

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Number One, Nottingham Science Park

1 SUMMARY

Application No: 16/00957/PFUL3 for planning permission

Application by: Jones Lang LaSalle on behalf of Kaplan International College

Proposal: Change of use of part of building from B1 use to D1 use.

The application is brought to Committee as officers are recommending that the application be granted, which represents a departure from the Development Plan.

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

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 Head of Planning.

3 BACKGROUND

- 3.1 The application relates to Number One, Nottingham Science Park, which formed the first phase of the extension to the Science and Technology Park to the east. The building is located at the corner of George Green Way and Jesse Boot Avenue and forms the main frontage building to the extended Science Park when viewed from University Boulevard. It forms an exemplar contemporary three storey building, with a ground floor parking level and has a Class B1 Business use.
- 3.2 The Toyota Academy, a collaboration between Central College and Toyota, occupies the two buildings, on the Science Park, to the south. The Academy provides higher education courses and training opportunities for business and industry with a focus on the automotive industry.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks planning permission to change the use of part of the building from offices (Class B1) to an educational college (Class D1). The intended occupier is Kaplan International Colleges (KIC) who will work in partnership with the University of Nottingham to deliver a teaching facility providing foundation courses for international students.

- 4.2 The college proposes to occupy 1,529 sqm of the buildings total lettable floor space of 3670 sqm, which would be spread over the two floors of the building. This would equate to approximately 45% the floor space on each floor. This space is currently vacant. It is proposed to provide a mixture of teaching and administrative space, including offices.
- 4.3 It is envisaged that the college will accommodate 250 students with the expectation that numbers will increase as the business grows. The college will create 45 full time staff (35 teaching staff and 10 administrative staff) together with 7 part time (cleaners and catering staff).

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by a site notice and press advert. In addition the following neighbouring properties have been directly consulted:

Units 8-10 in the Faraday Building and the Toyota Academy on the Science Park have been consulted.

- 5.2 No responses have been received from neighbouring properties. The University of Nottingham has however submitted a letter in support of the development which is outlined in the appraisal section below.

Additional consultation letters sent to:

Planning Policy: No objections. It is considered that the applicant has provided sufficient information relating to other material planning considerations to justify the departure. This is particularly in light of additional information from the University of Nottingham and the percentage use of the building that will be connected with science or B1 uses.

Drainage: No objections.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 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 taking on planning applications. Of particular relevance to this application is the requirement to support sustainable economic.
- 6.3 Paragraph 19 states significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that

purpose. Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. Paragraph 34 advises decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

- 6.4 Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

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 14 – Managing Travel Demand

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities.

E1 - Strategic High Quality Employment Sites

CE1 - Community Facilities

NE10 - Water Quality and Flood Protection.

T3 - Car Parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

i) Appropriateness of D1 (education and training) use (Policy A and 4 of the Aligned Core Strategy and Policies E1, ST1 and CE1 of the Nottingham Local Plan)

- 7.1 The site is located within an area defined as Strategic High Quality Employment Site under Policy E1 of the Local Plan. This policy seeks to protect sites for employment development which is defined as B1 (offices/research and development) uses. The proposal for an educational college, whilst including elements of employment use, would be classed as a Class D1 educational establishment. The proposed use would therefore represent a departure from the local plan and has been advertised accordingly.
- 7.2 Although the proposal does not meet the strict definition of employment development in planning terms and Policy E1 does not provide exceptions to employment development, it is considered that there are material planning considerations which in this instance override policy E1.

- 7.3 Policy 4 of the Aligned Core Strategy recognises that the economy of the City will be strengthened and diversified through new floorspace across all employment sectors, with particular emphasis on Core and Science City Objectives. To this effect, criteria f of Policy 4 seeks to encourage the further expansion of the Universities, other higher education establishments and the economic development associated with them.
- 7.4 The University of Nottingham has written in strong support of the College and its proposed location on the Science Park. The college will be called the University of Nottingham International College and will form a key component within the University's International Strategy. It is to be developed in collaboration with Kaplan International Colleges, a private sector company, with the aim of significantly expanding the recruitment in this area of their international market. The International College is proposed to equip international students with the academic skills, key subject knowledge and English language ability to progress to full time higher education courses. The College is to act as a feeder facility for the University of Nottingham, which in turn will provide significant direct and indirect economic benefits to the local area.
- 7.5 Students at the proposed College will be associate students of the University of Nottingham which will permit them to use all of the University campus facilities such as the library, catering and union facilities. Students undertaking science-related courses or specialist courses that require practical learning space will be taught from the University's specialist facilities such as laboratories or engineering workshop space etc. The proposed College is seen to be fundamental to delivering the university student growth profile in their Global Strategy 2020 vision. Ideally, College activities would be delivered within University premises however, the high utilisation levels of existing facilities, particularly small group teaching rooms, does not make this an option.
- 7.6 Number One, Nottingham Science Park is seen as an ideal alternative location for the proposed College, due to its proximity to the University Park campus, which is situated to the north west of the site across University Boulevard. This will help promote the student experience by integrating the College students into 'university life' and to allow them to make full use of its specialist science facilities. The proximity of No. 1 Nottingham Science Park to the University of Nottingham campus is seen to be fundamental to the success of the planned partnership between Kaplan and the University to establish the College.
- 7.7 The College would occupy less than half of the buildings floor space, with the remaining floor space being occupied by B1 uses. This proposal offers the opportunity for the floor space to be brought back into full use. It is anticipated that 38% of the students will be enrolled onto science based courses. Whilst the College is primarily an educational use, it is an employment generator, with 45 full time posts and 7 part time jobs being created. It is also provides significant direct and indirect economic benefits to Nottingham.
- 7.8 It is considered that the proposal is acceptable and that it would accord with the wider policy objectives of the NPPF, Policies A and 4 of the Aligned Core Strategy and Policy ST1 of the Local Plan in strengthening the economic base of the City.

Other Matters:

a) **Highways** (Policy 14 of the Aligned Core Strategy and policy T3 of the Local Plan): The building has a total of 80 undercroft car parking spaces, 32 of which are proposed allocated to use by the college. Parking on site will not be available to students but its close proximity to the University allows students to walk or cycle with ease to and from University Park campus. The Science Park is also ideally located to encourage sustainable travel patterns with excellent tram and bus connectivity. It will also provide connectivity with the University hopper bus services for travel to the other campus locations.

b) **Flood Risk** (Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan): The majority of the site is located within Flood Zone 2, with a minor proportion being located within Flood Zone 3. Whilst the proposal would fall into a 'more vulnerable' flood risk category; as a change of use of an existing building there is not a requirement for it to be sequentially tested. The building has previously been the subject of a full Flood Risk Assessment and the implementation of a range of flood mitigation measures. The Council's drainage team, acting as Lead Flood Authority, have raised no objections to the proposal.

8. SUSTAINABILITY / BIODIVERSITY

None.

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

Supporting Nottingham People. The proposal would improve services for young people and the wider community.

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: 16/00957/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O6ANU6LYKGJ00>
2. Policy comments 27.05.16;
3. Drainage comments;
4. Letter of support from the University of Nottingham 26.05.16.

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:



Mrs Jo Briggs, Case Officer, Development Management.

Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041

NOMAD printed map



Key

-  City Boundary
-  Planning Application Polygons

Description
No map description

My Ref: 16/00957/PFUL3 (PP-05090181)

Your Ref:

Contact: Mrs Jo Briggs

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: Miss Ravinder Bains
45 Church Street
Birmingham
B3 2RT

Date of decision:

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

Application No: 16/00957/PFUL3 (PP-05090181)
Application by: Kaplan International College
Location: Number One, Nottingham Science Park, Jesse Boot Avenue
Proposal: Change of use of part of building from B1 use to D1 use.

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)

There are no conditions in this section.

Regulatory/ongoing conditions

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

There are no conditions in this section.

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 27 April 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.

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: 16/00957/PFUL3 (PP-05090181)

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.

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.



DRAFT ONLY
Not for issue