

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Site Of York House, Mansfield Road

1 SUMMARY

Application No: 18/02566/PFUL3 for planning permission

Application by: Freeths LLP on behalf of HYDROGEN YORK STREET LIMITED

Proposal: Purpose-built student accommodation building with cluster bedrooms, studios and associated amenity areas, over 4 to 10 storeys.

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

To meet the Council's Performance Targets this application should be determined by 22nd April 2019

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- 2.1 (a) subject to the expiry of the response period for the additional consultation letters that have been issued and no further material planning issues being raised.

(b) prior completion of a Section 106 planning obligation to secure:
 - (i) a public open space contribution of £88,970.26 towards improvements to Elm Avenue, Corporation Oaks and Robin Hood Chase open spaces and;
 - (ii) a student management plan, to include restrictions on car use.
(c) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details both of the conditions and the section 106 obligation to be delegated to the Chief Planner.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.
- 2.4 That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application site is a cleared site that is located on the east side of Mansfield Road. Sheridan Court flats with a retail/commercial ground floor is immediately to the north and the Rose of England public house is immediately to the south, forming the corner with Union Road. The Intu Victoria Centre is further to the south and east (car park), with the Victoria Bus Station also to the east and opposite the site across York Street. Mansfield Road terraced shops with residential accommodation on some upper floors are opposite the site to the west.
- 3.2 The site was formerly developed with a 1960s eight storey office building, which was demolished in 2014. A petrol filling station had also occupied the Mansfield Road forecourt but this had been removed many years previous and the forecourt had been last used for car parking.
- 3.3 The site is located within the defined city centre (Local Plan). The boundary of the Arboretum Conservation Area is opposite along this section of Mansfield Road, including the terraced properties. The Rose of England public house is a Grade II listed building (Watson Fothergill, 1898).
- 3.4 The site has been previously included within proposals for the northern extension of the Intu Victoria Centre (11/01859/PFUL3). Planning permission for this development was granted on 8 July 2014 and allows for development to be commenced within 8 years. This part of the site would have been developed as part of a reconfigured bus station, an enclosed service yard, and a health club entrance, within a short terrace of three storey buildings.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposal is for the redevelopment of the site for purpose-built student accommodation building with cluster bedrooms, studios and associated amenity areas, over 4 to 10 storeys. The proposed buildings are in a series of interconnected blocks of varying heights in a perimeter quadrant form and arranged around internal courtyard spaces. The new development blocks would front onto Mansfield Road, York Street and Union Road, with a primary entrance from Mansfield Road.
- 4.2 A total of 422 student bedrooms would be provided within the scheme, to be provided in a range of cluster bedroom apartments and studios (54 studios, 53 clusters of between 4 to 11 beds – 368 beds in total). There would be a large ground floor communal amenity with external courtyard areas and a gym. Cycle storage for 105 cycles is proposed with direct access off York Street. Refuse storage for general waste and mixed recyclables is located at the corner of York Street and Union Road. No car parking proposed on site.
- 4.3 The developer has indicated that they will work with the Council's Employment and Skills team in relation to the use of local labour for the construction phase of the development and is prepared to commit to this via the S106 agreement.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Sheridan Court, Mansfield Road (all flats)

15 – 43(o) Mansfield Road
Rose of England PH, 36 – 38 Mansfield Road
64, 68-70 Mansfield Road
1 – 4 Lynton Court, Peachey Street

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

Additional consultation notifications have been issued, which do not expire until 24 March 2019. Any further comments received will be reported to Committee by means of an update sheet, with the recommendation to grant planning permission being subject to no further material planning issues being raised.

The following comments have been received:

Neighbour: Objection. Due to the nature and hours of work at the Rose of England pub there is a need to sleep during the day. While the hum of day to day traffic and pedestrians is normal it is highly likely that I will be highly inconvenienced and affected by the construction of a large building being built within a very short distance. Due to the height of development there is also the potential of natural light being blocked out from the flat above the Rose of England.

Neighbour: Objection. Seems like every site in the city centre is being developed for student accommodation. Sure that the universities have land that is fit for this purpose. Mansfield Road is being surrounded by student flats and houses. Noise and mess are bad enough now without a further 10 storey block.

Neighbour: This particular area of the city centre is already subject to a ridiculous level of noise levels and anti-social behaviour, including assaults, drunken arguments, car engines, and booming music, especially along the parade of shops and takeaways directly opposite the proposed site. This noise and anti-social behaviour often extends to the early hours of every morning often as late as 6.00am in the morning. Do not think this is a sensible site for a large student accommodation development that will only add to the already high levels of anti-social behaviour. It can't be acceptable to expect the already suffering tenants in this area to have this existing issue made worse by allowing numerous student flats to be built on this site.

Neighbour: Objection Sheridan Court has ventilation windows facing the site that also provide daylight. New building should be set further away. City is already being swamped with student accommodation.

Neighbour: Comment. Exposed breeze blocks to Sheridan Court need to be covered. Construction noise needs to be limited to strict times and enforced, which is particularly important in relation vulnerable adults.

Neighbour: Applaud the purpose of bringing students to the centre of the town, near their university. The rooms are very small but maybe as students they can cope for three years. If they were to become flats then the space would be totally inadequate for living a satisfactory life. The elevation from Mansfield Road is pleasing and of a suitable height. The same cannot be said for the York Street view which is far too high and will encourage others to build up to that height and produce more of a wind tunnel than there already is today. Its appearance is overwhelming and intimidating. The number of bins does not appear adequate for 400+ people's rubbish.

Additional consultation letters sent to:

Environmental Health: No objections subject to planning conditions requiring contamination remediation and verification; verification of implementation of sound insulation scheme; and noise and dust management plan.

Highways: No objection subject to further details of management of student drop-off and arrival. Concerns regarding proposed layby on York Street, having particular regard to any impact on the queue lane to the Victoria Centre public car park and central pedestrian refuge in this location.

Drainage: The submitted Flood Risk Assessment acknowledges the risk to the site itself, but there is concern that the development also considers that impact that it would have on the surrounding area. Green roofs would have the potential to significantly lower the discharge rate, due to the surface area proposed to be covered by flat roofs. We acknowledge the challenges of SuDS in an urban environment, however, recent consultations have shown that developers have managed to minimise discharge into sewers by using SuDS, e.g. through the use of storm water troughs on the roof, permeable paving etc.

City Archaeologist: The two known cave systems within the site boundary are considered to be of significance and are without known parallel within the city. Parts of the caves date to the 18th century and the systems as a whole represent evidence of use as a beer cellar for a demolished public house, as well as evidence of storage for a brewery and uses as a Second World War air raid shelter.

It will be important to ensure the preservation of the caves within the development. To this end it will be necessary for the local planning authority to have confidence that the proposal is structurally sound in enabling the development to take place without negatively impacting the caves.

The latest structural information supplied by the applicant provides a lot more confidence in the ability to construct the proposed building without impacting the caves. Further concrete column tests are being carried out and it is relevant that final tests confirm that all columns are suitable. However, there is sufficient information now to agree that the scheme to protect the caves appears to be feasible and a planning condition is recommended that the development is implemented on the basis that the foundation design will follow the principles detailed in the approved Structural Design Philosophy document and that any deviation from that document must be agreed with the Local Planning Authority. It will be necessary to maintain access to both cave systems (which is intended) in order to comply with emerging policy. There will also need to be a further planning condition for an archaeological watching brief during the breaking of ground from the surface, which must be undertaken by a suitably qualified and experienced archaeological contractor.

Nottingham Civic Society: Concerns regarding the scale and massing of parts of the development on this prominent site. The scale of the Mansfield Road frontage is appropriate for this wide, principal street. The massing stepping up on Mansfield Rd gives the distinct blocks a stepped roof profile acknowledging the sloping site rising from south to north. The building heights adjacent to the Rose of England listed building are suitably respectful allowing the pub's exuberant roof profile and extravagant detailing to assert itself. On Mansfield Rd the visual separation of the

blocks, their stepping in height and their red brick finish respects the character of the Arboretum Conservation Area.

However, the massing in York Street is less restrained and the ten storey block is likely to interrupt Vista (D) identified in the City Centre Urban Design Guide as having merit - the view of the city centre from the Belle Vue Reservoir comprising of landmarks such as the Newton Building and the dome of the Council House. At three storeys higher than Sheridan Court nearby, it is likely to impact upon this view. In addition, the York St elevations are uniform, somewhat bleak and regimented, accentuating the height and mass. The choice of non-red brick for the York St and Union Rd elevations adds to this part of the scheme's short-comings. Because of the height of the York Street block, the internal courtyards are also likely to be rather gloomy.

The Archaeological Assessment acknowledges the extensive cave system under the site. The design of the scheme foundations should be conditioned to prevent damage to the cave system - a unique historical resource Nottingham's Heritage Strategy seeks to foster.

Whilst the Civic Society considers the Mansfield Road parts of the development to be acceptable, the York St elevation presents the scheme as bulky, too tall at ten storeys and monolithic in elevational design. Sheridan Court on the neighbouring site has more articulated elevations and a more human-scale to its architecture and shows how big buildings can be elevated to create appropriate urban-scaled developments.

Nottingham Design Review Panel: The Panel reviewed the proposed development at its pre-application stage and had no major issues. The Panel welcomed the redevelopment of this vacant city centre site with student accommodation, which was considered to be an appropriate use. The design approach was considered to be broadly right, with only a few concerns regarding the scale, built form, and the amenity of the courtyards. The Panel agreed with the stepped massing approach taken along Mansfield Road working with the topography of the site, with the scale appropriately stepping down to its lowest height in relation to the adjacent Rose of England listed building. Concentrating of the bulk of the development to the rear of the site with the two larger blocks on York Street was considered to be appropriate as not being sensitive to views and far enough away from the listed building. The Panel recommended some refinement of the Mansfield Road frontage to read more as three bays and to introduce detailed articulation through changes in the fenestration treatment of each bay, with the use of a single material across all to bring unity to the building and sensitivity to the setting of the listed building. The quality of the internal courtyard spaces was a concern to the Panel and the design team were challenged to develop these spaces further. The Panel encouraged use the caves if possible, taking advantage of the possible opportunity to incorporate them into the scheme if the infrastructure allows. The Panel also encouraged the incorporation of renewable or low carbon energy sources, including its scope to link into district heating, a review of ground source energy generation, and opportunity for photovoltaics. Substantial cycle storage was recommended.

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 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.
- 6.4 Paragraphs 184 to 202 of the NPPF set out the approach regarding assessing the impact on heritage assets including conservation areas, listed buildings and archaeological remains.
- 6.5 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):

BE16 - Archaeology

H6 - Student Housing.

NE9 - Pollution.

NE12 - Derelict and Contaminated Land

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (September 2014)

Policy A - Presumption in favour of sustainable development.

Policy 1 - Climate change.

Policy 5 - Nottingham City Centre

Policy 10 - Design and Enhancing Local Identity.

Other Planning Guidance

Nottingham City Centre Urban Design Guide

Building Balanced Communities Supplementary Planning Document

Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Use for student accommodation and impact on the amenities of neighbouring occupiers
- (ii) Layout, scale and design of proposed development.
- (iii) Highways

Issue (i) Use for student accommodation and impact on the amenities of neighbouring occupiers (Policy H6, Policy 5 and the Building Balanced Communities Supplementary Planning Document)

- 7.1 The application site is conveniently located within the city centre and within a short walking distance of Nottingham Trent University campus. In accordance with the Building Balanced Communities Supplementary Planning Document, the further provision of purpose built and managed student accommodation is to be encouraged subject to the consideration of the proposal on its merits. Policy 5 of the Aligned Core Strategies also supports city centre living initiatives including student housing where appropriate.
- 7.2 It is considered that the provision of good quality purpose built accommodation in this location will attract students that could otherwise occupy houses of multiple occupation outside of the city centre. Consequently, it is considered that the proposed student accommodation use accords with the Building Balanced Communities Supplementary Planning Document, Policy H6 of the Local Plan regarding the location of student accommodation development and Policies 5 of the Aligned Core Strategies.
- 7.3 The comments of several neighbours relating to the potential for further noise and nuisance are noted. The application site is located within the defined city centre and is therefore always likely to be subject to a degree of noise and nuisance, particularly on Mansfield Road as a primary vehicular and pedestrian route into and out of the city centre and location for a number of late night premises. Whilst it is not possible to mitigate against existing instances of noise and nuisance, a student management scheme is to be required under the provisions of the S106, requiring management measures to ensure that the amenity of neighbouring residential properties are respected and that appropriate actions will be taken by an on-site management team to resolve any local resident issues. Such management measures have been successfully employed on other large scale student accommodation developments within the city centre. Therefore, it is considered that the proposed development will not significantly impact upon the amenity of neighbouring occupiers in accordance with Policy H6, Policy 5 and the Building Balanced Communities Supplementary Planning Document.

Issue (ii) Layout, scale and design of proposed development (Policy 10)

- 7.4 The City Centre Urban Design Guide identifies the application site as falling within the 'Zone of Reinvention' where the character of the area has been eroded and where there is the opportunity for development to 'reinvent the urban fabric of the city'. The Urban Design Guide also indicates this part of the city centre includes a number of taller buildings (Victoria Centre, Nottingham Trent University) and that, due to it being less prominent in most of the recorded key views, slightly taller buildings of ground plus up to 7 residential storeys being considered generally appropriate.
- 7.5 The proposed development of between 4 and 7 storeys its Mansfield Road elevation and is considered to respond well to the context of the site, having regard to the scale relationships with the buildings opposite, which fall within the Arboretum Conservation Area, and the also the adjacent listed Rose of England PH. The scale, stepping, proportions and rhythm of the three elements of the elevation to Mansfield Road are considered to provide interest and variety, with the central colonnaded section also identifying the main entrance. The proposed use of a red brick, with detailing including brick bonds, textures and deep window reveals will ensure an appropriate quality of finish. The support of Nottingham Civic Society and the Nottingham Design Review Panel for this design approach is welcomed.
- 7.6 The elevation to Union Road is also controlled at 4 storeys and, in conjunction with the 4 storey element onto Mansfield Road, acts to develop up to but physically and visually defer to the prominence and architectural quality of the listed Rose of England PH.
- 7.7 The proposed taller 6 and 10 storey blocks onto York Street acknowledges that this street has a less sensitive context than Mansfield Road, with the scale of the adjacent Sheridan Court building and the design and form of the Victoria Centre both having an influence on the approach. It is therefore considered that York Street has the capacity to accommodate this scale of development and it is also noted that the previous York House building was eight commercial storeys in height across the length of its York Street frontage.
- 7.8 The subdivision of the York Street frontage into two distinct blocks will break the length of this frontage, with the marked difference in height between the proposed 10 storey and 6 storey lower element also serving to emphasise this change in scale. The elevation of each block is individually designed and yet with unity in the scale and rhythm of openings that will serve to provide visual strength to its appearance. The Nottingham Design Review Panel advised that concentrating the bulk of the development onto York Street would be appropriate and would not impact on sensitive views or buildings. The concerns of Nottingham Civic Society that the 10 storey block may interrupt the Urban Design Guide view from the Belle Vue Reservoir has been reviewed using the city model and is confirmed to be unaffected. Whilst Nottingham Civic Society also have reservations on the proposed use of a non-red brick on this elevation of the scheme, it is considered that this brick selection should be reviewed in the round and that there is merit in using an alternative colour of brick for this elevation (light brown and grey), particularly where the taller blocks will be visible in the background to the lower blocks onto Mansfield Road and therefore providing a lighter contrasting background element in this view.

- 7.9 The proposed blocks are arranged around the perimeter of the site and will define the street by their scale and design. There are link elements within the scheme and courtyard spaces are also formed to allow for an internal aspect to a number of student bedrooms as well as allowing daylight to penetrate into the plan of the scheme. Whilst it is considered that these spaces are limited in size and therefore amenity value, their quality has been significantly improved from the initial presentation made to the Nottingham Design Review Panel and it is considered that they are now appropriate as internal spaces within the scheme.
- 7.10 Subject to conditions to ensure the quality of construction, it is considered that the design of the proposed development is appropriate to the site and area in accordance with Policy 10 of the Adopted Core Strategy.

Issue (iii) Archaeological significance (Policies BE15 and BE16)

- 7.11 An archaeological desk based assessment has been submitted with the planning application, which recognises the importance of potential archaeological remains and the industrial heritage of the underground caves and cellar system in particular. A structural design statement also submitted with the application advises that the proposed new buildings will use as much of the original foundation structure of the former York House as possible and that no new substructures are to be proposed where these would impact upon any of the remaining caves. Further structural investigations, including core testing of the large concrete columns that penetrate through the caves and cellar system, have been carried out and the City Archaeologist is now sufficiently satisfied to recommend planning conditions to ensure implementation in accordance with the agreed approach to structural design and an archaeological watching brief throughout the course of below ground works, in accordance with Policies BE15 and BE16

Other Matters (Policies NE9, NE12, T3 and R2)

- 7.12 Highways have no objection to the proposed development subject to conditions but have concerns regarding a new layby that is being proposed on York Street. Full details of this proposed layby are still to be provided and Highways concerns regarding potential conflicts with through traffic and access to the Victoria Centre public car park are noted. Whilst acceptable details may be provided, it is not considered that this layby is essential to the operation of the proposed development and could be deleted from the scheme. The Victoria Centre public car park is also adjacent to the site and provides for ample alternative temporary car parking provision. Student arrivals and departures at the start and finish of each academic term is to be managed under a planning condition. Obligations within the S106 agreement aim to ensure that student occupants do not keep or use their cars within the City. This has become a successful deterrent to student car use and is common to all major student accommodation developments within and around the City Centre. It is therefore considered that the proposed development accords with Policy T3.
- 7.13 Environmental Health have no objection subject to planning conditions which are included in the draft decision notice. Whilst it is not possible to prevent any instances of noise nuisance from arising from a development of this nature, it is expected that construction activity will be considerate of its neighbours throughout works and will adhere to Environmental Health's recommended hours of operations, with no works being carried out on a Sunday. It is therefore considered that the proposed development accords with Policies NE9 and NE12.

- 7.14 The position of stairwell windows to the south elevation of Sheridan Court have been noted and will not be directly affected by the proposed development, falling within the northern courtyard space. Daylight levels to the lower windows may be reduced but as non-habitable rooms and being on the boundary with a development site, it is considered that the degree of impact is not significant. These windows were previously fully enclosed by the former York House building. The exposed breeze block southern elevation of Sheridan Court will be concealed by the proposed development, having a positive impact on the street scene of the area.
- 7.15 In accordance with Policy R2 and the Planning Guidance for the Provision of Open Space Within Developments SPG a Section 106 planning obligation is to secure a public open space contribution of £88,970.26 towards improvements to Elm Avenue, Corporation Oaks and Robin Hood Chase open spaces. Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development. It is advised that this contribution would not exceed the permissible number according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

8. SUSTAINABILITY / BIODIVERSITY (Policy 1)

- 8.1 The city centre location of the application site is inherently sustainable with good access to local services and public transport.
- 8.2 The Energy Statement submitted with the application advises that the development will incorporate passive design measures in the form of improved insulation levels and reduced air permeability to reduce the base energy demand of the building; energy efficiency measures in the form of highly efficient heating and lighting; and the provision of rooftop photovoltaic arrays. Maximum use of the available flat roof areas is being made for photovoltaics, with allowances being made for necessary mechanical and electrical plant space. Coverage by photovoltaics restrict the potential for green roofs and other rooftop SuDS measures and has been accepted by the Drainage team for their alternative environmental benefits. Attenuation for surface water flows is to be provided within the construction of the lower ground floor slab of the proposed development.
- 8.3 The application site is located proximate to the District Heating network. The submitted Energy Statement advises that District Heating has the potential to save up to 20% in carbon emissions. However, discussion with Enviroenergy has established that there is no current capacity in the existing system to accommodate the building and therefore this option has had to be discounted. However, it is advised that the type of hot water system proposed for the building could potentially have the ability to connect to District Heating in the future.
- 8.4 It is therefore considered that the proposed development accords with Policy 1.

9 FINANCIAL IMPLICATIONS

A financial contribution of £88,970.26 will be negotiated in accordance with the Open Space Supplementary Planning Guidance.

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

Securing training and employment for Nottingham citizens through the construction of the development.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/02566/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJKT85LYMER00>

2. Environmental Health, 24.1.19

3. Neighbour, 24.1.19

4. Neighbour, 1.2.19

5. City Archaeologist, 1.2.19, 7.3.19

6. Drainage Team, 4.2.19

7. Neighbour, 4.2.19

8. Nottingham Civic Society, 8.2.19

9. Neighbour, 19.2.19

10. Neighbour, 2.3.19

11. Neighbour, 3.3.19

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Building Balanced Communities Supplementary Planning Document

Planning Guidance for the Provision of Open Space Within Developments

Supplementary Planning Guidance

Nottingham City Centre Urban Design Guide

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074


NOMAD printed map



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Key

 City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 18/02566/PFUL3 (PP-07470131)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Freeths LLP
FAO: Chris Waumsley
Cumberland Court
80 Mount Street
Nottingham
NG1 6HH

Date of decision:

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

Application No: 18/02566/PFUL3 (PP-07470131)
Application by: HYDROGEN YORK STREET LIMITED
Location: Site Of York House, Mansfield Road, Nottingham
Proposal: Purpose-built student accommodation building with cluster bedrooms, studios and associated amenity areas, over 4 to 10 storeys.

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. Prior to the commencement of the development, a Remediation Strategy that 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 Site Investigation, based on the phase 1 Ground Gas & Groundwater Contamination report by BWB Consulting Limited dated December 2018 referenced NTS2778.
 - b) A Remediation Plan, 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), as well as the underground fuel tank and electrical substation.
 - c) A Verification Plan/remedial method statement providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

3. Prior to the commencement of the development a detailed Noise and Dust Management Plan shall be submitted to and be approved in writing by the Local Planning Authority.

The Noise and Dust Management Plan shall identify the types and locations of works which are likely to cause noise and dust disturbance to sensitive receptors and:

- Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice
- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents
- Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance
- Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours
- Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders.

The agreed Noise and Dust Management Plan shall be adhered to throughout the construction, demolition or refurbishment works undertaken on site.

Reason: In the interests of the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.



4. No development shall commence until a Construction Traffic Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority for that phase. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the Construction Traffic Management Plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.

5. No development shall commence until a programme of archaeological works involving the minimum of an archaeological watching brief has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy BE16 of the Nottingham Local Plan.

6. No above ground development shall commence until a large scale sample panel of all proposed materials to be used on the external elevations of the approved development has been constructed on site and has been reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials shall also be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy.

Pre-occupation conditions

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

7. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
 - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.



8. Prior to first occupation of the development, verification that the approved sound insulation scheme (or its equivalent) as prescribed in the Environmental Noise Report by Cundall referenced 1020938-RPT-AS-001 dated 21 December 2018 has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

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

9. The approved development shall not be occupied until such time that a Traffic Management Plan for the loading and unloading of vehicles collecting and delivering the belongings of the student occupants at the start and finish of each academic term has been submitted to and approved by the Local Planning Authority. The Traffic Management Plan shall thereafter be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

Reason: To avoid the prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety.

10. The approved development shall not be occupied until the existing vehicle accesses onto Mansfield Road, York Street and Union Road that are made redundant as a consequence of the implementation of the approved development have been reinstated with full height kerbs and footways in accordance with details that are to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of ensuring that these works are carried out in association with the approved redevelopment of the site and in the interests of highway safety and amenity in accordance with Policy 10 of the Aligned Core Strategies.

11. The approved development shall not be occupied until further full details of the layout of photovoltaic arrays across the available extent of flat roof areas of the approved development has been submitted to and approved by the Local Planning Authority and in accordance with the approved Energy Statement (Yonder, March 2019, Rev C). The approved details shall also be implemented before the approved development is occupied.

Reason: In order to ensure that these measures are incorporated into the approved development, in the interests of the sustainable development of the site and in accordance with Policy 1 of the Aligned Core Strategies.

Regulatory/ongoing conditions

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

12. The approved development shall be implemented in accordance with the foundation design

principles included in the York Place: Structural Design Philosophy as an approved document. Any deviation from this approved document shall first be agreed in writing by the Local Planning Authority in consultation with the City Archaeologist.

Reason: To ensure that the preservation of the existing significant cave system in accordance with Policies BE15 and BE16 of the Nottingham 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 21 January 2019.

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. Contaminated Land, Ground Gas & 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:

- 'Cut and fill' operations on site
- How gas precautions including any radon gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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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.

4. Environmental Noise Assessment

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

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

5. Construction & Demolition

Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday:	0730-1800 (noisy operations restricted to 0800-1800)
Saturday:	0830-1700 (noisy operations restricted to 0900-1300)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression / silencers.

Dust/Grit and Other Fugitive Emissions

Construction and demolition work invariably generates grit and dust, which can be carried off-site and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.

Appropriate measures include:-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

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.



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RIGHTS OF APPEAL

Application No: 18/02566/PFUL3 (PP-07470131)

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.



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