

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

Broadmarsh Car Park, Collin Street

1 SUMMARY

Application No: 18/02038/PFUL3 for planning permission

Application by: Leonard Design Architects Mr Ben Bowley on behalf of
Nottingham City Council Mr Ben Bowley

Proposal: Provision of a new bus station and car park structure with a public library (Use Class D1), commercial space (Use Classes A1, A2, A3, A4 & A5), ancillary public facilities including a travel centre and a link footbridge.

The application is brought to Committee because it relates to a major development of critical significance to the City Centre where there are important land use, design, heritage and regeneration considerations

To meet the Council's Performance Targets this application should be determined by 31st December 2018

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions substantially in the form 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

The site

- 3.1 The application relates to the site of the former Broadmarsh multi storey car park and bus station, which is bounded by Collin Street, Middle Hill, Canal Street and Carrington Street. Prior to demolition it comprised a 1970s concrete and brick structure constructed contemporaneously with the Broadmarsh shopping centre, which is located immediately to the north, which housed a bus station and various ancillary facilities on the ground floor, with a car park providing 1179 spaces on the upper floors.
- 3.2 To the east is Middle Hill and the NET viaduct, beyond which a City Hub for Nottingham College is currently under construction. To the south are Canal Street and the Crown Court building. To the west is Carrington Street which accommodates a mix of retail and office uses.

- 3.3 The west side of Carrington Street opposite the former Broadmarsh car park and the east side of Carrington Street that sits to the southern end of the former car park are situated within the Canal Conservation Area.

Context

- 3.4 The proposals for the Broadmarsh car park form part of a wider programme of works to transform the southern part of the City Centre, including a redeveloped Broadmarsh shopping centre and reconfigured road network, which it is anticipated will bring the following benefits:
- Boost the local economy by £1.1 billion per annum;
 - Create 2,900 more jobs (with local training and recruitment);
 - Attract three million more annual visitors to experience new retail, education, and leisure;
 - Restore the City Centre's profile and reputation;
 - Bring £25 million extra spend to the city per year;
 - Create a high quality modern car park for visitors to the City Centre;
 - Create a new education hub for Nottingham College;
 - Link this part of the City to the Castle, which will be transformed into a world class destination through a £24m scheme;
 - Create a high quality, modern Broadmarsh bus station.
- 3.5 The improvement of the Broadmarsh area is therefore a high priority for the City Council and is seen as vitally important to the successful future of the southern part of the City Centre. The new car park and bus station are an integral part of this transformation.
- 3.6 Planning permission (15/00950/PFUL3) was granted for a major refurbishment of the Broadmarsh shopping centre in January 2016. Additionally there is a programme of wider initiatives to improve the environmental quality of the surrounding streets, to create better pedestrian priority and public realm. This will involve the pedestrianisation of Collin Street and Carrington Street, and the remodelling of sections of Canal Street and Middle Hill as shared spaces. Whilst these wider public realm proposals are being developed concurrently with the proposals for the former Broadmarsh car park site, they do not form part of these planning proposals but, rather, are the subject of separate legal processes under the Highways Act.
- 3.7 Planning permission was granted in 2016 (app ref 15/03034/NFUL3) for the refurbishment and redevelopment of Broadmarsh multi storey car park, including change of use and extensions to Carrington St and Collins St frontages to provide uses within Class A1- A5 (shops, financial and professional services, restaurants and cafes, drinking establishments and hot food takeaways) and ancillary public facilities; re-cladding of car park structure; reconfigure bus station layout and relocation of car park entrance to Middle Hill.
- 3.8 Advertisement Consent was granted in 2017 (application ref 17/00216/ADV2) for three digital media screens to be added to the redeveloped Broadmarsh car park and bus station.
- 3.9 In February 2018 a permission was granted for this site under application 17/02817/PFUL3, comprising a new bus station and car park structure with

commercial space (Use Classes A1, A2, A3, A4 and A5), ancillary public facilities including a travel centre and cycle services, and a link footbridge. An accompanying application, 17/02819/ADV2, granted advertisement consent for the display of three digital media screens on this new Broadmarsh bus station/car park.

- 3.10 The appearance of the building was based upon a metal frame with curved corners that would be clad with terracotta rain screen cladding. The precise colour of the cladding was still to be determined but it was intended to reflect the materials used on buildings in the vicinity. At the car park levels the terracotta clad framework was proposed to be infilled with hit and miss opaque structural glass with metal cladding set behind terracotta fins. The street level frontages to Carrington Street, Collin Street and Canal Street, and the northern and southern ends of the Middle Hill frontage, incorporated clear glazed curtain walling. Three full motion digital media screens were to be integrated into the building.
- 3.11 The upper level of the car park was proposed to be set back from the edges of the building on the Canal Street and Middle frontages and enclosed by a metal cladding system. A lightweight roof was proposed over this which would accommodate photovoltaic panels.
- 3.12 The design and appearance of the link bridge across Collin Street was still to be developed and these details were subject to further approval by condition.

4 DETAILS OF THE PROPOSAL

- 4.1 The current planning application presents a revised scheme to 17/02187/PFUL3, referred to above. Whilst this current scheme includes minor alterations to both the bus station and car park previously approved, the most significant change relates to the introduction of a new public library wrapping around the north west corner of building, occupying the lower two floors of the building fronting Collin Street and the first floor fronting Carrington Street, above retail units below.
- 4.2 The new library would be accessed on the corner of Carrington Street with Collin Street, and would occupy the full frontage of the first floor to Carrington Street and the majority of the ground floor to Collin Street. The ground floor to Collin Street would be double storey in height, with an additional floor above this running from Carrington Street to the bridge link to the Broadmarsh shopping centre. The library would have a floor area of 3,050 sqm. To make provision for the library the following changes have been made:
- 4.3 *Lower Ground floor* – The previous scheme proposed 5 retail units on the lower ground floor; 3 units are proposed, 2 with frontages to Carrington Street and one facing the internal concourse serving the bus station. The bus station remains at lower ground floor level, accessed from Carrington Street for pedestrians and Canal Street for buses.
- 4.4 *Level 00 (Collin Street level)* - The ground floor of the library would occupy the space previously proposed for 3 commercial units and a cycle hub, which have been omitted from the scheme.
- 4.5 *Level 01 to 06* - Car parking would be provided on floors 1 to 6 with provision made for 1,208 spaces, a reduction of 165 car parking spaces upon the previous scheme but in relation to the demolished car park, there would be a gain of 29 spaces. Some of the area proposed for car parking on levels 01 and 02 would be lost to the

proposed library. Car parking spaces with electric charging points would be provided on floors 01, 03 and 04.

- 4.6 The proposed building follows the same footprint, scale, form and design as the previously approved scheme, though to accommodate the library some minor changes have been made to the Collin Street and Carrington Street elevations, particularly at the corner where these two meet. The glazing proposed at the corner has been increased in height to cover both the ground and first floors. The area where the media screen was previously proposed has been reduced in size. Part of the building adjacent to the proposed link to the Broadmarsh centre has also been increased in height, by half a storey, to provide additional height to the car park area.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The occupiers of properties surrounding the site have been notified of the application and it has been advertised on site and in the press. The expiry date for comments was 31.10.2018. No representations have been received as a result of this publicity, other than from Nottingham Civic Society whose comments are set out below.

Additional consultation letters sent to:

Highways: No objections.

Environment Agency: Object on the basis that an updated Flood Risk Assessment (FRA) has not been provided.

Drainage: No objections.

Ecology: A request has been made for further landscaping details to be provided.

Historic England: Historic England has no objection to the application on heritage grounds. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

They have however, reiterated the need to ensure that the materials used are of the highest quality. It is noted that the current application proposes a wider palette of materials than the previous scheme. It is critical that the scheme is not compromised by poor quality detailing, materials and finishes and that the materials help to break down the massing and create interesting forms within the townscape and on the skyline, without being over fussy and visually distracting.

Civic Society: Nottingham Civic Society welcomes the inclusion of the replacement Central Library in the mixed use Broadmarsh Bus Station / Car Park development previously approved. In this accessible location, the new library could greatly benefit the proposed new Collin Street public space provided the 'screen-printed glass panels' specified in the drawings create an exciting and transparent building edge, revealing the activities inside and creating a suitable backdrop for events

associated with the library taking place in the open air outside. The new library in this location has the potential to benefit the regeneration of Carrington Street and Southside generally, positioned on the strong north-south pedestrian route from the historic core to Nottingham Station and close to the proposed new Nottingham College.

The Civic Society would like to understand how the change in street level in Carrington Street (rising up from south to north) is to be handled around the new library entrance at the corner of the building. This has the potential to be a busy hub of activity but the positioning of steps and ramped slopes needs careful design to accommodate different pedestrian flows around the library and bus station entrances whilst preserving the integrity of the street scene. Designs for the proposed public square should also acknowledge the presence of the library, with the placement of seating and public art designed to facilitate library-related cultural events.

The Civic Society is pleased that the floor space for the proposed new library is comparable with that currently in use at Angel Row and hopes that the highly-regarded Local Studies Library with its on-site archive will be able to continue to foster an interest from Nottingham's citizens in the city's past, present and its future.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and competitive economy, supporting strong, vibrant and healthy communities by creating high quality built environments with accessible local services that reflect the communities needs and which supports its social wellbeing by protecting and enhancing the natural, built and historic environment.
- 6.2 Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.
- 6.3 Paragraphs 85 to 90 set out the approach to ensuring the vitality of town centres. It recognises town centres as the heart of their communities and advises policies should be pursued to support their viability and vitality. It promotes competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. A range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres should be allocated.
- 6.4 Paragraph 124 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development. Paragraph 127 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development.
- 6.5 Paragraph 155 advises that inappropriate development in areas at risk of flooding should be avoided, but where it is necessary it should be made safe for its lifetime without increasing flood risk elsewhere.

- 6.6 Paragraphs 184 to 202 consider the requirement to conserve and enhance the historic environment when determining planning applications. It is advised the applicant should be required to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This assessment should take into account the need to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.
- 6.7 Annex 1 states that the policies in the NPPF are material planning considerations which should be taken into account in dealing with planning applications. For the purpose of decision-taking, the policies in the Local Plan are to be afforded weight in accordance with their consistency with the NPPF.

Nottingham Local Plan (November 2005):

S1: New retail development in the City Centre

S7: Food and Drink

C1: Community Facilities

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

BE12: Development in Conservation Areas (or in the vicinity of)

BE16: Archaeological constraints

BE19 Advertisements

NE3: Conservation of species

NE5: Trees

NE9: Pollution

NE10: Water quality and flood protection

T1: Location of development and sequential approach

T3: Car, cycles and servicing parking

T5: Car parking

T7: Major development and public transport

T15: City Centre car parking

Aligned Core Strategy (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 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Nottingham City Centre Urban Design Guide (May 2009)

This guide provides a physical framework and promotes the highest standard of urban design and architecture for the city centre. The Broadmarsh development site falls within the area identified as the 'zone of reinvention' which is defined as areas in which the urban form is largely beyond repair. Broadmarsh is specifically identified as being reinvented through the proposals for the shopping centre and its surroundings.

Broadmarsh bus station and car park development brief (June 2017)

The development brief was prepared to guide development proposals for the Broadmarsh bus station and car park site. The brief sets out a vision for the area, identifies constraints and opportunities and establishes a set of design principles to guide the form of the development.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main issues

- (i) Land use and impact upon the southern gateway of the City Centre;
- (ii) Design and layout, including impact upon the character and appearance of the adjacent Station and Canal Conservation Areas, and listed buildings;
- (iii) Flood risk; and
- (iv) Traffic and transport

(i) Land use and impact upon the southern gateway of the City Centre (Local Plan policies S1, S7 and CE1, and Aligned Core Strategies policies A, 4 and 5)

- 7.1 The principle for redeveloping the Broadmarsh car park and bus station together with the provision of commercial units has already been established through the granting of the previous permission 17/02817/PFUL3. The main change to this application is the introduction of the library into the scheme. Fundamentally the library meets the aspirations of ACS policy 5 which seeks to promote the City Centre as the region's principal shopping, leisure and cultural destination. Policy CE1 of the Local Plan permits the provision of new community facilities where they would be accessible by a choice of means of transport, are located within town centres, are compatible with adjoining and nearby users, would not result in traffic congestion nor result in an adverse impact on residential amenity. The proposed library use fulfils all of these criteria and furthermore would help to facilitate regeneration of the southern part of the City Centre. It is also noted that the space

to be provided for this facility is comparable to the size of existing library at Angel Row, from where it would be relocated.

- 7.2 The other elements of the scheme accord with the Local Plan policies S1 and S7 and the Aligned Core Strategies policies A, 4 and 5 for the reasons outlined in the February report to this Committee in relation to application 17/02817/PFUL3.

(ii) Design and layout, including impact upon the character and appearance of the adjacent Station and Canal Conservation Areas, and listed buildings
(Local Plan policies BE10 and BE12 and Aligned Core Strategies policies 10 and 11)

- 7.3 The introduction of the library has not resulted in a substantial change to the external appearance of the building from that approved in permission 17/02817/PFUL3. Provision of additional glazing to the corner of Collins/Carrington Street is considered to be an improvement to the building. The hit and miss opaque structural glass on the upper floors of the Collin Street elevation and at the northern end of the Carrington Street elevation are no longer required to screen the car park and have been replaced with metal panels laser cut with a lettering design, to better reflect the function that they now enclose. The detail of this are to be developed further and dealt with as part of the condition requiring approval of all external materials. The use of such a condition will also address the comments made by Historic England.

- 7.4 As indicated by the Civic Society in their comments, there is a change in street level in Carrington Street (rising up from south to north) to Collin Street. As this corner has the potential to be a busy hub of activity, careful consideration needs to be given to the positioning of steps and ramped slopes to accommodate different pedestrian flows around the library and bus station entrances, whilst preserving the integrity of the streetscene. This area falls beyond the application site and these works will be dealt with as part of the scheme of accompanying public realm improvements surrounding the site. The point is well made and will be addressed as the detailed proposals for this public realm are developed.

- 7.5 As with the previous scheme, the design and appearance of the link bridge across Collin Street has yet to be developed so these details will therefore be subject to further approval by condition.

- 7.6 Overall, (and as outlined in the February report to Committee in relation to 17/02817/PFUL3,) the proposed development is considered to be acceptable in terms of its layout, scale, mass, design and external appearance. The scheme is a welcomed as part of the wider regeneration that will significantly enhance the built environment of this part of the City Centre, and setting of the adjacent Conservation Area and listed buildings. Local Plan policies BE10 and BE12 and Aligned Core Strategies policies 10 and 11 are therefore satisfied.

(iii) Flood Risk (Local Plan Policy NE10 and paragraph 155 of the NPPF)

- 7.7 Drainage have raised no objection to the proposed scheme. Environment Agency have however objected on the basis that the FRA has not been updated. It is however noted that they did not object to application 17/02817/PFUL3, subject to conditions being added to that permission to ensure that the development was carried out in accordance with the FRA and the submission of a remediation strategy to prevent pollution of controlled waters. Given that the previous FRA was

completed in September 2017, and application 17/02817/PFUL3 was submitted in December 2017 and granted permission in February this year, it is not felt to be reasonable to require the FRA to be revised, particularly given that the previous scheme could be implemented until February 2021. This matter is being pursued further with the Environment Agency and an update will be provided at Committee, however it is felt that through the imposition of the same conditions as those proposed on permission 17/02817/PFUL3 that the proposal would comply with Policy NE10 of the Local Plan and meets the requirements of paragraph 155 of the NPPF.

(iv) Traffic and transport (Local Plan policies T1, T3, T7 and T15 and Aligned Core Strategy policy 14)

- 7.8 The transport statement submitted with the application has been reviewed by Highways who have raised no objections to this revised scheme. The reduction in the number of car parking spaces is considered to be acceptable and it is noted that the scheme still includes provision for electric vehicle charging points. The library will take up the area proposed for the cycle hub, however cycle parking is still to be provided as part of the scheme. Conditions are recommended to secure the submission of details of the proposed cycle parking, parking for powered two wheelers and disabled parking bays, and their provision when the development is complete. Local Plan policy 15 requires that new car parks in the City Centre should be limited to short or medium stay use to encourage adequate car parking for visitors and shoppers. It is anticipated that the main use of the new car park would be orientated towards shoppers and leisure users, particularly following the refurbishment and expansion of the Broadmarsh shopping centre. A condition is also proposed requiring the submission of a car park management plan to enable further control of this matter.
- 7.9 Local Plan policies T1, T3, T7 and T15 and Aligned Core Strategy policy 14 are therefore satisfied.

OTHER MATTERS (Local Plan policies S7, NE9, NE10, BE16 and T3, and ACS policy 10)

Impact upon amenity

- 7.10 The scale, mass and footprint of the proposed building is comparable in general terms, when compared with the former Broadmarsh bus station and car park, , although it is recognised that the proposed building is taller. However, having regard to the nature of the buildings surrounding the site, which do not contain and residential use and are separated from the site by roads of generous scale, it is not considered that the proposal would significantly alter the physical impact of a building on this site upon the occupiers of the adjacent premises.
- 7.11 The uses proposed for the new retail units, falling within Classes A1-A5, are compatible with the City Centre location, as is the D1 library use. The imposition of conditions recommended by Environmental Health and Safer Places in relation to the previous application, regarding extraction equipment and noise from plant and air handling equipment, will ensure that there are no noise or odour issues for nearby occupiers.

Contamination

- 7.12 Conditions are recommended to ensure that there is no contamination of ground water, as previously required by the Environment Agency and Environmental Health and Safer Places.

Archaeology

- 7.13 As with the previously approved scheme, a condition is recommended to ensure that any archaeological remains affected by the development are properly investigated and recorded.
- 7.14 Overall, therefore, Local Plan policies S7, NE9, NE10 and T3 and ACS policy 10 are satisfied regarding these matters.

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

- 8.1 The proposals involve the use of the lower level of the building as a bus station serving both local and national bus services, encouraging the use of public transport. The proposals also provide facilities for cyclists and encourage more walking as a result of the development being better integrated into surrounding streets, which are to be made pedestrian friendly.
- 8.2 The design of the glazing system to enclose the car parking levels of the building is partially naturally ventilated through the use of a hybrid assisted natural air and mechanical extraction system. The glazing will also allow daylight to permeate the edges of the car parking area. It is proposed that the car park will utilise low energy lighting systems. The roof area of the development provides the opportunity for the installation of photovoltaic panels generating low or zero carbon energy. It is also proposed that the building (excluding the bus station and car park) will exceed the requirements of Part L2A of the Building Regulations.

Trees

- 8.3 There are currently five trees on Carrington Street which are within the application site but on the public highway. Two of these, and possibly three, can be retained within the altered public realm. A condition is imposed to ensure that these are adequately protected during the construction period.

Biodiversity

- 8.4 With regard to landscaping, it is anticipated that these will be significant planting as part of the pedestrianisation of Carrington Street and Collin Street, which will bring ecological benefits in addition to enhancing the setting of the building.
- 8.5 Local Plan policy NE3 and NE5 and Aligned Core Strategies policies 1 and 17 are therefore satisfied regarding these matters..

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

Provision of accessible buildings.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

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

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

Neighbourhood Nottingham: Redevelopment with a high quality development

14 CRIME AND DISORDER ACT IMPLICATIONS

Improved surveillance and community safety.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/02038/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PFSZCZLYMRC00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Nottingham City Centre Urban Design Guide (May 2009)

National Planning Policy Framework (March 2012)

Broadmarsh car park and bus station development brief (June 2017)

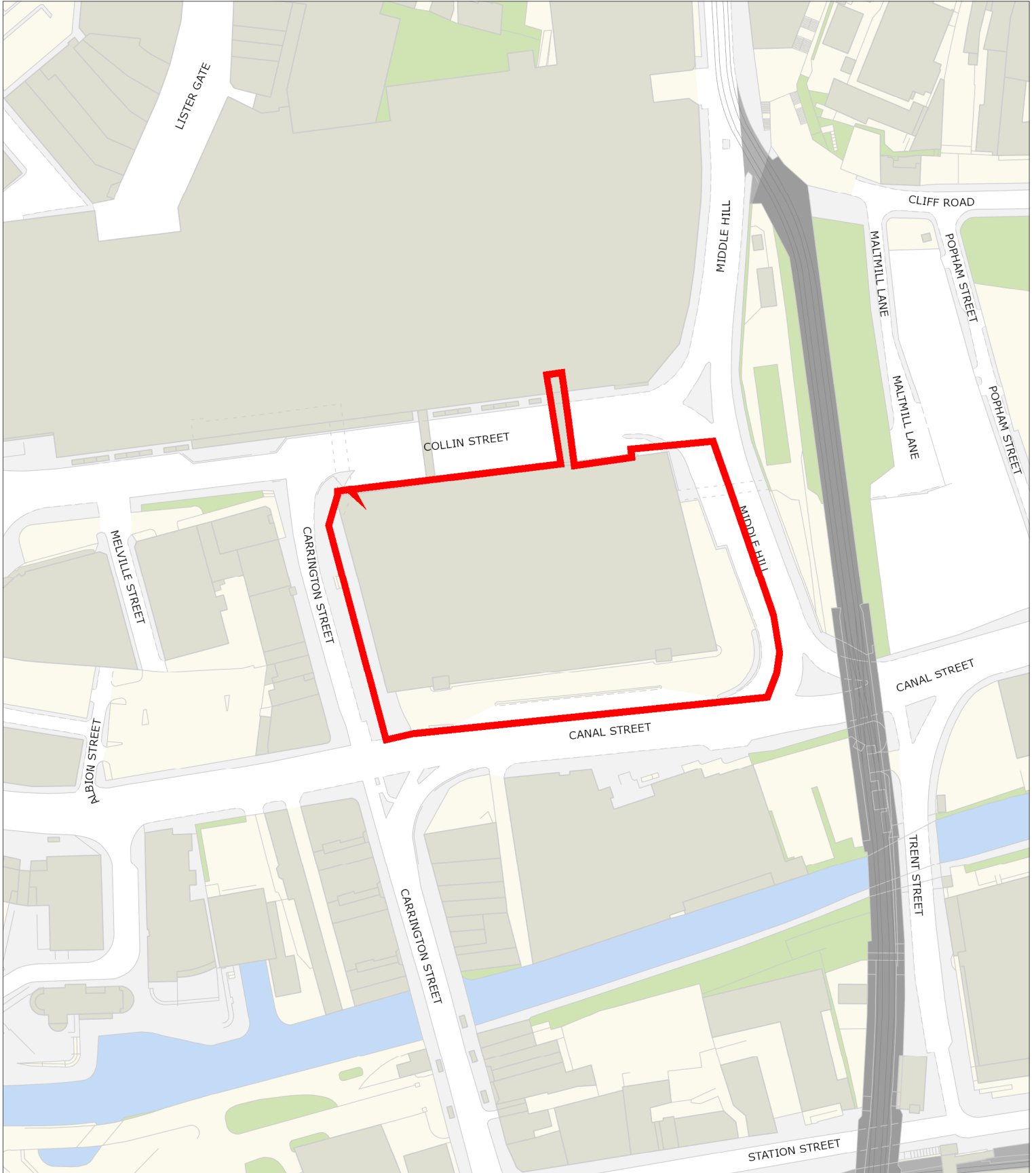
Report to Planning Committee of 21 February 2018 in relation to application 17/02817/PFUL3

Contact Officer:

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Key

 City Boundary

Description

No description provided

My Ref: 18/02038/PFUL3 (PP-07299555)
Your Ref:
Contact: Mrs Jennifer Curry
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**Nottingham
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Date of decision:

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

Application No: 18/02038/PFUL3 (PP-07299555)
Application by: Nottingham City Council Mr Ben Bowley
Location: Broadmarsh Car Park, Collin Street, Nottingham
Proposal: Provision of a new bus station and car park structure with a public library (Use Class D1), commercial space (Use Classes A1, A2, A3, A4 & A5), ancillary public facilities including a travel centre and a link footbridge.

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

Time limit

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

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

Pre-commencement conditions

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



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Not for issue

Continued...

2. No development shall be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
- (a) Management of the highway network;
 - (b) The parking of vehicles of site operatives and visitors;
 - (c) Loading and unloading of plant and materials;
 - (d) Storage of plant and materials used in constructing the development;
 - (e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (f) Wheel wash facilities;
 - (g) Measures to control the emission of dust and dirt during construction;
 - (h) A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To ensure that the amenity of nearby occupiers is protected during construction of the proposed development and in the interests of highway safety in accordance with Policy T3 of the Local Plan and Policies 10 and 14 of the Aligned Core Strategy.

3. The development shall not be commenced until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:
- 1. A preliminary risk assessment which has identified:
 - (a) all previous uses;
 - (b) potential contaminants associated with those uses;
 - (c) a conceptual model of the site indicating sources, pathways and receptors; and
 - (d) potentially unacceptable risks arising from contamination at the site.
 - 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details.

Reason: To reduce the risk of pollution of ground water in accordance with Policy NE9 of the Local Plan.

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

Reason: To reduce the risk of pollution in accordance with Policy NE9 of the Local Plan.

5. No development involving the breaking of ground shall take place until an archaeological Written Scheme of Investigation, covering the area where it is proposed to excavate below existing ground or basement levels, has first been submitted to and approved in writing by the Local Planning Authority. The Written Scheme of Investigation and works shall include:
- a) an archaeological evaluation of the site;
 - b) arrangements, supported by the conclusions of an archaeological evaluation, for the excavation of the affected areas, and the implementation of a watching brief during the course of the development;
 - c) arrangements for the recording of any finds made during the investigation and for the preparation of a final report;
 - d) arrangements for the deposition of the records of finds, and any significant finds, capable of removal from the site, in a registered museum; and
 - e) arrangements for 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 Written Scheme of Investigation.

Reason: to ensure that any archaeological remains of significance are safeguarded in accordance with Policy BE16 of the Local Plan and Policy 11 of the Aligned Core Strategy.

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

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

7. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development permitted and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

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

8. Prior to the commencement of any above ground development, the following shall be submitted to and approved in writing by the Local Planning Authority:
- (a) Large scale elevations and sections at a scale of 1:50;
 - (b) Details of the external materials, including a sample panel;
 - (c) Large scale drawings showing the change in levels between Carrington Street and Collin Street and the forecourt area to the entrance of the proposed Library
- The development shall be implemented in accordance with the approved details.
- Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area and the character or appearance of the Nottingham Canal Conservation Area, and to ensure that there is no potential conflict in the movement of people around the building to accord with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.*
-
9. No work on the footbridge shall be commenced until the following details of the footbridge have been submitted to and approved in writing by the Local Planning Authority:
- (a) Large scale elevations and sections at a scale of 1:50 or greater;
 - (b) Details of the external materials.
- The development shall be carried out in accordance with the approved details.
- Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area in accordance Policy 10 of the Aligned Core Strategy.*
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10. Prior to the commencement of the development, an air quality assessment of the contribution and impact of the development on the air quality in the area shall be submitted to and be approved in writing by the Local Planning Authority.
- Any air quality management scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.
- Reason: In the interests of ensuring that air quality objectives are met in accordance with Policy NE9 of the Local Plan.*

11. Prior to the installation of any mechanical services plant or equipment (including any air handling plant), an environmental noise assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason: To ensure that the amenity of the occupiers of nearby properties is protected in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

12. Any approved Class A3, Class A4 or Class A5 use within the development shall not be brought into use until, if required, they have been fitted with a fume extraction and ventilation system. The system shall not be installed other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: In the interests of the amenities of neighbouring occupiers and businesses and the visual amenity of the area, in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

Pre-occupation conditions

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

13. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To reduce the risk of pollution of ground water in accordance with Policy NE9 of the Local Plan.

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

Reason: In the interests of ensuring that air quality objectives are met in accordance with Policy NE9 of the Local Plan.

15. The use of the car park shall not be commenced until details of parking for powered two wheelers and cycle parking have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable means of transport and to ensure adequate provision for users with disabilities in accordance with Policy T3 of the Local Plan.

16. The development shall not be brought into use until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the aims of Policy T3 of the Local Plan.

17. The use of the car park shall not be commenced until details outlining how vehicles are to be controlled and managed so as not to result in queuing on the highway has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in the vicinity and in accordance with Policy T3 of the Local Plan.

18. Before any part of the car park is occupied, details of the proposed strategy for managing the length of stay of vehicles shall be submitted to and agreed by the Local Planning Authority and once approved, the car park shall be operated in accordance with that strategy.

Reason: To ensure that the development discourages long stay commuter parking in order to reduce congestion during the peak periods in accordance with Policy T15 of the Local Plan.

Regulatory/ongoing conditions

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

19. The sight lines on each side of the vehicular access shall be provided and retained in perpetuity.

Reason: In the interests of highway safety and in accordance with Policy T3 of the Local Plan.

20. The development shall be carried out in accordance with the approved September 2017 Flood Risk Assessment (FRA) compiled by BWB and the following mitigation measures detailed within the FRA:

1. Finished floor levels (as detailed in appendix 4) of the bus station and the retail units shall be set to 24.5mAOD and 24.62mAOD respectively.
2. Incorporation of flood resilient/resistant construction measures as detailed in section 4.

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

Reason: To prevent the increased risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and to reduce the risk of flooding to the proposed development and future users in accordance with Policy NE10 of the Local Plan.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other

documents comprising the application as validated by the council on 1 October 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.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. The 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:

oexcavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
otreated materials can be transferred between sites as part of a hub and cluster project
osome naturally occurring clean material can be transferred directly between sites.

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:

- (a) the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- (b) The Environmental regulations page on GOV.UK

4. Highway related

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

2. 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.

3. Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance

where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

4. A car parking management plan is required at the development that outlines how in busy periods the access and egress to the car park is to be managed so as not to cause a detrimental impact on the adjacent highway network. If traffic queues occur a car parking management strategy should be prepared to outline how various scenarios are to be dealt with. The applicant is to contact James Ashton 0116 8763093 Transport Strategy in the first instance.

5. TRO's will be required with all costs borne by the applicant. Please contact Scott Harrison to progress further 0115 8765245.

6. Stopping Up Order. Please contact John Lee to discuss the details 0115 8765246.

5. Trees

New tree planting should be undertaken in accordance with current good practice set out in TDAG guidance <http://www.tdag.org.uk/trees-in-hard-landscapes.html> and the landscape design should be in accordance with British Standard 5845 (2014) Trees: from nursery to independence in the landscape -Recommendations.

6. Air Quality

The development is located either within or on the boundary of an Air Quality Management Area declared under the provisions of Part IV of the Environment Act 1995. Air Quality Management Areas are designated where the air quality objectives as set out in the Air Quality (England) Regulations 2000 (as amended) [the Regulations] are not being achieved.

In this context an area of poor air quality means that the air quality objectives for nitrogen dioxide, as set out in the Regulations, are not being met.

An air quality assessment using an appropriate methodology (eg atmospheric dispersion modelling or DMRB screening) will be required to establish the impact of the development and if an air quality management scheme is required.

7. 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.

8. Control of Odour & Provision of Adequate Ventilation

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

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires.

The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

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

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

Significant changes to the operation of the development which may affect the control of odour include:

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

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

Adequate Ventilation

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

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf> .

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

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

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.



DRAFT¹⁰ ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 18/02038/PFUL3 (PP-07299555)

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

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

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.