

**REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

**Land South Of Site Of Crocus Place Units, Arkwright Street**

**1 SUMMARY**

Application No: 19/00659/NFUL3 for planning permission

Application by: Franklin Ellis Architects on behalf of Nottingham City Council  
Major Projects

Proposal: Construction of new build 7 storey commercial office  
accommodation with associated external works.

The application is brought to Committee as this is a major application which is on a prominent site where there are design and heritage considerations.

To meet the Council's Performance Targets this application should be determined by 25th June 2019

**2 RECOMMENDATIONS**

To **GRANT PLANNING PERMISSION** for the reasons set out in this Committee Report, subject to the conditions substantially in the form of those listed in the draft decision notice at the end of this report.

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

**3 BACKGROUND**

**Site and Surroundings**

3.1 The application site is located to the south of Nottingham Station. Immediately to its northern boundary is 1a Arkwright Street and the Tinkers Leen. Cutting through the site is the NET tram bridge, whilst further to the east are the developments known as Picture Works and Station House. To the south is a hard landscaped area which has a number of trees within it (known as Crocus Place), and the NET line which runs to the Meadows and beyond. The western boundary of the site is formed by Arkwright Street.

3.2 The site is vacant and comprises an area of approximately 0.5ha. There is a site level difference of 1m, with the northern side being higher than the southern side. The site is mainly laid to crushed stone, but there is some self-seeded vegetation along the boundary of the site with Arkwright Street. There is a tree to the boundary with Tinkers Leen and some shrub planting along this northern boundary. To Arkwright Street the site is secured by mesh fencing. Before the NET line was extended to the south the site had been occupied by a row of

three storey commercial buildings. There was a gap of approximately 3m between the side wall of 1a Arkwright Street and the former building at number 3.

- 3.3 1a Arkwright Street is a three storey building, which has a café/takeaway at ground floor and flats above. It has side windows on all three storeys that face onto the application site. Some of the upper floor windows serve habitable rooms.
- 3.4 There are two bus stops located along Arkwright Street, giving access to buses in and out of the City Centre. The bus stop for outward travel from the City would be affected by the proposed service entrance to the development.
- 3.5 Opposite the site is the Former Queens Hotel which sits on the corner of Arkwright Street with Queens Road. Further down the western side of Arkwright Street are car parks and a warehouse building. There is more vacant land to the south and further to the south is the Meadows residential area.
- 3.6 The NET Bridge that crosses the site is partly elevated as it rises up to the tram stop next to the Station. The Picture Works sits to the east of the NET line, this has a maximum of 10 storeys; apartments in its western elevations have views over the application site. Also to the west of the application site is Station House a Victorian warehouse development.
- 3.7 The area around the site is mixed use containing residential and commercial properties.
- 3.8 The site is not within a Conservation Area, but does abut the boundary of the Station Conservation Area (the boundary runs along the Tinkers Leen and the NET tramline). There are no listed buildings next to the site, but further to the north behind 1 and 1a Arkwright Street is the Grade II\* Nottingham Midland Railway Station, and to the east of the Picture Works is the Grade II listed Victorian Warehouse of 48-50 Queens Road.
- 3.9 Planning permission has been granted recently for an office development at Unity Square located to the north west of this application site and for a residential scheme for a site to the south west on the former Creswell Site.
- 3.10 The site is located within the south side regeneration zone, it is also located within Flood Zone 2 and within an Air Quality Management Zone. In the Urban Design Guide the site is located within the Zone of Repair, but its boundary is close to the Zone of Reinvention.

## **4 DETAILS OF THE PROPOSAL**

- 4.1 Permission is sought for the construction of a 7 storey grade A office block that would have a net internal area of approximately 11,520 square metres, with associated parking and cycle storage. The building would also incorporate a café and meeting spaces on the ground floor. The building would accommodate approximately 1150 workers. The proposal would provide 30 standard car parking bays, 2 disabled parking bays, 4 electric vehicle parking bays, 115 cycle parking spaces and 4 spaces for motor cycles.

- 4.2 The building would be located to the western edge of the site and would front onto Arkwright Street. The foot print of the building has been constrained by easements relating to the Tinkers Leen and also the NET Line, and also by the presence of services including the district heating system within Crocus Place (the square laid to the south of the site following the completion of the tram line). The building tapers in width, at its widest point it would be approximately 30m and 21m at its narrowest. It would be approximately 71m long and would have a maximum height of 34.29m. A gap of approximately 11.5m to 12m would be provided between the building and 1a Arkwright Street.
- 4.3 There would be a brick frontage facing onto Arkwright Street and the elevation facing onto the NET Line would be fully glazed. Facing onto Crocus Place the building would be partially brick as it turns the corner to Arkwright Street and it would be fully glazed at its other corner. A mixture of brick and metal cladding is proposed along its northern elevation facing onto 1a Arkwright Street. The lower part of the building would have a plinth that is proposed in a different material. The plinth would give a colonnade effect to the building.
- 4.4 Within the brick facades of the building are regularly spaced windows in large vertical openings, to echo the Victorian warehouses that were common in the area. The fully glazed areas of the building would be broken up to create visual interest.
- 4.5 The gap retained between the building and 1a Arkwright Street would provide service access to the building, with fencing and gates set back from the highway edge. For ease of servicing, plant, bin storage and store rooms are proposed to the northern elevation of the building at ground floor. The car park which would be located to the east of the NET tram bridge would be accessed from Crocus Street.
- 4.6 The main entrance to the building would be off Arkwright Street. There would be a secondary entrance to the eastern side of the building, and there would be a fire exit to the southern elevation. Due to site level differences between Crocus Place and the finished floor level of the building, a terrace is currently proposed to serve the southern fire exit. Cycle storage is proposed along the eastern elevation, which would be accessed via a walkway with gated access off Crocus Place.
- 4.7 Shrub planting is shown along the boundary with Tinkers Leen and container planting is indicated along Arkwright Street.
- 4.8 Local employment and training opportunities will arise from this development and discussions are underway with the applicant to secure the delivery of these opportunities through working with the Council's Employer Hub.

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

### **Adjoining occupiers consulted:**

147 neighbouring properties were notified of this application in writing. Letters were sent to properties on Arkwright Street, Queens Road and Crocus Street, and apartments within the Picture Works development on Queens Road were also notified. In addition to this publicity the application was advertised through a press and a site notice. 5 letters of objection have been received as a result of the application publicity. The neighbour notification period expired 28<sup>th</sup> April 2019. The following matters have been raised in the representations received:

- Loss of light to neighbouring properties, a sunlight assessment has been requested;
- Concern over the scale of the proposed building in relation to neighbouring properties;
- Query over the need for office development at this site and comment that the site would be better utilised as an urban park or sensory garden;
- The proposal would cause overlooking towards neighbouring properties and result in loss of privacy;
- The proposed use of dark cladding to the northern elevation would be visually overbearing for neighbouring properties;
- The developments impact on neighbouring properties would reduce property value;
- Building the office block will cause dust, noise, vibration and will disturb neighbouring residential properties;
- The operation of the building as an office will cause noise and disturbance to neighbouring properties; and
- There has already been activity at the site, although planning permission has not been granted.

**Nottingham Civic Society:** Nottingham Civic Society has reservations about height of the proposed offices within the Station Conservation Area and within the setting of the Grade II\* listed Nottingham Station. Whilst a building on this site is welcomed to repair Arkwright Street's fragmented frontage and tie the isolated corner building blocks back into a coherent street edge, at seven commercial storey, plus roof-top plant, the mass of the building is uncomfortably high for its historic context, particularly the setting of the Station. It is noticeable that no perspective view is provided looking south along Carrington Street and Arkwright Street from the bridge over the railway - the location where the seven storied building would have the maximum over-powering impact upon the Station Clock Tower reducing its stature as a focal point in the Conservation Area. Whilst an active ground floor is suggested around the building and is welcome, on the south elevation facing the Crocus Place public space the entrance appears to be only a fire escape and reference to an external terrace seems to be predicated on the absence of services as yet not surveyed. This ambiguity between the architecture suggesting a grand entrance and the reality of the building's operational use is disappointing since the public space needs activity and preferably commercial enterprises generating footfall to bring life and community safety benefits outside working hours. This element of the design needs to be reviewed.

**Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objections. No gas fired heating is proposed to be used for space or water heating in the building, and as such there will be no fuel source to produce nitrogen oxides or particulates. The Phase 2 contaminated land investigation submitted with the application indicates that there are no issues with contamination, ground gas or radon on the site. The development is considered to be acceptable subject to conditions covering the following matters:

- Details of the proposed electricity vehicle charging points;
- Verification of the implementation of the sound insulation and ventilation scheme as set out in Noise and Vibration Impact Assessment by REC dated

02/11/2017 (ref AC104411-1R0) and that their operation is in line with the noise limits set out within this latter assessment;

Environmental Health and Safer Places have also requested informatives to cover hours of construction working and measures to reduce noise and disturbance during construction, as well as relating to plant noise when the building is in operation.

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

**Archaeology:** No objections and no conditions are required in regards to this proposal.

**Biodiversity:** The Biodiversity Officer has sought clarification on a number of matters, the applicants have provided further information which is being reviewed. The Biodiversity Officer's comments will be outlined as part of the Committee update sheet.

**Highways:** No objections, subject to conditions covering the following matters:

- Construction Traffic Management Plan;
- Car parking spaces including those with electrical charging points and cycle spaces;
- Sight lines being provided to the proposed vehicular access points;
- Layout geometry of proposed vehicular accesses with tracking, lining and required alterations, swept path analysis, visibility splays and submission of safety audits;
- Dropped kerbs at major pedestrian crossing points and making good any redundant or damaged footway crossings; and
- Travel Plan

The Local Highway Authority have also advised that the proposal will require the relocation of 2 bus stops along Arkwright Street and that Traffic Regulation Orders will also need to be altered on Arkwright Street. These changes are required to ensure that servicing associated with the proposed building will not compromise highway safety in the area. Changes will also be required to Traffic Regulation Orders in place on Crocus Street. Relocating the bus stops and changing Traffic Regulation Orders will be dealt with through the s278 Highway agreement and through the Traffic Regulation process, which will be overseen by the Local Highway Authority. The costs associated with the relocation of the bus stops and changes to the Traffic Regulation Orders would be borne by the developer.

The proposal will also require the stopping up of the highway.

The Local Highway Authority have also advised that any planting within the highway would be subject to a s278 agreement and if provided commuted sums would be requested.

The applicant are aware of the need to relocate the bus stops and also to change Traffic Regulation Orders in the area. They are also aware of the need to stop up the highway.

**NET:** The Operations Manager from Nottingham Trams has concerns around this development and others around the Nottingham Station Viaduct. No additional provisions are being made for pedestrian access to the tram stop at Nottingham Station. We experience a lot of pedestrians using the viaduct for access when it is not suitable or designed for such use. A number of new schemes are envisaged for this area and the north of the station but no considerations are being made for the safe routing of pedestrians. It is recommended that the applicant work with the NET/TRAM operators to ensure that safety measures are in place to prohibit improper use of the viaduct and that measures to promote acceptable pedestrian routes to the tram stops are promoted.

**Environment Agency:** No objections, subject to the development being carried out in accordance with the submitted Flood Risk Assessment and provision of a condition to prevent groundwater contamination from any unidentified contamination.

**English Heritage:** Nottingham station, built in 1904 and listed grade II\*, is one of the 8% of listed buildings of more than special architectural and historic interest. The station is faced in red terracotta and was designed in the Edwardian Baroque style with an impressive porte-cochere with clock tower, and booking hall frontage to Carrington Street, returning along Queen's Road and Station Street. The railway station retains its presence as a historic, distinctive, and key gateway building within the city centre, and a distinctive landmark within the city. This is a fundamental aspect of its significance. One of the most important series of views of the station are looking south along Carrington Street - a key approach route from the city centre. In the majority of views looking south along Carrington Street the whole of the station is seen against an open backdrop of sky, particularly the domed clock tower, which greatly increases the station's prominence and landmark status.

The station lies within The Station conservation area and is the key landmark within the area. The view along Carrington Street described above is one of the most important views which contribute to the significance, character and appearance of the conservation area. The scale of the surviving historic buildings along Carrington Street and at the corners of Sheriff's Way and Arkwright Street, and Arkwright Street and Queens Road, together with the topography, allow the clock tower to be particularly prominent above the context height of nearby buildings. The historic buildings on the corner of Queen's Road and Arkwright Street, and the former Queen's Hotel provide prominent corner buildings which mark the southern extent of the conservation area and make a positive contribution to its significance, character and appearance.

The proposed scheme is to construct a 7 storey commercial office building with associated external works. We support in principle the development of this vacant site which will contribute to the strategic development of this area of Nottingham which your local authority is pursuing. However, we consider that the scheme as currently proposed would have a significant, adverse impact on the significance of the Grade II\* listed station by markedly reducing its prominence in views south along Carrington Street. The information currently provided is insufficient to properly understand the full impact and we recommend that a verified photomontage at an appropriate size is provided from a representative point on Carrington Street. The small, apparently unverified image in the Design and Access statement indicates that the proposed scheme would be seen directly behind the clock tower and extend upwards to over half the tower's height which would greatly alter how the

station is seen as a landmark against the skyline. This would also have an adverse impact on the significance, character and appearance of the conservation area

Notwithstanding the additional information required, we consider that the building diminishes the townscape presence of the historic corner buildings on the junction of Queen Street and Arkwright Street due to the full height of the building extending close to the corner buildings. This would harm the significance, character and appearance of the conservation area. We advise that the building should be stepped down in height at its northern end to better integrate with the historic townscape at this important junction. This may also reduce the impact in views of the station looking south along Carrington Street.

As the application affects the setting of listed buildings the statutory requirements to have special regard to the desirability of preserving listed buildings, their setting and any features of special interest (s.66, Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority when determining this application.

The statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the nearby conservation areas (s.72, 1990 Act) must also be taken into account by your authority in determining this application.

Our advice is provided in line with the National Planning Policy Framework (NPPF, revised version 2018), the NPPF Planning Practice Guide, and in good practice advice notes produced by Historic England on behalf of the Historic Environment Forum including *Managing Significance in Decision-Taking in the Historic Environment* and the *Setting of Heritage Assets*.

Paragraph 127 (c) of the NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding townscape setting.

Paragraph 189 of the NPPF advises that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. We advise a verified photomontage of the view looking south towards the station from Carrington Street is required to understand the full impact of the proposal on the significance the station derives from its setting, and the significance, character and appearance of the conservation area.

The NPPF is clear in the requirement to take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 192, NPPF). Significance can be harmed or lost through development within a heritage asset's setting and any harm or loss to significance 'should require clear and convincing justification' (paragraph 194, NPPF).

Further useful guidance is contained within Historic Environment *Good Practice Advice Note: The Setting of Heritage Assets (GPA 3)* and *Tall Buildings: Historic England Advice Note 4*.

Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

- 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 economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the 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 **Building a strong, competitive economy:** Paragraph 80 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.4 **Ensuring the vitality of town centre:** Paragraph 85 sets out the approach to ensuring the vitality of town centres. It recognises town centres as the heart of their communities and advises policies should be pursued to support their viability and vitality. It promotes competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. It identifies is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.
- 6.5 **Promoting Sustainable Transport:** Paragraphs 102-111 stress the need for transport issues to be considered at the earliest stage of plan making and development proposals so that:
- a) the potential impacts of development on transport networks can be addressed;
  - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
  - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
  - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
  - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Paragraph 108-109 require consideration of the promotion of sustainable transport modes, ensuring that safe and suitable access to the site can be achieved for all users and acceptable mitigation of any significant impacts on the transport network. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

- 6.6 **Making effective use of land:** Paragraphs 117-123 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.7 **Achieving well- designed places** - Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place using streetscapes and buildings to create attractive and comfortable places to work, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.8 **Meeting the challenge of climate change, flooding and coastal change:** Paragraph 149 recommends that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraphs 155-165 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test.
- 6.9 **Conserving and enhancing the natural environment** - Paragraphs 170-183 states (amongst other things) that planning decisions should protect, enhance valued landscapes, sites of biodiversity, minimise impacts on, provide net gains for biodiversity and recognise the intrinsic character and beauty of the countryside.
- 6.10 **Conserving the Historic Environment** – Paragraph 190 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including its setting). Paragraph 192 requires account to be taken of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight

should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) a grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 196 states that where a development proposal will lead to substantial harm to a designated heritage asset permission should ordinarily be refused unless certain specified criteria are met. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

ST1: Sustainable Communities

MU2: Southside Regeneration Zone

MU3/3.9: Southside Regeneration Zone Sites

BE8: City Skyline and Tall Buildings

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

BE12: Development in Conservation Areas

BE17: Archaeology

NE3: Conservation of species

NE9: Pollution

NE10: Water Quality and Flood Protection

NE12: Derelict and Contaminated Land

T3: Car, Cycle and Servicing Parking

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

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 4: Employment Provision and Economic Development

Policy 5: Nottingham City Centre

Policy 7: Regeneration

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

### **Southside Regeneration Interim Planning Guidance (2003)**

- 6.11 This identifies and provides an overall framework for developments within the Southside Regeneration Zone. It notes that a mixture of uses would be appropriate along Arkwright Street and that there is potential for medium to high density development. New buildings should reinforce the revised street layout with active frontages to maximise natural surveillance.

### **Station Conservation Area Character Appraisal and Management Plan (April 2008)**

- 6.12 The site abuts the boundary of the Station Conservation Area and in this context the Station Conservation Area Character Appraisal and Management Plan is relevant. This notes that the combination of transport corridors has divided the Conservation Area into a series of relatively large and often impenetrable urban blocks that typify the overall character of the Conservation Area. It identifies the Station as the principal building in the Conservation Area, and advises that the Conservation Area offers the potential for higher buildings in the vicinity of the Station subject to a considered analysis on the local context and important views.

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

- 6.13 This guide provides a physical framework and promotes the highest standard of urban design and architecture for the City Centre within which the site is located. Within this document the site is located with a "Zone of Repair" but is close to the "Zone of Reinvention". In the "Zone of 'Repair'" the intention is that redevelopment will repair and respect the historic character of the area. In relation to the "Zone of Reinvention" the urban form, in so much as it ever existed, is largely beyond repair and a new urban form is proposed. With specific reference to the Southside Regeneration Zone it states that there may be opportunities within this zone for elements of taller buildings outside the Station Conservation Area but in the vicinity of the Station Hub, recognising the approved schemes (at the time of preparation of the guide) at Sovereign House and Meadows Gateway. The guide contains rules which help to promote good quality design. Relevant to the application are rules requiring that buildings that terminate prominent views should be marked as landmarks in order to create a strong sense of place, historic building styles should be avoided in favour of contemporary designs and whilst there are no preferred materials to be used, the guide stresses that those chosen must be durable and robust.

## Employment Background Paper (January 2016)

6.14 This background paper examines all of the evidence collected in relation to employment provision and economic development in order to examine what the potential scope of policies relating to employment and the economy in the emerging Land and Planning Policies (LAPP) should be. The key planning issues and challenges relating to Nottingham identified in the background paper are:

- To increase and support the economic growth of the City.
- To provide good quality jobs needed for local residents.
- To provide a framework to address the poor quality of much of the existing stock of employment buildings.
- To provide a suitable range of site, buildings and infrastructure to achieve the objectives of the Growth Plan, and D2N2 Local Enterprise Partnership's Strategic Economic Plan.
- To protect important employment land.
- To provide a framework for the release of poorer quality sites that no longer meet business need.
- To increase the skills of local people and provide training opportunities.

### Main Issues

- (i) Land use and regeneration
- (ii) Design considerations, impact upon the adjacent conservation area, the setting of nearby listed buildings and key views
- (iii) Residential Amenity
- (iv) Transport Impacts
- (v) Flood Risk and Drainage
- (vi) other considerations (Activation of Frontages)

**(i) Land use and regeneration** (Aligned Core Strategy policies A, 4, 5 and 7, Local Plan saved policies ST1, MU2 and MU3/3.9, and the NPPF)

- 7.1 The site is situated within the strategically important Southside Regeneration Zone (SRZ) which has been promoted for redevelopment through planning since the preparation of the Southside Regeneration Zone Interim Planning Guidance adopted in 2003. The regeneration and revitalisation of the SRZ is a priority and development proposals which improve the attractiveness and use of sites in the Zone will be promoted and encouraged.
- 7.2 The site is allocated for mixed-use development in the saved policies of the Local Plan (2005). It is a key development site which will contribute to the potential for the area to become a vibrant extension to the City Centre and a gateway into the City from the south, reinforcing the revitalisation of the Meadows, and occupying a significant position adjacent to the Station Hub. The redevelopment of the site will assist further inward investment and regeneration of the area.

- 7.3 The proposed development would provide a large scale office development within the city centre. This use is wholly consistent with saved policy MU2 and MU3/3.9 of the Local Plan which specifically identifies the site as a mixed use development site, including use for Class B1 offices. Furthermore, the SRZ is not just of strategic importance to the City but to the Greater Nottingham area, highlighted by the reference to it in policies 4 and 7 of the Aligned Core Strategy. These policies make it very clear that the SRZ is one of the key areas in the City that will provide the primary location for office led mixed used development. Policy 5 of the Aligned Core Strategy further emphasises the importance of developing an economically prosperous City Centre through the development of offices and businesses and supporting related uses such as new hotels, exhibition and conference venues.
- 7.4 Furthermore, the proposed development accords with the emerging/replacement Local Plan (the Land and Planning Policies Document (LAPP)). Policy RE2 of the LAPP identifies the main focus of sites in the Canal Quarter close to the Nottingham Station Hub transport interchange for business and employment. Commentary on the policy confirms such sites to have the potential for transformational development commensurate with the Quarter's City Centre gateway location, and which would build upon the investment in the Nottingham Transport interchange and support the enhancement of existing businesses. PA74 of the LAPP identifies the site for primarily office use, as part of an emerging business quarter, which could also include additional uses such as residential (Class C3), hotel (Class C1), assembly and leisure (Class D2), and non-residential institutions (Class D1). Ancillary uses could also include car parking, small scale retail (Class A1), financial services (Class A2), food and drink (Classes A3, A4, A5) which would be delivered as an integral part of a mixed use scheme. Although the LAPP is not yet capable of being a material planning consideration in its own right, it is at an advanced stage and both follows and maintains the clear policy direction for this site for office development.
- 7.5 The scheme will make a significant contribution towards the regeneration of this part of the City. It will also provide grade A office accommodation, it is noted that paragraph 4.2 of the emerging LAPP acknowledges there is a shortage of good quality office space. This assertion is supported by the Employment Background Paper (January 2016) which indicates that in and around the City Centre there is a shortage of grade A offices but an oversupply of lower grade second hand offices, which are no longer attractive to investors or occupiers. The Employment Background Paper indicates that priority should be given to the provision/protection of grade A offices, which has formed a key recommendation for the LAPP. The proposal will therefore assist in meeting demand for grade A office accommodation and assist in improving the attractiveness of Nottingham for business.
- 7.6 Overall it is considered that the proposed development accords with Policies A, 4, 5 and 7 of the Aligned Core Strategy, the saved Policies ST1, MU2, MU3/3.9 of the Local Plan, the Southside Regeneration Zone Interim Planning Guidance, all of which promote the principles of sustainable office led development and the regeneration of appropriate City Centre sites. The proposal is also compliant with the relevant sections of the NPPF paragraphs 80 and 85. The proposal also accords with the emerging LAPP Policy RE2.

**(ii) Design Considerations, impact upon the adjacent conservation area, the setting of nearby listed buildings and key views** (Aligned Core Strategy policies 10 and 11, Local Plan saved policies BE8, BE10 and BE12, the NPPF, Urban Design Guide and Station Conservation Area Character Appraisal and Management Plan)

- 7.7 The existing site is of poor townscape quality and the proposed development would result in significant change to the area, with the potential for considerable townscape enhancement. The City Centre Urban Design Guide includes the application site within the “Zone of Repair” which also incorporates the Station (Grade II\* Listed Building) and the adjacent Station Conservation Area. In the “Zone of Repair” the priority is to ensure that new buildings respect and repair the historic urban form and integrate with it in terms of their height, massing and configuration. However, the site is also adjacent to the “Zone of Reinvention” where the role of development is to create a new urban fabric for that area of the City.
- 7.8 Saved policies BE8, BE10 and BE12 of the Local Plan relate to tall buildings and the impact of proposals on Listed Buildings and Conservation Areas. These policies are set out in absolute terms to the effect that if the application results in any form of harm or detriment, then planning permission should be refused. These policies are however now 13 years old and are out of step with the revised NPPF (2018), which sets out the policy direction in terms of the assessment of the impact of development on heritage assets. The new policies of the LAPP have been updated to reflect the policy position of the revised NPPF. Given the absolute terms of the Local Plan policies a recommendation to grant permission in these circumstances would form a ‘technical’ departure from the Local Plan even though such a recommendation is in accordance with other policies of that Plan, most notably the longstanding allocation of the site for development as part of the SRZ. Officers are of the opinion that given the age of policies BE8, BE10 and BE12, and their inconsistency with national and forthcoming local policy, that greater weight should be given to the policy direction outlined in the revised NPPF, which considers the significance of the impact of a development on heritage assets and weighs this against the public benefit of a scheme. Policy 11 of the ACS also considers proposals affecting heritage in the same way as the NPPF.
- 7.9 NPPF Glossary GPA3 ‘The setting of a Heritage Asset’ states that *“The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”*
- 7.10 The Conservation Station Street Conservation Area was designated to assist in preserving and enhancing a mid 19<sup>th</sup> Century industrial part of Nottingham where a number of early industrial and commercial buildings still survive today. The principal building within the Conservation Area is Nottingham Station it is the most distinctive and important character element of the Area. The setting of Nottingham Station is defined by how the building is appreciated in its local context. Nottingham Station is a relatively low-rise building with a high townscape value created by the architectural flourishes of its Neo-Baroque design and the townscape value of its landmark central clock tower (Its Dome). The Dome and clock tower is a very prominent and distinctive landmark that is visible over a wide area. Its historic setting was created by its association with historic buildings of a similar date and scale within the Station Conservation Area.

- 7.11 It is also important to note the requirements of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This places a duty to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings including Grade II\*, however, it does not create a bar to the granting of planning permission. A balancing exercise must be undertaken between any harm caused and the benefit the development will bring. Historic England do make reference to the duty placed on Local Planning Authorities to have special regard for preserving or enhancing the character or appearance of the nearby conservation areas (section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990), however this duty only applies to buildings and land in Conservation Areas, not adjoining them as is the case in this instance. However, as set out in section 6 above, to accord with paragraph 192 of the NPPF consideration does need to be given to the impact that the development will have on the setting of the Conservation Area, as a historic asset.
- 7.12 The impact of the development on the setting of the Station Dome has been assessed using the Council's City Model and in particular the view looking south along Carrington Street that the Civic Society raises concerns over has been considered. The City Model indicates that due to the topography of the area, the presence of 1 and 1a Arkwright Street and the distance between the new building and the Station Dome that the Dome would still remain the most prominent focal point along Carrington Street. The proposed building would be seen behind the Station dome but it would sit significantly below it and as a result would not appear to dominant the setting of the Station Dome when looking southwards along Carrington Street.
- 7.13 Currently when looking north up from the junction of Arkwright Street and Waterway Street, a glimpse of the Station Dome is seen above 1 and 1a Arkwright Street and the buildings on Queens Road. The new building would lead to the loss of this longer view of the Dome, but it is not felt to be significant as the Dome is seen as part of the city roof scape and this view is in any event lost when travelling up Arkwright Street due to existing buildings. The proposed building will sit to the left hand side of the Station in shorter views looking up Arkwright Street and Carrington Street and will form part of the building frontage. In this context there will be no impact on the setting of the Station.
- 7.14 The other Listed Building in the vicinity of the site is 48-50 Queens Road. This is a Victorian factory that retains much of its original appearance and character. Its setting is confined by its proximity to the Picture Works which sits along its western boundary and by the Tinkers Leen and other Victorian buildings and modern warehouses that sit off its southern boundary. The orientation of the 48-50 Queens Road to the north east of the application site and the location buildings that form its immediate neighbours (particularly the Picture Works) screen the proposed office building at Crocus Place/Arkwright Street from 48-50 Queens Road preventing the new office building having impact on the setting of this Listed Building.
- 7.15 It is felt that the proposed building will improve the townscape as it will repair Arkwright Street's fragmented frontage and tie the isolated corner building blocks back into a coherent street edge. The brick façade of the Arkwright Street elevation of the new building and the way in which this frontage is broken up will respect the form of the traditional buildings along Arkwright and Carrington Street. The vertical window openings proposed to part of the north and south side of the building and

along Arkwright Street, together with the colonnade effect plinth also assist in ensuring that the building reflects the traditional character of the area. The brick façade will also be provided with reveals of appropriate depth which will add to the visual interest of the building. The full glazed elements of the building will enable the building to sit comfortably in relation to the architecture of the Picture Works and provide a light and transparent frontage to Crocus Place. Plant associated with the building will be located on the roof of the building, the visibility of this has been minimised by placing it in a central location on the roof away from the perimeter edge. The design of the building will meet the aims of both the Urban Design Guide's "Zone of Repair" and "Zone of Reinvention" as it will repair townscape and respond to the new urban fabric being created in the area in regards to the NET extension, the square at Crocus Place and the other new developments in the area.

- 7.16 The submitted plans indicate the provision of trees within planters along Arkwright Street. The narrowness of Arkwright Street, the need to relocate the bus stops and the presence of services within the street may prevent their provision, but this will require further discussions with the Local Highway Authority as part of the s278 process. Planting is also proposed along the boundary of the Tinkers Leen. A landscaping condition is recommended, but given the need for further discussions with the Local Highway Authority it will not specify a requirement for street trees on Arkwright Street. Through the use of such a condition it is considered that the proposal will still comply with Policy 10 of the ACS.
- 7.17 The City Model also indicates that the proposed new building would not diminish the townscape presence of the historic buildings on the junction of Queens Road and Arkwright Street, and on the former Queens Hotel. These buildings are not impacted upon due to the topography of the area, the separation distance between the new building and 1a Arkwright Street, the design of the of the new building and choice of material colours. As indicated above in paragraph 7.15 above the use of a brick façade reflects the traditional buildings along Carrington Street and Arkwright Street, whilst the use of a darker cladding material to the northern elevation provides a backdrop against which 1 and 1a Arkwright Street's existing architectural detail can be highlighted, and avoids the new building competing with it visually.
- 7.18 The new building would be taller than traditional buildings to the boundaries of the Conservation Area, however there are other tall buildings in the area (such as the Picture Works,) and to the West the proposed Unity Square development will be 10 to 13 storeys in height. In this context the height of the new building would not be incongruous. Overall the proposal is therefore felt to enhance the character and the appearance of the Station Conservation Area southern and south eastern boundaries and will comply with the Station Conservation Area Character Appraisal and Management Plan and also the Urban Design Guide, both of which advise that taller buildings may be acceptable in the area.
- 7.19 The Urban Design Guide indicates that consideration needs to be given to impacts on views to and from the Castle, along Queens Walk and to St Mary's Church Tower.
- 7.20 The new building will be seen in views from the Castle but will form part of the general city scape in views across the south east end of the City. In views from the Meadows towards the Castle, the new building will frame the view of the Castle but will not impact on it. The building would be located to far over to the west to impact on long views of the City Centre from Queens Walk. Glimpses of St Mary's Church Tower can be seen along Waterway Street, and whilst the new building will restrict

some of these views, the views are only in passing and the Church Tower already disappears from sight due to other buildings in the area and vegetation as such the views are therefore not significant enough to cause any undue impacts. The proposal will therefore not affect any of these other key views.

7.21 In conclusion it is considered that the development will have negligible impact on the setting of the Grade II\* Listed Building of Nottingham Station. Due to the improvements in townscape that the proposal brings it is felt that the proposal would have a negligible to less than substantial impact on the Station Conservation Area. It is considered that such impacts would be outweighed by bringing this vacant site back into use for much needed office accommodation in accordance with both existing and forthcoming policies.

7.22 The proposed development is considered to be in accordance with policies 10 and 11 of the Aligned Core Strategy and Saved policy BE8 of the Local Plan. The duties placed on the Council as Local Planning Authority under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 will also be met in regards to the impact on the setting of Listed Buildings. The design also responds to the framework set for this area within the Urban Design Guide and supports the aims and objectives of the Station Conservation Area Character Appraisal and Management Plan (April 2008).

**(iii) Impact on Residential Amenity** (Policy 10 of the ACS, and Policy NE9 of the Local Plan)

7.23 The closest residential properties to the proposed building are the flats within 1a Arkwright Street and the apartments within Picture Works.

7.24 The new building would be sited approximately 11.5m to 12m from the side elevation of 1a Arkwright Street. The flats located at first and second floor do have windows that serve habitable rooms that would face onto the north elevation of the new building. The residential amenity of these properties would be affected in terms of daylight, sunlight and their immediate outlook, but this is because the application site was cleared due to the construction of the southern NET line extension. The former building on the application site was of similar height to 1a Arkwright Street and was in closer proximity (approximately 3m from its side elevation). The windows in the side elevation of 1a Arkwright would therefore have been affected by the former building that stood on the site. Whilst the proposed building will be much taller than the previous building on site the separation distance between the new building and 1a Arkwright Street will offset some of the impact. As the new building's north eastern side will be set back from the Tinker's Leen boundary there will still be some morning light to the side elevation of 1a Arkwright Street, as was previously the case when the former building was on site. Overall it is considered that the proposed buildings impact will be similar in terms of daylight, sunlight and immediate outlook to the previous building on site.

7.25 The side windows located more to the west of the side elevation to 1a Arkwright Street would overlook the glazing proposed to the café at ground floor and the offices at first and second floor. The side windows on the first floor are likely to overlook the void area to the café and part of the office, as a result they may be less overlooked than the windows on the second floor. The other windows in the side elevation of 1a Arkwright Street would overlook the rear stair core of the building, windows are proposed to this area, but given its use the likelihood of being overlooking will be reduced. Whilst the relationship between the buildings

will cause overlooking, given the degree of separation, the different uses of the buildings (residential and office), and the City Centre location of the development it is felt that the impact would not be unreasonable, and on balance is considered to be acceptable.

- 7.26 Consideration has been given to introducing light cladding along the northern elevation of the building. The CGIs of the proposal show a mid-grey cladding panel instead of the black suggested on the elevation drawing. The mid-grey colour assists in creating a backdrop against which 1 and 1a Arkwright Street can comfortably sit within views looking south along Carrington Street. The use of a lighter cladding colour may cause the new building to jar with these neighbouring buildings in such southern views. Additionally, given the relationship of 1a Arkwright Street to the former buildings on the site, it is felt that the use of a mid-grey cladding panel would not be unreasonable in amenity terms.
- 7.27 Whilst the proposed building will result in some loss of light to the western side of the Picture Works (because the application site is currently vacant) the impact will be lessened due to the distance between the two buildings (approximately 37m), the presence of the Tram Bridge and because the Picture Works would be sited further to the north east. Given the orientation and distance between the Picture Works and the new building it is not considered that there will be any materially harmful impact on privacy or immediate outlook for occupants of the Picture Works.
- 7.28 Construction of the proposed development has the potential to cause noise and disturbance, however the impacts can be mitigated through the use of condition requiring a construction management plan, detailing hours of working. Given the City Centre location of the application site and that it has been designated for office use within both the existing local plan and the emerging LAPP it is not considered that the use would give rise to an unacceptable level of noise and disturbance when the office is in operation.
- 7.29 In order to provide grade A office accommodation the building has been designed with an office floor plate width of no more than 12m, ceiling heights of 3m and also large areas of glazing to provide good daylight levels and air flow within the building. The office has also been designed to ensure that users are not adversely affected by the use of the tram. A mechanical ventilation system will be used. The proposal will therefore provide good quality office accommodation for future users of the building.
- 7.30 Overall in regards to amenity, it is considered that the proposed development will comply with Policy 10 of the ACS and also Policy NE9 of the Local Plan.

**(iv)Transport Impacts** (Aligned Core Strategy policy 14 and Local Plan saved policy T3)

- 7.31 The application site is in a highly accessible location immediately to the south of the City Centre which will reduce the need to travel by car. The site is also located on a cycle route linking the City Centre with the Meadows. The application proposes a dedicated parking and servicing zone for the building. There will also be separation between pedestrian and vehicular movement within the site. Approximately 38 car parking spaces would be provided of which 4 would be disabled parking and 4 would be provided with electrical vehicle charging points. 115 cycle spaces are also

proposed as part of the development. Shower, changing and locker facilities would also be provided for cyclists. This provision is considered to be acceptable and will comply with Policy 14 of the ACS and also Policy T3.

- 7.32 A new service access is proposed off Arkwright Street will require the relocation of two bus stops and alterations to Traffic Regulation Orders, as advised by Highways, These matters will need to be addressed through Highway processes, but the applicant is aware of the requirements.
- 7.33 The conditions and informatives proposed by Highways will be attached to the decision notice. The development is therefore considered to accord with Policy 14 of the Aligned Core Strategy and saved Policy T3 of the Local Plan

**(v) Flood Risk and Drainage (Aligned Core Strategy policy 1 and Local Plan saved policy NE10):**

- 7.34 The Environment Agency and Drainage are satisfied with the submitted Flood Risk Assessment (FRA) and the drainage plan. They recommend a condition that requires the development to conform with the recommendations of the FRA, the agreed finished levels of development, and also the submitted drainage plan. If changes are proposed to the threshold of the fire exit onto Crocus Place, the flood risk implications of this change will need to be assessed which can be secured through condition.
- 7.35 It is considered that the development accords with policy 1 of the Aligned Core Strategy and saved policy NE10 of the Local Plan.

**(iv) Other Considerations**

**Activation of Frontages (Aligned Core Strategy Policy 10)**

- 7.36 The Nottingham Civic Society within their comments does raise a valid point in relation to how the new building will assist activation of the square to Crocus Place. There will be glazing to this frontage and a fire exit door is proposed to this elevation. Whilst it is not proposed to be a main or secondary entrance to the building, the applicant has advised that users of the building will be able to enter and leave through this entrance, which will assist in activating this space. Due to site constraints, the need to provide a frontage to Arkwright Street and also the requirement to provide secure grade A office space, it has not been feasible to provide a main/secondary entrance onto this square. The submitted plans do show a terrace of steps provided to this elevation, however there are services beneath this area which may require its omission. If this does occur the fire door's threshold level may need to be set down and panelling provided to the external area of the building between the buildings finished floor level and external ground levels, the material conditions proposed will secure the submission of detail relating to this. A separate condition is proposed to secure details of how the development will facilitate the activation of Crocus Place. Through the use of such a condition it is felt that Crocus Place can be appropriately activated to accord with Policy 10 of the ACS.

## **8. SUSTAINABILITY / BIODIVERSITY**

### **Sustainability**

- 8.1 The scheme would make efficient use of previously developed land and provide excellent accessibility to jobs, facilities and public transport links.
- 8.2 There is a commitment to achieve a target rating of BREEAM very good for the scheme and an Energy Performance Rating of A. In order to achieve this a solar PV array is proposed, the building will be thermally-efficient and have energy efficient fixed building services. The Energy statement provided with the application indicates that predicted carbon emissions including would lead to a 36% betterment on Building Regulations Part L 2013.
- 8.3 It is proposed that these sustainable commitments form planning conditions of a consent to accord with Policy A and 1 of the Aligned Core Strategy.

### **Biodiversity**

- 8.4 The ecology survey submitted with the application demonstrates that the proposal would not have a detrimental impact on flora or fauna of value on or near the development site. The assessment recommends that a variety of bird boxes are provided to the building and that bat boxes are installed. It also recommends that the planting proposed to Tinkers Leen should comprise of native species. Details of these enhancements can be secured by condition. Overall, it is considered that policy 17 of the Aligned Core Strategy and Policy NE3 of the Local Plan are satisfied.

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

The issues raised in this report are primarily ones of planning judgement, however the Committee in exercise of its planning functions should note the general statutory duty to have special regard to the desirability to preserving the setting of the 2 listed buildings potentially affected by the proposed development. This requires considerable importance and weight to be given to the desirability of preserving the setting of the listed buildings, even if the harm would be 'less than substantial'. However, the duty does not create a bar to the granting of planning permission if other material considerations are considered to outweigh any harm caused.

Should further legal considerations arise these will be addressed at the meeting.

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

### **13 STRATEGIC PRIORITIES**

The proposal addresses the following corporate themes:

- World Class Nottingham, by delivering a major office development adjacent to Nottingham Station/NET tram Hub
- Working Nottingham, by securing a significant number of employment opportunities
- Neighbourhood Nottingham, by the physical enhancement of the local environment.

### **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: 19/00659/NFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POZ7GPLY01B00>

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

Nottingham Local Plan (November 2005)  
Aligned Core Strategy (2018)  
Nottingham City Centre Urban Design Guide (2009)  
Southside Regeneration Interim Planning Guidance  
Station Conservation Area Character Appraisal and Management Plan  
Employment Background Paper (2016)

#### **Contact Officer:**

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# NOMAD printed map



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**Key**

 City Boundary

**Description**

No description provided

**My Ref:** 19/00659/NFUL3

**Your Ref:**

**Contact:** Mrs Jennifer Curry

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Date of decision:

**TOWN AND COUNTRY GENERAL REGULATIONS 1992  
APPLICATION FOR PLANNING PERMISSION**

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Application No: 19/00659/NFUL3  
Application by: Nottingham City Council Major Projects  
Location: Land South Of Site Of Crocus Place Units, Arkwright Street, Nottingham  
Proposal: Construction of new build 7 storey commercial office accommodation with associated external works.

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

**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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2. Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall incorporate the following details:

- (i) proposed routing of all vehicles associated with the construction phase of the development.
- (ii) location of the vehicular access to the site during the construction phase, together with any temporary alterations required to provide construction access;
- (iii) where vehicles of site operatives and visitors will park during construction;
- (iv) where construction vehicles will load, off load, park and turn during the construction period;
- (v) where plant and materials will be loaded and unloaded;
- (vi) where plant and materials will be stored during the construction period;
- (vii) wheel washing facilities (location and the provision to be made);
- (viii) measures to control the emission of dust and dirt during construction; and
- (ix) hours of construction and delivery.

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

*Reason: In the interests of highway safety and the amenity of surrounding occupants to accord with Policy 14 of the Aligned Core Strategy, Policy T3 of the Nottingham Local Plan and Policy NE9 of the Local Plan.*

3. Prior to the commencement of development detailed drawings showing the layout geometry of the proposed vehicular accesses to Arkwright Street and Crocus Street, together with details of tracking, lining and required alterations, swept path analysis, visibility splays and stage I safety audits, shall be submitted to and approved in writing by the Local Planning Authority.

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

*Reason: In the interests of highway safety and to ensure compliance with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.*

4. Notwithstanding material details provided as part of the planning application, no above ground development shall take place until details of all external materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter a large scale sample panel of all proposed external materials to be used in the construction phase of the development shall be erected at a location to be prior agreed with the Local Planning Authority and shall be retained during the course of the development works.

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

*Reason: To ensure an appropriate quality of finishes and that the development is of satisfactory appearance to comply with Policy 10 of the Aligned Core Strategy.*

5. Notwithstanding details provided as part of the planning application, no above ground development shall take place until large-scale elevation and cross section drawings (e.g. at a scale of 1:20/1:10) of the detailed design of the following elements for each architectural variation to the building's elevations shall be submitted to and approved in writing by the Local Planning Authority:

- (i) Elevations: including glazing systems, cladding panels, louvres, reveals, window panels and entrances;
- (ii) Roofs: including edges, parapets and windows; and
- (ii) Plant: including lift enclosure, external ventilation systems, and other similar elements that are integral to the fabric of the building.

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

*Reason: In order to ensure that the detailed design of these areas are consistent with a high quality of development to accord with Policy 10 of the Aligned Core Strategy.*

6. No above ground development shall take place until details of measures to enhance the ecological value of the site have been submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall include the following:

- (i) installation of bird, insect and bat boxes to be incorporated into the design of the building;
- (ii) a design and planting scheme to provide ecological enhancement to the boundary with Tinkers Leen.

The measures shall be implemented in accordance with the approved details before the development is occupied.

*Reason: In the interests of enhancing the ecology value of the development in accordance with Policy 17 of the Aligned Core Strategy and Policy NE3 of the Local Plan.*

7. Notwithstanding the submitted details, final details for the ground floor elevation fronting Crocus Place and for the adjacent open space itself shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall have regard to flood risk (in relation to any emergency escapes) and shall include measures to facilitate interaction between the open space and the building.

*Reason: In the interests of good design to comply with Policy 10 of the Aligned Core Strategy and to ensure that the development does not pose unacceptable risks in relation to flooding in order to comply with Policy NE10 of the Local Plan.*

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

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

8. A detailed landscaping and planting scheme for the development shall be submitted to the Local Planning Authority for approval in writing prior to the first occupation of the development. The scheme to be submitted shall indicate the type, height, species, location, any required tree pits/trenches and aeration pipes and maintenance arrangements for the proposed trees and shrubs. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development.

*Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.*

9. The development shall not be occupied until hard surfacing has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The information to be provided shall include details of hard surfacing to vehicle access points, pedestrian routes around the building and car parking areas (including details for marking out car parking spaces).

*Reason: To ensure that the development provides areas of hard surfacing that are of satisfactory visual appearance, assists vehicular and pedestrian movement around the site and does not cause adverse surface water runoff to the public highway, to accord with Policy 10 of the Aligned Core Strategy and Policy NE10 of the Local Plan.*

10. The development shall not be occupied until the vehicular accesses have been provided in accordance with details approved under condition 3 above.

*Reason: In the interests of highway safety and to accord with Policy 10 of the Aligned Core Strategy.*

11. Prior to the development being first occupied verification shall be submitted to and approved in writing by the Local Planning Authority indicating whether the building and/or hot water shall be heated from gas or any other fuel source which produces nitrogen oxides or particulates. Should such a fuel source be proposed then prior to the occupation of the development an assessment of the heating and power generating proposals for the development, which includes the following components, shall be submitted to and approved in writing by the Local Planning Authority:

- (i) air quality impact assessment;
- (ii) stack height calculation;
- (iii) abatement techniques and mitigation of potential impacts.

Should such a fuel source be utilised, the development shall not be occupied until written verification that the approved scheme has been implemented and is fully operational has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that space and water heating within in a building does not adversely impact on the air quality of the Nottingham City Area to comply with Policy NE9 of the Local Plan and Policy 1 of the Aligned Core Strategy.*

12. Prior to first occupation of the development, verification that the approved sound insulation and ventilation scheme as set out in the Noise and Vibration Impact Assessment by REC dated 02/11/2017 (ref AC104411-1R0) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To ensure that the approved sound insulation and ventilation scheme is implemented to ensure that users of the building and adjoining occupiers are not adversely affect by noise and disturbance during the operation phase of the development to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.*

13. Prior to first occupation of the development, details and verification shall be provided to the Local Planning Authority that the approved noise limits, as set out in the Noise and Vibration Impact Assessment by REC dated 02.11.2017 (ref AC104411-1R0), for mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

*Reason: To ensure that mechanical services plant or equipment serving the development operates within acceptable noise limits to ensure that users of the building and adjoining occupiers are not adversely affected by noise and disturbance during the operation phase of the development to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.*

14. Prior to the development being first occupied photovoltaics shall be installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The information to be provided shall include details of the photovoltaics and their precise siting.

*Reason: In the interests of minimising the visual impact of the photovoltaics and to assist with ensuring the environmental credentials of the building to comply with Policy 10 and 1 of the Aligned Core Strategy.*

15. Prior to the development being first occupied written verification that the building meets the BREEAM very good standard, has an Energy Performance Rating of A and will meet the carbon emission targets set out in the Energy Statement reference JHE/AJM/TOR/170643/17-2/R003 dated 25.03.19.

*Reason: To ensure the environmental credentials of the building to comply with Policy 1 of the Aligned Core Strategy.*

16. The development shall not be occupied until secure cycle and bin storage has been provided in accordance with the approved details.

*Reason: To promote sustainable forms of travel in accordance with Policies 10 and 14 of the Aligned Core Strategy.*

### **Regulatory/ongoing conditions**

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

17. Subject to condition 7 above the development shall be carried out in accordance with the submitted flood risk assessment (AECOM, dated 19 March 2019) and in particular the following mitigation measure:

(i) Finished floor levels shall be set no lower than 26.15 m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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



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18. The development shall be carried out in accordance with drainage drawing 60550985-SHT-10-0000-C-00500.

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

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

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

20. Any trees or plants provided through condition 6 and 8 which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.*

21. A full Travel Plan with up-to-date staff and visitor survey data must be submitted for approval by the Local Planning Authority no later than 3 months after first occupation of each phase of the development. The Travel Plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation. A Travel Plan update shall be submitted and approved by the Local Planning Authority (in conjunction with the Highway Authority) within 3 months of each survey date.

*Reason: To promote sustainable modes of travel in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 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 26 March 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. Air Quality - Heating and Power Generation

The proposals for biomass for heating (and power generation) or any Combined Heat and Power systems (over 60kWe) using natural gas or bio-fuel will be screened and assessed against the



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guidance set out in Biomass and Air Quality Guidance for Local Authorities by Environmental Protection UK (June 2009) which may be found at <http://www.lacors.gov.uk/lacors/upload/22062.pdf> and Combined Heat and Power: Air Quality Guidance for Local Authorities by Environmental Protection UK (February 2012) which may be found at [http://www.iaqm.co.uk/text/guidance/epuk/chp\\_guidance.pdf](http://www.iaqm.co.uk/text/guidance/epuk/chp_guidance.pdf)

## Electric Charging

A key theme of the National Planning Policy Framework (DCLG 2012) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided (paragraph 35).

## Construction and 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](mailto: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 with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk))

### Equipment

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

### Dust or Grit and Other Fugitive Emissions

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

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

Appropriate measures include;-

Flexible plastic sheeting

Water sprays or damping down of spoil and demolition waste

Wheel washing.

### Noise and Vibration

#### 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.



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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.

Periodic road cleaning.

### 3. Highways

#### 1. Mud on road and CTMP

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Network Management 0115 8765238. A Construction Traffic Management Plan will be required. All associated costs will be the responsibility of the developer.

#### 2. Highway licences and S278

Planning consent is not consent to work on the highway. Licences may be required 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.

#### 3. Commuted sums

The Highway Authority 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. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

#### 4. Refuse collection

The applicant is to ensure that bin storage suitable in size to accommodate all residents is placed adjacent to the adopted highway and to an access. This is to ensure refuse collection is from an adopted highway.

#### 5. EVCP (Electric Vehicle Charging Points)

To discuss electric vehicle charging points please contact Rasita Chudasama on 0115 8763938.

#### 6. TROs (Traffic Regulation Orders)

The applicant is to investigate if alterations to the TROs on Arkwright Street, Crocus Street and the surrounding network are to be amended to ensure vehicle manoeuvrability. All costs to be borne by the applicant. Please contact Scott Harrison 0115 8765245 to initiate a discussion.

#### 7. Drainage

Please contact our drainage expert Paul Daniels 0115 8765275 to discuss requirements related to drainage.

#### 8. Travel plan

Please contact Robert Smith 0115 8763604 (robert.smith3@nottinghamcity.gov.uk) to discuss sustainable transport options to be promoted.

#### 9. Stopping Up Order

The applicant is to liaise with our Public Rights of Way Officer, John Lee 0115 8765246 to progress the stopping up order required at the site.

#### 10. Sustainable Transport BUS STOPS

The applicant is to contact James Howe, Principal Public Transport Officer (Operations) 0115 8764676. Discussions are required concerning the bus stop relocation as part of the S278 agreement. All costs to be borne by the applicant.

#### 4. Environment Agency

#### Flood Risk

The following issue is not within our direct remit or expertise, but nevertheless is an important consideration for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to surface water disposal, and in particular whether or not an adequate means of surface water disposal can be provided such that flood risk on and off-site isn't increased.

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.