 The site lies within the City Centre and Nottingham Canal Archaeological Constraint Area. Excavations in the immediate vicinity of the proposed development area (at Brook Street) have demonstrated the preservation of archaeological features at shallow depths. The site lies within an area of likely agricultural activity during the medieval and post-medieval periods. In order to assess the impact of the development upon archaeological remains, an archaeological field evaluation will be required. As the site is covered by existing buildings, it will not be possible to commence this evaluation until demolition begins. The City Archaeologist has therefore recommended that it is appropriate in this instance to impose a condition which requires the submission of details of a program and methodology for this evaluation, prior to the commencement of the development. The evaluation will establish whether any further archaeological work may be required and the methodology will set out a strategy for the preservation or recording of any remains that may be found. Through the imposition of this condition, the proposed development complies with Policy BE16 of the Local Plan.



**Issue (v) Highways Considerations** (Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategies)

- 7.13 The Highway Authority has raised no objection to the proposed development. The proposal will see the upgrade of the private roads of Avenue D and Avenue E within Sneinton Market, with access restricted by gates. This would be similar to the gating provided on the other parts of Sneinton Market. The proposals include improvements to the side entries for Avenue D and Avenue E onto Bath Street, which is in adopted highway. A section 278 agreement will be required for this part of the proposal. Servicing and refuse collection will utilise Freckingham Street. The proposal will not provide any additional parking for the retail or residential units. As these streets are private and are not considered adopted highway, it will be for the owners of the private carriageway to consider any parking/enforcement issues on Avenue D, Avenue E and Freckingham Street.
- 7.14 The application site is within a sustainable location with access to main bus routes and close proximity to the city centre. As such, the proposal to provide no additional parking is acceptable. However, cycle parking will be required and a condition requiring details of this is recommended. It is also considered that the site would benefit from a residential travel plan to inform residents of travel by non-car modes of transport and a condition to this effect is therefore recommended. Subject to these conditions the proposed development would comply with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.

**Issue (vi) Planning Obligations** (Policy R2 of the Local Plan and Policy 19 of the Aligned Core Strategies)

- 7.15 As the application site is currently within the ownership of the Council it is not possible at this stage for a planning obligation to be entered. Instead the applicant/developer will be asked to enter into an agreement with the Council under section 111 of the Local Government Act 1972 agreeing to provide and enter into the necessary planning obligations once the land has transferred to it. A commuted sum will be secured for open space in accordance with Policy R2 to be used for improvements to Victoria Park and this will not exceed the pooling restrictions imposed by Regulation 123 of the Community Infrastructure Levy Regulations 2010. The obligations will also secure restrictions on student use of vehicles within the City and a management plan for the student accommodation. It is considered that these requirements accord with Regulation 122(2) Community Infrastructure Levy Regulations 2010, in that they are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

**8. SUSTAINABILITY / BIODIVERSITY (Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy)**

- 8.1 Paragraph 118 of the NPPF notes that local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles. The following are relevant to this application:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- Opportunities to incorporate biodiversity in and around developments should be encouraged; and
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.

- 8.2 Policy NE3 of the Local Plan seeks to restricts development which would adversely impact on species or habitats protected by law, or of special importance, unless there is an overriding need for the development.
- 8.3 The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.
- 8.4 Paragraph 119 of the NPPF advises that the presumption in favour of sustainable development does not apply where the development requires appropriate assessment under the Birds or Habitats directives. Natural England provides standing advice for planning authorities assessing planning applications affecting protected species and in accordance with paragraph 118 of the NPPF the authority should aim to conserve and enhance biodiversity by assessing if any harm will result from a development and , if significant harm would occur and cannot be avoided, whether it can be adequately mitigated or compensated for. An initial survey of the buildings has been commissioned and the findings will be reported as an update at the committee meeting.

## **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**

Neighbourhood Nottingham: Creation of a high quality, sustainable, commercial and residential development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development and the future operation of the development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

**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: 17/02557/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OZ7H7JLYN0000>
2. Pollution Control comments dated 14.12.17
3. Highways Comments dated 5.12.17
4. Biodiversity officer comments dated 28.11.17
5. Drainage Team comments dated 20.11.17
6. Historic England comments dated 15.12.17
7. Representation from The Creative Quarter and tenants of Avenues A – C, dated 12.12.17
8. City Archaeologist comments dated 27.11.17
9. Conservation Officer comments dated 16.1.18
10. Economic Development comments dated 24.1.18
11. Representation from Carlton Street Trading, dated 27.11.17
12. Representation from Flat 5, 22-26 Bath Street, dated 23.11.17
13. Representation from Apartment 6, 22-26 Bath Street, dated 24.11.17
14. Representation from 383 Blue Bell Hill Road, dated 26.11.17
15. Representation from 10-12 Freckingham Street, dated 2.12.17

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

Nottingham Local Plan (November 2005)

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.

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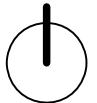
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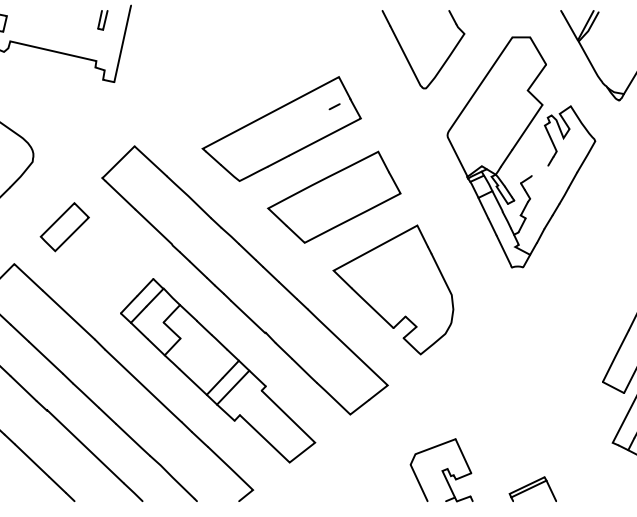
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DO NOT SCALE

Orientation



Location Plan



Notes

P00 10.11.17 Initial Issue RL LK

Rev.	Date	Revision	By	Checked
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Client

Carlton Street Trading Ltd.

Project

Sneinton Market,  
Nottingham

Drawing Title	Project Number
Location Plan	0651

Comp. File No.	Status
g:\projects\0651 sneinton market\03 working files\03.04 sheet final.dwg	S2

Drawn by	Checked by
RL	LK

Scale @A1	Date
1:1250	10.11.2017

File Identifier	Revision
SM-LDA-P1-LL-DRA-08000	P00

Purpose of Issue

Planning

Workflow Status

PLANNING



**My Ref:** 17/02557/PFUL3 (PP-06523309)

**Your Ref:**

**Contact:** Mrs Zoe Kyle

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Date of decision:

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

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Application No: 17/02557/PFUL3 (PP-06523309)  
Application by: Carlton Street Trading  
Location: Avenue D And Avenue E, Sneinton Market, Nottingham  
Proposal: Refurbishment and partial demolition of existing buildings with erection of new three storey building with accommodation within roofspace creating 44 new apartments (including 36 student apartments) with A1 and A3 uses at ground level.

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

<b>Time limit</b>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
2. Notwithstanding the approved details, the development hereby permitted shall not commence until details, including samples, of all external materials, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.  <i>Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE12 of the of the Local Plan and policies 10 and 11 of the Aligned Core Strategies.</i>

3. Notwithstanding the approved details, the development hereby permitted shall not commence until large scale details of the windows, rooflights and decorative brick detail have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE12 of the of the Local Plan and policies 10 and 11 of the Aligned Core Strategies.*

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

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L<sub>Amax</sub>(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

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

*Reason: To safeguard the amenity of future occupiers in accordance with Policy NE9 of the Local Plan and policy 10 of the Aligned Core Strategies.*

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

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

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

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

*Reason: To safeguard the amenities of future occupiers in accordance with Policy NE9 of the Local Plan and policy 10 of the Aligned Core Strategies.*

6. The development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers.

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

*Reason: To minimise the impact upon surrounding existing occupiers in accordance with Policy NE9 of the Local Plan.*

7. The development hereby permitted shall not commence until an archaeological field evaluation has been submitted to and approved in writing by the Local Planning Authority. The field evaluation will assess the character, extent and condition of any archaeological remains. It will then provide an evidence base to determine what further archaeological work may be required (which could consist of excavation, watching brief, or a combination of the two).

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

*Reason: To protect the archaeology of the site in accordance with Policy BE16 of the Local Plan.*

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

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

9. The development hereby permitted shall not commence until details of a sustainable drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The details should demonstrate a 30% reduction in surface water run-off compared to the sites previous use. This should be shown through the use of high level calculations showing the runoff from the sites previous use and the proposed runoff from the proposed use.

Thereafter, the development shall only be carried out in accordance with the approved details.

*Reason: To reduce surface water run-off in the interests of sustainability in accordance with Policy 1 of the Aligned Core Strategies.*

10. Notwithstanding the approved details, the development hereby permitted shall not commence until further details, to include large scale drawings, of the street furniture, including bollards and benches, entrance signage and gates, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall only be carried out in accordance with the approved details.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE12 of the Local Plan and policies 10 and 11 of the Aligned Core Strategies.*

11. The development shall not commence until;

a) a landscaping and planting scheme for the development indicating the type, height, species and location of all new trees and shrubs, existing trees and shrubs to be retained and all other hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority;

b)

the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and

c)

any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

12. Prior to the commencement of development, details of the hard surfacing proposals for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

13. Prior to any demolition or site clearance works taking place, further survey work shall be undertaken, by suitably qualified persons, to establish the presence or absence of bats or birds on or adjacent to the site, and any habitats used by them. The results of the survey shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of the protection of species in accordance with Policy NE3 of the Local Plan.*

14. In the event that the survey undertaken pursuant to condition 2 identifies that bats or birds are present, an appropriate mitigation strategy detailing measures for the avoidance of harm and necessary protection for bats and birds shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition or site clearance works taking place. The strategy shall include timing of works and method statements. The approved strategy shall be implemented in accordance with the timescales set out therein.

*Reason: In the interests of the protection of species in accordance with Policy NE3 of the Local Plan.*



15. Prior to the commencement of building work for the new development, a scheme for the provision of new habitats for protected and other species on the buildings and surrounding area, along with a programme for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the timescales set out in the approved programme.

*Reason: In the interests of the protection of species in accordance with Policy NE3 of the Local Plan.*

16. Notwithstanding the details shown on the approved plans, the development hereby permitted shall not commence until details of the ATM have been submitted to and approved in writing by the Local Planning Authority. Thereafter the ATM shall be installed in accordance with the approved details.

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

#### **Pre-occupation conditions**

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

17. Notwithstanding the details shown on the approved plans no part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. Cycle provision shall be conveniently located, be covered and secure and that area shall not thereafter be used for any purpose other than the parking of cycles.

*Reason: To ensure that adequate cycle storage for the development is provided in accordance with Policy T3 of the Local Plan.*

18. Prior to the first use of the development hereby permitted, the bin storage shall be provided in accordance with the details shown on the approved plans.

*Reason: To ensure that adequate bin storage is provided for the development in accordance with Policy 10 of the Aligned Core Strategies.*

19. Within 3 months of the first occupation of the development hereby permitted, a full residential Travel Plan shall be submitted and approved in writing by the Local Planning Authority. The Travel Plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation, with a Travel Plan update to be submitted and approved by the Local Planning Authority within 3 months of each survey date.

*Reason: To promote the use of sustainable travel in accordance with Policy T3 of the Local Plan.*

#### **Regulatory/ongoing conditions**

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

There are no conditions in this section.

**Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
- Drawing reference 0651 SM-LDA-P1-00-DR-A-08010, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-00-DR-A-08110, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-10-DR-A-08111, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-20-DR-A-08112, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-30-DR-A-08113, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08020, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08021, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08022, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08023, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08120, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08121, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08122, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08123, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08124, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08124, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-LL-DR-A-08000, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-LL-DR-A-08001, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-LL-DR-A-08101, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-LL-DR-A-08119, received 5 February 2018
  - Drawing reference 0651 SM-LDA-P1-LL-DR-A-08119, received 5 February 2018

*Reason: To determine the scope of this permission.*

## Informatives

1. 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.

2. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

3. i: 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.

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

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

#### 4. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

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

#### 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. 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.

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: 17/02557/PFUL3 (PP-06523309)

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.



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# **DRAFT ONLY**

## **Not for issue**