

**REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION**

**11 - 19 Station Street, Nottingham**

**1 SUMMARY**

Application No: 18/00916/PFUL3 for planning permission

Application by: Franklin Ellis on behalf of Bildurn (Properties) Ltd

Proposal: Demolition of existing buildings. Proposed five-storey office building with associated undercroft parking, external works, and roof plant area

The application is brought to Committee because it relates to a major development on a prominent site where there are important design and heritage considerations.

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

**2 RECOMMENDATIONS**

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

Power to determine the final details of the conditions to be delegated to the Director of Planning and Regeneration.

**3 BACKGROUND**

- 3.1 The site is approximately 0.21ha in area and located to the north side of Station Street. It is currently occupied by 11-19 Station Street which are 3 to 4 storey Victorian buildings. To the western boundary is 3-9 Station Street which is occupied at ground floor by Tesco, whilst to the east is the Hopkinson Building which is a Vintage Antiques and Art Centre. To the rear of the site is a surface car park which is accessed from between the Hopkinson Building and the former Employment Exchange building (this building has now been demolished). The Nottingham Beeston Canal, towpath and grass bank run along the northern boundary of the site. There is a change in levels of about 3m between Station Street and the towpath.
- 3.2 The site is located within the Station Street Conservation Area, and shares its western boundary with the Canal Conservation Area. The site is also located within Flood Zone 3.

## **4      DETAILS OF THE PROPOSAL**

- 4.1      The proposal is for a 5 storey building which would provide 5,832 square metres of Grade A office space.
- 4.2      The lower ground floor would provide undercroft car parking which would be accessed between the Hopkinson Building and the student accommodation proposed on the former Employment Exchange site. Plant, cycle stores, shower facilities and bin storage facilities are also proposed on the lower ground floor.
- 4.3      On the ground floor is proposed a reception area, which would be accessed off Station Street. The office building would extend to the grass bank which sits to the south of the canal towpath. Large windows are proposed to the canal side.
- 4.4      The layout of the first to third floors is the same and provides two stair cores, toilet facilities and open plan office space with windows along all four elevations. Within the primary stair core two lifts are proposed. The fourth floor has an outside terrace that overlooks Station Street.
- 4.5      The building would increase in height from south to north. The southern elevation facing onto Station Street would be 4 storeys high and have a maximum height of 17.6m; the rear part of the building would be 5 storeys. Taking into account the plant area to be enclosed and the lift core, the maximum height of the building would be approximately 23.6m (measured from Station Street level).
- 4.6      To the Station Street frontage the building would have curtain wall glazing where it abuts the Tesco building. This curtain wall glazing would extend from ground floor to the fourth floor. The main entrance to the building would be accessed through this glazing and would lead into the main reception area. To the east the Station Street frontage would be built of brick with stone bands between each floor. Floor to ceiling windows are proposed which would be set in an irregular but ordered fenestration pattern. The ground floor would be set back from the street edge and columns are proposed which give the impression of a colonnade. The ground floor beneath the brick element of the building would be largely glazed. Gates are proposed to the side of the Hopkinson Building.
- 4.7      The north elevation facing the canal has been designed to reflect the traditional canal side buildings. To this elevation the building has a simple grid like appearance, having a regular pattern of brick pillars between windows. The ground floor would have larger windows. The building would be provided with deep window reveals.
- 4.8      Further work is being undertaken to amend the Station Street frontage to address the relationship of the curtain wall glazed element to the Tesco building and also to refine the colonnade area to the ground floor.
- 4.9      Access to the undercroft car park would be via a shared vehicular access that jointly serves the proposed building, 23 (Hopkinson) and 11-19 Station Street which is to be located between the new student accommodation and 23 Station Street, where the existing vehicular access to the surface car park is located. A total of 29 car parking spaces would be provided for the building.
- 4.10     The development is also to be party to the delivery of public realm improvements adjacent to the site, principally incorporating part of the canal towpath and provision

of a pedestrian link from Trent Street. This scheme is to be delivered jointly along with the student accommodation approved at 25 Station Street under planning application 18/00926/PFUL3, and the proposed apartment scheme at 109 Carrington Street, under planning application 18/01048/PFUL3. Delivery of these works is proposed to be secured by condition.

- 4.11 The applicants have agreed to work in partnership with the Council to provide local employment and training opportunities during both construction and once the building is operational.

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

### **Adjoining occupiers consulted:**

21 neighbouring properties along Station Street and Carrington Street have been notified in writing of the proposal. The application has also been publicised through press and site notices. As a result of this publicity, 1 letter of representation has been received.

**Nottingham Civic Society:** Nottingham Civic Society objects strongly to the demolition of Nos.11-19 Station Street, because of the merits of the buildings, recognised in the Council's own adopted Conservation Area Appraisal and Management Plan (2008) as 'unlisted buildings that make a positive contribution to the Station Conservation Area'. The buildings are also on the draft Local List in recognition of their townscape qualities. The applicant's Heritage Advisor has categorised these buildings only as 'Low Significance' seemingly as they are in such poor condition (they have been under the stewardship of the applicant for many years) and because they are smaller than buildings constructed later. The Civic Society considers their significance to be enhanced by the fact that they are older and of smaller scale than neighbouring buildings, representing an earlier phase in the history of the Station environs, as they faced the entrance to the nineteenth-century station which pre-dated the current Edwardian listed complex. There does not seem to have been any attempt to consider refurbishment of the front range of the existing buildings to retain and incorporate them into the new office development on the vacant land behind, which would have helped to mediate an appropriate scale for the new development, more in keeping with the scale of the historic fabric surrounding the site - Hopkinson shop in particular.

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

**City Ecology:** No objection subject to conditions securing an updated bat survey should development not take place within 2 years, a working method statement to ensure integrity of canal banks to protect water voles, a landscaping scheme which enhances biodiversity of the site, and an ecological sensitive lighting scheme.

**Highway Authority:** No objection subject to conditions relating to the provision of a construction management plan, implementation of the proposed car parking and cycle parking, and securing a travel plan.

**Environmental Health and Safer Places:** No objections but recommend that the following are secured by condition; a remediation strategy, a noise assessment/sound insulation scheme, and electric charging points. Conditions will also be required to verify that the agreed mitigation measures have been implemented. No heating and power assessment has been sought because the

applicant has indicated that all heating and hot water will be supplied by electric infrastructure and not gas, so there is no requirement for an air quality assessment.

**Environment Agency:** No objections, subject to a condition requiring the development to be carried out in accordance with the flood risk assessment, the provision of a remediation strategy and details of any piling or other foundation designs that penetrate the ground. The Environment Agency note that there is an oil tank on site, which should be considered as part of any remediation strategy. The Environment Agency have no objection to surface water being discharged into the canal but have requested that a drainage strategy be secured by condition.

**Historic England:** Historic England note that the site lies in the Station Conservation Area and as such the Station Conservation Area Character Appraisal and Management Plan (2008) is a material consideration in the determination of this application.

Even though the Station Conservation Area centres on the land mark Grade II\* Listed Building of the Midland Station, its character and appearance is enhanced by a number of other listed and unlisted buildings which exhibit a range of different architectural styles which create a high quality townscape with a dense urban grain. The area is characterised by buildings that range in height from 3 to 5 storeys.

The site is bounded by Station Street to the south and the canal to the north. To the north of the site is a surfaced car-parking area, 11-19 Station Street are located to the south of the site and front Station Street.

11-19 Station Street currently consists of two distinct buildings (11- 13 Station Street and 15-19). The buildings date from between 1869 and 1882 and are attributed to local architects Truman and Pratt. The buildings are three/four storeys in height, and constructed of brick with stone dressings. They are designed in the classical style. The principal facades include architectural detailing to the upper floors such as decorative cornicing and window surrounds. The rear of the buildings, are plainer in design, architectural features include a brick dentil course, stone window lintels and bay windows which appear to be later additions. The buildings are the earliest in the area and indicate how the area developed. Historic England consider the buildings to be non-designated heritage assets of architectural and historic merit, that have a strong visual presence in the street scene and are prominent buildings making a strong positive contribution to the conservation area. This view concurs with that contained in the Station Conservation Area Appraisal and Management Plan.

The location of the development means that there is the potential for the proposed development to impact on important views of the Church of St Mary (Grade I Listed Building) and the Station Clock Tower from the surrounding area, such as the fine views from the tree lined avenue of Queens Walk which is an important route into the historic core of Nottingham.

There are a number of aspects relating to the proposal that should be considered - the impact of the proposed demolition of the 11-19 Station Street, the impact of the proposed new development on the character and appearance of the conservation area and the impact on the setting of the Midland Station and also St Mary's Church Tower.

The scheme proposes the total demolition of 11-19 Station Street. It is proposed to be replaced with a five-storey office building with under-croft parking.

Historic England consider that the total loss of 11-19 Station Street would be harmful to the character, appearance and significance of the conservation area.

Historic England are not convinced that the supporting information provides sufficient evidence that less harmful options can be secured for the long term future of 11-19 Station Street.

The justification for the proposed demolition of the buildings appears to be one of condition and viability. The condition survey which accompanies the application outlines the condition of the buildings and provides budget costs in Section 7. The report also refers to structural issues in relation to the buildings; however, no structural survey appears to support this application within the appendices.

It is unclear whether the buildings have been openly marketed or sustainable new uses have been explored to secure the buildings optimum viable use. The supporting Heritage Statement discusses optimum viable use and suggests that restoring the buildings back to a level where the buildings could be re-used would cost more than the site would be worth, however, no financial assessment appears to have been provided to support this conclusion. It also suggests that the options for re-use are limited, but no evidence has been provided.

Paragraph 131 of the National Planning Policy Framework highlights the requirement for local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation when determining planning applications. Nottingham City Council therefore needs to be fully satisfied that the information provided within the supporting information, robustly demonstrates that there is not an alternative viable use for these buildings which would secure their long term future and that their proposed demolition has been clearly and convincingly justified.

The proposed replacement building consists of a five-storey office block with under-croft parking (six storeys in total). The proposed building is five- storeys in height where its fronts Station Street, the top storey is recessed and glazed. There is a further glazed link which connects to the adjacent building. The remainder of the building is five- storeys with an under-croft and rises to over 23 metres in height. Historic England are concerned by the scale, mass and design of the proposed building where it addresses the canal side. In their view, the current design lacks articulation and definition on the elevations seen from the canal side and Carrington Street Bridge. These elevations could be greatly improved by breaking down the overall massing and incorporating a more varied and interesting fenestration.

No visualisations assessing the views from Queens Walk have been provided to show whether or not the development would be visually intrusive in the important views of the Church of St Mary and the Station Clock Tower. To accord with paragraph 128 of the NPPF 2012, Nottingham City Council needs to be satisfied that the application contains sufficient information enable assessment of these views.

Overall, Historic England's assessment is that the demolition of 11-19 Station Street would cause a high but less than substantial level of harm to the overall

significance of the conservation area. In making its comments Historic England draws attention to the requirements of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and that the historic environment is recognised as one of the 12 core principles of sustainable development in the National Planning Policy Framework (NPPF). Historic England also advises that regard should be given to paragraphs 131, 132, 134, 137 and 138 and also Section 7 of the NPPF- Requiring good design- in particular paragraph 58 and 64 in its decision making.

**Canal and River Trust:** The application site lies to the south of the Nottingham and Beeston Canal and adjoins the canal towpath. The Canal and River Trust confirm that it is in the process of selling the land within the application site that is currently in their ownership.

The Trust have made comments with regards to the impact of construction and the building on the structural integrity of the canal, and has drawn attention to paragraphs 120-121 of the National Planning Policy Framework and the National Planning Policy Guidance (paragraph 006) in relation to planning and land stability. However they recognise that this matter can be addressed through a suitably worded condition to secure, prior to the commencement of development, a method statement detailing the design and means for creating foundations and any other proposed earthmoving and excavation works required in connection with its construction.

The Trust note that the canal is designated as a Local Wildlife Site and provides a valuable wildlife habitat in this urban location. It also advises that the strip of land on the northern site boundary, approximately 5- 6m deep which slopes down to the adjoining the towpath, contributes positively to the biodiversity value of the canal corridor and should be planted to complement the proposed redevelopment of the site adjacent to the east (which is the subject of a separate planning application). It is recommended that a detailed landscape scheme should be secured by condition, including arrangements for the long-term management and maintenance of this space. The use of native species should be utilised in any proposed landscaping scheme.

Concern has been expressed about the height of a proposed boundary wall. The boundary wall is shown to be constructed some 5- 6m back, at the top of the grassed slope. Although this wall does screen the undercroft car park from the canal and towpath, at around 2.5m in height (and already elevated above towpath level) it would create a hard boundary. It is suggested that a lower wall of no more than 2m in height would be equally effective but less imposing.

The Trust also suggest that there may be scope to provide direct access from the site onto the canal towpath which would encourage future employees at the site to use the towpath as part of their commute to and from work, or recreationally at lunch times etc. Although any new towpath access would require the prior consent of the Trust in the form of a commercial agreement, they would be willing to discuss the potential for including a new pedestrian access here.

It is noted by the Trust that surface water is proposed to discharge to existing sewers, as the applicants consider discharge to the adjacent canal to be problematic. The Trust would nonetheless be willing to discuss the practicalities of discharging to the canal. Any discharges to the canal will require the prior consent of the Trust in the form of a commercial agreement.

The Trust have also requested that an external lighting scheme is secured via a planning condition to ensure that it is ecologically sensitive.

**City Archaeologist:** The site lies within the City Centre and Nottingham Canal Archaeological Constraint Area, which represents the historic core of the city and the concentration of medieval and post-medieval occupation.

The Heritage Statement accompanying the planning application concludes that Archaeology would be best served in this instance by instigating a watching brief during preparatory works on site. This conclusion is concurred with and as such an archaeological watching brief during groundworks is requested as a condition of planning permission.

Additionally the Heritage Statement demonstrates that the standing buildings have some heritage value which warrants a historic building record, to Historic England Level 2, prior to commencement of redevelopment.

The archaeological watching brief and the historic building recording should be undertaken by a suitably qualified and experienced archaeologist in these fields 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 issued by the City Archaeologist.

### **Design Review Panel Comments (February 2018)**

The site of nos. 11-19 is considered by the Panel to be an ideal site for Grade A Offices. The Panel consider that there is a need for high quality office space within the city and anticipate that this development will help kick-start the market for other schemes. The Panel were pleased that a local architectural practice is delivering it.

The Panel were supportive of the proposal, commending its vision to deliver an impressive scheme that offers a high quality frontage onto Station Street. They did comment that the treatment of and relationship with the canal side should be given equal importance to make for successful developments.

With regards to the demolition of 11-19 Station Street, the Panel advised on the need to recognise the significance of these historic buildings and to justify their loss.

The Panel were comfortable with the proposed scale and massing, agreeing that the brief for Station Street offers illustrative not prescribed heights. The design approach taken for the building with double height ground floors on Station Street, and the stepping up of the rear blocks so the bulk of the massing is concentrated on the canal elevation was welcomed as it ensures that the building will not appear over dominant in the street. Though it was recognised that the prominence of the Hopkinson building would be reduced.

The Panel commended the architectural style taken for the office development, with the Station Street frontage working well and showing considered architecture. The double height windows and deep reveals are welcomed. The Panel were split on the treatment of the link between the office building and nos.3-9 Station Street. Some panel members preferring the original bolder design and

Historic England preferring the latest iteration presented, considering it to be more polite in respect to the historic building and also as the brickwork of the office building would be visible on the return.

The Panel noted that improving the quality of the canal side environment also relies on the incorporation of a successful landscaping strategy to enhance the setting of the canal edge and towpath. Given the strong urban edge along the canal, a hard landscaping scheme with tree planting is considered a more appropriate treatment which will add amenity value.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (July 2018):**

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.

There are a number of sections of the NPPF that are relevant to this application.

Paragraph 80 requires that significant weight be placed on the need to support economic growth and productivity. Paragraph 85 requires that decisions support the role that town centres play at the heart of local communities. Paragraph 103 states that significant development should be focused on locations which are or can be made sustainable. Paragraph 118 requires that substantial weight be given to the value of using brownfield land and promoting the development of under-utilised land and buildings. Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places. Paragraphs 193-202 relate to the consideration that is required regarding a proposed development's impact on the significance of a designated heritage asset, where great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Also of relevance is the duty set out at Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be given to preserving or enhancing the character and appearance of conservation areas.

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

Policy A – Presumption in Favour of Sustainable Development  
Policy 1 – Climate Change  
Policy 4 – Employment Provision and Economic Development  
Policy 5 – Nottingham City Centre  
Policy 7 – Regeneration  
Policy 10 – Design and Enhancing Local Environment  
Policy 11 – The Historic Environment  
Policy 14 – Managing Travel Demand  
Policy 17 – Biodiversity



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

ST1 – Sustainable Communities

MU3 – Allocated site within the Southside Regeneration Zone (MU3.6 Station Street)

BE10 – Development affecting the setting of a Listed Building

BE12- Development in Conservation Areas

BE13 – Demolition in Conservation Areas

BE16 – Archaeology

NE2, NE3 and NE4 – Nature Conservation, Conservation of Species, Protection of Conservation Sites

NE9 – Pollution

NE10- Water Quality and Flood Protection

NE12 – Derelict and Contaminated Land

T3 – Car, Cycles and Serving Parking

## **Supplementary Planning Policy Documents**

Southside Regeneration Supplementary Planning Guidance (2003)

Nottingham City Centre Urban Design Guide (2009)

Station Street Development Brief (November 2012)

Station Conservation Area Character Appraisal and Management (2008)

## **7 APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Principle of Development
- (ii) Design Considerations (including Listed Building and Conservation Area Impact)
- (iii) Impact on Neighbouring Amenity
- (iv) Other Matters (Transport, Flooding, Contamination, Archaeology and Public Realm Improvements)

**Issue (i) Principle of Development** (Policies A, 4, 5, 7 of the ACS; Policies MU3.6 and ST1 of the Local Plan; and the Southside Regeneration Supplementary Planning Guidance 2003)

- 7.1 The application relates to an allocated site within the Southside Regeneration Zone (SRZ) and occupies a prominent location adjacent to Nottingham Station and the NET tramline. The policies relevant to the SRZ seek to encourage comprehensive, mixed use, sustainable developments that promote the Southside as a major location for inward investment, and ensure that new developments are integrated in a comprehensive way to maximise employment and regeneration benefits. Policy 7 of the ACS Identifies the SRZ as a mixed-use business district to be developed with offices, supported by residential development, new hotels and complimentary retail and leisure activity. The proposal meets these requirements and the aspiration of Policy 4 of the ACS to promote the SRZ for office use. The proposal also accords with Policy 5 which seeks the development of office development within the City Centre to support its vitality and viability.

- 7.2 The application site is located on the southern fringe of the City Centre and is ideally located for office development. It is in a highly accessible location opposite the station and with good pedestrian, cycle, bus and tram links to the City Centre.
- 7.3 It is concluded that the principle of the development is acceptable and the proposal accords with the Policies A, 4, 5, 7 of the Aligned Core Strategy, Policies ST1 and MU3.6 of the Local Plan, and the Southside Regeneration Supplementary Planning Guidance 2003.

**Issue (ii) Design Considerations (including Listed Building and Conservation Area Impact)** (Policies BE10, BE12 and BE13 of the Local Plan; Policies 10 and 11 of the ACS; the City Centre Urban Design Guide; Station Conservation Area Character Appraisal and Management Plan; the Station Street Development Brief)

- 7.4 The proposal involves the demolition of 11-19 Station Street, which are identified within the Station Conservation Area Appraisal and Management Plan as making a positive contribution to the area. The Plan does indicate that the demolition of such buildings can be permitted where justification is provided and the replacement buildings would enhance the character and appearance of the Conservation Area.
- 7.5 The Local Plan states that there is a general presumption in favour of retaining buildings which make a positive contribution to the character and appearance of a Conservation Area. Policy BE13 requires that proposed demolition is considered against a number of criteria, namely the condition of the building and cost of its repair, the adequacy of efforts made to retain the building, and the merits of alternative proposals for the site.
- 7.6 Policy BE13 states that planning permission for development involving demolition or substantial demolition of unlisted buildings which make a positive contribution to the special character of Conservation areas will only be granted in special circumstances. The heritage statement submitted with the application advises that externally the buildings at 11-19 Station Street are much altered from their original form, having been subject to a variety of changes through time. The buildings have been structurally assessed as well. The condition survey undertaken in February 2018 confirmed that internally the buildings have been much altered and that little original detail has been left intact. It also indicates that load bearing walls have been removed. Overall the buildings are in poor condition and unsafe in areas. Dry and wet rot is present, there is cracking in brickwork and stone detailing has failed in areas. The submitted structural report indicates that considerable work is needed to ensure the stability of the building. The heritage statement also considers a number of alternative uses and options for the building, but concludes that redevelopment for office use, which is supported by other policies of the development plan, is the most optimum viable use. It is recognised that the viability of refurbishing these buildings would be challenging; the heritage assessment concludes that restoration to a level where the buildings could be reused in a beneficial manner would cost more than the value of the site. It is also a plausible proposition that the buildings are not capable of being converted and extended to offer the scale and quality of grade A offices that this application proposes, the merits of which are acknowledged elsewhere in this report. The merits of the proposed replacement development in terms of its design and impact on other heritage assets are considered below.
- 7.7 As indicated above, the Conservation Appraisal and Management Plan indicates that demolition of unlisted buildings in the area can be permitted where the

replacement building would enhance their character and appearance. Therefore, there exist special circumstances to consider this application favourably.

- 7.8 The height of the building and its impact on the Hopkinson Building has been raised as a concern by the Civic Society. The Conservation Appraisal and Management Plan suggests that new buildings within the area should be 4-5 storeys in height, but that near the station higher buildings may be acceptable. The proposed building has been designed with a lower element to the Station Street frontage, stepping upwards further back into the site. Its maximum height of 5 storeys would be in line with Conservation Plan and City Centre Urban Design Guide, although it is taller than that indicated in the Station Street Development Brief. The height of the proposed building together with the design approach to scale are considered to be acceptable having regard to the site specific context. It is acknowledged that the scale of the building on the Station Street frontage is noticeably greater than the Hopkinson building, yet the proposed development is also seeking to balance this against the height of the adjacent building occupied by Tesco's. Hopkinson is a detached building with sizeable gaps to both sides which are to be retained with both this proposal and the student scheme to the east, planning application (18/00926 /PFUL3). These gaps help to mitigate the step up in scale and allow sufficient breathing space for the Hopkinson building to be read in its own right.
- 7.9 The architectural style of the elevations is felt to be well considered. Although Historic England have raised concerns about the elevation treatment from the canal side, it is felt that this elevation reflects the warehouse aesthetic of traditional canal side buildings.
- 7.10 The Station Street elevation treatment enables the building to sit comfortably next to the Tesco building and the fenestration pattern, whilst irregular in its composition, has the proportions that generally reflect the buildings to the west and the Hopkinson building to the east. It is noted that individual buildings on Station Street vary in scale and proportion and the proposal does likewise. The building would have its own distinct character, yet would sit comfortably within the general character of the Station Street frontage. Overall the development is considered to offer a strong intervention at street level and would significantly enhance the character and appearance of the Station Conservation Area and setting of Nottingham Train Station.
- 7.11 As mentioned above, the height and architectural style of the northern elevation would complement the large warehouse buildings that are found in the Station and Canal Conservation Areas, which include the British Waterways Warehouse Building further to the west. The improvements proposed to the canal directly behind the building would significantly enhance its setting as a non-designated heritage asset that lies within the Station Conservation Area and the adjacent Canal Conservation Area.
- 7.12 Given the location of the building and its relationship with the immediate townscape, its impact on the setting of other listed buildings in the locality (the Railway Station and Goods Offices, Bentinck Hotel, 111 Carrington Street and the British Waterways Building) would be minimal and would be seen only in their periphery, in the context of existing taller buildings such as Loxley House.
- 7.13 Historic England have raised concerns about the potential impact of this proposal on views of the Station dome and St Mary's Church tower when viewed from

Queens Walk. Further work has been carried out to determine the impact; the new building at 11-19 Station Street would just be seen above the Station from Queens Walk but would not interfere with the view of the dome or St Mary's Church tower. Both features remain clear of the development and maintain their legibility and prominence. Looking towards the Station area from other vantage points the building would be seen in the context of the other buildings which line the north western side of Station Street, and would not adversely affect the setting of the Station building.

- 7.14 The information submitted with the application is considered to be sufficient to meet the requirements of paragraphs 189-202 of the NPPF and has considered the significance of the heritage assets and the impact that the development would have on them.
- 7.15 In conclusion, the proposal is considered to make a positive contribution to the streetscape and has been designed taking into account the requirements of policies 10 and 11 of the ACS, policies BE10, BE12 and BE13 of the Local Plan and the NPPF. The impact on heritage assets and non-designated heritage assets is considered to be of less than substantial harm required by paragraph 193 of the NPPF and the benefits of bringing a high quality office scheme forward at this site would outweigh any residual concerns about its impact. The proposal also accords with the duty set out at Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as the proposal would enhance the appearance and character of the Conservation Area.

**Issue (iii) Impact on neighbouring amenity (Policy NE9 of the Local Plan and Policy 10 of the ACS)**

- 7.16 The commercial mix of uses in the immediate vicinity of the site are considered to be compatible with the proposed scale of the development. The siting of the proposed building and its relationship with neighbouring properties results in it having little or no impact on the amenity of the occupants.
- 7.17 The conditions suggested by Environmental Health and Safer Places would assist in ensuring that the scheme raises no issues in relation to neighbouring properties during its construction and operation.
- 7.18 The Canal and River Trust have raised concerns about the impact of the rear boundary wall on users of the canal towpath. Given the presence and size of the intervening grass slope it is felt that this would be sufficient to offset the impact of the boundary enclosure and its height (even taking into account the difference in ground level between the building and towpath), and is considered to be acceptable. It is understood that the applicant has given consideration to providing access from the building to the towpath, but has decided to not pursue this. In this instance such an access is not considered imperative and its absence would ensure that the grass slope is not diminished in size.
- 7.19 The scheme therefore complies with policy NE9 of the Local Plan and policy 10 of the ACS.

**Issue (iv) Other Matters**

**Transport (Policy T3 of the Local Plan and Policy 14 of the ACS)**

- 7.20 The proposal is located within a highly sustainable location, being opposite the Train Station, Station tram stop and within walking distance of a large number of bus stops. The servicing arrangements are considered to be acceptable and Highway colleagues have raised no objections, subject to a number of conditions.
- 7.21 The undercroft parking would have a total of 29 parking spaces consisting of 25 standard bays, 2 disabled bays and 2 reserved spaces, which is a net reduction in spaces currently available on the site. This equates to one parking space per 178sqm of office space, compared to the maximum parking standard of one space per 100sqm. Parking is severely restricted on surrounding streets, with no parking available on Station Street adjacent to the site or Carrington Street. However, the site is in a highly sustainable location and parking is also available in nearby multi-storey car parks.
- 7.22 Highways advise that the applicant would need to ensure that vehicles using the undercroft parking have the required access rights to use Station Street and the service road.
- 7.23 A total of 76 cycle parking spaces would be provided within a cycle store as part of the undercroft area, along with shower/changing facilities. This is considered good practice and would be secured by condition.
- 7.24 The Car Parking Management Plan details the Work Place Parking levy and access permits that would be required for vehicles accessing the undercroft car park. The Framework Travel Plan provides an overview of the existing transport options for individuals accessing the site, as well as a draft action plan of the measures proposed for the site. Both are considered to be acceptable.
- 7.25 Due to the site location on Station Street, with restricted access, a Construction Management Plan would be required for the development regarding servicing arrangements during construction.
- 7.26 In this highly sustainable location, with restrictions on car parking on surrounding streets, the travel plan condition suggested by Highways colleagues is not considered to be appropriate in this instance.
- 7.27 Overall the proposal complies with policy T3 of the Local Plan and Policy 14 of the ACS.

**Flooding** (Policy NE10 of the Local Plan)

- 7.28 The flood risk assessment that accompanies the application has been reviewed, and is considered to be acceptable. The recommendations of the assessment can be secured by condition; the proposal therefore complies with policy NE10 of the Local Plan.

**Contamination** (Policy NE12 of the Local Plan)

- 7.29 The site raises no adverse risk with regards to contamination. Conditions can be used to secure a remediation strategy and to ensure that groundwater is not affected by any contamination. The proposal therefore complies with policy NE12 of the Local Plan.

**Land Stability and Surface Water Drainage** (Paragraphs 120-121 of the National Planning Policy Framework, the National Planning Policy Guidance (paragraph 006) and Policy NE10 of the Local Plan)

- 7.30 The conditions suggested by the Canal River Trust are considered to be appropriate and would ensure that the development accords with paragraphs 120-121 of the National Planning Policy Framework, the National Planning Policy Guidance (paragraph 006) and policy NE10 of the Local Plan.

**Archaeology** (Policy BE16 of the Local Plan)

- 7.31 The site has potential for archaeological remains so a watching brief is proposed to be secured by condition. The proposal therefore complies with Policy BE16.

**Public Realm Improvements** (Policy 10 of the ACS)

- 7.32 The development will hold a large number of occupants, thereby adding considerably to the pedestrian activity surrounding the site and the use of the public realm that includes Station Street and the canal towpath immediately to the north of the site. There is an aspiration for the latter to be enhanced and a link provided to it from Trent Street, thereby increasing its attractiveness and accessibility. The applicant has been in negotiation with the Canal and River Trust in order to facilitate these works, particularly the link from Trent Street. They are therefore proposing to deliver this scheme of public realm improvements jointly with the student accommodation approved at 25 Station Street under planning application 18/00926/PFUL3, which they have a land interest in, and the proposed apartment scheme at 109 Carrington Street, under planning application 18/01048/PFUL3, for which they are also the applicants.
- 7.33 These public realm enhancements are welcomed in accordance with policy 10 of the ACS and are proposed to be secured by condition.

**8 SUSTAINABILITY / BIODIVERSITY** (Policies NE2, NE3 and NE4 of the Local Plan, and Policies 1 and 17 of the ACS)

The energy statement submitted with the application demonstrates that the proposal would meet Part L2A 2013 of the Building Regulation and that the building has been designed in line with the energy hierarchy, ensuring the building is energy efficient and that its demand for resources are reduced. The biodiversity of the site can be enhanced through the landscaping proposals and mitigation measures relating to protected species are addressed by condition. Through conditions the development is therefore capable of complying with policies NE2, NE3 and NE4 of the Local Plan, and policies 1 and 17 of the ACS.

**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: Redevelopment of a long term cleared brownfield site with a high quality, sustainable residential development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction 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 List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 18/00916/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P8I0QOLYGLL00>

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

National Planning Policy Framework (March 2012)

Aligned Core Strategies (September 2014)

Nottingham Local Plan (November 2005)

Southside Regeneration Supplementary Planning Guidance (2003)

Nottingham City Centre Urban Design Guide (2009)

Station Street Development Brief (November 2012)

Station Conservation Area Character Appraisal and Management (2008)

**Contact Officer:**

Jenny Cole, Case Officer, Development Management.


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

# NOMAD printed map



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## Key

 City Boundary

## Description

No description provided



Nottingham  
City Council



**My Ref:** 18/00916/PFUL3 (PP-06961061)

**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

Franklin Ellis  
FAO: Ben Dudley  
The Old Pumphouse  
5 The Ropewalk  
Nottingham  
NG1 5DU

Date of decision:

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

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Application No: 18/00916/PFUL3 (PP-06961061)  
Application by: Bildurn (Properties) Ltd  
Location: 11 - 19 Station Street, Nottingham, NG2 3AJ  
Proposal: Demolition of existing buildings. Proposed five-storey office building with associated undercroft parking, external works, and roof plant area

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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. Prior to the commencement of the development (excluding demolition), a Remediation Strategy that has regard to the Pre-Demolition Phase 2 Investigation Report by Geodyne dated 27/09/2017 (ref 37064) includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A supplementary post-demolition site investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - b) A Remediation Plan as required, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
  - c) A Verification Plan as required, providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

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

*Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.*

3. Development involving the breaking of any ground shall not be commenced unless a programme of archaeological investigation and works, for those parts of the site which are proposed to be excavated below existing ground or basement levels, has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological investigation and works shall include:
- a) Excavation of areas to be affected by development and the implementation of a watching brief during the course of groundworks for service installation;
  - b) Preservation, in situ, of any remains which, upon archaeological investigation, are found to significantly contribute towards understanding of the historic Nottingham City Centre;
  - c) Arrangements for the recording of archaeological remains and finds during the investigation and for the preparation of a final report;
  - d) Arrangements for the deposition of the material and documentary archive in a registered museum;
  - e) Arrangements of the publication of a summary of the final report in an appropriate journal

The archaeological investigation and works approved under this condition shall be carried out in accordance with the approved programme.'

The archaeological work 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 issued by the City Archaeologist.

*Reason: To ensure that any archaeological remains at the site are appropriately preserved and to accord with policy BE16 of the Local Plan.*

4. Development shall not be commenced, including the breaking of any ground or demolition of the buildings, unless a programme for the historic recording of the buildings has first been submitted to and approved in writing by the Local Planning Authority. The programme of historic recording shall include:
- a) Arrangements for the recording of the building and finds during the investigation and for the preparation of a final report;
  - b) Arrangements for the deposition of the material and documentary archive in a registered museum;
  - c) Arrangements of the publication of a summary of the final report in an appropriate journal

The historic recording programme approved under this condition shall be carried out in accordance with the approved details.

The historic recording shall be should be undertaken by a suitably qualified and experienced contractor in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation (WSI), and to Historic England Level 2 standard in to be approved by the City Archaeologist. The WSI should be produced in response to a brief to be issued by the City Archaeologist.

*Reason: To ensure that the historic recording of the buildings is undertaken prior to their demolition to comply with policy BE13 of the Local Plan.*

5. Demolition of 11-19 Station Street shall not take place until a timescale for their demolition has been submitted to and agreed in writing by the Local Planning Authority. The demolition will be undertaken in accordance with the approved details.

*Reason: To ensure that an appropriate timetable for redevelopment of the site following demolition of the buildings is agreed to avoid/minimise a period during which the site remains undeveloped which would create a gap site within the conservation area affecting its appearance and character and to comply with Policy BE13 of the Local Plan.*

6. Prior to the commencement of development (excluding demolition), details of precautionary measures to protect the canal and its banks during and after construction works shall be submitted to and approved in writing by the Local Planning Authority. The details shall be incorporated into a method statement detailing working practices.

*Reason: The site is adjacent to the Canal which may provide foraging area for waterside wildlife, like water voles, to ensure that there are no adverse impacts on local wildlife details of canal and bank protection measures are required to accord with policy 17 ACS and to ensure land stability in regards to the canal bank to accord with paragraphs 120 to 121 of the National Planning Policy Framework and policy NE12 of the Local Plan.*

7. Prior to the commencement of development a construction management plan to cover the demolition phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the measures to be taken to reduce noise and disturbance to neighbouring properties; proposed hours of working; the type, size and frequency of vehicles to/from the site; haul routes (if any); staff parking provision; site security; traffic management plans; to enable the safe operation of the NET Tram network; wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the demolition shall take place in accordance with the approved construction management plan unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that the demolition of the building has no adverse impact on the local highway network, the NET Tram Line and has no significant impact on neighbouring properties to accord with policy NE9 of the Local Plan.*

8. Prior to the commencement of development (excluding demolition) a construction management plan to cover the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the measures to be taken to reduce noise and disturbance to neighbouring properties; proposed hours of working; the type, size and frequency of vehicles to/from the site; haul routes (if any); staff parking provision; site security; traffic management plans; to enable the safe operation of the NET Tram network; wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the building shall be constructed in accordance with the approved construction management plan unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that the construction of the building has no adverse impact on the local highway network, the NET Tram Line and has no significant impact on neighbouring properties to accord with policy NE9 of the Local Plan.*

9. Prior to the commencement of development (excluding demolition) a surface water drainage scheme shall be 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 surface water runoff from the site has no undue impact on the Canal water levels or water quality to comply with Policy NE10 of the Local Plan.*

10. Prior to the commencement of development (excluding demolition) details of any piling, or of any other foundation designs using penetrative methods, shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall demonstrate that there would be no unacceptable risk to ground water. No further piling, or any other foundation designs using penetrative methods shall be utilized unless prior agreed in writing by the Local Planning Authority.

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

*Reason: Piling or any other foundation using penetrative methods can result in risks to groundwater supplies it therefore needs to be demonstrated that piling would not result in contamination of groundwater to accord with Policy NE10 of the Local Plan.*

11. Prior to the commencement of above ground development, precise details of the materials to be used externally within the development including the construction of a sample panel on site, shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.

*Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS.*

12. Prior to the commencement of above ground development, large scale sections of at least 1:20 shall be submitted to show the placement and position of windows and balconies and the depth of proposed reveals to windows and doorways. The development shall be completed in accordance with the approved details.

*Reason: To secure a development of satisfactory appearance that accords with policy 10 of the ACS.*

13. Prior to the commencement of above ground development, large scale sections of at least 1:20 shall be submitted to show the placement and position of windows, and the depth of proposed reveals to windows and doorways. The development shall be completed in accordance with the approved details.

*Reason: To secure a development of satisfactory appearance that accords with policy 10 of the ACS.*

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

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

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

*Reason: To ensure that the operation of the building causes no adverse noise and disturbance impacts on neighbouring uses or future users of the building to accord with policy NE9 of the Local Plan.*

15. Prior to the commencement of above ground development, an electric vehicle charging scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The scheme shall provide for electric vehicle charging points within 5% of parking spaces (to a maximum of 10 electric vehicle charging points). (In accordance with the informative this provision may be phased with 2.5% provision initially and a further 2.5% by agreement). The scheme shall also make provision for anticipated future demand through enabling appropriate cable provision to be included in the scheme design and installed as part of the development in agreement with the Local Planning Authority.

*Reason: To promote sustainable forms of travel to comply with policies A, 1 and 14 of the ACS and paragraph 35 of the National Planning Policy Framework.*

## Pre-occupation conditions

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

16. Prior to the development being first occupied provision shall be made within the application site for the parking of cycles in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, this facility shall not be used for any purpose other than the parking of cycles.

*Reason: To secure appropriate provision of cycle parking in order to encourage an alternative mode of transport and to accord with policy 14 of the ACS.*

17. Prior to the development being first occupied the site shall be hard surfaced in accordance with details (location and type of surfacing) that have first been submitted to and approved in writing by the Local Planning Authority. Hard surfacing shall be porous or permeable materials. The development shall be constructed in accordance with the approved details.

*Reason: To ensure that the proposed use has appropriate surfacing that will not cause surface water runoff to Station Street or adversely affect the areas surface water drainage pattern to accord with policy 10 of the ACS and policy NE10 of the Local Plan.*

18. Prior to first occupation of the development a scheme of public realm improvements to part of the stretch of adjacent canal towpath, including a pedestrian/cycle route from Trent Street to the towpath, shall be implemented in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

*Reason: To secure details of public realm improvements to accord with Policies BE7 and R2 of the Local Plan and Policy 10 of the Aligned Core Strategy.*

19. Prior to the development being first occupied a landscaping scheme for the area of land that forms a slope to the canal, including details to enhance biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the type, height, species and location of the proposed trees and shrubs, along with arrangements for the management and maintenance of this area.

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

20. Prior to the development being first occupied the following shall be submitted to and be approved in writing by the Local Planning Authority:

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

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

*Reason: To ensure that site is remediated appropriately in line with the approved remediation strategy to accord with policy NE12 of the Local Plan.*

21. Prior to the development being first occupied, verification shall be submitted to and approved in writing by 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.

*Reason: To ensure that approved mitigation measures schemes to deal with noise associated with the operation of the building have been implemented to accord with policy NE9 of the Local Plan.*

22. Prior to the development being first occupied an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and shall demonstrate that it is ecologically sensitive.

*Reason: To ensure that there is no adverse impact on local wildlife, such as bats to accord with policy 17 of the Local Plan.*

### **Regulatory/ongoing conditions**

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

23. Should the building hereby approved heating and power requirements be met through any other means other than electricity, then the building shall not be brought into use until an alternative heating and power system has been installed and verified as operating in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

The details to be submitted include an assessment of the heating and power generating proposals for the development, which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:

- (i) Air quality impact assessment
- (ii) Stack height calculation
- (iii) Abatement techniques and mitigation of potential impacts

*Reason: To ensure that the heating requirements of the building do not adversely affect air quality to accord with policy NE9 of the Local Plan.*

24. Servicing arrangements (including waste collection and the permitted servicing hours) shall only be undertaken in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, prior to first occupation of the development.

*Reason: To ensure that the servicing requirements of the proposed development do not adversely affect the highway to accord with policy 10 of the ACS.*

25. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Elliott Wood Partnership Ltd (Ref: 2160181 - Revision: P2) dated May 2018 and the following mitigation measures detailed within the FRA:

(i) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

(ii) Finished floor levels (FFL) for the ground floor office space to be set no lower than 27.50mAOD as stipulated within sections 6.4 and 8.1 of the FRA.

(iii) Lower ground floor to comprise only 'less vulnerable' uses (car parking, cycle store, refuse store, WCs, showers and associated lifts and stairwells) as stipulated within section 8.2 of the FRA.

(iv) Flood resilient design measures to be incorporated where possible in to the final construction as stipulated within section 8.2 and 8.3 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.

*Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future users to accord with policy NE10 of the Local Plan.*

26. 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. Any remediation strategy approved as a result of any unidentified contamination being found shall be implemented as approved.

*Reason: To ensure protection of controlled waters to accord with policy NE10 of the Local Plan.*

27. Any trees or plants which die or are removed or become seriously damaged or diseased within 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 to comply with Policy 10 of the ACS.*

28. If the development is not commenced within 2 years from the date of the decision, then prior to the development taking place a bat survey together with an assessment and proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved details to a timetable that has been prior agreed.

*Reason: To ensure that wildlife in the area is appropriately safeguarded and to comply with policy 17 of the ACS.*

#### **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 May 2018.

*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.

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.

### Construction and Dust Management Plan

This covers access to the site and minimisation of dust. However the hours of construction have not been set out explicitly. The acceptable hours for demolition or construction work (including deliveries to and from the site) 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 with Nottingham City Council's Environmental Health Team (email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk)). The Plan should be amended accordingly.

Furthermore the site investigation indicated that piled foundation would be required for the development and recommend that CFA piling would be the most suitable method. The Management Plan should therefore be amended to include details of any piling or other foundation designs using penetrative methods demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers, as piling often give rise to complaints.

### Contaminated Land, Ground Gas and Groundwater

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:

- i) Cut and fill operations on site
- ii) How trees retained on site will be dealt with
- iii) How gas precautions including any radon gas precautions will be validated
- iv) Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

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

#### 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.

#### Noise Management Plan

The applicant must adhere to the agreed Noise Management Plan while the premises remain operational and regularly review the Noise Management Plan. Any amendments which may have an impact on noise sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders.

#### Contamination

##### Waste on Site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:  
The Position statement on the Definition of Waste: Development Industry Code of Practice and;  
The Environmental regulations page on GOV.UK

## Flooding

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

5. 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: 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.

iii: The applicant is advised that the site is adjacent to the NET tram line.. The applicant is advised to contact the Tram Operator at the earliest opportunity to agree a safe working method during construction. To get authorisation the applicant must request a NET Work Request Form which can be obtained from NET by telephoning 0115 942 7777, or by writing to: Infrastructure Manager NET Depot Wilkinson Street Nottingham NG7 7NW.

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.

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: 18/00916/PFUL3 (PP-06961061)

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.