

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Jubilee Campus Wollaton Nottingham

1 SUMMARY

Application No: 14/03091/PFUL3 for planning permission

Application by: The University of Nottingham

Proposal: Three storey Technology Entrepreneurship Centre (TEC)

The application is brought to Committee because it is a major application on a prominent site where there are important design considerations

To meet the Council's Performance Targets this application should be determined by 7th April 2015

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the 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 and Regeneration.

3 BACKGROUND

3.1 The University of Nottingham's Innovation Park (UNIP) comprises 6.85 Ha of former industrial land (the Raleigh Cycle factory) to the east of the Jubilee Campus. The site to which the current application relates is situated between the Sir Colin Campbell Building to the west and a man made lake to the east, with a pedestrian footpath between Triumph Road and the lake to the south.

3.2 The River Leen and the railway line lie to the east of the UNIP campus, beyond which are predominantly residential and student properties off Faraday Road.

3.3 Development on the UNIP and the Jubilee Campus extension has been led by guidance set out in a previously approved Development Brief and Masterplan.

4 DETAILS OF THE PROPOSAL

4.1 Planning permission is sought for the erection of a three storey Technology Entrepreneurship Centre (TEC). The boundary of the site for which this application is concerned has an area measuring 0.37 hectares.

4.2 The development will provide 2,300 square metres of space comprising offices with shared accommodation (meeting rooms, seminar rooms, café, kitchenettes, toilets

etc.) for small start up / technology based businesses. The potential occupancy of the building would be 200 people (including students and staff).

- 4.3 The building is circular in form and incorporates a number of sustainable design principles that are intended to achieve a BREEAM rating of 'excellent'.
- 4.4 The developer is offering local employment and training opportunities during the construction phase of the development, details of which are currently being negotiated. Local employment and training opportunities associated with the maintenance of the University's wider property portfolio have also been agreed outside of the scope of this application. The mechanism for providing these benefits will be by way of a S106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Press and site notice posted with consultation expiry deadline of 4 February 2015. No comments received.

Additional consultation letters sent to:

Highways: No objection. A number of conditions have been recommended regarding the construction phase, travel plan and drainage.

Environment Agency: *To be reported at Committee.*

Noise and Pollution Control: The remediation strategy previously approved for other buildings on the Innovation campus is still valid, however further site specific ground and gas investigation is required in the footprint of the proposed building. The applicant will also need to submit floor plans showing the gas protection measures to be used prior to building commencing on site. Conditions are therefore recommended.

Nottinghamshire Wildlife Trust: From aerial photography, the location of the proposed development appears to support grassland, treelines / hedgerows and is adjacent the River Leen. It is understood that a BREEAM assessment will be undertaken; however, there does not appear to be an ecological assessment provided with the online documents submitted with the proposal. We wish to request that a preliminary protected species survey is conducted to ensure that any negative ecological impacts are identified and addressed.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. The NPPF proactively encourages and places significant weight on sustainable economic growth through the planning system. The document supports the transition to a low carbon future which includes the use of renewable resources, and encourages reuse of previously developed brownfield sites. Significant developments should be accessible by a variety of means, with high technology, knowledge driven and creative industries positively

planned. Local planning authorities should take a proactive, positive and collaborative approach to development that would widen choice in education.

Nottingham Local Plan (November 2005):

CE8: Further and Higher Education
ST1: Sustainable Communities
NE3: Conservation of Species
NE9: Pollution
NE10: Water Quality and Flood Protection
NE12: Derelict and Contaminated Land
NE14: Energy
T2: Planning Obligations and Conditions
T3: Car, Cycles and Servicing Parking

Aligned Core Strategy (September 2014):

Policy A: Presumption in Favour of Sustainable Development
Policy 1: Climate Change
Policy 4: Employment Provision and Economic Development
Policy 10: Design and Enhancing Local Identity
Policy 17: Biodiversity

7 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the use and compliance with the Development Brief and Masterplan
- ii) Scale, appearance and design

i) Principle of the use and compliance with the Development Brief and Masterplan (Local Plan policies CE8 and ST1, ACS policies A and 4)

- 7.1 The UNIP and the Jubilee Campus are designated for higher education and R&D development by Policy CE8 of the Local Plan. The proposal is for a Technology Entrepreneurship Centre, specifically for small start up / technology based businesses, which therefore sits comfortably with this requirement. The proposal is also in support of the policies promoting economic growth and creative industries, namely the NPPF, policy ST1 of the Local Plan and policy 4 of the ACS.
- 7.2 The Jubilee Campus Development Brief (Dec 2004) sets a framework for development and amongst other guidance proposes zones of complementary uses. The application site falls within the zone designated for research based industries (subsequently named the UNIP). A Masterplan for the Jubilee Campus extension was produced by Make Architects, who also designed the buildings within the first phase of the extension, and approved as part of a 2005 outline planning permission.
- 7.3 The Masterplan for the campus proposed buildings aligned in a fan pattern, radiating from a point within the existing Jubilee Campus to the west. This layout has been largely realised with the buildings thus far and the proposal would follow this approach, aligning with the existing Sir Colin Campbell Building and man made lake, completing the frontage of development along the north side of the main east/west pedestrian footpath.

ii) Scale, appearance and design (ACS policy 10)

- 7.4 At 3 storeys the proposal is compatible with the scale of other buildings on the Jubilee Campus and UNIP. Its appearance is also commensurate with the unique and innovative approach adopted elsewhere in the campus, proposing a striking circular building with louvered brise soleil façade, “vertically hung with varying angles to simulate a tyre tread pattern”. The design approach has been influenced by a number of factors:
- The historic context of the Raleigh factory
 - All round views; the site is in a prime location and can be viewed when approaching from a number of directions, particularly along the adjacent footpath
 - The notion of creating a sculptural form with a landscaped setting
 - Its water side location
 - The function of the building which is to provide a centre for small start up / technology based businesses, accommodated around a communal hub (a building that supports communication and an entrepreneurial community)
 - The palette of materials used in adjacent buildings, particularly the Sir Colin Cambell Building
 - Existing service constraints, i.e. sewers
- 7.5 The inside of the building would comprise shared social and support environments on the ground floor and more informal open plan working and collaboration space on the upper floors, with the majority of cellular offices to the perimeter of the building. External materials include aluminium anodised bronze finish fins, rainscreen cladding and curtain walling to ground and upper floors, running continuously around all elevations. Externally the scheme incorporates a main entrance plaza, an external social area, a limited number of car parking spaces, cycle storage and landscaping.
- 7.6 In terms of sustainable design, the building is intended to achieve a BREEAM rating of ‘excellent’, discussed further below.
- 7.7 In conclusion, this is considered to be a high quality design solution that would be a worthy addition to the existing buildings already present on the Jubilee Campus and UNIP.

Other Matters (Local Plan policies NE3, 9, 10, 12 and 14, T2 and T3 ACS policy 17)

- 7.8 The site is situated within Flood Zone 2 and a flood risk assessment was therefore submitted as part of the application. In terms of a sequential test, the site is within a wider area allocated for development by the policy CE8 of the Local Plan, specifically for the expansion of the Jubilee Campus/UNIP. On the basis that development within this allocated area has been established by policy in the development plan, it is considered that the Sequential Test should be limited to its boundaries alone. The majority of currently available land within the CE8 allocation has now been developed and of that which remains, there are no sites capable of accommodating this development which are less at risk of flooding than the current application site.
- 7.9 Accepting this to be the case, assessment should then be given to the Exceptions Test; where there are no other suitable sites at lower risk of flooding, this permits

development where there are wider sustainable benefits to the community that outweigh flood risk, and on the basis that the development itself will be secure from flood risk without increasing flood risk elsewhere. Further development of the UNIP, and the TEC development specifically, is clearly of huge benefit to the City's economic growth, bringing investment, innovation and jobs along with expansion of the University's academic capabilities. Accordingly, the test of benefit to the wider community is considered to be met. The flood risk assessment also demonstrates that the scheme can be designed to ensure that it is safe from flood risk without compromising flood risk elsewhere. It is therefore concluded that the matter of flood risk is resolved and that policy NE 10 of the Local Plan and the NPPF are satisfied in this regard.

- 7.10 Drainage colleagues are generally satisfied with the proposals but have requested that a couple of detailed matters be dealt with by condition and informative.
- 7.11 An ecology report has not been submitted as part of the application. Although a brownfield site that has previously been cleared, there is potential for wildlife (flora and fauna) to be present, particularly given the proximity of the adjacent man made lake and River Leen. An ecological assessment has therefore been requested on which an update will be provided at Committee.
- 7.12 Noise and Pollution Control have reviewed the ground contamination and remediation information submitted with the application and concluded that whilst the previous information is still valid, this should be enhanced by further site specific work. Conditions are proposed to address this.
- 7.13 A travel plan has been submitted with the application. Highways officers have reviewed this and requested that it contain additional detailed information that can be addressed by condition.

8. SUSTAINABILITY / BIODIVERSITY (Local Plan policy NE14, ACS policies 1 and 10)

- 8.1 The building is intended to achieve a BREEAM rating of 'excellent'. Features it will include, or are to be explored further, are:
- A natural ventilation system that uses the central atrium
 - Solar shading controlled by the brise soleil
 - An adaptable building where rooms and spaces can be easily altered
 - A thermally efficient façade with high performance glazing and high levels of thermal insulation
 - High levels of building fabric air tightness
 - Either, connection to a local 'district heating' system provided by an adjacent building, or the use of a micro Combined Heat and Power unit

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

World Class Nottingham – A development that would enhance Nottingham's standing for science and innovation, underpinned by a sustainable, low carbon environment

Working Nottingham – Providing new employment opportunities within the City

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: 14/03091/PFUL3 - link to online case file:

http://devidxw2k81:8080/IDOXSoftware/IG_UniformSearch?FormParameter1=DC&FormParameter2=14/03091/PFUL3

17 Published documents referred to in compiling this report

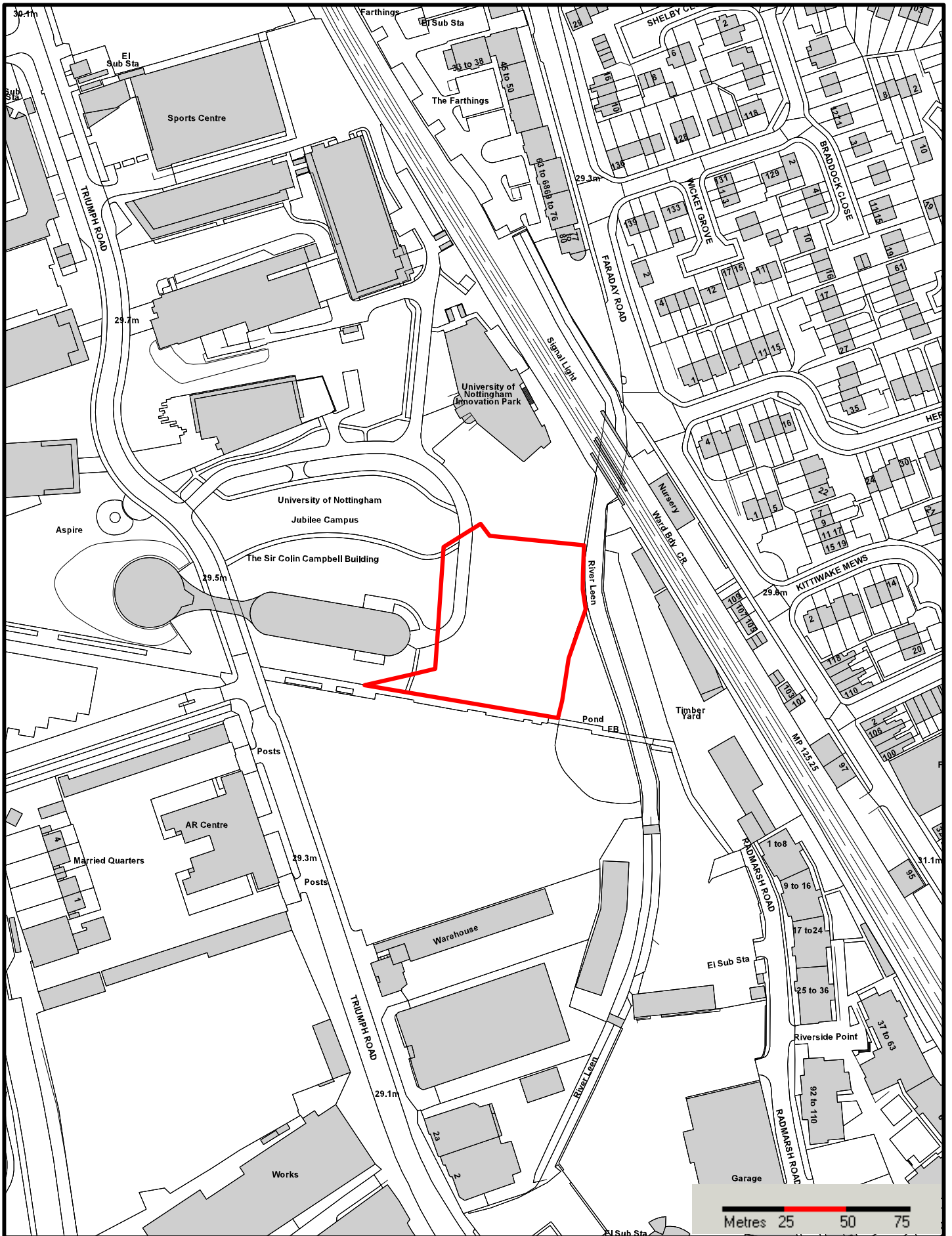
Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Contact Officer:

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Nottingham
City Council

My Ref: 14/03091/PFUL3 (PP-03878068)
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Date of decision:

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

Application No: 14/03091/PFUL3 (PP-03878068)
Application by: The University Of Nottingham
Location: University Of Nottingham Jubilee Campus, Wollaton Road, Nottingham
Proposal: Three storey Technology Entrepreneurship Centre (TEC).

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 of the building and hard surfaced areas within the site have been submitted to and approved in writing by the Local Planning Authority.

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

4. 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 Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Strategy, based on a) and b) 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).
 - d) 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 there are no adverse impacts from contamination in accordance with Policy NE9 of the Local Plan.

5. 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.

Reason: To ensure there are no adverse noise impacts arising from the proposal in accordance with Policy NE9 of the Local Plan.

6. 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 proposed parking arrangements for all construction related vehicles and staff, including any sub contractors. The plan shall be implemented at all times whilst construction is underway unless agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policy 10 of the Aligned Core Strategy and NE9 of the Local Plan.

7. The development shall not commence until further details of on the attenuation tank, the pumping system and regarding the disposal of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The information shall seek to demonstrate, as a minimum, details of how run-off rates will be reduced by 30% with use of SUDS techniques.

Reason: In the interests of Sustainable Development in accordance with Policy 1 of the Aligned Core Strategy.

Pre-occupation conditions

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

8. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. 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: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

9. 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 there are no adverse impacts from contamination in accordance with Policy NE9 of the Local Plan.

Regulatory/ongoing conditions

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

10. Finished floor levels shall be set no lower than 30.14 AOD as recommended in the Flood Risk Assessment.

Reason: To reduce the risk of flooding to the proposed development in accordance with policy NE10 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 T2 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 6 January 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 committee report, enclosed herewith and forming part of this decision.

2. 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 from occurring.

3. Please contact Robert Smith, Senior Transport Planner 0115 8763604 to discuss sustainable transport details required.

4. Please contact our drainage experts Paul Daniels 0115 8765275 or Nick Raycraft 0115 8765279 to discuss requirements to satisfy the condition related to drainage.

5. 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 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 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.

6. 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.

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: 14/03091/PFUL3 (PP-03878068)

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.