



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 20 April 2016

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Corporate Director for Resilience

Governance Officer: Catherine Ziane-Pryor **Direct Dial:** 0115 8764298

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTERESTS**
- 3 MINUTES** 3 - 10
Of the meeting held on 23 March 2016 (for confirmation).
- 4 PLANNING APPLICATIONS: REPORTS OF THE HEAD OF DEVELOPMENT AND REGENERATION**
 - a SITE OF 522, DERBY ROAD** 11 - 32
 - b UoN, BIOMOLECULAR SCIENCES DEPARTMENT, PHASES 3 & 4** 33 - 48
 - c FERNWOOD PRIMARY SCHOOL, ARLESTON DRIVE** 49 - 58
 - d RIVERSIDE BUILDING , RIVERSIDE WAY** 59 - 86
- 5 DATE OF NEXT MEETING**
To note that the next Planning Committee meeting will be held at 2.30pm on 18 May 2016 in Loxley House.

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

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CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 23 March 2016 from 14:34 – 16:28

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold (Vice Chair)
Councillor Jim Armstrong
Councillor Graham Chapman
Councillor Azad Choudhry
Councillor Alan Clark
Councillor Michael Edwards
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Toby Neal
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Steve Young
Councillor Patience Uloma Ifediora (for minutes 50 - 53c and 53d and substituting for Cllr Sally Longford)

Absent

Councillor Sally Longford
Councillor Brian Parbutt
Councillor Linda Woodings

Colleagues, partners and others in attendance:

Nancy Barnard - Governance Manager
Richard Bines - Legal Adviser
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Paul Seddon - Head of Development Management and Regeneration
Nigel Turpin - Heritage and Urban Design Manager

50 APOLOGIES FOR ABSENCE

Councillor Sally Longford – Leave (Councillor Patience Ifediora Substituting)
Councillor Brian Parbutt – Unwell
Councillor Linda Woodings – Non-Council Business

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51 DECLARATIONS OF INTERESTS

Councillor Mike Edwards, declared that he had stated clear views on item 4d (Riverside Building, Riverside Way) and so would not be taking part in the discussion or decision making on this item and would withdraw from the meeting while this was taking place. He did intend however to address the Committee for five minutes on this item, in his capacity as a Ward Councillor representing the area, immediately prior to consideration of the item by Committee and then to withdraw from the meeting. At the discretion of the Chair, consent to speak was given.

Councillor Chris Gibson declared that he had been contacted by phone in relation to item 4b (Site of Clifton Bridge Inn, Brookthorpe Way). He stated that the discussions were limited to how the scheme might come to Committee, that he expressed no views and that he had kept an open mind on the matter. He therefore considered himself able to remain in the meeting for the duration of the item and participate in the discussion and decision making.

52 MINUTES

The minutes of the meeting held on 17 February 2016 were confirmed as a correct record and signed by the Chair.

53 PLANNING APPLICATIONS : REPORTS OF THE HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

(a) Maid Marian House, 52 Maid Marian Way (Agenda Item 4a)

Rob Percival, Area Planning Manager, presented the report of the Head of Development Management and Regeneration on application 15/02962/PFUL3 submitted by DMS Architecture Ltd on behalf of Beaumont Morgan Developments Ltd. for a proposed two-storey rooftop extension to form 33 self-contained residential studios, including works to the external appearance of the existing building. The report was brought to the Committee because it is a major application on a prominent site where there are important design and heritage considerations.

He informed the Committee that an earlier planning permission (reference 12/01841/PFUL3) was granted for the erection of two additional storeys at the 4th and 5th floor levels, extensions to the rear and refurbishment of the building for the continued office use of the building. That consent was not implemented.

In February 2016 planning permission (reference 15/02060/PFUL3) was granted for the conversion of the upper ground mezzanine level into 12 self-contained residential studios. This consent is currently being implemented.

Conversion of the upper floors of Maid Marian House from offices to residential units has also taken place as permitted development.

The current proposal included the addition of two floors to the building which differed in appearance from the previous office use scheme (reference 12/01841/PFUL3).

The fourth floor would replicate the layout of the floors below. The fifth floor would be set in from the Maid Marian Way frontage, the Hounds Gate frontage and also the boundary with 57 Friar Lane that forms part of Park House. As part of the extension,

alterations would also be made to the main entrance to the upper floors, which is located off Hounds Gate, through additional glazing at the ground floor level. The fourth floor element of the extension would replicate the design of the lower floors. It would be clad in reddish brown brick slips with a band of stone cladding to replicate the original shoulder detail to the building. The brick slips and banding would be carried onto both the side elevations and the rear elevation of the building. A grey cladding system would be used for the fifth floor, with a standing seam cladding system and some projecting window elements to the rear.

As a result of this proposal, together with the conversion of the mezzanine floor and the residential units created at first, second and third floor level through permitted development, a total of 102 residential units would be provided.

The Committee also considered additional information contained in the update sheet which had been published subsequently to the agenda and circulated to the meeting.

During the discussions the Committee considered the following issues:

- a) Concern was expressed that the appearance of the revised scheme was dated and did not enhance this prominent site where there are important design and heritage considerations, particularly in light of the previous application (reference 12/01841/PFUL3) approved by Committee. Greater aspirations for the design needed to be achieved;
- b) The matter before the Committee was primarily the additional two floors as the works to the existing building were relatively minor. Colleagues had sought to negotiate a high standard of design in the context of the building as a whole. Officers held the view that the current proposal was acceptable in planning terms.

RESOLVED to:

- 1) delegate authority to the Head of Development Management, in consultation with the Chair, Vice-Chair and opposition representative, to grant planning permission, subject to:**
 - a) improvements to the design of the elevation to Maid Marian Way;**
 - b) prior completion of a s106 agreement which shall include provision for an off-site contribution of £13,287.45 for the provision of landscaping and infrastructure improvements at the Queen's Walk Recreation Ground;**
 - c) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report.**
- 2) Delegate power to determine the final details of both the terms of the Planning Obligations and conditions of the planning permission to the Head of Development Management.**
- 3) Record Councillors' satisfaction 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 reasonable related in scale and kind to the development.
- d) Record Councillors' satisfaction that the section 106 obligation sought in relation to provision of landscaping and infrastructure improvements would not exceed the permissible number of obligations according to Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

(b) Site of Clifton Bridge Inn, Brookthorpe Way (Agenda Item 4b)

Councillor Pat Fergusson addressed the Committee for five minutes in her capacity as Ward Councillor for Clifton North, with the consent of the Chair. She covered the following points:

- a) The site is immediately adjacent to four properties;
- b) There is concern about the appropriateness of the business to the area which is fully residential. The site is located at the main entrance to the estate so all residents must pass it. Residents were not informed that the business was going to operate prior to 30 cars arriving on site.
- c) Security on the site is a concern. Initially vandalism in the area increased as the windows of cars on the site were smashed. Following this a night watchman was employed. Nottinghamshire Police have advised that criminal activity increased by 25 per cent in four months and that this is solely attributable to the car lot.
- d) The owner erected blue corrugated sheeting as a security measure around the front of the site but this is unsightly, is not in keeping with the area, and provides poor security.
- e) Residents feel that the three months temporary planning permission which has been proposed is too long.

At the conclusion of her speech Cllr Fergusson joined the public audience and took no further part in the meeting.

Rob Percival, Area Planning Manager, then presented the report of the Head of Development Management and Regeneration on application 15/03108/PFUL3 submitted by Jordan Car Sales (Nottingham) Ltd for retrospective permission for use of land for storage of cars and car sales. The report was brought to the Committee because the proposal is considered to be sensitive given the level of public interest expressing concerns contrary to the recommendation.

He provided the Committee with the following information:

- a) The site is the cleared site of The Clifton Bridge Inn (a former public house), located within an extensive area of car parking and enclosed by a metal fence at the entrance to the Silverdale estate.
- b) Subsequent to the use commencing the car sales/ storage use had been the subject of vandalism resulting in damage to the vehicles on the site. The Applicant's response has been to erect a 2m high fence of blue sheeting along the edge of the site which fronts on to the short cul de sac and along part of the north western edge

of the site. This was visually prominent and had an unacceptable impact on the amenity of the residential area. Approval of the proposed use in the long term would have been of concern. The applicant has indicated that it no longer intends to continue the use of the site for sales and storage and to vacate the site as soon as practicable.

- c) Whilst use for storage of cars and car sales may be acceptable in principle, the proposed use in question was not properly considered and assessed and would not be acceptable in the circumstances for any more than a very limited period. It was recommended to discontinue the proposed use within three months. If a temporary permission was approved but it became necessary to serve an Enforcement Notice, the Applicant was likely to have two to three months (likely to be adjudged a reasonable period) to comply with clearing the site.

During discussions the Committee:

- d) expressed concern about the potential for prolonging residents' on going suffering and damage to the amenity of the area;
- e) were mindful of the options concerning enforcement action and the timescales and appeal processes;
- f) were mindful that if a three month temporary permission were granted and the site was not vacated immediately at the end of the permitted period and the time necessary for subsequent enforcement action was added in, it would prolong the use of the site to an unreasonable length of time.

RESOLVED:

- 1) to grant planning permission subject to the indicative conditions listed in the draft decision notice at the end of the report save that the use hereby permitted shall be discontinued within one month of the 23/03/2016;**
- 2) to delegate power to determine the final details of the conditions to the Head of Development Management and Regeneration;**
- 3) if the permitted use is not discontinued within one month of 23/03/2016, to recommend that an enforcement notice is served (subject to the Director for Legal and Democratic Services or the Legal Services Manager(s), being satisfied with the evidence available) with a view to compliance with the Enforcement Notice being achieved within a further two months of the expiry of the permitted use.**

(c) Wendover House, 15 Winchester Street (Agenda Item 4c)

Martin Poole, Area Planning Manager introduced the report of the Head of Development Management and Regeneration on application 15/03232/PVAR3 submitted by DPP One Ltd on behalf of Homes2inspire for variation of condition 3 of planning permission reference 229/7/86 to allow use as a children's care home. The report was brought to the Committee because it is considered to be sensitive in view of significant local interest contrary to officer recommendation.

He provided the following information to the Committee:

- a) The property was formerly a residential home for elderly people. It is ordinarily the case that a change in use can be made between homes for the care of the elderly and homes for the care of children without the need for planning permission. However a condition was applied to the planning permission (reference 229/7/86) granted for the residential home requiring that the building was not used for any purpose other than an elderly persons' home.
- b) 16 letters and emails and a 12 signature petition have been received objecting to the proposal. Three emails have been received in support of the application and one neutral email was received.
- c) Occupants of the properties to the rear had expressed concern about a rear window overlooking their properties, although it had been indicated that this room will not be used as a child's bedroom. The Applicant has agreed to obscure glaze the window and a suitable pre-commencement condition has been proposed to secure the glazing. Although concern had been raised over whether the applicant was a fit and proper person to run a home, this was not a material planning consideration. However, the potential for crime and disorder must be weighed against the presence of appropriate management

During subsequent discussions the following issues were raised and responded to:

- d) Concerns had been expressed related to other children's care homes as residents were unaware of who to contact and how to contact them with complaints. The Applicant could be required to specify a point of contact to deal with any concerns residents may have relating to the management of the facility to ensure the development does not adversely affect residential amenity.
- e) Conditions cannot be imposed relating to the use of internal rooms.

Councillor Patience Ifediora abstained from the vote as she had not been present to hear all discussions.

RESOLVED to:

- 1) **grant planning permission subject to the indicative conditions set out in the draft decision notice at the end of the report save for the addition of a further condition requiring the applicant to provide details of an identified point of contact responsible for the management of the home, to local residents and the Council, in the interests of ensuring residential amenity is not adversely affected.;**
- 2) **delegate the power to determine the final details of the conditions of the planning permission to the Head of Development Management and Regeneration.**

(d) Riverside Building, Riverside Way (Agenda Item 4d)

Councillor Mike Edwards addressed the Committee for five minutes in his capacity as Ward Councillor for Bridge ward prior to Committee discussing the item. He covered the following points:

- a) Prior to obtaining this site, the Applicants had sought sites in West Bridgford and Ruddington;
- b) Concern about the suitability of the location of the site as a school;

- c) Further consideration should be given to the continued viability of the site for B1 B2 or B8 use;
- d) Concern about the sustainability of the development as an institution that covers a large part of the city and the parts of the county and the viability of placing children outside of mainstream education.

At the conclusion of his speech Councillor Edwards left the room and did not participate further in the discussion or decision making.

Rob Percival, Area Planning Manager, introduced the report of the Head of Development Management and Regeneration, on application 15/02854/PFUL3 submitted by Jones Lang LaSalle on behalf of Channelling Positivity for change of use from Office/ Warehouse to Class D1 School and minor external alterations including access ramp.

The report was brought to the Committee due to an objection being received from a Ward Councillor.

He provided the following information to the Committee:

- e) The school is a specialist facility for young people who have failed to succeed in a mainstream setting. It has been operating since September 2015 under planning legislation which allows certain buildings to be used as schools for up to a year without planning permission.
- f) Additional representations had been received and circulated in the update sheet, published subsequent to the agenda and placed around the room, together with a further letter to Cllr Edwards.
- g) The school largely exists to serve the area south of the city including city schools. 74% of the current students are resident in Nottingham city, and 13% are resident in Bridge Ward.
- h) In terms of accessibility the site is very close to the tram which links to bus services. It is also on cycle routes and walking routes.
- i) The property had been vacant for many years despite permission being granted to widen the B class use and to sub-divide the unit. These measures failed to secure an occupier.
- j) The site includes a former yard and carpark, part of which is used as outside space for the students in the school.

During discussions the following points were raised:

- k) Concern about the sustainability of the site in relation to its accessibility, location, and the level of local need. There is insufficient information in the application.
- l) Concern about the suitability of the building for use as a school, particularly the limited outside space, the level of natural light and the air quality inside the building.

RESOLVED to:

- 1) defer the decision on this application to the next meeting of the Committee;**
- 2) request further information relating to:**
 - a) the quality of the proposed accommodation in relation to the needs of the children in the school including in terms of the amount of natural light and air quality within the building;**

- b) the adequacy of the outside space and access to usable green space for the children it would serve and in terms of the needs of the children it proposes to serve;**
 - c) The sustainability of the proposed use in its widest sense and accessibility of the site and transportation links and needs of the children.**
- 3) request that arrangements are made for members of the Committee to be given the opportunity to visit the site prior to the next meeting.**

(e) Site Of Standard House And PIF, Prospect Place (Agenda Item 4e)

Rob Percival, Area Planning Manager, introduced the report of the Head of Development Management and Regeneration on application 15/02123/PFUL3 submitted by Galliford Try Communications on behalf of Telefonica UK Ltd for retention of an existing 30m high telecommunications mast and base station for a 6 month temporary period. The report was brought to the Committee because local Ward Councillors had raised a valid planning objection within the consultation period and requested that the application be determined by Planning Committee.

He provided the following information to the Committee:

- a) The mast had formerly been on top of the flats in Lenton and this mast is temporary to cover the interim period before it is relocated to the Savoy cinema.
- b) It sits on a cleared brownfield site bounded by residential areas and is 30 metres tall.
- c) The mast has been in location for several months.
- d) The Ward Councillor concerns related to the noise from the generator that was initially used. This has now been replaced and there have been no further representations.

During discussions the following points were made and responded to:

- e) There had initially been complaints about interference with television reception.
- f) The details of an organisation named "at800" who provide assistance to those experiencing problems was provided and no further complaints have been received. Management arrangements are required to be in place for masts of this nature

Councillor Steve Young abstained from the vote on this matter.

RESOLVED to:

- 1) Grant planning permission subject to the indicative conditions listed in the draft decision notice at the end of the report;**
- 2) Delegate power to determine the final details of the conditions to the Head of Development Management.**

WARDS AFFECTED: Wollaton East And Lenton Abbey

Item No:

**PLANNING COMMITTEE
20th April 2016**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site Of 522, Derby Road

1 SUMMARY

Application No: 16/00149/PFUL3 for planning permission

Application by: Bond Bryan Architects Ltd on behalf of The University Of Nottingham

Proposal: Advanced Manufacturing Building comprising offices, teaching space, laboratories and workshops. Associated external works and new scout hut.

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

To meet the Council's Performance Targets this application should be determined by 28th April 2016.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions 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 Head of Development Management.

3 BACKGROUND

3.1 The site is located on the north side of Derby Road, immediately to the east of Lenton Lodge, which is a Grade II* listed building.

3.2 Until recently the eastern portion of the site was occupied by a two storey office and workshop building and associated parking and service areas. The western side the site also includes a single storey timber scout hut surrounded by a grassed open space and mature trees.

3.3 To the north the site is bounded by the southern end of the University of Nottingham Jubilee campus. To the north-east the site is bounded by workshop and industrial buildings on Triumph Road. To the south east the site is bounded by a stretch of the exposed River Leen which then enters a culvert as it passes south west through the site and under Derby Road. To the east is the Rose and Crown Public House. The western boundary abuts an area of woodland and Lenton Lodge. Directly opposite on the south side of Derby Road is a parade of local shops.

- 3.4 On the west side of the site is a water pump and iron railings which are both Grade II listed.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought by the University of Nottingham for a new academic and research building known as the Advanced Manufacturing Building (AMB). This will create a central hub for manufacturing related activities which are currently dispersed to a number of University buildings. It is also proposed to construct a replacement scout hut as the existing hut on the site would be directly affected by the redevelopment proposals.
- 4.2 The AMB is proposed to be a three storey building with a gross internal floor area of 9000 sq m which would be sited on the eastern side of the site. The accommodation to be provided comprises two basic elements –workshop space and academic office accommodation. Reflecting this the building is made up of two linked elements, referred to as the ribbon block and the workshop block. The ribbon block forms the western and southern side of the building and would house the academic office accommodation, meeting rooms and collaboration space. The workshop block is to the east and would house flexible workshop and laboratory spaces.
- 4.3 Both blocks would have a dark brickwork plinth interspersed with full length narrow windows. The ribbon block is proposed to be clad in a metal rainscreen cladding system which is golden in colour, whilst the workshop block would be a dark/black standing seam metal cladding system. The western elevation of the ribbon block includes varying fenestration which increases towards the southern end. The south elevation is primarily glazed and is conceived as a “shopfront” to the building.
- 4.4 The scout hut is proposed to be located to the west of a new access road. It would be constructed primarily from black stained timber cladding with the entrance defined by natural finished timber cladding.
- 4.5 The development of this site by the University enables the Jubilee campus to be physically connected to Derby Road. The layout proposes a new entrance road which will connect to the southern end of the existing road within the Jubilee campus. A new pedestrian route is also proposed from Derby Road which would lead to the entrance of the AMB. The existing grassed and wooded area on the western side of the site would be retained. The remaining areas of the site would be landscaped.
- 4.6 The vehicular access route to the Jubilee campus would be controlled by the use of barriers. Twelve car parking spaces are proposed at the rear of the workshop building and a small number of visitor/disabled parking spaces are proposed near to the entrance to the AMB. Cycle parking is also proposed within the site.
- 4.7 The University has targeted BREAM Excellent rating for the building by making a number of key sustainable features core to the design concept of the building. This will include the use of photovoltaic panels at roof level and air source heat pumps within the heating and cooling strategy.
- 4.8 The developer is offering local employment and training opportunities during the construction phase of the development. The mechanisms for providing these benefits will be by way of a S106 unilateral obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised on site and in the press and the following nearby occupiers notified:
Suites A – D, Lyndale House, 4 Hillside
Triumph House, Woolpack House, Carlton Furniture and 3 Triumph Road,
355, 357 A-F, 359, 361, 363A, 365, Rose and Crown PH, Derby Road and nursery
rear of 359-365 Derby Road
Flat 1, Suite 3 Pollard Court, 363A Derby Road
Lenton Lodge, St Mary's Church and 18 Wollaton Hall Drive
2, 4, 15 and 17 Charnock Avenue
- 5.2 In response three objections have been received. Two from nearby residents and the third from the Nottingham Civic Society.
- 5.3 The first resident has raised the following points:
- University has disregarded what appeared to be the general view of local people who attended the community consultation which was that the building was not in keeping with Lenton Lodge;
 - Opportunity to create a street scene including some grass and planting which would be a great asset to the area and enhance one of the main roads into and out of the city;
 - The building's face on Derby Road should be less dominant and no nearer to the road than any part of Lenton Lodge so that there is an uninterrupted view of the for residents and visitors from Derby Road;
 - Concern about the amount of traffic that might be generated from a traffic entrance on Derby Road.
- 5.4 The second resident has raised the following points:
- Welcome the replacement of the scout hut with a new building, the intention to retain the majority of the existing trees alongside the site and the water pump, the replacement of concrete and tarmac with soft landscaping, shrubs and trees, and the setting-back of the building from Derby Road;
 - Identify missed opportunities –scout hut should be a building whole community could benefit from; extension of the unculverted section of the River Leen; setting building further back would alleviate potential for the building to dominate its surroundings;
 - Given the context concerned about the implications of a vehicular access from Derby Road. Does not seem any good reason for this and suggest the site could be accessed from the Jubilee campus;
 - Acknowledge the reduction in height of the building from the original concept but consider the building is a brutal, unsympathetic and a wholly intrusive design. There is an argument for having so-called 'iconic'/'adventurous' styles of architecture on the main part of the Jubilee campus but no place for it in such a prominent and sensitive site. Would be unfortunate indeed if the design of this building were to set a design precedent for the potential long-term redevelopment of site of the car showrooms as envisaged in the Jubilee Campus Master Plan;
 - Do not subscribe to the view in the Design and Access Statement that there is synergy between the AMB and Lenton Lodge;

- Materials in the immediate vicinity are predominantly brick and stone with some wood detailing and view the choice of materials as inappropriate;
- University have ignored the response of the community expressed at the community consultation event which was the building was not in keeping with Lenton Lodge and the surroundings and better suited to other locations within the University's estate.

5.5 The Nottingham Civic Society has raised the following concerns:

- The effect of the proposed building upon the setting of Lenton Lodge and Grade II* listed building;
- Consider that whilst the now demolished buildings on the application site did not contribute positively to the character of the area they did defer satisfactorily in scale to the listed gatehouse;
- The scale of the new building and its siting would challenge the significance of Lenton Lodge in views along Derby Road looking west. Lenton Lodge deserves to maintain a setting in which it takes priority over its neighbours. This has been achieved up to the present, and is the key element of significance of the setting;
- The current proposal is visually assertive, designed to be noticed and therefore will weaken the primacy of Lenton Lodge by competing for attention and thereby damage its setting;
- Building lacks transparency at the ground floor public realm level and there will be no casual surveillance from the street frontage of the building which might address its security concerns better by being sited further away from Derby Road, leaving Lenton Lodge to continue to impress its surroundings.

5.6 **Additional consultation letters sent to:**

Pollution Control: No objection. Recommend a condition requiring the submission of verification information following the remediation of the site.

Highways: No objection in principle subject to conditions requiring a construction management plan, provision of cycle parking and parking spaces, a travel plan and details of the proposed access arrangements.

Historic England: Identify the significance of Lenton Lodge as a Grade II* listed building, recognise that the scheme represents the first phase of an expansion of the Jubilee Campus to Derby Road and the commitment of the University of Nottingham to the quality of design and innovation. In this context assess the impact of the proposal and raise the following issues:

- Impact of the ribbon block which would create an imposing block and whilst this would frame a new route into the campus it would create a dominant barrier to views and the appreciation of Lenton Lodge;
- Glazed end to the Derby Road frontage would cut into views of the Lodge and assert its presence;
- Proposed building is a bold contemporary design and although this will create the desired landmark in doing so the historic landmark becomes a secondary feature within the streetscene;
- The scheme therefore harms the setting of the lodge and compromises a key part of its significance as a gateway building. Recognise that the historic setting has changed over time from rural to urban but that the visual presence of the lodge, which is critical to its significance, has been maintained;
- Advise that one of the strengths of Jubilee Campus has been the ability to develop its own internal architectural style but here the building sits unhappily with a historic

character which is radically different the new building. A more nuanced approach which establishes an “architectural conversation” between the two may be more successful. Refer to previous advice the pre-application stage suggesting setting back new structures and re-positioning the glazed end to frame the Lodge rather than ignore it, re-locating the entrance to the front of the building and exploring other materials and finishes;

- Conclude that the proposal will be harmful to the significance of the designated heritage asset but advise that this is considered to be less than substantial harm and encourage revisions to the scheme. Advise that the soundness of the decision requires careful weighing of the significance of the heritage asset and the degree of harm arising from the proposed development against the merits of the scheme in the form proposed.

Environment Agency: No objection subject to the Sequential Test having been applied and satisfied, subject to conditions requiring the development to be carried out in accordance with the Flood Risk Assessment and, the submission of details addressing the risks associated with contamination to ensure the underlying principal aquifer is not contaminated.

Biodiversity Officer: The ecology report has identified a potential badger sett on this site, and evidence of foraging associated with badger activity and recommends monitoring of the sett to determine its use and advises that this should be done prior to determining the planning application. The results of the survey would advise whether the sett requires closure under licence from Natural England or impacts could be avoided. There are also several areas of Japanese knotweed on the site. which needs to be appropriately treated prior to any movement of earth within 5m of this to prevent spread.

Lead Local Flood Authority: No objections.

Tree Officer: Nine trees comprise a prominent group of mature Limes in good condition that contributes to the setting of the listed Lenton Lodge and do not require removal in order to accommodate the footprint of the proposed building. Two further trees could be retained with some adjustment to path detailing. Two further trees do not necessarily need to be removed but their loss is of little visual consequence as they form edge trees to a large group of pines. If there is to be a highway agreement should try to secure replacement street trees for some of the ad hoc losses sustained outside 321-355 Derby Road nearby. Tree planting within the broad open space in front of the building should be sparing, using a large stock size and ensuring sustainable soil volumes for long term growth.

City Archaeologist: No objection. The proposed development is within the Derby Road/Lenton Lodge Archaeological Constraint Area and having looked at the current proposals with reference to the Nottingham Historic Environment Record, the proposed development is not believed to have any impact upon archaeological features or deposits. The post-medieval mill is located immediately south and to the west of the proposed building.

Design Review Panel: An earlier iteration of the scheme was considered by a Design Review Panel in January 2015 as part of the pre-application process. The following comments were made:

Welcomed the University’s commitment to investment and innovation, and the benefits this brings to the city. In summary, supported the principle of the AMB and

were generally supportive of the scheme but had reservations with regard to the design approach adopted. Key to the success of the scheme is in it acknowledging and complementing the surroundings. In particular, the Panel focussed on how the ribbon block could offer a better visual connection with the Lodge, and how the space between the two buildings could work to greater effect, encouraging the rethinking of opening the space up as a vehicle through route. Innovation in the design of the AMB was encouraged by the Panel, but should take a more understated approach respectful to the Lodge, to deliver a high quality building supported by the careful selection of a suitable palette of materials.

In respect of individual elements of the scheme the Panel commented as follows:

Space to the front of Lenton Lodge. Could not accept the logic for creating a main vehicular access off Derby Road when this can be achieved off Triumph Road, which limits the treatment of the space between the building and Lenton Lodge. Identified that the space has the potential to create an attractive and useable piece of public realm, enhancing the setting of both the Lodge and the AMB, and assisting in establishing an integrated relationship between the two.

Relationship with the River Leen. Encouragement given to making more of the exposed section of the River Leen.

Ribbon block. Concerned that the block would be substantial in mass in relation to its neighbours. Recognise desire to produce a landmark building which has a strong presence on Derby Road. However, the result compromises the setting of Lenton Lodge. The siting of the block also detracts from the Lodge and considered that this is exacerbated by the inclusion of the large glazed end window. Advised that the AMB needs to recognise the importance of the Lodge and complement it. Recommended a rethink of the ribbon block, setting it back from Derby Road to allow the views, and exploring how it can frame the Lodge, involving re-positioning the glazing to look out towards it.

Engineering block. Considered to be more successful in its honest appearance, relating well to its context. The Panel suggested exploring the possibility of how the ribbon block could work as a variant of the engineering block, stressing the need for a more understated appearance than present, but whilst still maintaining the high spec of a quality building.

Entrance to building. Recommended making the front entrance the building's main feature.

Materials. Stressed the need for a restrained materials palette which respects the Lodge. Were not convinced of the rationale for the material selection given the building's proximity to a Grade II* heritage asset, and instead advised that an understated approach for the AMB would be more appropriate. The rethinking of the building's appearance from a silver hue to a more golden tone was welcomed, sitting tonally with the Lodge.

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 7 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 14 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 17 sets out the core planning principles, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; secure high quality design; support the transition to a low carbon future, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable resources; contribute to reducing pollution; and managing patterns of growth to the make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 6.4 Paragraph 56 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, indivisible from good planning. Paragraph 58 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development.
- 6.5 Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.6 Paragraphs 128 and 129 consider the requirement to conserve and enhance the historic environment when determining planning applications. It is advised the applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This assessment should take into account the need to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.
- 6.7 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

6.8 **Nottingham Local Plan (November 2005)**

ST1: Sustainable development

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

CE1: Community facilities

CE8: Further and Higher Education

NE3: Conservation of species

NE5: Trees

NE9: Pollution

NE10: Water quality and flood protection

NE12: Derelict and contaminated land

T3: Car, cycles and servicing parking

6.9 **Aligned Core Strategy (2014)**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 4: Employment Provision and Economic Development

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

7. **APPRAISAL OF PROPOSED DEVELOPMENT**

Main Issues

- (i) Principle of the development;
 - (ii) Layout, design and appearance, including the setting of the adjacent listed buildings;
 - (iii) Public realm
- (i) Principle of the development** (Local Plan policies ST1, CE1 and CE8 and Aligned Core Strategy policies A and 4)

7.1 The Jubilee Campus is designated for higher education by Policy CE8 of the Nottingham Local Plan and as such the principle of the use of the site for the AMB building is acceptable. In 2004 a development brief for the Jubilee Campus was adopted by the City Council which includes the application site and this envisaged that the site would be part of a bigger area for the expansion of academic accommodation, and the proposed AMB therefore accords with this.

7.2 The development of this site is strategically important for the University and provides the opportunity for the Jubilee Campus to have a physical presence to Derby Road, which is an important arterial route into the City, and to provide better connectivity for students and staff between the Jubilee Campus and the main University Park campus.

7.3 The commitment of the University to continue to invest in the City and to improve the standing of Nottingham as a World City is recognised. The facilities to be provided would provide high quality research, teaching facilities, opportunities for knowledge exchange and commercial input for advanced manufacturing which is

viewed as an increasingly important part of the City's and the UK's economic future and as such would be of value to the economic prosperity of the City.

- 7.4 The replacement of the existing scout hut with a new building safeguards this community facility and will provide the group with a modern purpose built facility.
- 7.5 Policies ST1, CE1 and CE8 of the Local Plan and Policies A and 4 of the Aligned Core Strategy are therefore satisfied.

(ii) Layout, design and appearance, including the setting of listed buildings
(Local Plan policy BE10 and Aligned Core Strategy policies 10 and 11)

- 7.6 The previous buildings on the application site have now been cleared and this provides a significant opportunity for the Jubilee Campus to extend southwards and have a physical presence onto Derby Road. The site is adjacent to Lenton Lodge, a Grade II* listed building which is a prominent landmark on Derby Road, and the design challenge for a new building on this site is to respect the setting of the Lodge whilst also creating a building befitting of a key entrance to the Jubilee Campus and expressing a sense of the innovative buildings that it contains, along with satisfying the client's brief associated with the function of the building.
- 7.7 The approach to the design and layout of the site has been informed by the specific site context. In particular, the relationship with Lenton Lodge, the desire to keep the grassed and wooded area in the western side of the site, the continuation of the tree lined route which runs through the Jubilee Campus, the irregular shape of the site and the constraints imposed upon it by river and sewer easement have all influenced the siting and form of the buildings.
- 7.8 The retention of the grassed and wooded area is welcomed and the siting of the workshop block in a less prominent location on the eastern side of the site is considered to be successful. The ribbon block forms the western side of the building and this comprises a more linear form addressing the public frontages along the edge of the access road and also facing Derby Road. The building is proposed to be three storeys in height and this is felt to be appropriate to the context and sufficient to produce a building with some presence. The potential of opening up the culverted River Leen has been identified as a missed opportunity. It is acknowledged that this could be a potential asset but taking into account its quite harsh and very functional appearance of the River Leen at this point and its relationship to the main areas of activity around the building, this would necessitate significant change to the layout and design which would be difficult to justify.
- 7.9 The main concern of objectors to the scheme, including Historic England and the Nottingham Civic Society, is that the design and appearance of the building is too assertive and thereby compromises the significance of Lenton Lodge as a gateway building. It is agreed that this relationship is of critical importance and it has been a key part of discussions on this proposal at both the pre-application stage and during the life of the application. In response, a number of changes have been made to the original scheme selected through the University's competition process and subsequently presented to community consultation. Key changes include a reduction in the scale and height of the building; its positioning further back into the site (behind the forward line of the building it replaces); the removal of the dominant picture window to the southern elevation; increasing the fenestration to the west elevation and creating a larger window to face towards the Lodge; and a change to the primary colour of the external cladding material.

- 7.10 Revised plans have now also been submitted further refining the appearance of the front elevation by reducing the extent of cladding, by lowering the angle of the raking roof and by introducing additional fenestration into the eastern elevation of the ribbon block. These changes have the effect of further helping to reduce the dominance of the building in relation to Lenton Lodge, particularly when viewed from the east on Derby Road which is a key viewpoint. It is now considered that the Lodge will be maintained as the primary landmark in the streetscene.
- 7.11 The choice of materials has been driven by the adoption of a simple architectural language which will offer a robust, high quality solution. The proposed materials will primarily be a combination of dark brickwork plinth, metal cladding and areas of feature glazing. It is recognised that the choice and quality of materials will be critical to the overall success of the scheme. The choice of a gold metal rainscreen cladding for the ribbon block has been commented upon by objectors but this choice, tonally reflecting the sandstone of Lenton Lodge, is considered to be an acceptable approach. The ultimate success will however depend upon the final choice and quality of the materials and the details of these will be required by condition.
- 7.12 With specific reference to the impact upon the setting of Lenton Lodge, in order to meet the guidance of the National Planning Policy Framework which states that great weight should be given to the conservation of heritage assets and that any harm should require clear and convincing justification. The consideration of the proposal requires careful weighing of the significance of the heritage asset and the degree of any harm arising from the proposed development against the merits of the scheme. Historic England have advised that the harm to Lenton Lodge is less than substantial to the significance of the building and that the harm should be weighed against the public benefits of the proposal. In this case it is agreed that the harm to the significance of Lenton Lodge is less than substantial and that as set out in para 7.3 the AMB does bring significant public economic benefit to the City. The conclusion with regard to the impact upon the setting of the Lenton Lodge is that this is acceptable. It is not considered that the development would adversely impact upon the setting of the Grade II listed water pump and railings on the western side of the site.
- 7.13 The siting and design of the new scout hut are considered to be acceptable.
- (iii) Public realm** (Aligned Core Strategy policy 10)
- 7.14 This development enables the creation of a physical link between the Jubilee Campus and Derby Road and provides an opportunity to create a new area of high quality public realm which would announce this new entrance to the Campus and positively contribute to the setting of Lenton Lodge.
- 7.15 The scheme as submitted proposed a traditional highway engineering led approach to the new vehicular route through the site connecting to the existing road within the Jubilee Campus. The University has been encouraged to reduce the prominence of the vehicular route and to create an area of public realm incorporating shared space on the west side of the AMB. A revised scheme has now been submitted which indicates that the scheme is evolving in a direction which has the potential to deliver an area of high quality public realm, to provide a better setting for the AMB, for Lenton Lodge and for those walking/cycling through the site to Jubilee Campus.

It is not yet considered that this is fully resolved and a condition is recommended requiring the further details to be submitted.

- 7.16 Overall the proposals are welcomed and would satisfy Local Plan policy BE10 and Aligned Core Strategy policies 10 and 11.

OTHER MATTERS (Local Plan policies NE9, NE10 and T3 and Aligned Core Strategy policies 10 and 14)

- 7.17 **Impact upon amenity of nearby occupiers:** Taking into account, the siting, height and mass of the AMB and the nature of the adjoining uses, which other than the living accommodation over the Rose and Crown Public House are non –residential, it is considered that the impact of the proposal upon the amenity of nearby occupiers is acceptable.

- 7.18 **Transport:** There are no highway objections to the principle of the proposals subject to the submission of details which will be required by condition. Local residents have raised concerns about the impact upon road safety as a result of the vehicular traffic which would be generated by the development. However, it is considered that the proposed design of the access from Derby Road which will take into account the pedestrian and cycle movements into and around the site and that the access to the Jubilee Campus will be restricted to visitors and permit holders that the impact upon highway safety in the vicinity will be acceptable.

- 7.18 **Flood risk/drainage:** The application site is located within Flood Zone 2 and a Flood Risk Assessment has been submitted with the application. The Environment Agency has not raised an objection subject to conditions relating to ground contamination and to ensure the development in undertaken in accordance with the Flood Risk Assessment.

- 7.19 **Noise and Pollution Control:** Do not object to the development but have raised a number of issues which can be satisfactorily dealt with by conditions relating to ground contamination.

- 7.20 Local Plan policies NE9, NE10 and T3 and ACS policy 10 are therefore satisfied.

8 **SUSTAINABILITY / BIODIVERSITY** (Local Plan policy NE3 and Aligned Core Strategy policies 1 and 17)

- 8.1 The aim is for the development is to achieve a BREAAAM excellent rating and including a minimum of 10% reduction through the use of on-site renewables. Specific measures for the development are based upon passive design principles aimed at reducing energy demand by design, using high performing building fabric, achieve high air-tightness and maximising the use of natural daylighting into the building. The renewable technologies to be included in the project are combined heat and power and photovoltaic cells.

- 8.2 The queries raised by the Biodiversity Officer in relation to Japanese knotweed have been addressed and it has been confirmed that this has already been treated. With regard to the badger sett this has been further monitored and there is no evidence of activity and that therefore no further action or mitigation is required. The further response of the Biodiversity Officer is awaited in response to this information and committee will be advised further upon this by means of the update

sheet. A condition is recommended securing the provision of bat, bird and invertebrate boxes to further enhance the biodiversity of the site.

- 8.3 The submitted scheme proposed the removal of nine mature trees in the south west corner of the site, in the vicinity of the water pump, which contribute to the setting of Lenton Lodge. Revised plans have now been submitted showing the retention of these and together with the other trees to be retained on the west side of the site and proposed new tree planting it is considered that the overall impact upon trees within the site is acceptable.

Local Plan policies NE3, NE5 and NE14 and ACS policies 1 and 17 are therefore satisfied.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

Provision of accessible buildings.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

The proposal addresses the following corporate themes:
Great City – Improving life Chances for Young People.
World Class Nottingham: As part of proposals which improve the facilities offered by the University of Nottingham
Work in Nottingham: By creating 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: 16/00149/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O1CXS4LYCB000>
2. Letter dated 05.02.2016 from Historic England
3. Email dated 09.02.2016 from Tree Officer

4. Email dated 16.02.2016 from Drainage
5. Email dated 04.02.2016 from City Archaeologist
6. Letter dated 22.02.2016 from Environment Agency
7. 2 emails both dated 21.02.2016 from local residents
8. Comments from Nottingham Civic Society
9. Observations dated 01.04.2016 from Highways
10. Email dated 04.04.2016 from Biodiversity Officer

17 Published documents referred to in compiling this report

National Planning Policy Framework
Nottingham Local Plan (November 2005)
Aligned Core Strategy (2014)

Contact Officer:

Mrs Janet Keble, Case Officer, Development Management.

Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 8764056

My Ref: 16/00149/PFUL3 (PP-04777473)
Your Ref:
Contact: Mrs Janet Keble (Tues,Wed,Thurs)
Email: development.management@nottinghamcity.gov.uk



**Nottingham
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Bond Bryan Architects Ltd
FAO: Mr James Woodhouse
Church Studio
Springvale Road
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S10 1LP

Date of decision:

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

Application No: 16/00149/PFUL3 (PP-04777473)
Application by: The University Of Nottingham
Location: Site Of 522, Derby Road, Nottingham
Proposal: Advanced Manufacturing Building comprising offices, teaching space, laboratories and workshops. Associated external works and new scout hut.

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)

2. The development shall not be commenced until such time that a Construction Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out the provision to be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance Aligned Core Strategies Policy 10 and Local Plan Policy T3.



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Not for issue

Page 24

Continued...

3. No above ground development shall be commenced until all site access details and all off-site highway works have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall relate to the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and stage I/II Safety Audit.

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

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

4. No above ground development shall be commenced until details of the external materials have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the building in accordance with Aligned Core Strategies Policy 10.

5. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of demolition and construction operations to protect the existing trees that are shown to be retained on the approved plans.

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

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

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

7. Notwithstanding the details shown on the submitted plans no above ground development shall be commenced until full details of the layout and treatment of the external areas have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the creation of an area of good quality public realm and in the interest of visual amenity 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)

8. The development shall not be occupied until details of any means of enclosing the site have been submitted to and approved in writing with the Local Planning Authority.

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

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



9. No part of the development shall be brought into use until the highway works approved under Condition 8 have been completed.

Reason: To ensure that the development will provide satisfactory highway/transportation arrangements in accordance with Policy BE2 of the Local Plan

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

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

11. Within 6 months of the first occupation of the building, an updated travel plan shall be submitted to the Local Planning Authority for approval. It shall comprise a package of sustainable transport measures and initiatives that will be carried out at the site. The Travel Plan shall include measures with associated timescales and costs for work to be carried out. Once approved, the updated travel plan shall be implemented at all times.

Reason: To promote the use of sustainable means of transport to comply with Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan.

12. The development shall not be occupied until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In the interests of community safety in accordance with Policy 10 of the Aligned Core Strategy.

13. The development shall not be occupied until secure, covered and lit cycle parking facilities have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the area identified for parking cycles shall not be used for any purpose other than the parking of cycles.

Reason: To ensure that the layout of the development is satisfactory and to ensure that the layout of the development is satisfactory and to promote a sustainable element of travel in accordance with Policies BE2 and T3 of the Local Plan.

14. The development shall not be occupied until the parking/turning/servicing areas have been provided in accordance with the approved drawings. Thereafter, the parking/turning/servicing areas shall only be used for the purposes approved.

Reason: To ensure that the layout of the development is satisfactory in accordance with Policy T3 the Local Plan.

15. The development shall not be occupied until the renewable/low carbon energy scheme detailed in the Energy Statement (ARUP) submitted with the planning application and dated 20.01.2016 has been installed and is able to provide renewable/low carbon energy to serve the development.

Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Aligned Core Strategies Policy 1 and Local Plan policy NE14.



16. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species, location, sectional pit details and maintenance arrangements of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the planting scheme for the green roof and the architectural trellis. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of ensuring the finished quality of the approved development and the visual amenity of the wider area in accordance with Aligned Core Strategy Policy 10.

17. No part of the development shall be occupied until a scheme for the inclusion of bird, bat and invertebrate boxes within the development has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of the type, number and position of the bird, bat and invertebrate boxes.

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

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.

18. The development shall not be occupied until the following have been 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.

Reference is to be made to the following submitted documents:

- Phase I and 2 Contamination Assessment Report (Proposed Advanced Manufacturing Building Jubilee Campus Extension University of Nottingham, by OPUS, Reference: K-NC700_R1/1_ARN);
- Phase 3 Supplementary Contamination Assessment Report and Preliminary Groundwater Quantitative Risk Assessment (Proposed Advanced Manufacturing Building Jubilee Campus Extension University of Nottingham, by OPUS, Reference: K-NC700_R2/1_ARN);
- Contaminated Land Remediation Strategy (Proposed Advanced Manufacturing Building Jubilee Campus Extension University of Nottingham, by OPUS, Reference: K-NC700_R3/1_ARN) .

Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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



19. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref. K-NC700.00 BR1.0, dated 06/05/2015, Opus International Consultants (UK) Ltd.), and the following mitigation measures detailed within the FRA:
1. Finished floor levels shall be set no lower than 28.91m above Ordnance Datum (AOD);
 2. Flood resilient design and construction techniques shall be incorporated at ground floor level as detailed in paragraph 10.2 of the agreed FRA;
 3. A Flood Evacuation Plan shall be developed for the site, taking into account the Environment Agency's Flood Warnings Direct service, as detailed in paragraph 10.1 of the agreed FRA.

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

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

20. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars. Paragraphs (a) and (b) below shall have effect until the expiry of 3 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) Recommendations for tree work.

(b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority. If any retained tree is topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority, then remedial pruning or replacement planting as appropriate shall be undertaken as specified in writing by the Local Planning Authority.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 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 28 January 2016.

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' and other authoritative guidance.

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 Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Pollution Control 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. Environment Agency advice. Please note that there shall be no raising of land levels in areas of the site that are currently below the 1 in 100 year plus climate change flood level, i.e. 27.83 m AOD. Recommend that the Lead Local Flood Authority is consulted with regards to surface water flood risk mitigation including proposals to restrict discharge to Greenfield run off rates, suitable flood routing around new buildings and provision of adequate surface water storage as discussed within this FRA.

5. Construction: 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 Pollution Control Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)



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Not for issue

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.

6. Highway related advice

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

2) The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

3) Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at www.leics.gov.uk/htd.

4) 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. The commuted sum for a street tree is £938.61 per tree which is in line with the 6Cs Regional Design Guide. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

5) Please contact our drainage experts Paul Daniels 0115 8765275 or Nick Raycraft 0115 8765279 to discuss drainage.

6) The applicant is advised to contact Scott Talbot 0115 8765225 in the first instance to discuss road safety issues.

7) The applicant is advised to contact Kerry Peruzza 0115 8763947 to progress the Travel Plan and sustainable transport initiatives.

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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Page 30

Continued...

RIGHTS OF APPEAL

Application No: 16/00149/PFUL3 (PP-04777473)

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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Page 31



- 8 -

NOMAD printed map



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Key

-  City Boundary
-  Planning Application Polygons

Nomad web map printed by a Nomad user at 11:52, 12/04/2016

1:2366



Description

No map description

WARDS AFFECTED: Wollaton East And Lenton Abbey

Item No:

PLANNING COMMITTEE
20th April 2016

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Biomolecular Sciences Department, University Of Nottingham

1 SUMMARY

Application No: 16/00315/PFUL3 for planning permission

Application by: Benoy on behalf of The University Of Nottingham

Proposal: Two laboratories, office and research buildings (Biomolecular Sciences Phases III and IV) and associated works.

The application is being brought to Committee due to the prominent location of the site which raises design considerations. Objection has also been raised by the ward councillors.

To meet the Council's Performance Targets this application should be determined by 13th May 2016

2 RECOMMENDATIONS

1. Grant permission subject to the indicative conditions 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 Head of Development Management.

3 BACKGROUND

3.1 The application relates to the construction of two university buildings that will form part of the Centre for Biomolecular Sciences that is located on Science Road and has a frontage onto the A52. The Queens Medical School and Queens Medical Centre are located opposite the site on the northern side of the A52, and to the south east of the site is the tramline and bridge. There are residential properties on Highfields Road located beyond the tramline and bridge; the narrowest distance between the edge of the site boundary and the rear boundary of these properties is approximately 21m.

3.2 The Centre for Biomolecular Sciences currently comprises two linked buildings that are located between the Popes and Coates Buildings, the Manufacturing Engineering Building and the Boots Science Building. The two new buildings would be located to the south east and would link to these buildings. The Manufacturing Engineering Building would be demolished to make way for the building known as Phase III. The Phase IV building would be sited to the south east of the Phase III building and to the south of the Boots Science Building. The Phase IV building

would replace an existing car park.

4 DETAILS OF THE PROPOSAL

- 4.1 The Phase III building would be four storeys with an associated roof top plant area. The building would be approximately 20.6m wide, 51.3m long and 22.5m high (to plant roof level). It would have a gross internal floor area of 4,616 sqm. The building would be set lengthways to the side of the existing Centre for Biomolecular Sciences buildings. The new buildings plant room would be set 3m back from the main face of the main building line and would have an asymmetrical roof. The building would also have chimney like features to its roof. The maximum height of these chimneys from ground level would be 26.5m. The main access to the building would be from the north and via a link from the existing Centre for Biomolecular Science buildings. The main northern entrance would be visible from the A52.
- 4.2 The Phase IV building would be five storeys it would also have an associated roof top plant area. The building would be approximately 23.6m wide, 57.4m long and 24.8m high (to plant roof level). It would have a gross internal floor area of 6,140 sqm. The building would sit lengthways to the rear of the existing Boots Science Building. The plant room would have a flat roof and would be set in from the main building line by 7m in the west and 7.5m in the east, and set in 3m from the other edges. Like the Phase III building it would also have chimney like features, which would have a maximum height of 28m from ground level. The main access to the building would be from the north along the side of the existing Boots Science Building. There would be a link into the Phase III building on the second floor and to the Boots Science Building at ground floor.
- 4.3 Both the Phase III and Phase IV buildings have been designed to reflect the existing Centre for Biomolecular Science buildings. It is proposed to construct the buildings using stone cladding to match the existing buildings and also grey stone cladding. The area around the buildings would be landscaped. The buildings would be accessed from Science Road.
- 4.4 The new buildings would provide laboratory, office and research facilities in connection with medical research and would bring together the School of Pharmacy, the Institute of Infections and Immunity and the School of Chemistry.
- 4.5 The site is located within Flood Zone 3, an area at high risk of flooding; it is also on a site safeguarded for further education facilities.
- 4.6 The developer is offering local employment and training opportunities during the construction phase of the development. The mechanism for providing these benefits will be by way of a S106 unilateral obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

20 neighbouring properties were consulted on Highfield Road. A site notice has been displayed and a press notice has been published. The Notification period expired on the 23rd March 2016. To date no representations have been received as a result of this publicity.

Cllrs Piper and Trimble: We wish to object to the proposed development which we

believe will have an adverse impact on residents living nearby. The proposed buildings are significantly higher than those around them. The only building of comparable height is on the edge of the A52, near the flyover, and away from residents' properties.

The proposals will mean a loss of open space. They are over-bearing and out-of-scale with existing buildings. The bulk and massing will be intrusive and ugly.

Additional consultation letters sent to:

Pollution Control: The application is supported by a phase 1 contaminated land report and an environmental noise assessment. The phase 1 report recommends a site assessment including gas monitoring (a phase 2 assessment). The noise report recommends various measures to tackle road noise as well as a requirement for more detailed analysis of plant noise. Conditions are recommended requiring the submission of a remediation strategy and associated verification report when implemented, an environmental noise assessment and sound insulation scheme, and an assessment of the proposed heating and power generating proposals in regard to impact on air quality and noise.

Highways: The buildings are located immediately adjacent to the A52 Clifton Boulevard, which is under the jurisdiction of Highways England. The proposal is situated within the University campus and as such would not affect the public highway adversely. The proposed use is not considered to generate significant traffic impact and the travel provisions are considered within the supplied Travel Plan.

Highways England: No objection.

Local Lead Flood Authority: No objection, providing that the development is carried out in accordance with the recommendations of section 8.1 of the Flood Risk assessment and that the peak run-off rate for the 100 year return will be 0.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decisions taken on planning applications. Of particular relevance to this application is section 7 which sets out the need to secure high quality design and a good standard of amenity for existing neighbouring uses and future occupants of the buildings. Section 10 is also relevant which sets out the approach to be taken to flood risk. Sections 1 and 8 are also of some relevance to this application as these indicate the need to securing economic growth in order to create jobs and prosperity and taking a proactive approach to development that widens choice in education.

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 10: Design and Enhancing Local Identity

Nottingham Local Plan (November 2005):

CE8: Further and Higher Education Sites
NE10: Water Quality and Flood Protection
NE9: Pollution
T3: Car, Cycles and Servicing Parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Issue (i) Principle of Development (Policy CE8 of the LP and Policy 4 of the ACS)

- 7.1 The site is within the existing University Park and is designated as land safeguarded for further and higher education, the proposed development is therefore acceptable in principle. This considerable expansion of the Centre for Biomolecular Sciences also brings significant economic benefit to the City.

Issue (ii) Building Design (Policy 10 and Section 7 of the NPPF)

- 7.2 Both of the proposed new buildings have been designed so that they are in keeping with the appearance and character of the existing Centre of Biomolecular Sciences buildings. Conditions can be used to ensure that the materials to be used are of the quality indicated within the submitted application. The Phase IV building would be approximately a floor above the adjacent Boots Science Building and the tallest of the immediately adjacent buildings. However, the science and engineering area of the campus is the densest part of University Park and both phases III and IV are felt to be appropriate to the more general scale and mass of buildings with this area. The new buildings would also assist in enhancing the frontages to both the A52 and tramline. The design of the buildings would therefore comply with Policy 10 of the ACS and also section 7 of the NPPF.

Issue (iii) Impact on Neighbours (Policy 10 of the ACS and Section 7 of the NPPF)

- 7.3 The eastern elevation of the Phase IV building would be sited closest to the residential properties on Highfield Road. It would be off-set from the rear elevation of 24 Highfield Road by approximately 36m and 44m from the rear elevation of 20 Highfield Road. The eastern elevation of the Phase IV building would be 21m high, it would then step up to 23m and 24.8m. As a result of the distances and relationship between the properties on Highfield Road and the Phase IV building it is not considered that the new building would cause any adverse impact with regards to overshadowing or loss of light. As discussed above, it is also considered that the additional height of the Phase IV building is appropriate to the general scale and mass of buildings within this part of the campus and within this context would not appear unduly overbearing or out of scale with the adjacent buildings.
- 7.4 The eastern elevation has been designed so that it has only one glazed area that sits to the side of a secondary staircase that serves the building. Given the use of this area and the distance to properties on Highfield Road, there would be no adverse overlooking of these properties or any loss of privacy for their occupants.

- 7.5 Overall it is considered that the proposed development would safeguard the residential amenity of neighbouring occupants and would therefore comply with Policy 10 of the ACS.

Issue (iv) Flood Risk (Policy NE10 of the LP and Section 10 of the NPPF)

- 7.6 The application has been accompanied by a Flood Risk Assessment. Although the site is within Flood Zone 3 it is located in an area that benefits from flood defences designed up to a 1 in 100 year flood event. When determining planning applications within Flood Risk areas, local planning authorities should ensure that flood risk is not increased elsewhere and should only consider development appropriate in areas at risk of flooding which are informed by a site specific flood risk assessment following the application of the Sequential Test and Exception Test (if required).
- 7.7 The location of the two new buildings would provide additional laboratory, office and research space for medical research associated with the School of Pharmacy, the Institute of Infections and Immunity and the School of Chemistry. It is noted that the University feel that bringing together these numerous research departments into one large complex allows exchange of ideas that has been a key element in the success of medical research. From a planning perspective the site is in an area designated for further education facilities and the development would replace an existing car park and university building. It is also recognised that there is merit for bringing together the research departments in one large complex and that this supports the growth of the economy. For all these reasons it is considered that there is no sequentially preferable site in an area of lower flood risk. With regard to the exception test it is considered that the overall benefit derived from these research facilities, and having regard to the provision of a site specific flood risk assessment that shows the development will not increase the risk of flooding elsewhere, that the development would pass the exception test. Conditions can be used to ensure that the recommendations of the Flood Risk Assessment are adhered to and that the peak run-off rate for the 100 year return will be 0. It is therefore concluded that the proposed development would comply with section 10 of the NPPF and also Policy NE10 of the Local Plan.

Issue (v) Travel (Policy T3 of the LP and Policies A, 1 and 10 of the ACS)

- 7.8 The proposed development would lead to the loss of existing car parking spaces, however the site is located close to the Queens Medical Centre and University of Nottingham tram stops and there is also a regular bus service that runs from the City Centre to the University Park Campus. Given the proximity to multiple public transport options the loss of car parking is considered to be acceptable. Cycle storage facilities would be provided around the site and there are also changing facilities and showers to be provided in both of the new buildings. The University also has a travel plan which promotes the use of sustainable forms of travel. The proposed development is considered to comply with Policy T3 of the Local Plan and also policies A, 1 and 10 of the ACS.

Issue (vi) Noise (Policy NE9 of the LP)

- 7.9 The two buildings are sited close to the A52 and also the tram line. The Phase IV building with roof and ground floor plant would be located near to residential properties. As result of the location of the two buildings, a noise impact and vibration impact assessment were carried out. Pollution Control have reviewed the information submitted and have recommended the use of conditions to prevent any

adverse noise impacts on neighbouring properties. On this basis the development would accord with Policy NE9 of the Local Plan.

8. SUSTAINABILITY/ BIODIVERSITY

8.1 The energy statement submitted as part of the application indicates that Photovoltaic cells, Combined Heat and Power and an Air Source Heat Pump would be used. By utilising these technologies the carbon emissions for the building would be 10% lower than the baseline carbon emissions.

8.2 Overall it is considered that the proposed development would deliver a sustainable development that would comply with Policy A and 1 of the ACS and also the NPPF.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Great City – Improving life Chances for Young People.
Economic Growth

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: 16/00315/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O2FO8CLYCB000>

2. Letter dated 17.03.2016 from Highways England

3. Email dated 21.03.2016 from Pollution Control

4. Observations dated 01.03.2016 from Highways

5. Email dated March 2016 from Drainage

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
National Planning Policy Framework (March 2012)

Contact Officer:

Miss Jennifer Cole, Case Officer, Development Management.

Email: jenny.cole@nottinghamcity.gov.uk Telephone: 0115 8764027

My Ref: 16/00315/PFUL3 (PP-04782607)
Your Ref:
Contact: Miss Jennifer Cole
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Benoy
FAO: Miss Jessica Wilkinson
Handley House
Northgate
Newark
Nottinghamshire
NG24 1EH

Date of decision:

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

Application No: 16/00315/PFUL3 (PP-04782607)
Application by: The University Of Nottingham
Location: Biomolecular Sciences Department, University Of Nottingham, University Boulevard
Proposal: Two laboratories, office and research buildings (Biomolecular Sciences Phases III and IV) and associated works.

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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Page 40

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2. The development shall not commence until the following have been submitted to and approved in writing by the Local Planning Authority:
- (a) Large scale elevations and sections at a scale of 1:50 or greater of the following elements:
 - (i) The frameless glazed walls proposed to both buildings;
 - (ii) The frameless glazed wall and entrance feature to the north east elevation of the Phase III building;
 - (iii) The expressed steel channel and aluminium curtain walling capped and capless;
 - (iv) Brise Soleil;
 - (v) PPC aluminium ribbon windows;
 - (vi) The ventilation louvers proposed to both buildings; and
 - (vii) The horizontal ventilation louver fins proposed to both buildings.
 - (b) Details of the external materials to be used in both buildings.

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

Reason: To ensure that the appearance of the development is satisfactory and in the interests of visual amenity of the area in accordance with Policy 10 of the Aligned Core Strategy.

3. 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 'Phase 1 Desk Study for Nottingham University' (ref 35171) dated 14th September 2015, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) A Remediation Plan, based on 'Phase 1 Desk Study for Nottingham University' (ref 35171) dated 14th September 2015 and a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - c) A Verification Plan 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 is remediated appropriately to accord with Policy NE9 of the Local Plan.



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

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

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

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

5. Prior to the commencement 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 be approved in writing by the Local Planning Authority:

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

The above scheme 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 amenity of the occupiers of nearby properties is protected in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

Pre-occupation conditions

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

6. 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 site is remediated appropriately in order to accord with Policy NE9 of the Local Plan.

7. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

The applicant shall submit written verification to the Local Planning Authority that the recommendations contained within the Noise and Vibration Assessment MRC Toxicology Unit, Phase III & IV (Ref AEC Report:P3230/R1/DB) dated 02 February 2016; have been implemented prior to occupation of any part of the development.

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

8. Prior to first occupation of the development, verification that the scheme approved pursuant to condition 5 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 amenity of the occupiers of nearby properties is protected in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

9. Prior to the development being first brought into use details of a landscaping scheme including details of hard surfacing, boundary treatments and the type, height, height, species and location of proposed trees and shrubs shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be provided in accordance with the approved details within the first planting season following the completion of the development.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of visual amenity of the area in accordance with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

10. The development shall be provided in accordance with the recommendations set out in section 8.1 of the Flood Risk Assessment submitted 12th February 2016 as part of the planning application and the development shall achieve a peak run-off rate for the 100 year return period of zero.

Reason: To ensure that the development does not increase the risk of flooding elsewhere and to comply with Policy NE10 of the Local Plan.

11. Any trees or plants provided as part of the approved landscaping scheme which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with other plants of a similar size and species, unless otherwise prior agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of visual amenity of the area in accordance with Policy 10 of the Aligned Core Strategy.

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 12 February 2016.

Reason: To determine the scope of this permission.



Informatives

1. 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 and other authoritative guidance. The Remediation Strategy must also provide details of:

Cut and fill operations on site

How trees retained on site will be dealt with

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).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions and 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.

2. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

3. Air Quality - Heating & 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 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

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 16/00315/PFUL3 (PP-04782607)

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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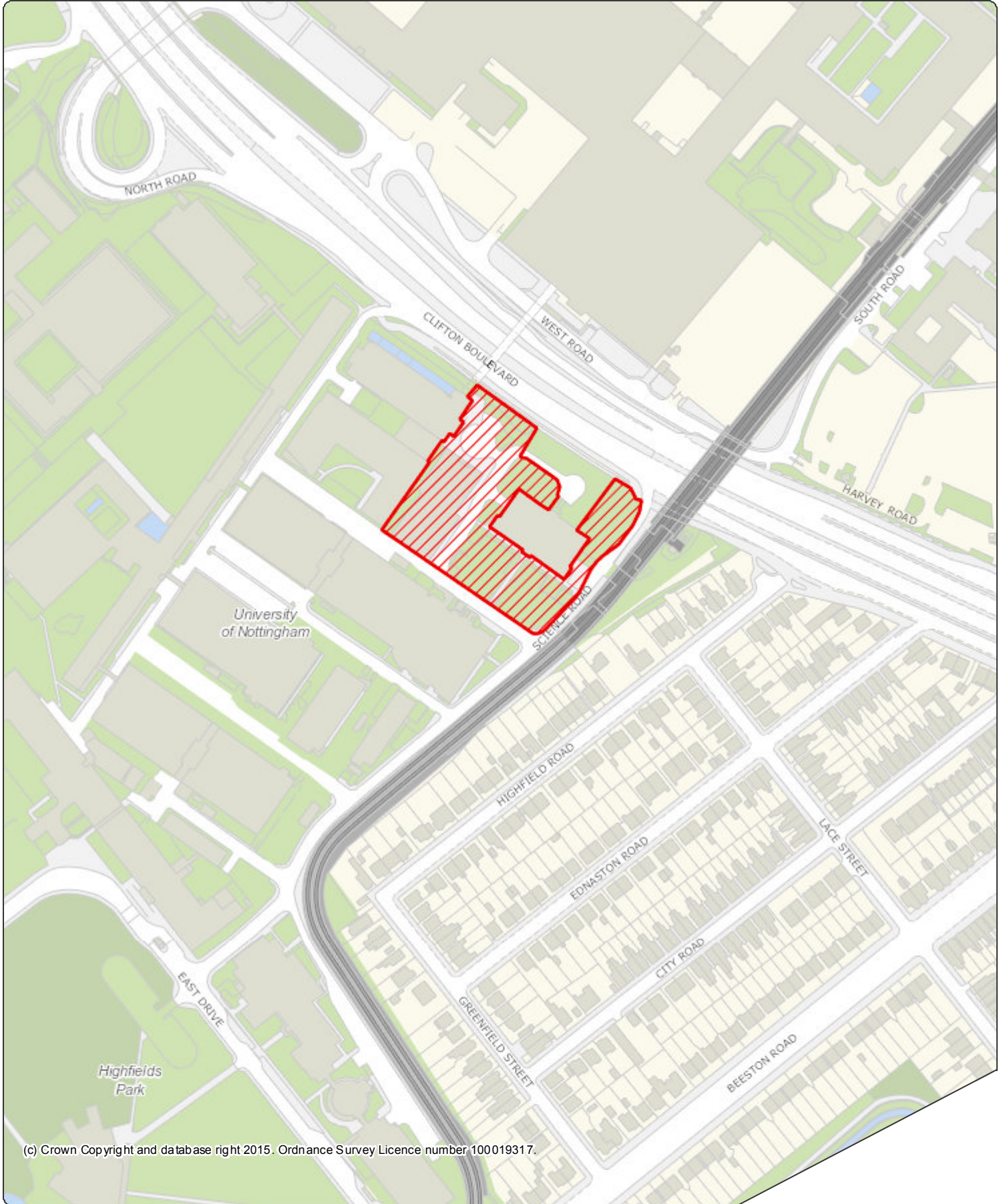
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Page 46

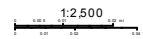
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Key

-  City Boundary
-  Planning Application Polygons

Description
No map description

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WARDS AFFECTED: Wollaton West

Item No:

**PLANNING COMMITTEE
20th April 2016**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Fernwood Primary School, Arleston Drive

1 SUMMARY

Application No: 16/00255/NFUL3 for planning permission

Application by: Nottingham City Council

Proposal: Single storey extensions to provide six new classrooms.

The application is brought to Committee due to an objection being received from a Ward Councillor.

To meet the Council's Performance Targets this application should have already been determined, however, an extension of time has been agreed with the applicant until 22nd April 2016.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions 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 Head of Development Management.

3 BACKGROUND

3.1 Fernwood Primary School is located to the north west of Arleston Drive. The site consists of an infant block to the south west, a junior block to the north east, with a nursery/Surestart block to the centre. All blocks have previously been extended to accommodate an increase in pupil numbers. There are residential properties to the south west and north east boundaries, with further residential properties on the opposite side of Arleston Drive, to the south east. The site also borders a secondary school to the north west.

3.2 The school was previously separate Infant and Junior schools but has recently merged into a joint Primary and Nursery School. Several planning permissions have been given for various changes and extensions on the whole site. In 1999 the Junior school was extended by seven classrooms. In 2009 the Surestart centre, to the front of the site, was built. The Surestart centre has recently been extended to form a nursery unit for the school.

4 DETAILS OF THE PROPOSAL

4.1 Single storey extensions to provide six new classrooms. The proposal consists of two classrooms to the infant block, which would be located alongside the corridor to

the rear of the block. The remaining four classrooms would be to the junior block, also toward the rear. Both would have a pitched roof with canopies. The extensions would accommodate an increase in pupil numbers from 840 to 1050, an additional 210 pupils.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Wollaton Children's Centre, Arleston Drive
Seventy Fifth Nottingham Scout Group Arleston Drive
38 to 46 inclusive (evens) 57, 57A, 59 to 77 inclusive (odds), 91 and 93 Arleston Drive
127 to 133 inclusive (odds) Fernwood Crescent

A site notice has also been posted. No comments have been received.

Councillor Armstrong has objected on the following grounds:

Concerns regarding the safety of students and their wellbeing, and traffic problems exacerbated by the development. Also concerns regarding the density of the use of the site.

Additional consultation letters sent to:

Pollution Control: No comments.

Highways: No objections subject to condition regarding construction management plan and a revised travel plan.

Tree Officer: following a visit to the site to assess the mature Oak, no objections subject to the agreement of an Arboricultural Method Statement.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to deliver sufficient community and cultural facilities and services to meet local needs.

Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should...give great weight to the need to create, expand or alter schools...

Aligned Core Strategy (ACS) (September 2014):

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

Policy 12: Local Services and Healthy Lifestyles - supports new, extended or improved community facilities where they meet a local need and are sustainably located.

Nottingham Local Plan (NLP) (November 2005):

CE1 - Community Facilities.

NE5 - Trees.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of Development
- ii) Building Design
- iii) Highway Safety
- iv) Impact on Neighbours

Issue i) Principle of Development (ACS Policy 12 and NLP Policy CE1)

- 7.1 The proposal is for classrooms required to accommodate an increase in pupil numbers in the area, on an established primary school site. The proposal is therefore compatible with the adjoining and neighbouring uses, within the community it serves and accessible by a choice of means of transport.

Issue ii) Building Design (ACS Policy 10)

- 7.2 The extensions would be sensitively sited, toward the rear of each block. They would be built of similar materials and of an appropriate scale when seen in the context of the existing school buildings. Details of the materials to be used would be secured by condition.

Issue iii) Highway Safety (ACS Policy 10)

- 7.3 The proposal would increase the number of pupils by 25%. It is recognised that the larger roll will increase pedestrian and vehicular movements to and from the school at peak times. However, Highways are satisfied with the proposals in this regard and it is noted that no objections have been received from neighbouring residents. A revised Travel Plan, which would identify how the school would improve sustainable means of travel to and from the school thus minimising impact on road

safety and the safety of pupils, would be secured by condition.

Issue iv) Impact on Neighbours (ACS Policy 10)

- 7.4 In terms of the physical impact, as the extensions are to the rear of the school buildings and no nearer to adjoining residential properties than the existing, the proposed extensions would not have an impact on the amenities of adjoining neighbours. Highways impacts are referred to above.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 There is a mature oak which is close to the proposed extension at the junior school building. Subject to an acceptable Arboricultural Method Statement then the proposed works should not have a detrimental impact on the future health of this tree.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Great City – Improving life chances for young people and enhance neighbourhoods.

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: 16/00255/NFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O20OM9LY00L00>

2. Highway comments received 24.02.16

3. Noise and Pollution Control section comments received 19.02.16

4. Email from Councillor Armstrong dated 31.03.16

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
National Planning Policy Framework

Contact Officer:

Mrs Sue Davis, Case Officer, Development Management.
Email: sue.davis@nottinghamcity.gov.uk. Telephone: 0115 8764046

My Ref: 16/00255/NFUL3
Your Ref:
Contact: Mrs Sue Davis
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

NCC
FAO Mr Zahid Thantrey
Loxley House
Station Street
Nottingham
NG2 3NG

Date of decision:

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

Application No: 16/00255/NFUL3
Application by: NCC
Location: Fernwood Primary School, Arleston Drive, Nottingham
Proposal: Single storey extensions to provide six new classrooms.

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)

2. The development shall not be commenced until details of all external materials have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.



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Page 54

Continued...

3. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

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

4. The development shall not be commenced until details of a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- a) a timetable for implementation;
- b) types of lorries and their delivery schedules;
- c) swept paths demonstrating access in to the site and/or details of loading and unloading from the highway as necessary;
- d) site operation times and times of restrictions on construction related vehicles on highway);
- e) the parking of vehicles of site operatives and visitors;
- f) details of any temporary traffic management provision;
- g) wheel washing facilities;
- h) the route through the school site.

Reason: In the interests of highway safety 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)

There are no conditions in this section.

Regulatory/ongoing conditions

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

5. No later than 3 months after the extension is brought into first use, an up-to-date school Travel Plan shall be submitted for approval in writing by the Local Planning Authority. The Travel Plan must as a minimum contain results from an up to date independent vehicle surveys (which as a minimum should include parking surveys) to determine the effect of vehicles associated with the school on the highway, up-to-date travel to school data (for the appropriate school year) for pupils and staff members, real SMART targets and measures, alongside timescales for implementation. The plan shall thereafter be updated for each year for five consecutive academic years.

Reason: In the interests of highway safety and to safeguard the amenities of nearby occupiers in accordance with Policy 10 of the Aligned Core Strategy.

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 3 February 2016.

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 officer's delegated 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. These works will affect the public highway. Therefore prior to any works commencing on site you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

4. For guidance on the preparation of the School Travel Plan, please contact Sandra Patterson on 0115 8765226 or email Sandra.patterson@nottinghamcity.gov.uk.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 16/00255/NFUL3

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

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

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.

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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

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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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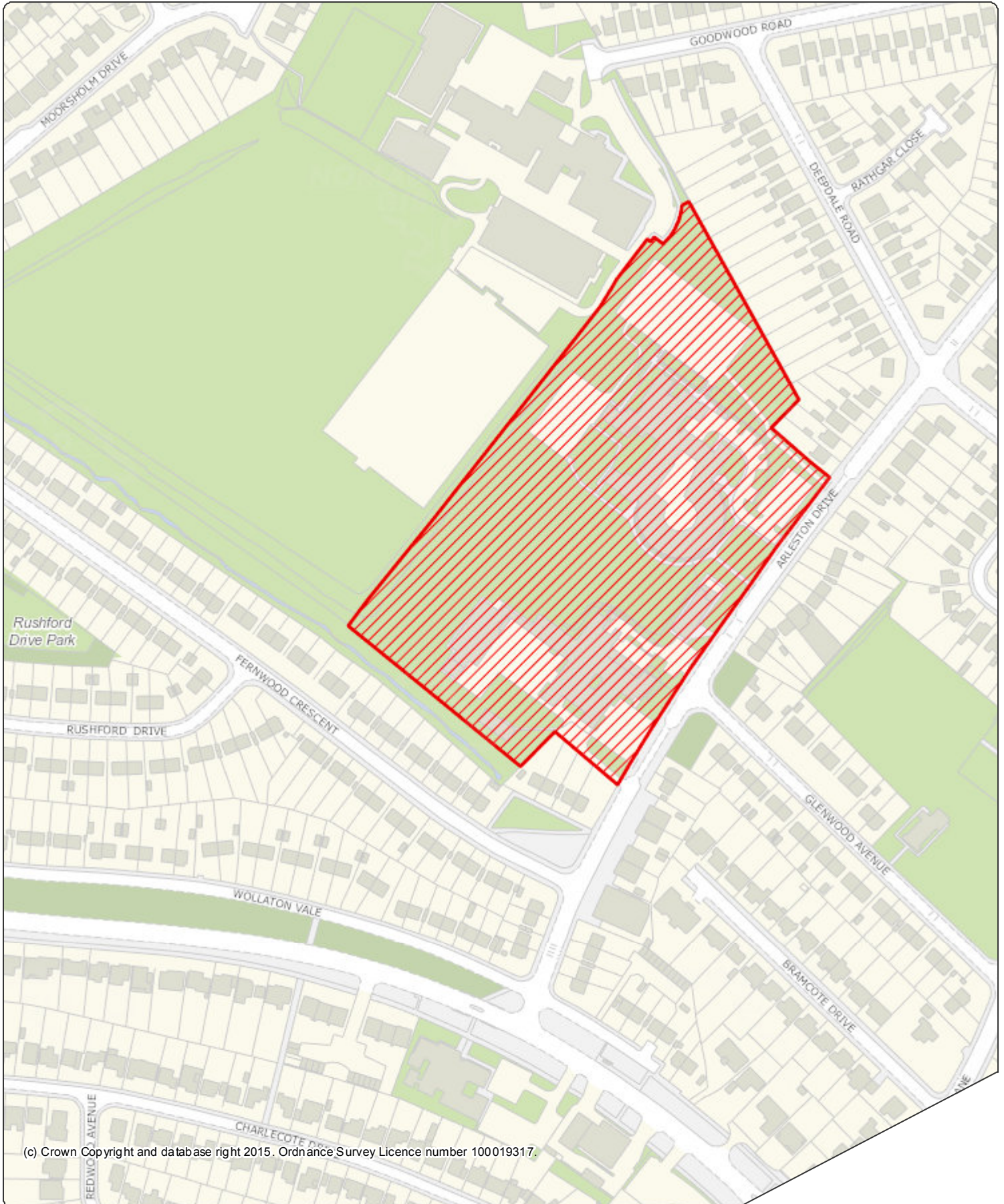
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Page 57

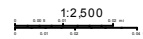
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Key

-  City Boundary
-  Planning Application Polygons

Description
No map description

WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
20th April 2016

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Riverside Building , Riverside Way

1 SUMMARY

Application No: 15/02854/PFUL3 for planning permission

Application by: Jones Lang LaSalle on behalf of Channelling Positivity

Proposal: Change of use from Office/Warehouse to Class D1 School and minor external alterations including access ramp.

The application is brought to Committee due to an objection being received from a Ward Councillor.

To meet the Council's Performance Targets this application should be determined by 22nd April 2016

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions 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 Head of Development Management.

3 BACKGROUND

- 3.1 The application was deferred at the last Planning Committee in March to enable further information to be provided regarding this proposal, particularly regarding the quality of the accommodation (both internal and external) and its accessibility, by sustainable means of transport, in relation to the catchment area it serves.
- 3.2 The application relates to a two storey former industrial/warehouse building set within its own grounds with a DIY retail store to the north west and a two storey commercial unit to the east. These three buildings and their sites form a triangle of development which is bounded by Riverside Way to the south and south east, Robin Hood Way to the north and Meadows Way/Queens Drive to the west. Also to the south on the opposite side of Riverside Way is the River Trent. While the immediate area is one of industrial/commercial character, further to the north is the residential area of the Meadows.
- 3.3 The site can be accessed from both Riverside Way and Robin Hood Way. The building has been in temporary use as school since September 2015; current planning legislation enables the conversion of certain buildings, including B1 offices, to state funded schools for a temporary period of one year without requiring

planning permission. The current use was implemented on this basis.

- 3.4 The site has a history of office (B1) and warehousing (B8) use. In 1995 it was changed from purely B8 to a mixed B1/B8 use and more recently, in 2012, permission was granted for a change of use to B1, B2 and B8, and subdivision of the building into four units with some external alterations (ref 12/02391/PFUL3). The aim of this permission was to give more flexibility to attract future occupants.

4 DETAILS OF THE PROPOSAL

- 4.1 Change of use from Office/Warehouse (Use class B1/B8) to Use Class D1 School and minor external alterations including an access ramp. The school mainly occupies the ground floor but has additional classrooms and offices to part of the first floor. Externally the building would remain largely unaltered but with the exception of the addition of a ramp up to the entrance, on the Riverside Way elevation, and the replacement of a roller shutter door with full height glazing on the side elevation facing the car parking area.
- 4.2 The school currently has 24 pupils and 11 staff in this academic year (2015/2016). This is expected to rise to a maximum of 56 pupils and 17 staff by 2017/2018. The school day operates between 9.15am and 4.30pm (3pm on Fridays).
- 4.3 Following deferral at the last Committee, the following additional information has been provided.

Quality of the accommodation

- 4.4 The applicants have advised that there is a comprehensive planning and design protocol which the Education Funding Agency and DfE follow to refurbish buildings and make them fit for purpose as a school. This process takes account of the design standards for education establishments and the proposal has been rigorously challenged to ensure that it provides the best solution. Regarding the amount of natural light penetrating the building, ground floor windows directly serve the 'outer' rooms and classrooms whilst the upper floor windows provide light to the internal classrooms, by way of internal rooflights. This was an issue highlighted through the design assessment process and the solution for the internal classrooms arose from this.
- 4.5 They also explained that building is significantly larger than would usually be provided for a school of this size and type. This has allowed for inclusion of a sports hall with changing areas and an invaluable hub area where students can congregate for dining, assembly and recreation.
- 4.6 In terms of off-site recreation, the school utilises the Riverside Sports Complex (the University of Nottingham's sports facilities adjacent to the River Trent) which is a 5 minute bus journey away to the south west of the school, and also regularly make use of Victoria Park and Embankment, a less than 10 minute walk from the school to the east.

Accessibility/sustainability

- 4.7 Currently there are 117 permanently excluded Key Stage 4 pupils in Nottingham City (data provided to the school by the Department of Education at NCC on 30.03.2016). Unity, which is NCC's Virtual Pupil Referral Unit, has to place these young people in an alternative education setting as they are unable to return to

mainstream school. The school's relationship with City commissioners and its early intervention strategy is a vital part of reducing this unacceptably high level of permanent exclusions across City schools.

- 4.8 A postcode map has been provided which shows where the school's current pupils reside and which wards form part of the school's catchment area. Overall, 74% of pupils reside in Nottingham City. In addition, currently, there are five City commissioners (out of a total of 11) - Nottingham Emmanuel, Farnborough Academy, Unity Learning Centre, Denewood Learning Centre and Nottingham Academy.
- 4.9 To travel to school, 17 pupils use public transport links, 3 students walk, 3 use taxis provided by their commissioners and 1 student cycles. This demonstrates that vast majority use sustainable transport modes to travel to school.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Wickes, Queens Drive
2 Riverside Way
Riverside Primary and Early Years School, Ainsworth Drive

A site notice was posted and press notice published. No comments received.

Councillor Edwards has objected to the proposal on the following grounds:

- Not envisaged in previous planning, current or future plans;
- Poor use of an office/manufacturing facility;
- Loss of local jobs;
- Not local to the need;
- Not geared to public transport of those being served;
- Low public awareness which could easily change;
- Poor education policy.

Since the deferral of the application, additional representations in support of the application have been received, as follows:

Letter from school to Councillor Edwards:

- The building is in an area with established businesses so unlikely that the area would see any major changes.
- The building had been marketed for a number of years without any interest and the last use was for warehousing of goods, with few employees based at the site. The school already employs 11 people, rising to 17 over the next two years. Those employed are largely Nottingham or Nottinghamshire residents. Therefore the school is creating new jobs promoting the economic viability of the Bridge Ward.
- The focus of the school is on employability, which mainstream schools do not have time for; preparing students for employment, providing them with skills they

need to gain employment, apprenticeships or other post-16 choices, enabling students to become economically independent.

- The demographics of the schools commissioners and their students demonstrate that the school is meeting a need across the City and County. There are 11 commissioners, 5 of which are from the City and 6 from the County. 74% of the students are City residents, with 13% resident in Bridge ward. There is limited or no provision for the most vulnerable students in the south of the City. The school is ideally located with many easy routes for student access with local buses and trams in easy walking distance. The majority of students use public transport to get to school, with some students and staff making use of the excellent cycle routes to school. A transport plan is considered for each student with their commissioner and we have not experienced any concerns in regard to accessing the school by students.
- The school has been in contact with local services including Community policing and the local police station, the local primary school and have had visits to the school by local residents. The school has been approached by local residents regarding employment opportunities and work experience. A local resident on a Job Centre scheme has completed a 6 week placement.
- The school would be open to further building a relationship with the community by making facilities available, once completed, to community groups.
- In summary the Channeling Positivity Trust believe that the facility meets a need by providing education in a different environment to a mainstream school to ensure that they can achieve.

14 letters of support have been received, from students, parents and other interested parties, which are summarised as follows:

- Students want the school to stay open as they learn a lot more than in mainstream school, including learning social and life skills with the end result being a job. The teachers are supportive and it is the best setting for those that don't quite fit into mainstream education.
- Opportunity to learn in own way with more attention (support/smaller class sizes).
- Opportunities to participate in events such as residential, confidence building workshops, employability and enterprise seminars, Year 11 maths conference, work placements, relationship building, first aid and food hygiene.
- All year 11 students have visited local colleges in advance of post 16 to get an idea of what it is like after leaving school.
- This facility gives students who are unable to learn in mainstream schools the opportunity to engage with education where there is greater support which enables them to thrive.
- The school raises achievement levels of young people who are not attending or finding it hard to succeed in mainstream schooling.
- The school offers GCSE and vocational qualifications, as well as work placements, which enable pupils to understand the critical importance of life skills such as punctuality, professionalism and communication.

- The school enhances educational choice rather than competing with other schools.
- The school provides a better environment for those with special educational needs e.g. those on an Autistic Spectrum, where mainstream education is not suitable.
- Student really settled and would be upset if they had to change schools again and would revert to not being able to learn, gain qualifications or make choices for when they left school. Wrong to judge what a school is like without seeing it.
- Comments made at committee are inaccurate and appear to insinuate that there should be no alternative to mainstream education other than permanent exclusions and education in a pupil referral unit, should students not be successful.
- Channeling Positivity is not a school for 'naughty' boys and girls, but a school which aims to be proactive in providing a personalised education for those who do not fit into societies 'norm' or 'one size fits all' approach.
- The measure of success is in the school's attempt to inspire the students to steer clear of becoming NEET (not in education, employment or training).
- Objections to the school are ideological and at the expense of the vulnerable and needy, and against the Labour ideals to help the poor and working class.
- The school offers extensive and intensive professional educational guidance and the nurturing required to support young people whose learning is being disrupted, which they are often powerless to overcome without specific educational assistance.
- The building was a warehouse. It has been remodelled, refurbished and re-designated internally as a bright, light, inspirational and professional education space, with dedicated classrooms, offices and social spaces.
- The location of the school is ideal, being at the heart of the community which it serves. This helps the students to be fully integrated into the local area and able to bring value to the nearby businesses when supporting work experience opportunities. The ethos of the school is outward looking and engaging with the community is of paramount importance.
- Strongly urge a visit to the school.
- Benefit of a school such as this is that it enables the students in mainstream education to learn without distractions.

Additional consultation letters sent to:

Pollution Control: No comments.

Highways: Would require highway improvements to be implemented in order to ensure the safety of pupils and staff.

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The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to deliver sufficient community and cultural facilities and service to meet local needs.

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Nottingham Local Plan (NLP) (November 2005):

E4 - Previously Used Employment Sites.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

CE1 - Community Facilities.

7 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- Principle of Development – loss of employment use
- Principle of Development – education use
- Building Design
- Impact on Neighbours
- Impact on Highway Safety

Issue i) Loss of Employment Use (ACS Policy 4 and NLP Policy E4)

- 7.1 The site has no allocation in the Local Plan and therefore is not specifically safeguarded for employment use. Its move to a non-employment use is permitted

subject to a criteria based assessment, as set out in Policy E4 of the Local Plan. The property had been vacant for a number of years; even with planning permission granted for sub-division and a mix of employment uses in 2012, there had been no take up of the premises for continued employment use. The application is accompanied by a 'Loss of Employment' report. This advises that the site was marketed for three years with no serious interest for continued employment use; that the site is in a secondary location with mixed use context; that there is an over-supply of low grade office accommodation. The site is close to a residential area and the three units as a whole are remote from the main industrial commercial area to the west of Queens Drive. The school itself is an employment generator creating 17 teaching jobs alone when at full capacity. It is therefore concluded that the loss of the unit for employment use is acceptable.

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- 7.2 The school specialises in education for secondary school pupils not able to attend traditional mainstream education. The catchment area is wide and primarily covers secondary schools to the south of the City, in both the Nottingham City and Rushcliffe administrative areas. There is currently no other facility of this type to serve this catchment. The school is accessible by a range of transport choices, being close to tram stops and bus services, safe cycle routes and a pedestrian/cycle route across the river (Wilford Bridge). Cycle storage is also provided.
- 7.3 In this respect the provision of the school is in a sustainable location to meet a 'local' need and as such is supported as a new community facility, in accordance with Policy 12 of the ACS and Policy CE1 of the Local Plan.
- 7.4 The issue regarding low public awareness appears to be a concern over the potential behaviour of the pupils. It should be noted that the school, with a maximum of 56 pupils by the end of 2017, is of a small scale and most pupils only attend for a short period of time (e.g. one year), with a view to a planned return to their mainstream school. Some pupils will also attend work placements once a week. Additionally, the staff to pupil ratio is high. It is not therefore envisaged that the provision of education for these pupils results in an adverse impact on the living conditions of residents caused by any pupil behaviour issues. It is noted that there are no residential properties within the immediate vicinity of the site and that no objections have been received from local residents.

Issue iii) Building Design (ACS Policy 10)

- 7.5 The external alterations to the building are relatively minor, consisting of the replacement of a roller shutter door with full height glazing, and the installation of a ramped access. The proposal is therefore acceptable in terms of design.

Issue iv) Impact on Neighbours (ACS Policy 10 and NLP Policy NE9)

- 7.6 There are no residential occupiers immediate to the site. The main entrance to the site is from Riverside Way, to the south. The school hours are day time only and there is a relatively low number of pupils. As such it is considered that the use of the building as a school does not have an unacceptable impact on the occupiers of nearby premises.

Issue v) Impact on Highway Safety (ACS Policy 10)

7.7 A transport assessment has been submitted as part of the application and this concludes that given the previous use as an employment site, the relatively low numbers of pupils and the good choice of transport options in close proximity to the site, there would be little impact on highway safety arising from the use. Notwithstanding this, relatively minor and localised improvements to the public highway will be sought via condition to ensure the safety of pupils and staff attending the school.

8. **SUSTAINABILITY / BIODIVERSITY** (NLP Policy NE10)

There would be no major alterations to the fabric of the building or to the entrance. Surface water drainage would be the same as the existing and as such there would be no increase in the risk of flooding either at the site or elsewhere. The Council's Drainage section have raised no objection to the application.

9 **FINANCIAL IMPLICATIONS**

None.

10 **LEGAL IMPLICATIONS**

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 **EQUALITY AND DIVERSITY IMPLICATIONS**

None.

12 **RISK MANAGEMENT ISSUES**

None.

13 **STRATEGIC PRIORITIES**

Great City – Improving life chances for young people.

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: 15/02854/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NXFQAJLYCB000>

2. Noise and Pollution Control comments 21.12.15

3. Highway comments 18.01.16 and 16.02.16

4. Drainage comments 20.01.16

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

National Planning Policy Framework

Contact Officer:

Mrs Sue Davis, Case Officer, Development Management.

Email: sue.davis@nottinghamcity.gov.uk. Telephone: 0115 8764046

My Ref: 15/02854/PFUL3 (PP-04614832)
Your Ref:
Contact: Mrs Sue Davis
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

Jones Lang LaSalle
FAO: Mrs Tamsin Cottle/Ravinder Bains
Fourth Floor Citygate East
Tollhouse Hill
Nottingham
NG1 5FS

Date of decision:

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

Application No: 15/02854/PFUL3 (PP-04614832)
Application by: Channelling Positivity
Location: Riverside Building , Riverside Way, Nottingham
Proposal: Change of use from Office/Warehouse to Class D1 School and minor external alterations including access ramp.

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. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work) There are no conditions in this section.
Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied) 2. Unless otherwise agreed in writing by the Local Planning Authority, within three months of the date of this decision the highways works and Traffic Regulation Order process as shown on drawing number ADC1260/001 shall be commenced. <i>Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.</i>



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Nottingham
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DRAFT ONLY

Not for issue

Page 66

Continued...

Regulatory/ongoing conditions

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

3. There shall be no vehicular access, to serve the use hereby approved from Robin Hood Way without prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Planning Layout reference 1260/001, received 5 February 2016
Elevations reference P2/05, received 7 November 2015
Plan reference 07 revision C, received 7 November 2015
Plan reference 06 revision C, received 7 November 2015
Elevations reference 15, received 7 November 2015
Plan reference 10, received 7 November 2015

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 officer's delegated 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. In regard to the risk of flooding, a safe dry exit route should be provided so that the school can be evacuated quickly, safely and in the dry. Additionally, regular flood evacuation practices (like fire practices) should be held.

4. Our Highway team advise:

Planning consent is not consent to work on the highway. To carry out the amendments to the vehicular access, 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 8765238 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. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as licensing may be required during construction of the development. Please contact them on 0115 8765238.

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

To progress the TRO implementation please contact Scott Harrison 0115 8765245.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 15/02854/PFUL3 (PP-04614832)

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.

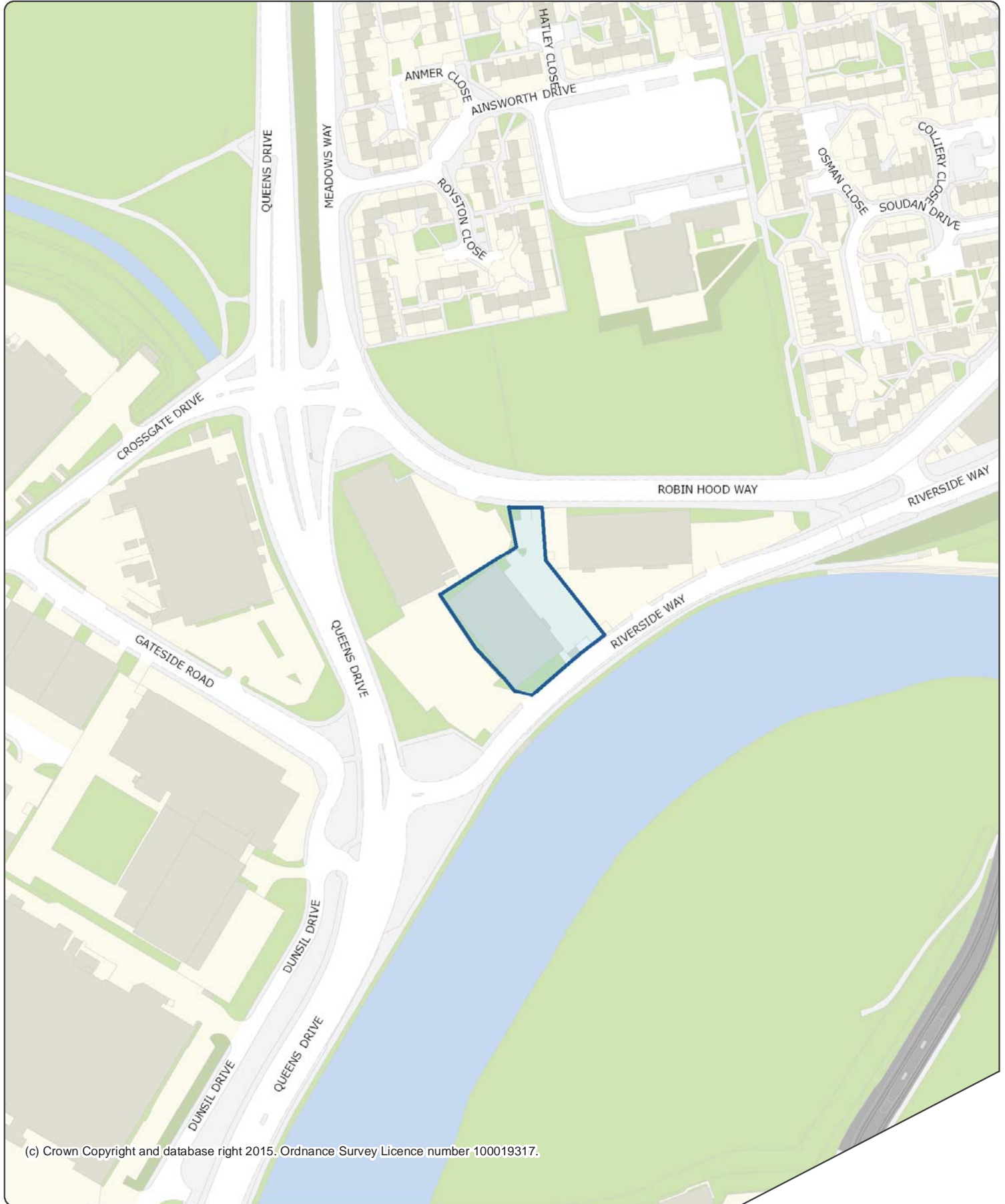
PURCHASE NOTICES

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.

NOMAD printed map



Key

 City Boundary

Description

No map description

Nomad web map printed by a Nomad user at 11:38, 15/03/2016



REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Riverside Building , Riverside Way

1 SUMMARY

Application No: 15/02854/PFUL3 for planning permission

Application by: Jones Lang LaSalle on behalf of Channelling Positivity

Proposal: Change of use from Office/Warehouse to Class D1 School and minor external alterations including access ramp.

The application is brought to Committee due to an objection being received from a Ward Councillor.

To meet the Council's Performance Targets this application should be determined by 22nd April 2016

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions 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 Head of Development Management.

3 BACKGROUND

- 3.1 The application was deferred at the last Planning Committee in March to enable further information to be provided regarding this proposal, particularly regarding the quality of the accommodation (both internal and external) and its accessibility, by sustainable means of transport, in relation to the catchment area it serves.
- 3.2 The application relates to a two storey former industrial/warehouse building set within its own grounds with a DIY retail store to the north west and a two storey commercial unit to the east. These three buildings and their sites form a triangle of development which is bounded by Riverside Way to the south and south east, Robin Hood Way to the north and Meadows Way/Queens Drive to the west. Also to the south on the opposite side of Riverside Way is the River Trent. While the immediate area is one of industrial/commercial character, further to the north is the residential area of the Meadows.
- 3.3 The site can be accessed from both Riverside Way and Robin Hood Way. The building has been in temporary use as school since September 2015; current planning legislation enables the conversion of certain buildings, including B1 offices, to state funded schools for a temporary period of one year without requiring

planning permission. The current use was implemented on this basis.

- 3.4 The site has a history of office (B1) and warehousing (B8) use. In 1995 it was changed from purely B8 to a mixed B1/B8 use and more recently, in 2012, permission was granted for a change of use to B1, B2 and B8, and subdivision of the building into four units with some external alterations (ref 12/02391/PFUL3). The aim of this permission was to give more flexibility to attract future occupants.

4 DETAILS OF THE PROPOSAL

- 4.1 Change of use from Office/Warehouse (Use class B1/B8) to Use Class D1 School and minor external alterations including an access ramp. The school mainly occupies the ground floor but has additional classrooms and offices to part of the first floor. Externally the building would remain largely unaltered but with the exception of the addition of a ramp up to the entrance, on the Riverside Way elevation, and the replacement of a roller shutter door with full height glazing on the side elevation facing the car parking area.
- 4.2 The school currently has 24 pupils and 11 staff in this academic year (2015/2016). This is expected to rise to a maximum of 56 pupils and 17 staff by 2017/2018. The school day operates between 9.15am and 4.30pm (3pm on Fridays).
- 4.3 Following deferral at the last Committee, the following additional information has been provided.

Quality of the accommodation

- 4.4 The applicants have advised that there is a comprehensive planning and design protocol which the Education Funding Agency and DfE follow to refurbish buildings and make them fit for purpose as a school. This process takes account of the design standards for education establishments and the proposal has been rigorously challenged to ensure that it provides the best solution. Regarding the amount of natural light penetrating the building, ground floor windows directly serve the 'outer' rooms and classrooms whilst the upper floor windows provide light to the internal classrooms, by way of internal rooflights. This was an issue highlighted through the design assessment process and the solution for the internal classrooms arose from this.
- 4.5 They also explained that building is significantly larger than would usually be provided for a school of this size and type. This has allowed for inclusion of a sports hall with changing areas and an invaluable hub area where students can congregate for dining, assembly and recreation.
- 4.6 In terms of off-site recreation, the school utilises the Riverside Sports Complex (the University of Nottingham's sports facilities adjacent to the River Trent) which is a 5 minute bus journey away to the south west of the school, and also regularly make use of Victoria Park and Embankment, a less than 10 minute walk from the school to the east.

Accessibility/sustainability

- 4.7 Currently there are 117 permanently excluded Key Stage 4 pupils in Nottingham City (data provided to the school by the Department of Education at NCC on 30.03.2016). Unity, which is NCC's Virtual Pupil Referral Unit, has to place these young people in an alternative education setting as they are unable to return to

mainstream school. The school's relationship with City commissioners and its early intervention strategy is a vital part of reducing this unacceptably high level of permanent exclusions across City schools.

- 4.8 A postcode map has been provided which shows where the school's current pupils reside and which wards form part of the school's catchment area. Overall, 74% of pupils reside in Nottingham City. In addition, currently, there are five City commissioners (out of a total of 11) - Nottingham Emmanuel, Farnborough Academy, Unity Learning Centre, Denewood Learning Centre and Nottingham Academy.
- 4.9 To travel to school, 17 pupils use public transport links, 3 students walk, 3 use taxis provided by their commissioners and 1 student cycles. This demonstrates that vast majority use sustainable transport modes to travel to school.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Wickes, Queens Drive
2 Riverside Way
Riverside Primary and Early Years School, Ainsworth Drive

A site notice was posted and press notice published. No comments received.

Councillor Edwards has objected to the proposal on the following grounds:

- Not envisaged in previous planning, current or future plans;
- Poor use of an office/manufacturing facility;
- Loss of local jobs;
- Not local to the need;
- Not geared to public transport of those being served;
- Low public awareness which could easily change;
- Poor education policy.

Since the deferral of the application, additional representations in support of the application have been received, as follows:

Letter from school to Councillor Edwards:

- The building is in an area with established businesses so unlikely that the area would see any major changes.
- The building had been marketed for a number of years without any interest and the last use was for warehousing of goods, with few employees based at the site. The school already employs 11 people, rising to 17 over the next two years. Those employed are largely Nottingham or Nottinghamshire residents. Therefore the school is creating new jobs promoting the economic viability of the Bridge Ward.
- The focus of the school is on employability, which mainstream schools do not have time for; preparing students for employment, providing them with skills they

need to gain employment, apprenticeships or other post-16 choices, enabling students to become economically independent.

- The demographics of the schools commissioners and their students demonstrate that the school is meeting a need across the City and County. There are 11 commissioners, 5 of which are from the City and 6 from the County. 74% of the students are City residents, with 13% resident in Bridge ward. There is limited or no provision for the most vulnerable students in the south of the City. The school is ideally located with many easy routes for student access with local buses and trams in easy walking distance. The majority of students use public transport to get to school, with some students and staff making use of the excellent cycle routes to school. A transport plan is considered for each student with their commissioner and we have not experienced any concerns in regard to accessing the school by students.
- The school has been in contact with local services including Community policing and the local police station, the local primary school and have had visits to the school by local residents. The school has been approached by local residents regarding employment opportunities and work experience. A local resident on a Job Centre scheme has completed a 6 week placement.
- The school would be open to further building a relationship with the community by making facilities available, once completed, to community groups.
- In summary the Channeling Positivity Trust believe that the facility meets a need by providing education in a different environment to a mainstream school to ensure that they can achieve.

14 letters of support have been received, from students, parents and other interested parties, which are summarised as follows:

- Students want the school to stay open as they learn a lot more than in mainstream school, including learning social and life skills with the end result being a job. The teachers are supportive and it is the best setting for those that don't quite fit into mainstream education.
- Opportunity to learn in own way with more attention (support/smaller class sizes).
- Opportunities to participate in events such as residential, confidence building workshops, employability and enterprise seminars, Year 11 maths conference, work placements, relationship building, first aid and food hygiene.
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- 7.4 The issue regarding low public awareness appears to be a concern over the potential behaviour of the pupils. It should be noted that the school, with a maximum of 56 pupils by the end of 2017, is of a small scale and most pupils only attend for a short period of time (e.g. one year), with a view to a planned return to their mainstream school. Some pupils will also attend work placements once a week. Additionally, the staff to pupil ratio is high. It is not therefore envisaged that the provision of education for these pupils results in an adverse impact on the living conditions of residents caused by any pupil behaviour issues. It is noted that there are no residential properties within the immediate vicinity of the site and that no objections have been received from local residents.

Issue iii) Building Design (ACS Policy 10)

- 7.5 The external alterations to the building are relatively minor, consisting of the replacement of a roller shutter door with full height glazing, and the installation of a ramped access. The proposal is therefore acceptable in terms of design.

Issue iv) Impact on Neighbours (ACS Policy 10 and NLP Policy NE9)

- 7.6 There are no residential occupiers immediate to the site. The main entrance to the site is from Riverside Way, to the south. The school hours are day time only and there is a relatively low number of pupils. As such it is considered that the use of the building as a school does not have an unacceptable impact on the occupiers of nearby premises.

Issue v) Impact on Highway Safety (ACS Policy 10)

7.7 A transport assessment has been submitted as part of the application and this concludes that given the previous use as an employment site, the relatively low numbers of pupils and the good choice of transport options in close proximity to the site, there would be little impact on highway safety arising from the use. Notwithstanding this, relatively minor and localised improvements to the public highway will be sought via condition to ensure the safety of pupils and staff attending the school.

8. **SUSTAINABILITY / BIODIVERSITY** (NLP Policy NE10)

There would be no major alterations to the fabric of the building or to the entrance. Surface water drainage would be the same as the existing and as such there would be no increase in the risk of flooding either at the site or elsewhere. The Council's Drainage section have raised no objection to the application.

9 **FINANCIAL IMPLICATIONS**

None.

10 **LEGAL IMPLICATIONS**

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 **EQUALITY AND DIVERSITY IMPLICATIONS**

None.

12 **RISK MANAGEMENT ISSUES**

None.

13 **STRATEGIC PRIORITIES**

Great City – Improving life chances for young people.

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: 15/02854/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NXFQAJLYCB000>

2. Noise and Pollution Control comments 21.12.15

3. Highway comments 18.01.16 and 16.02.16

4. Drainage comments 20.01.16

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

National Planning Policy Framework

Contact Officer:

Mrs Sue Davis, Case Officer, Development Management.

Email: sue.davis@nottinghamcity.gov.uk. Telephone: 0115 8764046

My Ref: 15/02854/PFUL3 (PP-04614832)
Your Ref:
Contact: Mrs Sue Davis
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

Jones Lang LaSalle
FAO: Mrs Tamsin Cottle/Ravinder Bains
Fourth Floor Citygate East
Tollhouse Hill
Nottingham
NG1 5FS

Date of decision:

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

Application No: 15/02854/PFUL3 (PP-04614832)
Application by: Channelling Positivity
Location: Riverside Building , Riverside Way, Nottingham
Proposal: Change of use from Office/Warehouse to Class D1 School and minor external alterations including access ramp.

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)

There are no conditions in this section.

Pre-occupation conditions

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

2. Unless otherwise agreed in writing by the Local Planning Authority, within three months of the date of this decision the highways works and Traffic Regulation Order process as shown on drawing number ADC1260/001 shall be commenced.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

3. There shall be no vehicular access, to serve the use hereby approved from Robin Hood Way without prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Planning Layout reference 1260/001, received 5 February 2016
Elevations reference P2/05, received 7 November 2015
Plan reference 07 revision C, received 7 November 2015
Plan reference 06 revision C, received 7 November 2015
Elevations reference 15, received 7 November 2015
Plan reference 10, received 7 November 2015

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 officer's delegated 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. In regard to the risk of flooding, a safe dry exit route should be provided so that the school can be evacuated quickly, safely and in the dry. Additionally, regular flood evacuation practices (like fire practices) should be held.

4. Our Highway team advise:

Planning consent is not consent to work on the highway. To carry out the amendments to the vehicular access, 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 8765238 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. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as licensing may be required during construction of the development. Please contact them on 0115 8765238.

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

To progress the TRO implementation please contact Scott Harrison 0115 8765245.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 15/02854/PFUL3 (PP-04614832)

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.

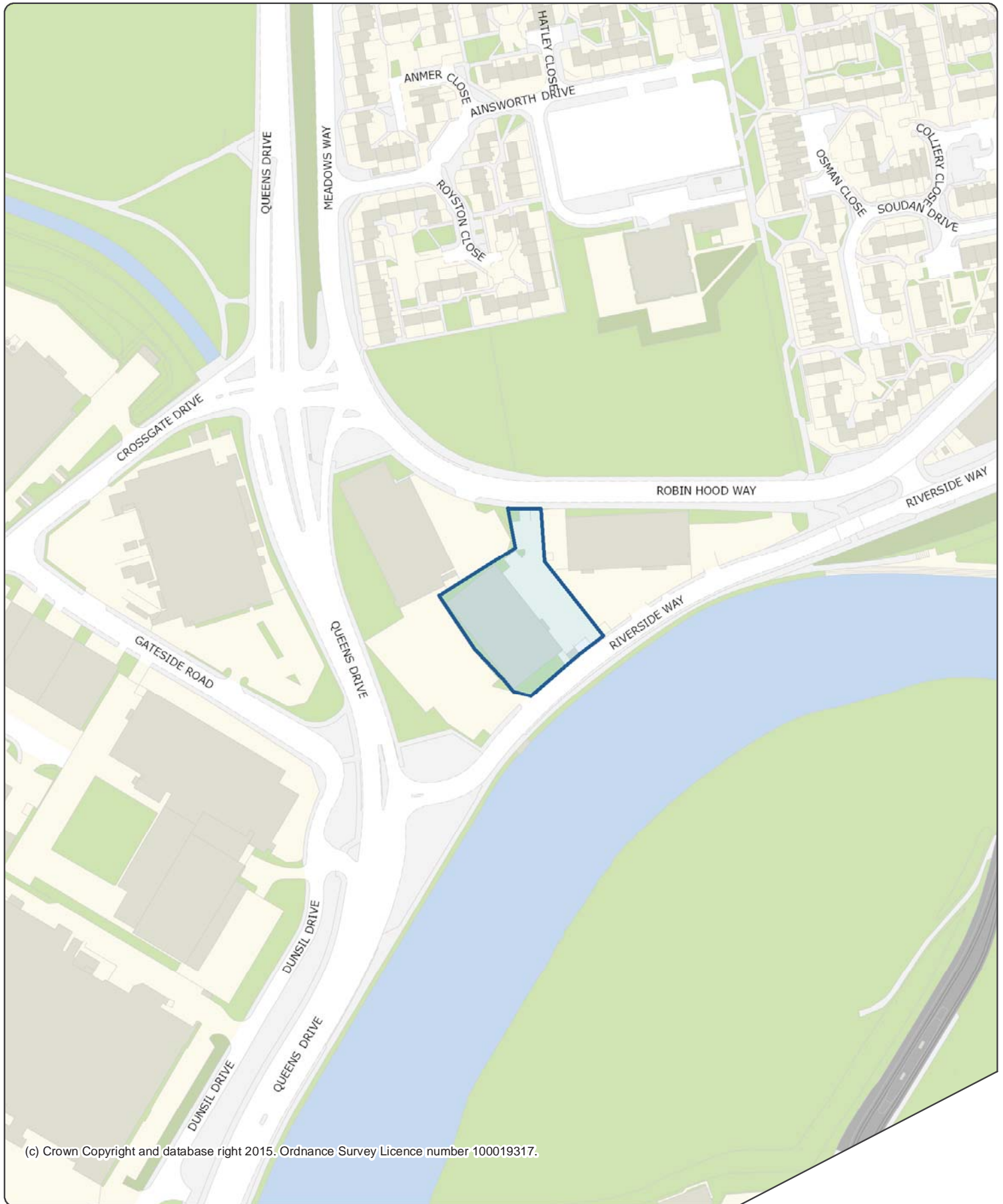
PURCHASE NOTICES

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.

NOMAD printed map



Key

 City Boundary

Description
No map description

Nomad web map printed by a Nomad user at 11:38, 15/03/2016

