

REPORT OF CHIEF PLANNER

Land North Of Canal, Castle Boulevard

1 SUMMARY

Application No: 17/00882/PFUL3 for planning permission

Application by: Bricross Developments Limited

Proposal: Erection of purpose built student accommodation scheme and associated works

The application is brought to Committee because it is a major development on a prominent site where there are important land-use and design considerations.

To meet the Council's Performance Targets this application should have been determined by 24th July 2017 but an extension of time has been agreed with the applicant.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

- (a) Prior completion of a Section 106 Planning Obligation which shall include:
 - (i) A public open space contribution of £13,914.78 towards improvement to play area provision in Highfields Park;
 - (ii) A student management scheme, which shall include a restriction on car usage; and
 - (iii) A public transport contribution of £5,000 towards improved signage of the cycle way along Castle Boulevard.
- (b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of both the terms of the Planning Obligation and the conditions to be delegated to the Chief Planner

2.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

2.3 That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application site is located on the southern side of Castle Boulevard between the public highway and canal. It is a long thin piece of canal bank, with a wide frontage onto Castle Boulevard and a site area of approximately 1,006sqm. The site is 160m long and widest at its centre, where it measures approximately 10m from Castle Boulevard to its southern boundary with the canal. The application site narrows considerably at both its western and eastern boundaries. The site has been cleared and is currently overgrown.
- 3.2 To the immediate east of the site is the Multiyork furniture shop and its car park, whilst to the south is the Nottingham Canal. On the south side of the canal, there is Sainsbury's and the Castle Quay apartment development to the west of this. On the opposite side of Castle Boulevard to the north is the Park Rock apartment development and a vehicle repair garage. Beyond this to the north, and on a higher level, are residential properties within the Park Conservation Area. This section of Castle Boulevard is largely characterised by a mix of residential properties and commercial and retail properties. The canal is a designated Local Wildlife Site (LWS)/SINC and the eastern end of the site abuts the Canal Conservation Area.
- 3.3 Planning permission was granted in 2007 for 4x3 bedroom dwellings with 5 off-street parking spaces within the centre of the development, served by a single access from Castle Boulevard (planning ref: 07/02038/PFUL3). Planning permission for this development was subsequently renewed in 2010 and 2014 (planning refs: 10/03675/PFUL3 and 14/01187/PFUL3).

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission to develop the site for purpose built student accommodation, providing 66 bedrooms. The development consists of two primary blocks positioned at the widest part of the site, opposite Park Rock, both of which would be four storeys in height. A third, smaller three-storey block would be located at the eastern end of the site. All three blocks are sub-divided on a town house arrangement, which incorporates cluster units with their own individual entrance from castle Boulevard. Communal accommodation i.e. kitchen/dining and living rooms would be located on the ground floor with bedrooms located on the upper floors. Each block component would include an internal bin and cycle store.
- 4.2 The blocks would sit at the back of the pavement along Castle Boulevard and extend to the canal edge. Both private external space and new areas of public realm have been incorporated into the scheme. An area of private space sits between the two main blocks and there are two further areas of public realm to allow the public to gain access to the canal edge. The proposed style and appearance of the buildings are distinctive and incorporate large windows with deep reveals and fully glazed access cores. It is proposed to use mainly a high quality red brick, with a contrasting brown/red brick and the use of interdenial brickwork to add further articulation to the facades. The ground floor acts as a plinth for floors above, which will overhang on the Castle Boulevard and end side elevations. The fourth floor of the two main blocks is to be set back from the floors below and clad in zinc.
- 4.3 As part of the development package the developer has offered to deliver local employment and training opportunities during the construction of the development,

including a financial contribution towards pre-employment training and recruitment costs. This will be secured through the Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

87 neighbouring properties on the following streets have been notified of the proposal:

Castle Boulevard
Fishpond Drive
Peveril Drive
Castle Quay Close
Park Wharf
Hermitage Walk
Friars Court
Rock Drive
Foxes Close
Castle Bridge Road

The application has also been publicised through the display of a site and press notice.

17 local residents in the Park Rock development and the Park to the north, and Nottingham Action Group on HMOs, have raised concerns about the proposal. They consider that it is not appropriate to the indicated space or locale, and have made the following points/comments:

1. The site is too small for the scale of development proposed and the concentration of new residents planned. It is considered to be over intensive.
2. The development will destroy the amenities of existing residents, e.g. light, noise and rubbish. The front elevation of the Park Rock development is predominantly windows, there is concern that significant overlooking, loss of privacy, and loss of light would be caused. The close proximity of the buildings would be claustrophobic, overbearing and oppressive. The heavy concentration of new residents in such a small space will create untenable noise and filth, e.g. overflowing bins, abandoned shopping trolleys, rats and other vermin, as has occurred at Greystacks (further along Castle Boulevard to the west). It would block views of the canal from the Park Rock development and the Park beyond.
3. Nottingham already has more student accommodation than it needs, particularly in light of university applications falling across the UK. More student flats is not what this area needs. The area already suffers with noise and antisocial behaviour and the development will make it worse. Which students i.e. Nottingham University or Nottingham Trent is this development being marketed towards?
4. Views of the Castle from the canal would be ruined.
5. The development would hamper Castle Boulevard, making it more dangerous for cars entering and exiting along the Boulevard, and further inhibiting the movement of the emergency services. Residents along Castle Boulevard

consider that traffic congestion has been increased since the introduction of the cycleway and the proposed development would exacerbate this. Concerns are also raised about cyclist safety on the cycleway.

6. Concern that no parking is proposed, the assumption being that students would not bring cars to the city. Students in Greystacks are often seen parking opposite on vacant sites.
7. Public transportation (buses) is inadequate and unlikely to be increased (due to the narrowness of the Boulevard for sizeable vehicles). A development of this nature would be better built nearer the tram.
8. Concern that the development would damage the local environment of the canal and destroy the natural habitat it provides for local wild life. Bats have been seen foraging across the site. It forms parts of the City's green infrastructure and as such, the development would be contrary to Policy 16 of the Aligned Core Strategy. This is seen as the only section along Castle Boulevard where the public get close to the canal.
9. The buildings, in terms of their design, would contribute little towards the street scene along Castle Boulevard.
10. Inadequate ground stability and drainage result in an adverse impact on ground stability in the area and increased risk of flooding.
11. The existing planning permission is subject to many - mainly environmental - conditions, and is for only four, much smaller residences. A 3-block, 4-story development with circa 75 residents is outrageous in such a small, confined space.
12. Construction of the development would be impossible on such a small space, without seriously obstructing and/or compromising traffic and cycle/pedestrian usage of Castle Boulevard, over a substantial period of time. Noise levels would be unbearable for existing residents, and the diversion/obstruction of traffic would add to noise and congestion elsewhere. Building works would also adversely affect the boat traffic on the canal, while the parking situation on the Boulevard would similarly be negatively impacted.
13. The development of Greystacks was built on a larger piece of land, yet caused massive disruption on Castle Boulevard and the crossroads to Abbey Bridge. It has become an eyesore, with student detritus visible from the street, overflowing bins attracting rats and other vermin, and abandoned shopping trolleys.
14. There would be no space between the front door and the road and no communal external space to the rear.
15. Devaluation of apartments in the Park Rock development.

The development has been revised and neighbours re-consulted on the final amendments (expiry date 14.12.17). Further comments received will be reported to Committee on the update sheets.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections subject to conditions relating to the agreement of a noise assessment, sound insulation scheme and details of piling or other foundation designs using penetrative methods.

Highways: The principle of the proposed development is considered acceptable, although it is recommended that further consideration is given to the accessibility and design of the cycle storage proposed. It is also recommended that due to site constraints, the applicant should contact Highways Network Management as soon as possible to discuss how the construction will be managed, and to gain further understanding of the information required for a Construction Management Plan. A financial contribution of £5,000 is required for improved pedestrian and cycle signing along the cycleway. The conditions recommended include the submission of a traffic management scheme for residents loading and unloading, a construction management plan, the provision of a temporary access and the provision of secure cycle stores.

Environment Agency: No objections, subject to the development being carried out in accordance with the submitted Flood Risk Assessment and the recommended flood mitigation measures.

Canal and River Trust: Raise issues with regard to the impact of the development on the canal edge and canal structure. They recommend that detailed design of the works to canal edge be secured by condition.

Archaeology: An archaeological watching brief is required during groundworks associated with the development, which can be conditioned. The site lies within the Archaeological Constraint Area known as Lenton Road/Castle Boulevard, The Park. This Archaeological Constraint Area covers the site of the medieval Lenton Hermitage and its immediate surroundings. The caves forming Lenton Hermitage lie approximately 35m north of the proposed development site. The area of the Scheduled Monument starts 25m north of the proposed development site.

Drainage: No comments.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012)

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 unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.

The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making 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. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

Paragraph 94 advises that local planning authorities should take full account of flood risk when making planning decisions. Paragraphs 100 to 104 set out that local authorities should steer development to areas at least risk of flooding and ensure that flood risk is not increased elsewhere. Local authorities should only consider development appropriate in areas at risk of flooding which are supported by an appropriate flood risk assessment.

Nottingham Local Plan (November 2005):

Policy ST1 – Sustainable Communities

Policy H2 – Housing Density

Policy H6 – Student Housing

Policy BE12 – Setting of an adjacent Conservation Area.

Policy T3 – Car, Cycle and Servicing Parking

Policy NE2 – Local Nature Reserves

Policy NE9 – Pollution

Policy NE10 – Water Quality and Flood Protection

Policy BE 16 - Archaeological Constraint Areas

Aligned Core Strategy (ACS) (September 2014):

Policy A - Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 8 – Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 11 – Historic Environment

Policy 17 – Biodiversity

Policy 19 – Developers Contributions

Building Balanced Communities Supplementary Planning Document

Monitoring of Student Households report (November 2016)

Planning Guidance for the Provision of Open Space within Developments,

7. **APPRAISAL OF PROPOSED DEVELOPMENT**

Main Issues

- (i) Principle of student accommodation
- (ii) The design and appearance of the development
- (iii) Amenity of occupiers
- (iv) Impact on amenity of surrounding residents
- (v) Highway considerations
- (vi) Planning obligations

(i) Principle of student accommodation (Policies A and 8 of the Aligned Core Strategy, Policies ST1 and H6 of the Local Plan and the Building Balanced Communities SPD (BBCSPD))

- 7.1 The latest Nottingham Authority Monitoring Report (March 2017) highlights that in last 8 years there has been a significant rise in the number of students nationally and in Nottingham this has resulted in approximately 10,350 additional students (a rise from 42,292 in 2007/08 to 52,636 in 2015/16). The 2015/16 academic year saw the largest number of full time students in the two universities. It is anticipated that the combined numbers of students will remain reasonably static in the foreseeable future with any likely increase in foreign students offset by a reduction in UK students studying in Nottingham.
- 7.2 It recognises that policy guidance contained in the BBCPD and Policy H6 of the Local Plan has been effective in assisting to maintain and promote balanced communities by encouraging well-managed purpose built student accommodation (PBSA) in appropriate locations, with the intention of freeing up other residential properties for occupation by other households. The last few years has seen a significant increase in the supply of PBSA, which reached its highest level in 2016/17 when 1,412 additional bed spaces were made available. Vacancy surveys were undertaken for the academic year 2014/15 and 2015/16 and PBSA providers reported very low vacancy rates of less than 1%. Despite the increase in number of purpose-built student bed spaces, general housing stock in the traditional of areas high student concentration i.e. Dunkirk and Lenton and Radford and Park, remain attractive to students, with little reduction in Council Tax exemptions for student households in these areas. A continued steady supply of new bed spaces in attractive PBSA accommodation will continue to be required if there is to be a significant reduction in these numbers.
- 7.3 The percentage of households being occupied by students in the local vicinity of the proposed development is 8.5%, and adjoining areas 12%. This is well below the 25% threshold included within the Building Balanced Communities Supplementary Planning Document. Consequently, whilst the percentage of households in student occupation would marginally increase, it is not considered that the proposal would adversely affect the balance of the community. The location of the site is detached from the main areas of high student concentration to the west, rather being situated in a mixed-use commercial/residential environment at the periphery of the City Centre. Furthermore, the scheme has been designed to reflect the 'Town House' arrangement of Greystacks with communal living accommodation on the ground

floor and bedrooms on the upper floors. Some of the bedrooms do have kitchen facilities but this is to add flexibility to the marketing model and cater for the wider needs of the student market. This is not a location where the development would be likely to have a detrimental impact on the amenity of existing residents, particularly given the slightly detached nature of the site and its position alongside a busy arterial route into the City Centre.

- 7.4 It is concluded that the principle of the development for student occupation is acceptable and the proposal accords with the Policies A, 8 and 11 of the Aligned Core Strategy, Policies ST1, BE12 and H6 of the Local Plan and the Building Balanced Communities SPD (BBCSPD).

(ii) The design and appearance of the development (Policies 10 and 11 of the Aligned Core Strategy and Policies H2 and BE12 of the Local Plan)

- 7.5 The narrow dimensions of this site, the context of the canal and Castle Boulevard strongly dictate the nature, scale and form the development. The proposed buildings has a frontage of 160m in width (intersected with open areas of private and public realm) and are proposed to be four and three storeys in height. Although this represents a significant amount of development in massing terms, there are a number of features of both the site's location and the design of the scheme that will result in the buildings positively contributing to the Castle Boulevard street scape. Castle Boulevard is a main connection into the City Centre and given its status in the highway hierarchy, it is considered that the principle of three and four storey buildings in this location, subject to detailed design, would not be out of character with the function of the route. Park Rock on the opposite side of Castle Boulevard is of a comparative scale, the proposal for three and four storey buildings is further supported by comparatively recent scale development including Greystacks, the Cornerstone Church and Castle Quay apartments. Furthermore, more traditional buildings to the east along Castle Boulevard are largely three/four storeys and sited adjacent to the road and directly abutting the canal, re-enforcing a sense of built enclosure.
- 7.6 The development has been the subject of significant design amendments in terms of its scale and massing. Great weight has been given to its relationship with Park Rock, the canal and the character of Castle Boulevard. The development started out as five separate 5 storey buildings and through the use 3d contextual modelling and the guidance of the Design Review Panel the scheme has been amended through numerous reiterations to that which is currently being presented to Planning Committee.
- 7.7 An important consideration has been the need to maintain open views of the canal from Castle Boulevard, Park Rock and of the Castle from the canal. For this reason, the Design Review Panel recommended that building at the widest, central part of the site, be reconfigured into two main buildings, with a wider gap in between. This has been further increased through the ground and third floors being recessed to widen the gap. This would form a private area of defensible space for occupants; however a permeable boundary to Castle Boulevard would allow views from the street through to the canal. Two further areas of public realm are also proposed at the narrowest parts of the site, incapable of being built upon. It is proposed that these areas form part of the street to allow the public to directly engage with the canal. The 3D model also showed that views of the castle would be maintained from the canal. These areas of public realm are to be fully landscaped and conditions relating to the treatment of these areas and its management are

recommended.

7.8 Since the submission of the planning application further revisions have been made to the scheme, which are as follows:

- The spacing between the two main buildings at the third floor level has been increased.
- The reduction of the third smaller block to three storeys in height to reduce the visual impact of the development when travelling westwards, away from the city.
- The third smaller building now has a palette of two complimentary bricks. The recessed ground floor plinth has been reduced to avoid the building having a top heavy appearance, and its roof revised to be of a simplified flat roof design.
- Given their back of pavement position, ground floor windows, on all three blocks, have been further recessed to accommodate a brick planter and additional set back from Castle Boulevard.
- Additional verticality has been added to all buildings to negate the length and horizontal form of the buildings. This has been particularly important to the canal elevations of the buildings.
- Accessibility to bin and cycle stores has been improved.
- The elevation treatment of all three buildings has been improved with two complimentary bricks and the upper third floor of the two main buildings having a vertical zinc seamed cladding.
- The introduction of an interdental brickwork to add further articulation to the building's elevations.

7.9 Revisions to the elevational treatment of the ground floors provides a strong plinth for the development and the overhang of the upper floors adds visual interest. The deep reveals of the proposed windows is a further feature of the design and would contribute significantly to breaking up the massing of the building. A simple approach to the palette of materials has been adopted with brick and elements of zinc cladding. Subject to approving samples, it is considered that these materials offer the right basis for ensuring a high quality finish to the development that will complement the form of the buildings.

7.10 In conclusion, it is considered that the design satisfactorily mitigates any potential concerns over the massing of the development and it has been established that the scale is appropriate in this location. It is felt that the proposal would deliver a high quality development that would enhance the existing townscape, in compliance with Policies 10 and 11 of the Aligned Core Strategy and Policy 12 and H2 of the Local Plan.

(iii) Amenity of occupiers (Policy 10 of the Aligned Core Strategy and Policies H2, H6 and NE9 of the Local Plan)

7.11 The internal space standards are generous and would help provide a good standard of amenity for occupiers of the development. Environmental Health and Safer Places has requested a condition to ensure that the noise attenuation is appropriate, bearing in mind the location adjacent to a busy road.

(iv) Impact on amenity of surrounding residents (Policy 10 of the Aligned Core Strategy and Policies H2, H6 and NE9 of the Local Plan)

7.12 A number of residents of Park Rock, The Park and Castle Quay apartments have responded to the consultation process and expressed concern about the impact of

the development on their properties, in terms of loss of privacy, view, outlook and light.

- 7.13 The Park Rock apartments have their main principle windows fronting onto Castle Boulevard. The development would be located to the southern side of Castle Boulevard and given the concerns of neighbouring residents a daylight/ sunlight survey has been submitted. It states that the adjacent properties remain compliant with the Building Research Establishment's (BRE) recommended targets for the Vertical Sky Component test and that no material change in daylight levels would result. The survey concludes that the effects of the proposal would adhere to the BRE guidelines in terms of daylight. Furthermore, all 21 rooms facing the site would retain sunlight levels in excess of the recommended target of 25% total. The effects of the proposal would therefore also fully adhere to the BRE guidelines in terms of sunlight.
- 7.14 A distance of 20m would be maintained between the facing elevations of the proposed development and Park Rock. Given this distance, it is not considered that the proposal would result in a loss of privacy sufficient to warrant refusal of the application.
- 7.15 Furthermore, the development has been reconfigured to consist of two primary blocks at the heart of the site with an additional smaller and more condensed block located in the eastern part of the site. The consolidation of the blocks allows for a more generous gap opposite Park Rock offering greater views of the canal and retaining Castle Boulevard's relationship with the canal.
- 7.16 It should be noted that the loss of a view and property value are not material planning considerations in the determination of planning applications.
- 7.17 It is recognised that there is a need for strong management arrangements with PBSA. In recognition, the S106 obligation includes agreement to a management plan to negate issues regarding waste management and any anti-social behaviour issues within the locality. An integral part of the management plan would be a contact point for local residents to liaise with the management on any anti-social behaviour issues.
- 7.18 On this basis, the design of the scheme and relationship with surrounding properties would ensure that the proposal would not create amenity harm to existing residents or result in the types of issues identified in the Building Balanced Communities document, such as noise and disturbance, poorly maintained properties and inappropriate management of waste disposal. The proposal therefore complies with the requirements of Policy 10 of the Aligned Core Strategy and Policies H2, H6 and NE9 of the Local Plan.

(v) Highways considerations (Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.19 Policy T3 seeks to preclude development that would be detrimental to highway safety. There is no parking provision for this development and there would be a restriction within the Section 106 Obligation to prevent residents from bringing vehicles to the development and surrounding area. A condition is recommended with regard to drop off and pick up arrangements and Highways are satisfied that the proposed development should not pose a risk to highway safety. In addition, the application proposes cycle spaces, pro-rata to the number of rooms proposed, in

accessible and surveyed locations to the front of the properties, which would encourage sustainable travel. In light of these factors, the development is considered to accord with Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.

- 7.20 It is fully recognised that this is a confined site and that a construction management plan is imperative to ensure that its impact on existing residential properties and Castle Boulevard, as a main transport corridor, during construction, is minimised. A requirement for a construction management plan together with other matters requested by Highways can be addressed by condition.

(vi) Planning obligations (Policy A of the Aligned Core Strategy and Policies ST1, R2 and ST19 of the Local Plan)

- 7.21 In order to comply with the requirements of the Supplementary Planning Guidance, the developer is required to enter into a section 106 obligation to secure the following financial contributions:

- Public Open Space £29,364.54
- Highway contribution £5,000
- A student management scheme, which shall include a restriction on car usage.

The total commuted sum contribution is therefore £34,364.54.

- 7.22 The public open space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance. This would be directed towards improvements of play facilities at Highfields Park, which are part of a strategic area of public open space readily accessible to the residents of this development.
- 7.23 The proposed highway contribution would be put towards improved signage of the cycle way along Castle Boulevard.
- 7.24 In both cases, it is confirmed that the Section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.
- 7.25 The S106 obligation is currently in the process of being finalised.

OTHER ISSUES

Flood Risk (Paragraphs 101 and 103 of the NPPF, Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan):

- 7.26 The NPPF states that inappropriate development in areas at risk of flooding should be avoided, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Authorities should apply a sequential, risk-based approach to the location of development. The site has previously been sequentially tested and is considered acceptable for residential development with appropriate flood mitigation measures.
- 7.27 The site lies within Flood Zone 2, with the part of the southern fringe along the canal edge within Flood Zone 3. The main source of potential flood is seen to be from the River Trent and as such, the application has been accompanied by a

Flood Risk assessment (FRA). The Environment Agency (EA) originally objected to the FRA, on the grounds that it failed to ensure that the development would be kept safe for its lifetime.

- 7.28 A revised FRA was subsequently submitted which revised finished floor levels to meet the modelled level plus climate change, and also incorporated flood resistant construction techniques to provide further protection. Based on the revised FRA and subject to a flood excavation plan for the development, the EA now considers the development acceptable in terms of flood risk.
- 7.29 The proposal therefore accords with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

Archaeology (Policy BE16 of the Local Plan):

- 7.30 As indicated in the consultee comments above the site lies within the Archaeological Constraints Area known as Lenton Road/Castle Boulevard, The Park. The area covers the site of the medieval Lenton Hermitage, caves associated with the site lie 35m north of the development site. To ensure that there is no impact on any potential archaeology the Archaeology team have requested provision of an archaeological watching brief which can be dealt with by condition. Through the use of such a condition the proposal complies with Policy BE16 of the Local Plan.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and NE19 of the Aligned Core Strategy and Policy NE 2 of the Local Plan)

- 8.1 The buildings are proposed to exceed current Building Regulations requirements. This is mainly achieved by a 'fabric first approach' involving appropriately insulated walls, floors and roofs to provide a high 'u' value. Photovoltaic panels are also proposed to the roof of each building. Energy efficient lighting and reduced consumption water fittings are also proposed.
- 8.2 The comments of the Biodiversity officer in respect to the development's impact on nature conservation and the canal are to be reported on the update sheet.

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

Neighbourhood Nottingham: Redevelopment of a long term cleared brownfield site with a high quality, sustainable residential development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

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: 17/00882/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OOSRCZLYHB600>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

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NOMAD printed map



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Key
City Boundary

Description
No description provided



Nottingham
City Council

My Ref: 17/00882/PFUL3 (PP-05677696)
Your Ref:
Contact: Mrs Jo Briggs
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Date of decision:

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

Application No: 17/00882/PFUL3 (PP-05677696)
Application by: C/o Agent
Location: Land North Of Canal, Castle Boulevard, Nottingham
Proposal: Erection of purpose built student accommodation scheme 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. <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)

2. The development, including all site preparation works, shall not be commenced until a Construction Management Plan detailing how the development works are to be carried out, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include as a minimum:
- Schedules - to include timings of the construction works
 - Licenses - including hoarding and works within the highway
 - Traffic Management requirements;
 - Impact on highway, capacity and congestion;
 - Access across highway;
 - Storage;
 - Deliveries, loading and unloading;
 - Contractor staff parking provision;
 - Measures to prevent the deposit of debris onto the highway.

The construction of the development shall take place in full accordance with the approved plan

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policies NE9 and T3 of the Local Plan.

3. No development involving the breaking of ground shall take place within the site unless a written specification for the implementation of an archaeological watching brief, during the course of the development, has been submitted to and approved in writing by the Local Planning Authority. The specification shall include arrangements for:
- i) the recording of any finds made during the watching brief and for the preparation of a final report;
 - ii) the deposition of the records of finds, and any significant finds, capable of removal from the site, in a registered museum; and
 - iii) proposals for the publication of a summary of the final report in an appropriate journal.

On commencement of development the approved watching brief specification shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy 11 of the Aligned Core Strategy and Policy BE16 of the Nottingham Local Plan.

4. The development shall not be commenced until details of a temporary vehicle access road to provide access to the site across the cycle highway and footway have been submitted to and agreed in writing with the Local Planning Authority.

The temporary vehicle access road shall then be constructed in full accordance with the approved details prior to the commencement of the development on site.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.

5. The development shall not be commenced until full details of the design and method of construction of the foundations of the buildings hereby permitted and construction details of the new edge that the development would form to the canal, including, if possible, a shelf at water level to aid biodiversity and habitat creation, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In the interests of safeguarding the structural integrity of the canal and the ecological value of the site in accordance with Policies BE3 and NE2 of the Nottingham Local Plan.

6. 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 include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

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

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

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

7. 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 protect the amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

8. The development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority. Details shall demonstrate that industry best practice is being used to minimise the effects of noise and vibration on surrounding occupiers.

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

Reason: To protect the amenities of occupiers of neighbouring properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

9. The development shall not be commenced until details of all external materials, including details of the windows/doors, means of enclosure and hard surfaced areas of the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of securing a sustainable development in accordance with Policies 10 of the Aligned Core Strategy.

10. The development shall not be commenced until a scheme of works for the new areas of public realm has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hardsurfacing, street furniture, the type, height, species and location of the proposed street trees, along with details of the tree pits/trenches and aeration pipes and maintenance plan for the areas future upkeep.

No part of the development hereby permitted shall be occupied until the approved scheme of works for the new areas of public realm, including the planting of street trees, has been completed.

Reason: In the interests of the appearance of the development and to avoid prejudice to traffic conditions within the vicinity of the site in accordance with Policy 10 of the Aligned Core Strategy.

11. The development shall not be commenced until details of enclosure for the site boundaries have been submitted to and approved in writing with the Local Planning Authority.

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

Reason: To ensure that the appearance of the development will be satisfactory 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)

12. The development shall not be occupied until a scheme of landscaping and works to the retained trees has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the type, height, species and location of proposed trees and shrubs, including appropriate replacements for the mature trees to be removed. The approved scheme shall be carried out in the first planting and seeding seasons following the completion of the development and any trees 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 and ecological value of the site are satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

13. The development shall not be occupied until details of a Traffic Management Plan for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term has been submitted to and agreed in writing with the Local Planning Authority.

The Traffic Management Plan shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.

14. Prior to first occupation of the development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy NE9 of the Nottingham Local Plan.

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

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

16. 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.

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

17. The development shall not be occupied until suitable dropped kerb access has been provided across the footway/cycleway to assist refuse collection, in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.

18. The development shall not be occupied until the temporary construction access has been closed and any damaged or altered areas of the footway/cycleway have been reinstated in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.

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 Revision C compiled by HSP

Consulting provided by email dated 03 August 2017 and the following mitigation measures detailed within the Flood Risk Assessment:

1. The development is built in accordance with the proposed ground floor plan and there are no sleeping areas on the ground floor.
2. Finished floor levels are set to 25.97m AOD which is the maximum achievable for the site.
3. Flood resilient techniques are installed to a level of 26.18m AOD
4. Occupants of the site sign- up to flood warnings.
5. A flood evacuation plan is produced and followed by occupants of the site.
6. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven as outlined in the Flood Risk assessment.

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 reduce the risk of flooding to the proposed development and future occupants and in accordance with the aims of Policy 1 of the Aligned Core Strategy and Policy NE10 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 24 April 2017.

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. Environmental Noise Assessment

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



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Not for issue

Continued...

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

4. 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.

5. Highways informatives:

1. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place.

2. 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.

3. Section 278 Agreement (Section 278 of the Highways Act of 1980) Planning consent is not consent to work on the highway. To carry out the offsite 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.

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: 17/00882/PFUL3 (PP-05677696)

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.