



## 'TO FOLLOW' AGENDA ITEMS

This is a supplement to the original agenda and includes reports that were marked 'to follow'.

### NOTTINGHAM CITY COUNCIL PLANNING COMMITTEE

**Date:** Wednesday 18 December 2019

**Time:** 2:30pm

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

**Governance Officer:** Adrian Mann **Direct Dial:** 0115 876 4468

### AGENDA

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**WARDS AFFECTED:** Radford (May 2019)

**Item No:**

**PLANNING COMMITTEE**  
**18<sup>th</sup> December 2019**

## **REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

### **11 And Workshop To North Of Turning Head, Deakins Place**

#### **1 SUMMARY**

Application No: 19/01998/PFUL3 for planning permission

Application by: Cassidy Group (Deakins Place) Ltd.

Proposal: Demolition of the existing structures and the construction of new purpose-built student accommodation, plus associated ground floor indoor/ external amenity areas, access, landscaping, car parking and associated infrastructure.

The application is brought to Committee because it is a major application 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 10 December 2019. An extension of time has been agreed with the applicant until 30 January 2020.

#### **2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to:

- 2.1 (a) (i) receipt of confirmation from the Environment Agency that measures proposed and agreed with the developer, secure the provision of satisfactory mitigation to ensure the development is safe for its lifetime from flooding and would not result in flooding elsewhere;
- (ii) delegation to the Director of Planning and Regeneration of final details and terms of a Planning Obligation as to whether a financial contribution towards Environment Agency flood alleviation works along the river Leen corridor associated with the site and wider area, should be sought and as to the quantum of such a contribution, subject to him being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is necessary to make the development acceptable in planning terms; directly related to the development; fairly and reasonably related in scale and kind to the development.
- (b) Prior to completion of a Section 106 Planning Obligation to secure:
- (i) An off-site Public Open Space financial contribution of £148,002 towards enhancement in the surrounding area;
- (ii) A student management plan, to include restrictions on car use

(c) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

- 2.2 Power to determine the final details of both the conditions and the section 106 obligation to be delegated to the Director of Planning and Regeneration.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought at 2 (b) (i) and (ii) above are (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.

### **3 BACKGROUND & SITE**

- 3.1 The site is located on the west side of Deakins Place, a short cul du sac accessed off St Peter's Street in Radford. It lies approximately 1.5 miles west of the city centre and a short walk to the Jubilee Campus, to the south west.
- 3.2 The site is presently occupied by a group of industrial buildings occupied by GB Willbond Ltd. The buildings are surrounded by a hard landscaped service yard although approximately the northern third is undeveloped scrubland with some vegetation. There are a number of other business premises on the opposite side of Deakins Place to the east, whilst Griffen Engineering adjoins the north eastern corner of the site, with a service yard and car parking onto Deakins Place.
- 3.3 The site is bounded by the River Leen to the west and beyond this is the 'Nottingham Two' student accommodation, which also extends around to the south of the site. A former nursery school adjoins the site to the north. Deakin's Place connects to St Peter's Street, which in turn links to Ilkeston Road, a main arterial route to the city centre.
- 3.4 Majority of the site is located within flood zones 2 and 3b, at medium and high risk of flooding respectively. The River Leen runs adjacent to the site and is designated as a Local Wildlife Site (LWS).
- 3.5 Although the site is currently an employment site it does not fall within a protected employment area as defined by either the current or emerging local plans.

### **4 DETAILS OF THE PROPOSAL**

- 4.1 The application proposes redevelopment of the site following demolition of the existing buildings. The scheme would accommodate 703 student bedrooms with a mixture of cluster units (with shared kitchen/living space) and independent studio units. The accommodation provides a separate entrance for each block as well as a large central communal area incorporating a cinema room, laundry facilities, office and reception. The proposal includes landscaped grounds for students fronting onto the River Leen, at the heart of which sits a single storey, oval shaped, green roofed structure that houses part of the communal facilities.
- 4.2 The proposal is seven storeys along the main 'spine' of the building, with the top storey recessed, dropping to six storeys on the wings projecting from its southern end. The principle facades of the building are primarily finished in brickwork (three different colours and textures) and accent elements of cladding.

- 4.3 The main pedestrian access to the site would be via a footbridge over the River Leen, proposed as part of the scheme, located on the western boundary of the site. The bridge connects the site to the existing pedestrian footpath which runs along the western side of the River Leen, down to Midland Way. Any vehicles serving the site would be required to access via Deakins Place. Additionally, it is proposed that a new river maintenance access point is provided at the northern end of the site.
- 4.4 It is proposed that the development would be largely car free, with only six parking spaces (including two disabled bays) being provided at the eastern edge of the site, accessed via Deakins Place. All of the parking spaces would include Electric Vehicle Charging (EVC) point. In terms of cycle parking, a large external cycle store would be provided in the north part of the site with easy access from Deakins Place. A total of 217 bicycle spaces would be provided (equivalent to 1 space per 4 beds).
- 4.5 Two external bin stores would be provided for student use which would accommodate bins to suit waste requirement. One would be located north of the turning head at the north end of the site, and a second fronting onto Deakin's Place on the South-east corner of the site. This would allow easy access for collection, with the existing turning head allowing for refuse lorry access and manoeuvre.
- 4.6 Local employment and training opportunities will arise from this development and the applicant has agreed to deliver these opportunities through working with the Council's Employer Hub.

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

### **Adjoining occupiers consulted:**

- 5.1 576 letters of consultation were sent to neighbouring residential and commercial properties. A site notice was posted on Deakins Place and a press advert published.

Councillor Corbett has objected as follows:

- Concern about building more HMO accommodation in an area already well served by such. The ward suffers from transience impacting community cohesion and sense of belonging. An increase in this population will increase the lack of cohesion
- The building would also disrupt the activities of the nearby business centre supporting local opportunities and employment. This will have a detrimental impact in terms of noise and access.

One letter of objection has been received from a neighbouring business on Deakins Place, raising the following issues:

- Challenging whether the development is acceptable in principle given the predominantly commercial character of the area; the associated loss of employment generating land and the potentially harmful precedent created by this proposal
- Lack of any evidenced need for the proposed development, in accordance with the requirements of Policy HO5 of the Emerging Local Plan Part 2
- Lack of adequate car parking provision in association with the proposed development
- The scale and massing of the proposed development is too great and has an

- overbearing impact upon neighbouring property
- Desire to expand existing use of a building on the Willbond site

This objection has subsequently been withdrawn and the following comments added:

- Further reviewed the application submission and spoken with the applicant for clarification on the development proposals. Following this they now feel comfortable that potential employment loss is not an issue related to this application. Their previous concerns relating to parking have also been addressed as the proposed position was not as we had originally thought. The applicant has clarified that there is no proposed change in circumstances affecting our ability to park on Deakins Place.

Nottingham Local Access Forum - support the application, especially in view of the proposed new footbridge connecting the development to the shared path on the west side of the River Leen. They would like to see this developed as a shared path, for cyclists and pedestrians, and connecting through the proposed development to Deakins Place to the east. This would help to increase the permeability of the development and add to the local path network.

**Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objection subject to conditions regarding the remediation of ground, groundwater and ground gas contamination, a ventilation and sound insulation scheme, provision of electric vehicle charging points and restriction on servicing and delivery times.

**Highways:** no objection subject to submission of a construction traffic management plan, provision of a traffic management scheme 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, provision of cycle parking space, and a travel plan promoting sustainable transport.

**Environment Agency:** Objected to the initial proposals as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located.

They are aware of this high flood risk resulting from the River Leen and are seeking partnership contributions to reduce flood risk in this area. If the applicant is interested in working in partnership with EA to reduce flood risk, which would aim result in a lower risk of flooding on site and to third parties, with a subsequent benefit of removing the site from the functional floodplain. They also made the Council aware that the piles in this location may need improving to accommodate new development in this location.

Further discussion are on-going in terms of a review of the details within the flood risk assessment (FRA) and proposed flood alleviation works for the site and wider area.

**City Archaeologist:** No objection.

**Biodiversity Officer:** No objection subject to conditions relating to the submission of a detailed Method Statement to minimise any impact on habitats and faunal

species, to show how the River Leen will be protected during construction, and submission of a lighting scheme to prevent light spill onto the Leen at levels likely to disrupt the use of this feature as a feeding or commuting corridor.

**Lead Local Flood Authority:** No objection subject to condition requiring pollution control for water discharging into the River Leen, as part of the Sustainable Drainage strategy.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (February 2019)**

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 155 advises that inappropriate development in areas at risk of flooding should be avoided, but where it is necessary it should be made safe for its lifetime without increasing flood risk elsewhere.

#### **Aligned Core Strategy:**

Policy A - Presumption in Favour of Sustainable Development  
Policy 1- Climate Change  
Policy 4 - Employment Provision and Economic Development  
Policy 7 – Regeneration  
Policy 8: Housing Size, Mix and Choice  
Policy 10 - Design and Enhancing Local Identity  
Policy 14 - Managing Travel Demand  
Policy 17- Biodiversity

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

Policy ST1 – Sustainable Communities  
Policy E4 - Regeneration of previously used employment sites and employment premises  
Policy NE3 - Conservation of Species  
Policy H2 - Density  
Policy H6 – Student Housing  
Policy R2 – Open Space in New Development  
Policy NE9 – Pollution  
Policy NE10 – Water Quality and Flood Protection  
Policy NE12 – Derelict and Contaminated Land  
Policy T3- Car, Cycles and Servicing Parking

## **Land and Planning Policies Document (May 2019):**

The Local Plan is currently undergoing Examination. The hearing sessions concluded in December 2018 and the Main Modifications consultation stage finished on 28 June 2019. It is anticipated that the Council will adopt the Plan in January 2020. Its policies therefore carry considerable weight.

Policy CC1: Sustainable Design and Construction  
Policy CC3: Water  
Policy EE3: Change of Use to Non-Employment Uses  
Policy DE1: Building Design and Use  
Policy DE2: Context and Place Making  
Policy HO1: Housing Mix  
Policy HO2: Protecting Dwellinghouses (Use Class C3) suitable for Family Occupation  
Policy HO5: Locations for Purpose Built Student Accommodation  
Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation  
Policy TR1: Parking and Travel Planning  
Policy TR3: Cycling  
Policy EN6: Biodiversity  
Policy IN2: Land Contamination  
Policy IN4: Developer Contributions

## **Other Planning Guidance**

Building Balanced Communities Supplementary Planning Document (BBCSPD)

Planning Guidance for the Provision of Open Space within Developments  
Supplementary Planning Guidance

Strategic Flood Risk Assessment (SFRA) (2008)

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

- i) Principle of the Development and Loss of Employment Site** (Policies 4, 7 and 8 of the ACS; Policies E4, ST1 and H6 of the Local Plan; Policies EE3, HO5 and HO6 of the LAPP; the BBCSPD)

- 7.1 The proposals would result in the redevelopment of a site which is currently in employment use by GB Willbond Ltd, a bathroom/plumbing manufacturer/supplier. The site is not identified as being part of a Major Business Park/Industrial Estate but Policy E4 of the Local Plan and Policy EE3 of the emerging Land and Planning Policies Document (LAPP) require applications for the regeneration of previously used employment sites and employment premises, outside of Major Business Parks/Industrial Estates or allocated sites, to be assessed against certain criteria. These policies seek to ensure that there is sufficient supply of alternative employment land and premises, and also factor in the regeneration benefits of a particular scheme.
- 7.2 Concerns were initially raised by one of the nearby businesses regarding the loss of this employment site and the impact on the proposed development their business. However, they have subsequently withdrawn this objection, advising that they have been re-assured regarding the ability for their staff to continue to park on street; their acquisition of a neighbouring property to both expand their business and to provide additional parking for staff.
- 7.3 Whilst the application proposals seek to redevelop the site, part of which is currently in employment use, the current occupiers of the site are relocating their business to alternative premises within the Nottingham City boundary. Moreover, the new purpose-built student accommodation (PBSA) use would create new full and part-time employment through the construction, management, security and maintenance of the scheme.
- 7.4 As student accommodation, the principle of the proposal needs to be considered against saved policies ST1 and H6 of the Nottingham Local Plan, the Building Balanced Communities Supplementary Planning Document (BBC SPD), policy 8 of the ACS and policies HO5 and HO6 of the LAPP.
- 7.5 Policy ST1 of the Local Plan seeks to provide and maintain balanced communities within the City, noting that family housing is particularly important to sustain local communities and support local schools as centres of communities. Policy ST1 promotes "a balanced mix of housing size, type and affordability in the area, particularly promoting housing for families with children".
- 7.6 In addition, the Building Balanced Communities Supplementary Planning Document (BBCSPD) expands on Policies ST1 and H6 (student housing) and sets out the Council's approach to the imbalance caused by the overconcentration of student housing. It promotes the diversion of students from general housing into purpose built student accommodation in appropriate locations. The BBCSPD references that an area is in danger of becoming imbalanced if the percentage of student households exceeds 25% of the total number of households in that area (by leading to further over-concentrations of student households or increases in the problems associated with large numbers of students). Policy HO6 of the LAPP (referenced below) states that a significant concentration is considered to be 10% or greater. The methodology in the SPD shows this and adjoining census output areas to have a concentration of 35.6% of student households. However, this figure is clearly skewed by its proximity to a large concentration of existing PBSA, rather than reflecting the position regarding HMOs in the surrounding housing area. The BBC SPD also advises that this formula should not result in an overly rigid and mathematical approach to decision making and should not be used as the sole determining factor for proposals in this regard.

- 7.7 Policy 8 of the ACS sets out, inter alia, that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities, and that within Nottingham City there should be an emphasis on providing family housing, including larger family housing, to meet Sustainable Community Strategy and Housing Strategy objectives.
- 7.8 Policy HO5 (Locations for Purpose Built Student Accommodation) and HO6 (Houses in Multiple Occupation (HMO's) and Purpose Built Student Accommodation (PBSA)) are considered relevant in this regard. Policy HO5 states: *Purpose built student accommodation of an appropriate scale and design will be encouraged, subject to developers demonstrating that there is a need for additional student accommodation. Acceptable locations are detailed as being, amongst other locations, on University Campuses and on allocated sites where student accommodation use accords with site specific development principles.* Policy HO6 states that: *development will only be granted where it does not conflict with policies HO1 and HO2 and does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities.*
- 7.9 At a more strategic level it is recognised that the number of students within the city continues to grow and this is a trend that has been the case for at least the last four years. The Annual Monitoring Report (published in March 2019) received responses from over 95% of the known 22,000 PBSA bed spaces within the city. Vacancy rates for the 2018-19 academic year are detailed at 0.3% in spite of a further 1,000 PBSA spaces being made available in comparison to the year before. The vacancy rate seen this year is a reduction from the 1.2% identified in 2016-17 and 0.5% in 2017-18.
- 7.10 Although this site is neither on campus nor allocated for PBSA, it is never the less regarded as an appropriate location for such accommodation. The site sits at the edge of what is in effect a student accommodation 'village', with a large amount of existing PBSA clustered along Faraday Road, Ilkeston Road, St Peter's Street and Midland Way. The latter arose from the redevelopment of the former Chettles Yard, on the opposite side of the River Leen. The accommodation formerly developed and operated by Opal (the largely white rendered buildings to the west and south of the application site) are now managed by Student Roost, for whom the proposed development is also to be provided. This 'village' has developed in an area where there were large, disused brownfield sites alongside the River Leen that were in need of regeneration and, critically, in close proximity to the Jubilee Campus. The area has therefore developed to provide a valuable source of PBSA, but one that is largely detached from the surrounding housing areas, thereby reducing its impact upon these and their ability to perform as sustainable communities. The site is 5 minute walk away from the Jubilee Campus and 25 minute walk from University Park Campus, thus well positioned to support the PBSA needs of the UoN and to tackle the impact of HMO properties within the wider areas affected by high concentrations.
- 7.11 In conclusion, this is therefore considered to be an appropriate location for PBSA in accordance with policy 8 of the ACS, policies ST1 and H6 of the Local Plan, policies HO5 and HO6 of the LAPP, and the BBCSPD.
- ii) The scale, layout and design of the proposed development (Policy 10 of the ACS, Policies DE1 and DE2 of the LAPP)**

- 7.12 The development has been the subject of significant design amendment in terms of its scale, massing and architectural treatment with great weight being given to its relationship with the surrounding area. This has taken place at the pre-application stage and application stage.
- 7.13 The layout of the proposed development lead to a linear north-south series of connected blocks opening up green space to the River Leen and providing a more functional landscaped frontage to the Deakins Place. It appropriately integrates the scheme into an existing riverside green corridor, enhancing the ecology of the west bank. It would integrate into a campus-like cluster of existing student accommodation, improving the outlook and surroundings of existing development. It would also promote passive surveillance of the surrounding streets, helping to contribute to a safer environment in the area generally. The proposal would provide a dedicated entrance to each block from the secure riverside garden, along with block specific amenity/study space; the intention being to facilitate pastoral and welfare monitoring for each of these. Kitchen/living areas for cluster units are positioned in corner locations where possible to maximise daylight access and view.
- 7.14 The site is position between the existing student accommodation alongside the River Leen and the industrial premises between Deakins Place and St.Peter's Street. The massing of the existing, adjacent student accommodation is mainly six storeys in height, rising to seven storeys on Midland Way. The proposed development would be seven storeys along the main 'spine', with the top storey being recessed, falling to six storeys on 'wings' projecting at the south end on the building. The massing of the proposed scheme has been developed using the City Council's 3D City Model and is felt to be appropriate to this site and context.
- 7.15 The building has conceived as three distinct blocks, distinguished by stepping the building alignment and a different elevational treatment of 'links' between them, including a common theme of curved corners. The facade of each block is treated differently, reinforced by the use of three different shades and texture of brickwork. Elevations of the primary blocks are designed in three distinct horizontal layers, with the base and top elements treated in a darker brick. The elevations follow a regular brick grid but with variation to define the three blocks, including the use of single and double height openings, as well as variation in the treatment of brickwork. The setback of the upper floor helps to soften the scale of the building and provides a more interesting roof profile.
- 7.16 In conclusion it has been established that the layout, scale and massing is appropriate for the site and its context. It is also considered that the design and appearance would deliver a high quality development that would enhance the existing townscape in compliance with Policy 10 of the Aligned Core Strategy and Policies DE1 and DE2 of LAPP.
- iii) Impact on Residential Amenity** (Policy 10 of the ACS; Policies H2, H6 and NE9 of the Local Plan; Policy DE1 of the LAPP)
- 7.18 The nature of buildings surrounding the site allow the proposed development to face adjoining sites with little impact of overlooking. The main area of sensitivity is to the south and the relationship with the adjacent PBSA. However, through design development this part of the scheme is one of the lower wings which has been pulled away from the southern site boundary and would only provide oblique views

from the nearest windows, the separation distance being 12m. As a result it is felt that the development would have an acceptable impact on this neighbouring PBSA.

- 7.19 The proposed accommodation is of an appropriate size with cluster bedrooms averaging 12.5sqm and benefitting from associated communal kitchen/living areas commensurate to the size of the cluster flat, and studios ranging from 18.32 sqm. There is also a generous amount of communal space for all residents within the central hub area, and what would be attractive landscaped grounds alongside the River Leen.
- 7.20 Environmental Health and Safer Places have reviewed the submitted details and raised no objection, however they have recommended conditions to address ventilation/sound insulation measures to protect future residents of the scheme (including any disturbance from the nearby businesses), and to address potential noise disturbance arising from external mechanical plant.
- 7.21 A robust student management plan is integral to the scheme and would be secured through legal obligation, including on site management and a contact point for local residents should any issues regarding noise, car parking, anti-social behaviour or property up-keep be encountered.
- 7.22 The proposal therefore complies with the requirements of policy 10 of the ACS, policies H2, H6 and NE9 of the Local Plan and Policy DE1 of the LAPP.

**iv) Highways and Parking** (Policies 10 and 14 of the ACS; Policy T3 of the Local Plan; Policies DE1 and TR1 of the LAPP)

- 7.23 The site is situated in a sustainable location and within a convenient walk/cycle distance of the UoN campuses and a range of local amenities and public transport facilities. The development is proposed to be largely car-free, with the main access being proposed via a new footbridge over River Leen which will connect to existing pedestrian and cyclist facilities within the vicinity of the site.
- 7.24 Any vehicles serving the site would be required to access via Deakins Place. A new river maintenance route for vehicles is provided at the northern end of the site, from an access point off Deakins Place which would also provide access to the secure cycle storage area. In accordance with the adopted parking standards, secure cycle parking would be provided for 217 bicycles (equivalent to 1 space per 4 beds).
- 7.25 The development includes a total of 6 parking spaces, two of which are designated for disabled users. The predominately 'car-free' nature of the site would be appropriately managed and move-in/move out days strictly controlled to ensure there are no adverse impacts on the surrounding residents and businesses.
- 7.26 The proposed development therefore complies with policies 10 and 14 of the ACS, policy T3 of the Local Plan, and policies DE1 and TR1 of the LAPP in this regard.

**v) Flood Risk/Drainage** (Aligned Core Strategy Policy 1, Local Plan Policy NE10 and policy CC3 of the emerging LAPP)

- 7.27 The River Leen is located immediately adjacent to the western boundary of the site which is designated as being within Flood Zones 2 (medium probability of flooding) and 3b (functional flood plain) in accordance with Environment Agency (EA) mapping. The application has been supported by a detailed Flood Risk Assessment

(FRA) which shows that the site and surrounding area are at high risk of flooding from the River Leen from a 1 in 10-year event and above. Proposed flood mitigation and wider flood alleviation measures are being negotiated with the EA and Council to reach a solution that, subject to compliance with the necessary sequential and exceptions tests, would ensure that the development is safe for its lifetime from flooding and would not result in increased flooding elsewhere.

7.28 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. A search zone within a maximum walkable radius (800m) of the two universities' key campus buildings within the City boundary was established in the FRA, which is understood to have been accepted by the EA. The sequential test could not identify any available sequentially preferable sites at a lower risk of flooding within the search area and it is therefore concluded that the sequential test is passed.

7.29 In relation to the exception test; it is necessary for the development to demonstrate that the development would provide wider sustainability benefits to the community that outweigh flood risk and demonstrate that the development would be safe from flooding for its lifetime. The redevelopment of this brownfield site would deliver sustainably located PBSA. The proposed layout includes flood storage and mitigation measures, including within a landscaped area alongside the river, which would also provide flood risk benefit to the surrounding area. Therefore, the proposal would meet the requirements of exception test.

7.30 The EA have also identified a scheme of strategic flood mitigation works along the river Leen corridor adjacent to the site, that would not only improve the flood profile for this development but other development sites in the vicinity, taking them out of flood zone 3b. The works could also safeguard up to 300 existing residential properties within the local area. Discussions relating to a contribution from the applicant towards these flood mitigation works are on-going, but this is agreed in principle by the applicant and would be secured through the S106 agreement.

7.31 Subject to the detail contained within the supporting FRA and on-going discussions with the EA, it is considered that the development would be safe for its lifetime from flooding, would not increase flood risk elsewhere and through wider flood mitigation works, would positively contribute to improving the flood profile of the surrounding area. Subject to condition, the proposal therefore accords with Aligned Core Strategy Policy 1, Local Plan Policy NE10 and policy CC3 of the emerging LAPP.

**vi) Landscaping and Biodiversity** (Policy 17 of the ACS; Policy NE3 of the Local Plan; Policy EN6 of the emerging LAPP)

7.32 The riverside location of the scheme creates an opportunity for ecological enhancement and for student recreation within the same space. The current river bank is severe, with steel sheet piling to contain the river flow. As part of the flood alleviation works, proposals are being considered for the partial removal of these and the creation of a more naturalised bank. A significant landscaped zone would then be created which would include planting selected for its ecological value and to encourage the development of an enhanced waterside environment. The flood storage zone would be formed of amenity grass with close mowing to the base and embankments, with a small number of individual clear stemmed trees, to avoid flow impediment. Robust shrub planting would be provided around the building contained by the site's circulation routes, and to provide privacy to ground floor bedrooms and a soft setting to the base of the building.

7.33 The application has been supported with an ecological appraisal that has been reviewed by the Biodiversity officer. They have raised no objection subject to a number of conditions relating to: submission of a detailed Method Statement to show how the River Leen will be protected during construction; and provision of any lighting details, to prevent light spill onto the Leen at levels likely to disrupt the use of this feature as a feeding or commuting corridor for bats. The proposal therefore would have no significant impact on Local Wildlife Site.

7.34 Subject to condition it is considered that the development would have a positive impact upon biodiversity and would accord with policy 17 of the ACS, policy NE3 of the Local Plan and policy EN6 of the emerging LAPP.

**vii) Planning Obligations** (Policy 19 of the ACS; Policy H5 of the Local Plan; Policy IN4 of the emerging LAPP)

7.35 In order to comply with development plan policy and the requirements of the relevant Supplementary Planning Guidance, the developer is required to enter into a section 106 obligation to secure the following:

- A financial contribution towards off-site Public Open Space - £148,002 in lieu of on-site provision
- A student management scheme, which shall include a restriction on car usage, mitigation and management of potential noise nuisance, security details, cleaning and refuse management
- A contribution towards a wider flood alleviation scheme

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 in the vicinity of the site.

7.36 Such obligations are considered to meet the requirements of Regulation 122(2) Community Infrastructure Levy Regulations 2010, in that the planning obligations sought are (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.

## **8. SUSTAINABILITY / BIODIVERSITY**

The application has been supported by an Energy Statement. The proposals include a green roof to the single storey communal space structure and PV arrays to the roof. Furthermore, an improved green river corridor underpins the sustainable aspirations of the scheme. All the parking spaces (6 spaces) within the development would also include Electric Vehicle Charging (EVC) point. Below are summary of the sustainability measures that would be included within the building itself:

- Passive design measures in the form of improved insulation levels and reduced air permeability
- A reduction in the base energy demand of the building
- Energy efficiency measures in the form of high efficiency direct acting heating, low energy fans, LED lighting etc, to reduce the energy consumption of the building
- Natural ventilation to bedrooms where possible

- Reduction of energy consumption by 14% using fabric improvements first, then system efficiencies followed by the inclusion of a photovoltaic array providing a 0.5% reduction in predicted annual carbon emissions

## **9 FINANCIAL IMPLICATIONS**

As detailed above a section 106 agreement would secure:

- A financial contribution towards off-site Public Open Space - £148,002 in lieu of on-site provision
- A contribution towards flood risk mitigation

## **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**

The proposed development has been designed to be compliant with current building regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheel chair users and lifts are proposed at every stair core.

## **12 RISK MANAGEMENT ISSUES**

None.

## **13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: Redevelopment of a brownfield site with a sustainable development. Providing appropriately located PBSA in order to develop a more sustainable community within the local area.

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

## **14 CRIME AND DISORDER ACT IMPLICATIONS**

The development would provide a residential development with good natural surveillance.

## **15 VALUE FOR MONEY**

None.

## **16 List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 19/01998/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

Nottingham Local Plan (November 2005)  
Aligned Core Strategies (September 2014)  
Land and Planning Policies Document (May 2019)  
Building Balanced Communities Supplementary Planning Document  
Planning Guidance for the Provision of Open Space within Developments  
Supplementary Planning Guidance

**Contact Officer:**

Mr Mohammad Taufiqul-Islam, Case Officer, Development Management.  
Email: Mohammad.Taufiqul-Islam @nottinghamcity.gov.uk Telephone: 0115 8764044

# NOMAD printed map



Key  
 City Boundary

Description  
 No description provided

**My Ref:** 19/01998/PFUL3 (PP-08112521)  
**Your Ref:**  
**Contact:** Mr Mohammad Taufiqul-Islam  
**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

DPP Mr Tom Wright  
Sophia House  
28 Cathedral Road  
Cardiff  
CF105EN

Date of decision:

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

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Application No: 19/01998/PFUL3 (PP-08112521)  
Application by: Cassidy Group (Deakins Place) Ltd  
Location: 11 And Workshop To North Of Turning Head Deakins Place, Nottingham,  
Proposal: Demolition of the existing structures and the construction of new purpose-built student accommodation, plus associated ground floor indoor/ external amenity areas, access, landscaping, car parking and associated infrastructure.

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

<b>Time limit</b>
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>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



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**DRAFT ONLY**  
**Not for issue**

Continued...

2. Prior to the commencement of the development, a sound insulation and ventilation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The sound insulation and ventilation scheme shall have regard to the Planning Noise Assessment by Stroma dated 20/11/2019 ( Ref: 07-19-78880 - AC - 1v2) and include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic passive or mechanical ventilation 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<sub>Amax</sub>(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The sound insulation and ventilation scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: To ensure that future occupants of the building are not adversely affected by noise and to accord with policy NE9 of the Local Plan.*

3. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 11 Geo-Environmental Assessment by BWB dated August 2019 (ref NTS2777) and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

- a) A Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
- c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.*

4. Prior to the commencement of the development, an electric vehicle charging scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include 6 electric vehicle charging points for the development.

The development shall not be occupied until the agreed charging scheme has been installed and it shall thereafter be retained for the lifetime of the development.

*Reason: In the interests of sustainable transport and to accord with policy T3 of the Local Plan.*

5. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement.

*Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy NE9 and T3 of the Local Plan.*

6. Prior to the commencement of development a Detailed Method Statement shall be submitted to and agreed in writing with the Local Planning Authority. The Method statement shall include how the River Leen will be protected during construction including any light spill onto the Leen at levels likely to disrupt the use of this feature as a feeding or commuting corridor and how the impacts on the habitats and any faunal species present are minimised.

*Reason: In the interests of biodiversity enhancement and the conservation of species along River Leen in accordance with Policy NE3 of the Local Plan, Policy 17 of the Aligned Core Strategies and Policy EN6 of the Land and Planning Policies Document.*

7. Other than the demolition of the existing site buildings, development shall not commence until a large scale sample panel of all proposed materials to be used on the external elevations of the approved development has been constructed on site and has been reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials shall also be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy

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

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

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

*Reason: To ensure that the sound insulation scheme approved to safeguard residential amenity and to deal with noise associated with the operation of the building have been implemented to accord with policy NE9 of the Local Plan.*

9. 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 shall not exceed the fix plant noise limits set out in Table 7 of the Planning Noise Assessment by Stroma dated 20/11/2019 ( Ref: 07-19-78880 - AC - 1v2).

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

*Reason: To ensure that the mechanical services plant or equipment approved to safeguard residential amenity and to deal with noise associated with the operation of the building have been implemented to accord with policy NE9 of the Local Plan.*

10. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

*Reason: To ensure that site is remediated appropriately in line with the approved remediation strategy to accord with policy NE12 of the Local Plan.*

11. No part of the development hereby permitted shall be brought into use until such time that a traffic management scheme 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 the Local Planning Authority for approval. The traffic management scheme shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

*Reason: To avoid the prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety in accordance with policy T3 of the Local Plan.*

12. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of 217 cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. Cycle provision shall be conveniently located to the main entrance, be covered and secure and that area shall not thereafter be used for any purpose other than the parking of cycles.

*Reason: To secure appropriate provision of cycle parking in order to encourage an alternative mode of transport and to accord with policy 14 of the ACS.*

13. Prior to the development first being occupied a detailed landscaping scheme shall be submitted indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority, and the approved landscaping scheme shall be carried out in the first planting and seeding seasons following its occupation.

Any trees or plants which die, are removed or become seriously damaged or diseased within five years following the occupation of development; 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; and

No part of the site included in the landscaping scheme shall be used for any other purpose without the prior written consent of the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies and Policy DE2 of the Land and Planning Policies Document.*

14. Prior to first occupation of the development, verification that the measures in the approved Energy Statement by Yonder dated August 2019 (Ref: 2027 Rev 01) have been implemented and are fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: In the interests of promoting a sustainable form of development and to accord with policy CC2 of the emerging LAPP.*

15. The building shall not be occupied unless it has been carried out in accordance with the submitted flood risk assessment (May 2019, BWB Consulting) and the mitigation measures detailed therein. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

*Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy 10 of the Local Plan and Policy 1 of the ACS*

16. The residential units shall not be occupied until bin storage facilities have been provided in accordance with details which have first been submitted and approved in writing by the Local Planning Authority. The approved details shall thereafter be retained for the lifetime of the development.

*Reason: To ensure that appropriate bin storage facilities have been provided in order to comply with policy 10 of the ACS.*

**Regulatory/ongoing conditions**

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

17. A full Travel Plan with up-to-date travel survey data must be submitted for approval by the Local Planning Authority no later than three months after occupation. The Travel Plan shall be based on the framework version submitted as part of this planning application and will make reference to schemes and development that have occurred in the interim period. The Travel Plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation, with a Travel Plan update to be submitted and approved by the Local Planning Authority within 3 months of each survey date.

*Reason: In the interests of sustainable travel in accordance with Policies A and 14 of the Aligned Core Strategies and Policy TR1 of the Land and Planning Policies Document.*

18. Deliveries to and collections from the development (including waste) shall not take place outside the following hours:

- 08.00 hrs to 18.00 hrs Monday to Fridays
- 09.00 hrs to 16.00 hrs Saturdays
- 09.00 hrs to 16.00 hrs Sundays & Bank Holidays.

*Reason: To ensure that future occupants of the building are not adversely affected by noise and to accord with policy NE9 of the Local Plan.*

#### **Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:  
Drawing reference Proposed Site Plan revision 00104 P02, received 2 December 2019  
Drawing reference Ground Floor Plan revision 00130 P03, received 2 December 2019  
Drawing reference First Floor Plan revision 00131 P02, received 2 December 2019  
Drawing reference Second Floor Plan revision 00132 P02, received 2 December 2019  
Drawing reference Third Floor Plan revision 00133 P02, received 2 December 2019  
Drawing reference Fourth Floor Plan revision 00134 P02, received 2 December 2019  
Drawing reference Fifth Floor Plan revision 00135 P02, received 2 December 2019  
Drawing reference Sixth Floor Plan revision 00136 P02, received 2 December 2019  
Drawing reference East Elevation revision 00150 P02, received 2 December 2019  
Drawing reference West Elevation revision 00151 P02, received 2 December 2019  
Drawing reference North Elevation revision 00152 P02, received 2 December 2019  
Drawing reference South Elevation revision 00153 P02, received 2 December 2019  
Drawing reference Long Section revision 00120 P02, received 2 December 2019  
Drawing reference Cross Section revision 00121 P02, received 2 December 2019  
Drawing reference Proposed Landscape Plan revision 00112 P02, received 2 December 2019

*Reason: To determine the scope of this permission.*

#### **Informatives**

1. Environmental Noise Assessment

Verification that the approved sound insulation and ventilation scheme has been implemented shall include;

-The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme



- example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)
- photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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

## 2. Commercial Noise

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

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

## 3. 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, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be validated
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

4. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

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

6. The applicant should provide a Travel Plan noticeboard to contain transport related information on the provision of sustainable modes of transport. The applicant is advised to contact Robert Smith (Senior Transport Planner) 0115 8763604 or [Transport.Strategy@nottinghamcity.gov.uk](mailto:Transport.Strategy@nottinghamcity.gov.uk) for further information.

7. For further information regarding the potential rights of way issue surrounding this site, the applicant should contact John Lee, the City Council's Rights of Way Officer on 0115 8765246.

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WARDS AFFECTED: Meadows

Item No:

**PLANNING COMMITTEE**  
**18th December 2019**

## REPORT OF DIRECTOR OF PLANNING AND REGENERATION

### Express Dairies, Meadow Lane

#### **1 SUMMARY**

- Application No: 18/01570/PFUL3 for planning permission
- Application by: Hunter Page Planning Ltd on behalf of Trent Bridge Quays (Phase II) LLP
- Proposal: Demolition of existing buildings and Residential development comprising 44 apartments, 14 townhouses, and retail space (REVISED SUBMISSION - Trent Bridge Quays Phase II).

The application is brought to Committee because it is a major application, with Section 106 obligations, which raises important local issues, and is not policy compliant due to viability appraisal.

To meet the Council's Performance Targets this application should have been determined by 30th May 2019

#### **2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to:

- 2.1 (a) prior completion of a Section 106 planning obligation to secure:
- (i) A financial contribution of £78,872 towards education provision.
  - (ii) A financial contribution of £56,354.16 towards open space provision.
  - (iii) A financial contribution of £26,696 towards local employment and training opportunities.
- (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of the conditions to be delegated to the Chief Planner.
- 2.3 That Committee 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.

#### **3 BACKGROUND**

- 3.1 The application site is located directly opposite Notts County Football Ground on Meadow Lane and adjoins a site to the south and west that is owned by the same

applicant and is currently being developed with apartments and townhouses (17/01720/PVAR3). Adjoining the site to the east are the Fruit Basket Direct and 200° Roast House business premises.

- 3.2 The site was last used and operated as a dairy depot by Dairy Crest Limited. It is advised that operations were relocated approximately 18 months ago and the site was then sold. The site contains two large and long single storey warehouse buildings that extend from Meadow lane to the full depth of the site. There is a range of much smaller single storey buildings that are arranged in a horseshoe around the perimeter of the remainder of the site, with a central open area and a wide gated vehicle access off Meadow Lane

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 The proposed development has been revised from its initial submission and a full reconsultation has been carried out. The revised proposal is for the redevelopment of the site with 44 apartments in a five storey building and 14 three storey townhouses. There would be a retail space within the ground floor of the apartments building.
- 4.2 The proposed layout of the development would be a continuation of the first phase of development now underway on the adjoining site, with the terraces of townhouses in this first phase being extended northwards to link with an apartments building fronting onto Meadow Lane.
- 4.3 The proposed development would provide for a mix of townhouse and apartment sizes: 5 x 4-bed and 9 x 3-bed townhouses, and 2 x 3-bed, 26 x 2-bed, and 16 x 1-bed apartments. The townhouses would have private rear garden spaces, short front enclosed areas, and external terraces at second floor level. The south facing elevation of the apartments building also includes short external balconies.
- 4.4 Access to the development is off Meadow Lane using a new road that is being provided by the first phase of development. This road continues through the site to then loop around and back onto Meadow Lane to the west of the proposed apartments building. Car parking (47 spaces) would be provided in a continuation of the layout of on-street parking bays that are being provided in the first phase of development, and also within a parking courtyard space to the rear of the apartments building, with access/egress via carriageway entrances. Trees and other on-street hard and soft landscaping is also to be provided as an extension of the approach to the landscaping to the first phase.

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

##### **Adjoining occupiers consulted:**

The following occupiers have been individually notified by letter on receipt of the original proposal and again on the revised proposal:

1 – 18 (consec.) Meadow Close  
11 – 13 Ashling Court, Ashling Street  
Notts County Football Club Meadow Lane  
Sport Nottingham Health and Fitness Complex Notts County Football Stadium  
The Meadow Club Meadow Lane  
Units 5 & 6 Meadow Lane

Suites 1 & 2 Heston House  
Environment Agency Laboratory, Meadow Lane

The application has also been advertised by press and site notices.

No responses have been received in relation to these notifications.

**Additional consultation letters sent to:**

**Environmental Health:** No objection with comments and subject to conditions relating to the potential for contamination, protection of future residents from commercial noise and odours, hours of servicing of proposed commercial uses, and provision of electric vehicle charge points.

The Environmental Noise Assessment Report has taken into account the impact of noise from both football stadia. Other existing commercial operations also need to be considered. Fruit Basket Direct have a warehouse/distribution centre next to the site that is known to operate night time and early morning deliveries. There will also be noise from the premises loading & unloading vehicles, using fork lift trucks with reversing beepers etc. This kind of activity so close to a residential development has the potential to cause a problem & EH want to avoid is the situation where future residents of the development end up making complaints about deliveries to & from the site. The developer needs to assess this noise & put in place measures which will avoid such a situation where complaints may arise.

Relating to odours, 200<sup>o</sup> Roast House is also proximate to the site and the smell of roasting coffee is noticeable in the area. Whilst a condition is proposed, it is also recommended that the developer be advised to discuss this directly with the company to review and mitigate the implications of the residential development to avoid EH getting involved in a future odour nuisance investigation.

**Highways:** No objection subject to conditions, including Construction Traffic Management Plan, the provision of electric vehicle charge points and reinstatement of redundant footway crossings.

**Environment Agency:** No objection subject to conditions requiring implementation in accordance with revised approved Flood Risk Assessment; scheme to deal with the risks associated with the potential contamination of the site; no penetrative piling without express consent; and scheme to treat surface water run-off during construction works.

**Drainage:** No objection in accordance with submitted details.

**Education:** Request for S106 contribution towards primary school places.

**Employment & Training:** Request for S106 contribution towards construction phase local employment and training opportunities.

**NUH Trust:** Request for S106 contribution towards additional health care services.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (2019):**

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

ST1 - Sustainable Communities  
H2 - Density  
H5 - Affordable Housing  
MU7 - Waterside Regeneration Zone Sites. (MU7.3 Meadow Lane Site)  
R2 - Open Space in New Development  
NE9 - Pollution  
NE10 - Water Quality and Flood Protection  
NE12 - Derelict and Contaminated Land  
T3 - Car, Cycle and Servicing Parking

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

Policy 1 - Climate Change  
Policy 7 - Regeneration  
Policy 8 - Housing Size, Mix and Choice  
Policy 10 - Design and Enhancing Local Identity  
Policy 14 - Managing Travel Demand  
Policy 16 - Green Infrastructure, Parks and Open Space  
Policy 17 – Biodiversity

## **Emerging Land and Planning Policies Development Plan Document - Local Plan Part 2: Proposed Main Modifications Version (2019)**

The Local Plan is currently undergoing Examination. The hearing sessions concluded in December 2018 and the Main Modifications consultation stage finished on 28 June 2019. It is anticipated that the Council will adopt the Plan in January 2020. Its policies therefore carry considerable weight.

Policy CC1: Sustainable Design and Construction

Policy RE8: Waterside

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy DE1: Building Design and Use

Policy TR1: Parking and Travel Planning

Policy EE4: Local Employment and Training Opportunities

Policy EN2: Open Space in New Development

Policy IN4: Developer Contributions

Policy SA1 - Site Allocations (Site PA81: Waterside - Meadow Lane)

### **Waterside Supplementary Planning Document (2019)**

Prepared in order to guide development proposals for part of the larger Waterside area located on the north bank of the River Trent, and building upon previous master planning work for the area. Sets out a vision for the area, identifies constraints and opportunities and provides guidance on the type, form and phasing of expected development.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

Whether:

- (i) The development will provide for the appropriate regeneration of the area.
- (ii) The overall density and layout of development is appropriate for this location.
- (iii) The scale and design of the buildings and open spaces will provide a strong sense of character and identity.

**Issue (i) Regeneration** (NLP Policies ST1, MU7/MU7.3, ACS Policy 7, and LAPP Policies RE8 and SA1)

- 7.1 The application site falls within the Waterside Regeneration Zone and is an allocated site for mixed use redevelopment (MU7.3/PA81).
- 7.2 The regeneration policies of the Local Plan and Aligned Core Strategies positively promote development proposals which contribute to the creation of a new mixed use riverside quarter in the Waterside Regeneration Zone, with appropriate supporting facilities and strong links to surrounding communities and the riverside. Policy ST1(d) also supports the use of previously developed land in the context of the formation of sustainable communities and a successful economy.
- 7.3 The recently adopted Waterside Supplementary Planning Document seeks to ensure that the Waterside realises its full potential, with increasing the delivery of housing being a key priority. The new sustainable community in Waterside is

expected to make a significant contribution to meeting the city's housing needs. And the emerging LAPP estimates that the sites within the Waterside SPD boundary could deliver approximately 1073 new dwellings.

- 7.4 It is therefore considered that the proposed development will strengthen the further phased regeneration of the Waterside area and accords with NLP Policies ST1, MU7/MU7.3, ACS Policy 7, and LAPP Policy RE8.

**Issue (ii) Density and Layout** (NLP Policies H2, T3, ACS Policies 8, 10 and 14, and LAPP Policies HO1 and TR1)

- 7.5 There is a direct link between the principles of density and layout that have been established for the adjoining site and the proposed development of this site as a continuation of these principles.
- 7.6 The SPD states that the aim is to create a place of human scale and of proven high quality design with townhouses and apartment blocks fronting well connected streets, forming perimeter blocks and providing a mix of tenures. It is considered that the proposed development will reinforce the masterplan structure of the adjoining site, which has also been acknowledged by the Waterside SPD Masterplan and Design Principles Plan.
- 7.7 The new access roads that loop around the sites will also provide for pedestrian access to a new section of the riverside path that is being developed and which will connect to the existing riverside path and canal towpath.
- 7.8 Whilst the level of proposed car parking is lower than the ratio of 1.5 spaces per dwelling that the SPD advises, it is considered the proposed 47 spaces for the 56 dwellings being proposed is reasonable in this instance, recognising that this part of the Waterside is proximate to public transport services on London Road and that the proposed mix includes a number of 1-bed apartments where car ownership is likely to be lower. In reaching this conclusion it is also recognised that whilst additional car parking spaces could be provided in more bays off the access road, that this would be at the expense of landscaping and tree planting that will secure a higher quality of general amenity for the development and area. The SPD seeks to ensure that parking does not detract from the quality of the streets or creation of a high-quality neighbourhood.
- 7.9 It is therefore considered that the proposed development accords with NLP Policies H2, T3 and ACS Policies 8, 10 and 14, and LAPP policies HO1 and TR1.

**Issue (iii) Scale and Design** (ACS Policy 10 and LAPP Policy DE1)

- 7.10 Development of the adjoining site (Phase 1) is now underway, having been initially granted planning permission in October 2015 and then being varied in March 2019 with revisions to the development elevations and plans. The approved designs of the four riverside apartment blocks and terraces of townhouses within this phase are individual and contemporary, with control being exercised through their common typology and use of a limited palette of materials. It is proposed that this model is carried through onto the application site on what would then be Phase 2 of this development.
- 7.11 Whilst the initial submission for this site had proposed a higher density development with a taller apartments building onto Meadow Lane, the revised

submission at 5 storeys now accords with the Waterside SPD that advises that buildings of 4-5 storeys will generally be acceptable along Meadow Lane/Daleside Road. At 5 storeys, this building will be one storey higher than the neighbouring new 4 storey building being developed as part of Phase 1. This is considered to be appropriate at this location on Meadow lane opposite Notts County's football stadium building. The inclusion of active ground floor retail uses in both of these apartments' buildings will also help to establish a more pedestrian friendly, mixed use character on Meadow Lane that is also supported by the SPD.

- 7.12 The design of the apartments building has been revised, now being broken down into a number of elements and using brick contrast and detailing to provide individuality to each element. The building is described to sit on a plinth of red brick in recessed brick banding, which then wraps up the western end of the building. Soldier course brickwork is used to define each floor level, and all of the large window openings are to be provided with deep reveals. There is visual strength and consistency in these design elements, which have direct reference to the apartments buildings being implemented in Phase 1. Intermediate three storey blocks incorporating carriageway accesses are also used to provide the linking elements to the proposed townhouses. Bins for the apartments and commercial units are to be accommodated within two ground floor rooms to the rear of the retail units, adjacent to the cycle storage areas.
- 7.13 The extension of the terraces of townhouses along the access roads is also consistent with the SPD objective for this model of two and three storey housing. The design of these townhouses also continue the model being used on Phase 1, with subtle variation through the introduction of new brick textures to the front elevations. The palette of brick for Phase 1 is maintained in use of good quality light red and light grey multi facing brick. Windows are to be in light grey powder coated aluminium with elements of metal panel infills. Roofs are mono-pitched metal standing seam, with a revised southern orientation having been agreed in order to provide the potential for future pv installation. Bins for the houses are to be accommodated in front gardens, screened by walls.
- 7.14 The SPD advises that high quality contemporary architecture is expected with a variety of building designs being used to contribute to a sense of place and to create character. It is considered that the scale and design of the proposed development meet this objective and is also an appropriate follow on phase of development to that already underway on the adjacent site by the same developer.
- 7.15 It is therefore considered that the proposed development accords with ACS Policy 10 and LAPP Policy DE1.

### **Other matters**

#### **Flood Risk and Drainage (NLP Policy NE10, ACS Policy 1)**

- 7.16 The Environment Agency have no objection to the proposed development in accordance with the submitted revised Flood Risk Assessment. The Drainage team also have no objection in accordance with the submitted details. It is therefore considered that, subject to conditions, the proposed development accords with Policy NE10 and Policy 1

## **Pollution and Contamination (NLP Policies NE9 and NE12)**

- 7.17 Environmental Health have no objection to the proposed development subject to appropriate measures being made in relation the potential for contamination, protection of future residents from commercial noise and odours, and hours of servicing of the proposed commercial uses. It is therefore considered that, subject to conditions, the proposed development accords with Policies NE9 and NE12.

**Planning Obligations:** (NLP Policies ST1, H5, R2; ACS Policies 8 and 16; and LAPP Policies EE4, EN2, HO3 and IN4)

- 7.18 A policy compliant planning obligation for the proposed development would expected to provide:
- affordable housing £468,000
  - open space £56,354.16,
  - education £78,872,
  - local employment and training £26,696.
- Total: £629,922.16
- 7.19 The applicant has submitted a viability appraisal, which has been independently assessed on behalf of the Council. The assessor's report on the viability appraisal advises that the proposed development would not be viable with full S106 contributions, but that if the affordable housing element was removed that this would then result in a developer profit level of 15.96%, a level which is considered to be sufficient to bring the site forward for development. The applicant has accepted this conclusion and has confirmed their commitment to the requested commuted sum contributions towards open space (£56,354.16), education (£78,872), and local employment and training (£26,696).
- 7.20 The NUH Trust has also made a request for a contribution of £32,062 towards the provision of additional health care services to meet patient demand as a consequence of the predicted level of interventions that could arise from the population of the proposed development. It is accepted that health care provision is a material planning consideration within chapter 8 of the NPPF (Promoting Healthy & Safe Communities) which seeks to ensure that planning decisions deliver healthy, inclusive and safe places. Policy IN4 of the LAPP states that developments will be expected to meet the reasonable costs of new infrastructure and services required as a consequence of the proposal, including for community facilities. Whilst the Council recognises the importance of making adequate provision for healthcare of the occupants of the development, a number of queries and issues arise from the request, in particular that the contribution sought relates solely to secondary/acute care rather than wider healthcare infrastructure, particularly primary care (GP provision). There are also queries over the basis of the calculation being used to arrive at the figure requested, and reassurances required that any monies sought would be spent on healthcare provision reasonably and directly related to this development.
- 7.21 The Waterside SPD advises that the four main priorities for any S106 obligations are:
- Transport infrastructure
  - Education
  - Public realm and open space
  - Affordable housing

- 7.22 The SPD also states that developments should maximise opportunities for local employment and training in line with the Council's existing Employment and Training Plan process.
- 7.23 The viability appraisal has demonstrated that the proposed development is not able to support significant contributions and, in particular, the largest commuted sum that would provide off-site affordable housing. Whilst the Council notes the request for a contribution towards additional healthcare services, in this instance and in accordance with the recently adopted SPD, it is therefore recommended that the afforded S106 contributions are prioritised towards open space, education, and local employment and training. The contributions being sought are considered to be necessary to secure compliance with the policies listed. With regard to the contribution towards Local Employment and Training it should be noted that LAPP policy EE4, as proposed to be modified, envisages a Supplementary Planning Document to provide further guidance on how the objectives of the policy may be secured. In the absence of such guidance, however, it is considered that the contribution being offered will be used to support local employment and training opportunities and is therefore an appropriate response to the requirements of the policy. The proposed contribution is therefore considered necessary to secure compliance with LAPP policy EE4, directly related to the development and fairly and reasonably related in scale and kind.

## **8. SUSTAINABILITY / BIODIVERSITY (ACS Policies 1 and 17, LAPP Policy CC1)**

- 8.1 A 'fabric-first' approach is proposed, and is an appropriate means to achieve carbon reduction targets and accords with Policy 1. Significant CO2 emissions savings can be made through passive energy efficiency measures such as improving the building's fabric efficiency, and employing higher efficiency equipment for the building services.
- 8.2 Roof pitches to the townhouses have been reoriented to allow for the future installation of photovoltaic cells, sections of green roof have been provided to the intermediate three storey blocks, and additional tree planting is being provided to enhance the landscaping qualities of the development as well as providing greater levels of summer shade.
- 8.3 The details of the landscaping scheme, to be secured by conditions, will be assessed to ensure that opportunities for habitat creation, including pollinators, are maximised.
- 8.4 It is therefore considered that the proposed development accords with ACS Policies 1 and 17, and LAPP Policy CC1.

## **9 FINANCIAL IMPLICATIONS**

A financial contribution totalling £161,922.16 has been negotiated in accordance with current and emerging policies and supplementary planning guidance in relation to open space, education, and local employment and training. Whilst this is less than full policy compliant contributions of £629,922.16, reduced contributions are considered to be justified in this case following an independent appraisal of the financial viability of the development.

**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**

Securing training and employment for Nottingham citizens through the construction of the development.

**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: 18/01570/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PD2Z4HLYLQW00>

2. Environmental Health, 19.9.18, 20.9.18, 18.3.19

3. Environment Agency, 25.9.18, 19.3.19

4. Highways, 18.9.18, 12.4.19, 19.8.19

5. Drainage, 4.9.18, 14.3.19

6. Education, 3.10.18, 4.7.19, 13.11.19

7. Employment & Training, 14.11.19

8. NHS Trust, 13.9.19

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

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Land and Planning Policies Development Plan Document - Local Plan Part 2:

Proposed Main Modifications Version (May 2019)

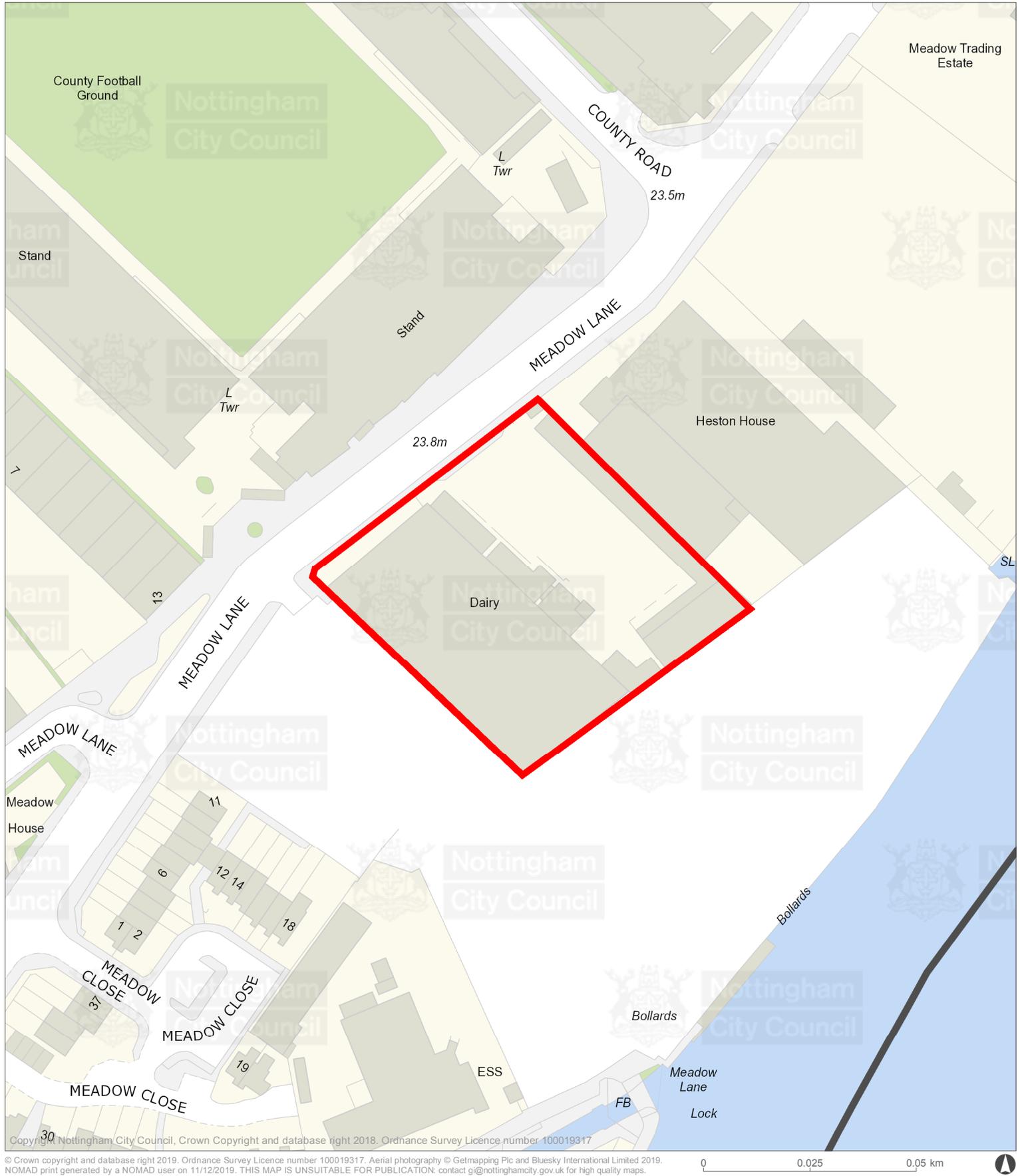
Waterside Supplementary Planning Document (June 2019)

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074

# NOMAD printed map



Key  
 City Boundary

Description  
 No description provided

**My Ref:** 18/01570/PFUL3 (PP-07187377)  
**Your Ref:**  
**Contact:** Mr Jim Rae  
**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

Hunter Page Planning Ltd  
FAO Mr Giles Brockbank  
18 High Street  
Cheltenham  
GL50 1DZ

Thornbury House

Date of decision:

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

Application No: 18/01570/PFUL3 (PP-07187377)  
Application by: Trent Bridge Quays (Phase II) LLP  
Location: Express Dairies, Meadow Lane, Nottingham  
Proposal: Demolition of existing buildings and residential development comprising 44 apartments, 14 townhouses, and retail space.

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. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the Construction Traffic Management Plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.*



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**Not for issue**

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3. Prior to the commencement of the development, a Remediation Strategy that shall have regard to the Preliminary Phase 2 Ground Investigation by GIP Ltd dated 27/04/2018 (ref KCS/26658) and comments from Environmental Health, and 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 Plan, 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.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

*Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.*

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

The environmental noise assessment shall have regard to the Noise Assessment Report by BDP dated July 2018 (ref P2008055/(REP)U001) 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 (including e.g. the neighbouring Fruit Basket Direct warehouse/distribution premises). 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 acoustic 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 LAm<sub>ax</sub>(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

*Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy NE9 of the Nottingham Local Plan..*

5. The approved 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 demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers.

Piling or any other foundation designs using penetrative methods is not permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

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

*Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.*

6. No mechanical services plant or equipment (including any air handling plant) shall be installed to serve the approved retail space within the development unless an environmental noise assessment and sound insulation scheme in relation to the impact of this plant or equipment has submitted to and be approved in writing by the Local Planning Authority.

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

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

*Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy NE9 of the Nottingham Local Plan.*

7. Prior to the commencement of any above ground development, large-scale elevation and section drawings to show the detailed design of each building type shall be submitted to and approved in writing by the Local Planning Authority. The submissions shall incorporate details of all elevations, including window types and curtain walling glazing systems; reveals; brick detailing; standing seam cladding; louvre panels; shopfront glazing; entrances; doors; and balustrades. The submissions shall incorporate the roof design for each element of the building including parapets and details of any plant housings; lift enclosures ventilation systems; and other similar elements that are integral to the fabric of the building shall also be included. The development shall thereafter be implemented in accordance with the approved details.

*Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the Aligned Core Strategies.*

8. Prior to the commencement of any above ground development of any phase of the approved development, details of all hard surface treatments, including the roads, footways, public realm and parking areas, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed 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 Strategies.*

9. Prior to the commencement of any above ground development and notwithstanding the details included within the Landscape Strategy document and Landscape Masterplan drawing (Ref 2008055-BDP-(00-01)-DR-L-XX-XX\_00900 Rev.A), a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species (with a preference towards the use of native species and suitable species that will attract/create ecological assets) and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

*Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategies and NE5 of the Local Plan.*



10. Prior to the commencement of any above ground development, samples of the external materials of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed 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 Strategies.*

11. Prior to the commencement of any above ground development, a scheme for the provision of charging points for electric vehicles to serve all car parking spaces within the approved development shall be submitted to and be approved in writing by the Local Planning Authority. Charging points shall thereafter be implemented in accordance with the approved scheme prior to the first occupation of the dwellings associated to that part of the approved development.

*Reason: to enable future occupiers to make green vehicle choices and to comply with paragraph 35 of the National Planning Policy Framework.*

12. The development hereby permitted shall not be commenced (including demolition) until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by the Local Planning Authority. Development shall thereafter be implemented in accordance with the approved scheme.

*To reduce the risk of surface water pollution during the early stages of development and site clearance.*

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

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

13. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

*Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.*

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 ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.*



15. Where any mechanical services plant or equipment (including any air handling plant) is proposed to be installed to serve the approved retail space within the development, written verification shall be submitted to the Local Planning Authority to confirm that the approved plant or equipment has been implemented in accordance with the approved specification, including any mitigation measures, prior to the first occupation of any part of the approved retail space.

*Reason: To ensure that residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.*

16. No individual dwelling shall be occupied until the parking provision for that dwelling has been completed and is available for use.

*Reason: In the interests of the amenity of occupants of the development and in accordance with Policy T3 of the Nottingham Local Plan.*

17. No individual dwelling shall be occupied until the boundary enclosure associated with that dwelling has been completed in accordance with approved details.

*Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy 10 of the Aligned Core Strategies.*

18. The approved development shall not be occupied until the existing vehicle access onto Meadow Lane, that will be made redundant as a consequence of the implementation of the approved development, has been reinstated with full height kerbs and footways.

*Reason: In the interests of ensuring that these works are carried out in association with the approved redevelopment of the site and in the interests of highway safety and amenity in accordance with Policy 10 of the Aligned Core Strategies.*

#### **Regulatory/ongoing conditions**

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

19. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or completion of the development of that phase, whichever is the sooner, 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 Strategies.*

20. Servicing and deliveries to and from the retail commercial element of the development (including waste collection) shall not take place outside the following times:

- i. 07.00 hrs to 19.00 hrs Monday to Friday
- ii. 08.00 hrs to 18.00 hrs Saturdays
- iii. 08.00 hrs to 16.00 hrs Sundays & Bank Holidays

*Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.*

21. The approved development shall be implemented in accordance with the submitted flood risk assessment (Flood Risk Assessment Rev A, Trent Bridge Quays - Phase 2 Nottingham,



Patrick Parsons, July 2018, B18311), specifically that finished floor levels shall be set no lower than 25.35m above Ordnance Datum (AOD) (Section 3.1 of the FRA). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The specified flood risk measures shall be retained and maintained thereafter throughout the lifetime of the development.

*Reason: To reduce the risk of flooding to the proposed development and future occupants.*

#### **Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:  
As listed on Drawing Issue Sheet reference P2008055 revision 01b, received 21 November 2019  
Other reference Land Contamination Assessment dated 27 April 2018  
Other reference Noise Impact Assessment dated 1 July 2018  
Other reference Transport Assessment dated 1 July 2018  
Other reference Travel Plan dated 1 July 2018  
Other reference Flood Risk Assessment revision Rev A dated 4 February 2019

*Reason: To determine the scope of this permission.*

#### **Informatives**

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

#### **3. Contaminated Land, Ground Gas & Groundwater**

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety



**DRAFT ONLY**

**Not for issue**

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arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

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

#### 6. Environmental Noise Assessment

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

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.

7. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please

contact Network Management 0115 8765238. All associated costs will be the responsibility of the developer.

8. Planning consent is not consent to work on the highway. Licences may be required to carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

9. Regarding new road adoption, the developer should contact the Highway Authority to issue a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete, therefore, it is recommended that the developer contact the Highway Authority as early as possible. For further information please contact Network Management on 0115 876 5293.

10. The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

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

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

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

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

15. Please contact Robert Smith 0115 8763604 (robert.smith3@nottinghamcity.gov.uk) to discuss sustainable transport options to be promoted, and the inclusion of items in a Travel Plan pack for residents.

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: 18/01570/PFUL3 (PP-07187377)

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](http://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.



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# **DRAFT ONLY**

## **Not for issue**

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**WARDS AFFECTED:** Lenton and Wollaton East (May 2019)

**Item No:**

**PLANNING COMMITTEE  
18th December 2019**

## **REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

### **Units 1 2 3 4 7 And 9, Radmarsh Road**

#### **1 SUMMARY**

Application No: 19/02325/PFUL3 for planning permission

Application by: Church Lukas on behalf of Omni Developments

Proposal: Erection of six storey co-living student accommodation block, with associated ancillary accommodation & structures

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

To meet the Council's Performance Targets this application should be determined by 16th January 2020

#### **2 RECOMMENDATIONS**

2.1 To **GRANT PLANNING PERMISSION** subject to:

(a) (i) receipt of confirmation from the Environment Agency that measures proposed and agreed with the developer, secure the provision of satisfactory mitigation to ensure the development is safe for its lifetime from flooding and would not result in flooding elsewhere

(ii) delegation to the Director of Planning and Regeneration final details and terms of a Planning Obligation as to whether a financial contribution towards Environment Agency flood alleviation works along the River Leen corridor associated with the site and wider area, should be sought and as to the quantum of such a contribution, subject to him being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is necessary to make the development acceptable in planning terms; directly related to the development; fairly and reasonably related in scale and kind to the development.

(b) Prior completion of a Section 106 Planning Obligation to secure:

(i) An off-site Public Open Space financial contribution of £46,804.26 towards enhancement in the surrounding area;

(ii) A student management plan, to include restrictions on car use

(c) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

- 2.2 Power to determine the final details of both the conditions and the section 106 obligation to be delegated to the Director of Planning and Regeneration.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought at 2 (b) (i) and (ii) above are (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.

### **3 BACKGROUND**

- 3.1 The site is a former timber yard situated at the end of Radmarsh Road in Lenton.
- 3.2 The site is approximately 20m in width and 110m in length and bound by the railway to the east and the River Leen to the west. The site is largely flat and contains a collection of semi-dilapidated single storey buildings. The land level on site is approximately 1.4m lower than the existing path which runs along the western boundary of the site.
- 3.3 Radmarsh Road at present is mixed use at the Derby Road end with a pub (The Three Wheatsheaves) on the eastern side and car dealership (Toyota/Lexus) with associated vehicle storage along the majority of the western side of the road. Between the aforementioned pub and the development site are a collection of four storey student accommodation buildings providing approximately 200 units, managed by Unite Students. At the northern end of Radmarsh Road is a footpath which leads to a footbridge over the River Leen, providing access onto the Jubilee campus.
- 3.4 To the east of the site beyond the railway line are properties which front onto Faraday Road, which are a mix of commercial and residential. To the west are buildings within the University of Nottingham's (UoN) Jubilee Campus, the closest being the circular, four storey, Ingenuity Centre.
- 3.5 The site is designated as being within Flood Zones 2 and 3b. The site is also partially located within an Archaeological Constraint Area as identified within the allocations map within the Local Plan.
- 3.6 The site falls within the area safeguarded for the expansion of the Jubilee Campus. Within the Development Brief for the campus this south eastern corner of the plan area is designated for 'mixed use' development associated with its primary function for education and research and development (R&D) use.

#### **Site Planning History**

11/02013/PFUL3 - Erection of 221 student dwellings in a 6 storey building, cafe to ground floor and associated works. Withdrawn 2012

### **4 DETAILS OF THE PROPOSAL**

- 4.1 Planning permission is sought for the construction of a six storey student accommodation block providing 222 bed spaces with associated ancillary accommodation & structures.
- 4.2 The accommodation is proposed to be a mix of cluster flats (5/6 beds) and self-

contained studios. The proposed ratio would be approximately 67% cluster flats and 33% studios. All rooms would have en-suite bathrooms and range in size from approximately 12m<sup>2</sup> to 25m<sup>2</sup>. All cluster flats would have access to shared kitchen/living spaces and all rooms would have access to a communal 'Winter Garden' area, centrally located within the building with access from all floors.

- 4.3 To the front of the building is proposed an energy centre incorporating facilities management area and staff room. To the side and rear of the energy centre would be a covered bin and cycle store. Provision has been made for the storage of 22 bins and 50 bikes.
- 4.4 Extensive landscaping is proposed to the front and side of the building as part of the scheme which is supported by an illustrative landscape masterplan. No parking is proposed, with the exception of 1 space for the facilities manager to the front of the energy centre and 2 disabled parking bays.
- 4.5 Local employment and training opportunities will arise from this development and discussions are underway with the applicant to secure the delivery of these opportunities through working with the Council's Employer Hub.

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

### **Adjoining occupiers consulted:**

29 neighbouring properties notified on Radmarsh and Faraday Roads.

Site notices have been posted on both roads and an advert placed in the paper.

(The site was the subject of a public consultation event when the last application was submitted in 2011, at which time it was also reviewed by the Design Review Panel).

Three letters of representation have been received two from neighbouring residents and one from the University of Nottingham stating:

The area cannot accommodate an extra 222 students. The proposed building is too large and unattractive. The extra students will be a drain on public transport/doctors/dentists and shops.

The area should be made more family friendly, if this is not possible the building should be made smaller and used as a newsagent or similar that would be beneficial to the area.

The University of Nottingham supports the principles of good quality design and the utilisation of brownfield sites.

The proposed scheme meets the broader objectives of the University's master plan (which will imminently be replaced) and opens up the eastern boundary of Jubilee Campus.

The site is constrained by the narrow plot, the railway line, the river Leen and a sewer running through it. The use is appropriate for the location. The proposed scheme integrates well with the Campus and resolves the health and safety/ security issue associated with the cut through from Radmarsh Road to the Campus.

### **Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objection subject to a number of conditions relating to noise, sound insulation, contaminated land, air quality, lighting and piling.

**Environment Agency:** A meeting has been undertaken and the scheme discussed. Whilst no written comments have been made, comments have been made verbally concerning this application and proposed responses/actions are as detailed in paragraph 7.22 - 7.27. It is anticipated that full comments from the EA will be reported in the update to committee.

**Drainage/Lead Local Flood Authority:** No objection to the proposal. Request details relating to the maintenance arrangements for the proposed drainage features.

**Highways:** No objection subject to condition and informatives relating to electric vehicle charging, parking bay provision, waste collection and a travel plan

**Biodiversity:** No objection subject to biodiversity enhancement being provided in accordance with the recommendations of the submitted ecology report.

**Archaeology:** No archaeological work is required in advance of determining the application or by condition. An archaeological Desk Based Assessment submitted with the application suggests that an archaeological evaluation may be required for this site. However, the potential for archaeological remains is considered to be too low to justify archaeological fieldwork.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **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 14 - Managing Travel Demand.

Policy 19 – Developers Contributions.

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

ST1 - Sustainable Communities.

H2 - Density.

H6 - Student Housing.

R2 - Open Space in New Development.

CE8 – Further and Higher Education.

NE9 - Pollution.

NE10 – Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T3 – Car, Cycle and Servicing Parking.

E4 – Regeneration of previously-used Employment Sites and Employment Premises

### **Emerging LAPP (September 2019)**

Policy CC1: Sustainable Design and Construction

Policy CC2: Decentralised Energy and Heat Networks

Policy CC3: Water

Policy DE1: Building Design and Use

Policy EE3: Change of use to non-employment uses

Policy EN2: Open Space in New Development

Policy EN5: Development Adjacent to Waterways

Policy EN6: Biodiversity

Policy HO1: Housing Mix

Policy HO2: Protecting Dwellinghouses (use Class C3) Suitable for Family Occupation

Policy HO5: Locations for Purpose Built Student Accommodation

Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy LS2: Supporting the Growth of Further and Higher Education Facilities

Policy RE1: Facilitation Regeneration

Policy TR1: Parking and Travel Planning

### **Other documents**

Nottingham Authority Monitoring Report (March 2019)

Strategic Flood Risk Assessment (SFRA) (2008)

Building Balanced Communities Supplementary Planning Document (March 2007)

Jubilee Campus Development Brief (2004)

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

- (i) Principle of Student Accommodation
- (ii) The Design and Appearance of the Development
- (iii) Impact on Amenity of Surrounding Residents
- (iv) Flooding and Drainage
- (v) Highway Considerations
- (vi) Other matters

- (i) **Principle of Student Accommodation** (Policies A and 8 of the Aligned Core Strategy, Policies ST1, CE8, E4, H2 and H6 of the Local Plan, Policies EE3, HO5 and HO6 of the emerging LAPP, the Building Balanced Communities SPD (BBCSPD) and the Jubilee Campus Development Brief).

- 7.1 Historically the site has been used as employment land as a timber yard and more recently for storage by the owner. The site is not identified as being part of a Major Business Park/Industrial Estate. Policy E4 of the Local Plan and Policy EE3 of the LAPP require applications for the regeneration of previously-used employment sites and employment premises outside of Major Business Parks/Industrial Estates or allocated sites to be assessed against certain criteria. These policies seek to ensure that there are sufficient supply of alternative employment land and premises, and factor in the regeneration benefits of a particular scheme. The use of the timber yard ceased some years ago and the buildings on the site are in a poor state of repair and of limited potential for alternative industrial use. The site is also heavily constrained (discussed later in the report) and within an area identified for the expansion of the Jubilee Campus, hence in this instance the move away from industrial use and the redevelopment of this long term disused brownfield site is accepted as a matter of principle. The proposed purpose-built student accommodation (PBSA) would result in a positive regeneration of the site and would create new full and part-time employment through the construction, management, security and maintenance of the scheme.
- 7.2 As student accommodation, the principle of the proposal needs to be considered against Policy 8 of the ACS, saved policies ST1, CE8 and H6 of the Nottingham Local Plan, the Building Balanced Communities Supplementary Planning Document (BBC SPD) and policies HO5 and HO6 of the emerging LAPP.
- 7.3 The BBCSPD expands on Policies ST1 and H6 (student housing) and sets out the City Council's approach to the imbalance caused by the over-concentration of student housing. It promotes the diversion of students from general housing into purpose built student accommodation in appropriate locations. Policy CE8 supports the provision of accommodation for students as one of the forms of development appropriate within the area safeguarded for the expansion of the Jubilee Campus and this policy consideration is reinforced by the recent appeal decision on Triumph Road covered in more detail within paragraph 7.7 below.
- 7.4 The Nottingham City Land and Planning Policies Document (LAPP) is not yet adopted but has undergone examination and the policies therein are considered to be NPPF compliant and show the Council's direction of travel in terms of planning policy. Policy HO5 (Locations for Purpose Built Student Accommodation) and HO6 (Houses in Multiple Occupation (HMO's) and Purpose Built Student Accommodation (PBSA)) are considered to be particularly relevant to this proposal. Policy HO5 states: *Purpose built student accommodation of an appropriate scale and design will be encouraged, subject to developers demonstrating that there is a need for additional student accommodation. Acceptable locations are detailed as being, amongst other locations, on University Campuses and on allocated sites where student accommodation use accords with site specific development principles.* Policy HO6 states that: *development will only be granted where it does not conflict with policies HO1 and HO2 and does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities.*

- 7.5 The BBCSPD references that an area is in danger of becoming imbalanced if the percentage of student households exceeds 25% of the total number of households in that area (by leading to further over-concentrations of student households or increases in the problems associated with large numbers of students). Policy HO6 states that in assessing the development's impact on local objectives to create or maintain sustainable, inclusive and mixed use communities, regard will be given to the existing proportion of HMO's and/or other student households and whether the proportion of existing and proposed development amounts to a significant concentration. It goes on to qualify that this excludes PBSA within areas identified in Policy HO5 where such development will be encouraged.
- 7.6 The Jubilee Campus Development Brief (2004) identifies the site as being within the extended campus boundary and within Quarter 4, which is designated for 'mixed use'. The brief states that uses within this area must be compatible with the objective of creating a high quality centre of learning and employment, with the anticipation of provision of student accommodation at the eastern edge of the zone. As the proposal achieves this it would accord with this document.
- 7.7 In a recent appeal decision at 3 Triumph Road (18/01498/POUT) for the erection of student accommodation elsewhere within the area designated for the expansion of the Jubilee Campus, the inspector determined that whilst the proposed development was within Quarter 2 (zoned for academic expansion), it would not undermine the overall objectives of the Development Brief and furthermore, would accord with development plan policies that have been adopted since then, namely the adopted Local Plan and emerging LAPP.
- 7.8 At a more strategic level it is recognised that the number of students within the city continues to grow and this is a trend that has been the case for at least the last four years. The Annual Monitoring Report (published in March 2019) received responses from over 95% of the known 22,000 PBSA bed spaces within the city. Vacancy rates for the 2018-19 academic year are detailed at 0.3% in spite of a further 1,000 PBSA spaces being made available in comparison to the year before. The vacancy rate seen this year is a reduction from the 1.2% identified in 2016-17 and 0.5% in 2017-18.
- 7.9 The scheme submitted is the second project by the developer who also provided the Graystacks development on Castle Boulevard, which is highly regarded concerning the promotion of social cohesion for its residents. The developer has stated that the development has been specifically designed to attract students who would normally move into HMO's after their first year in PBSA. The developer considers that some of the reasons students choose to leave PBSA is that the scheme they initially reside in typically would have:
- Small rooms with single beds
  - Limited social space for groups to interact and meet
  - Small windows with poor ventilation and
  - Limited communal space within the building
- 7.10 The rooms proposed within this development are detailed as being approximately 25% larger than other typical PBSA and all rooms are provided with double beds. Shared space for the cluster flats is detailed as being approximately 20% larger than other comparable developments offering both kitchen, dining and separate lounge area, allowing groups greater opportunity to interact. The proposed building is heavily glazed to the general benefit of the residents living conditions and

includes an additional 330m<sup>2</sup> of communal space accessible to all occupiers across all floor, referred to as the 'winter garden'. The developer states that the accommodation is designed to appeal to the HMO market by providing accommodation that matches the typical group size (4, 5 or 6 people), with enhanced private, social and communal space that would attract students that would otherwise occupy HMO's in Lenton and Dunkirk.

- 7.11 The proposed site on the edge of the extended Jubilee Campus is considered to be an acceptable location for further PBSA provision. The building would respond to the evidenced need for further student residences and provide a high standard of accommodation within close proximity to the existing Jubilee Campus that would seek to reduce the demand for HMO's in the Lenton/Dunkirk area, to the benefit of the local community. It is not considered that the development would be in conflict with the Jubilee Campus development brief and would accord with policies contained within the adopted Aligned Core Strategies, saved policies within the Local Plan and emerging policies HO5 and HO6 of the LAPP. The principle of student accommodation is therefore considered acceptable subject to the below considerations.

**(ii) The design and Appearance of the Development (Aligned Core Strategy Policy 10 and emerging LAPP policy DE1 and guidance contained within the NPPF)**

- 7.12 The application site is long and narrow and the proposed development has also been influenced by a number of constraints, including a large gas pipeline easement and flood risk. The existing site level is approximately 1.4m lower than the surrounding land and given concerns relating to flooding it is necessary to raise the level accordingly.
- 7.13 Design references for the development have been taken from the Graystacks PBSA scheme on Castle Boulevard. The building would be of contemporary design with materials predominantly being brick with cladding panels, finished with a flat roof. The building would be six storeys in height with the top floor recessed and finished in materials to match the plinth, creating a defined top, middle and bottom to the building. Openings are arranged in a grid pattern with a centrally located, highly glazed 'winter garden'. An arrival plaza is proposed to the front of the building which when combined with the proposed landscaping scheme would connect to the existing footbridge providing linkage to the Jubilee Campus. To the front of the building is the single storey energy centre which also incorporates the bin store area in a light weight pergola style building.
- 7.14 The overall scale of the building would sit comfortably with the neighbouring Unite building to the south and when viewed within the context of neighbouring buildings situated to the west on the Jubilee Campus. The transition in scale from the existing low rise buildings to the east of the railway line, when viewed from Faraday Road, is more noticeable. However, the railway line presents a very strong and definite break in the townscape at this point and the building would be viewed in the context of the neighbouring Unite development and against the backdrop of the Jubilee Campus, and would therefore not appear out of character with the wider area. The proposed material palette of largely brickwork, as shown on the submitted CGI's, is considered to sit well with neighbouring buildings, with precise details to be secured by condition.

7.15 The site would incorporate areas of green space to the front and side as illustrated on the submitted plans and within the landscape masterplan which would be beneficial to the overall character of the area and provide a significant enhancement in comparison to the semi-derelict state of the former wood yard. Precise details in relation to planting would be secured via condition. Given the nature of the open space being provided on the site, it would offer limited accessibility to the general public. It has therefore in discussion with the applicant been agreed that an off-site contribution be made towards enhancement of public open space in the surrounding area, which would be secured via the s106 agreement.

7.16 Subject to precise materials and landscaping details being secured via condition it is considered that the development would be a positive addition to the site and wider townscape and would accord with Aligned Core Strategy Policy 10, emerging LAPP policy DE1 and guidance contained within the NPPF.

**(iii) Impact on Amenity of Surrounding Residents** (Aligned Core Strategy Policy 10 and Local Plan Policies H2, NE9, NE10, NE12 and policy DE1 and IN2 of the emerging LAPP)

7.17 The proposed building is relatively well removed from existing residential properties with the closest dwellings 101-109 Faraday Road approximately 20m to the east of the site, on the other side of the railway line. These properties do not have any windows in their rear elevation given the proximity of the railway line and therefore window to window overlooking would not occur. These properties are town houses with no garden areas and as such no overlooking of private amenity space would occur. Other properties situated on the western side of Faraday Road are industrial premises and further to the north, a children's nursery. Additional residential properties are situated on the other side of Faraday Road, on Kittiwake Mews and Heron Drive, with the separation to these properties approximately 40-50m. At the time of writing this report no letters of representation have been received from any third parties.

7.18 The application is supported by a Shadow Analysis contained within the Design & Access Statement. The analysis demonstrates that the building would result in a degree of overshadowing during afternoon periods. The overshadowing would largely affect the closest properties to the east of the site; notably 101 – 109 Faraday Road. As detailed above these properties have no windows orientated towards the site and no functional garden areas. The overshadowing proposed is not considered to be so significant as to warrant a resistance to the proposal on this basis.

7.19 Given the location of the building within close proximity to the Jubilee Campus and neighbouring student accommodation buildings there is a need for robust management arrangements. Accordingly, a student management plan necessary to negate issues regarding parking, waste management and anti-social behaviour within the locality. An integral part of the management plan would be a contact point for local residents to liaise directly with those responsible for the management of the accommodation. The management plan would be secured through a s106 obligation.

7.20 Environmental Health colleagues have reviewed the submitted details and raised no objection but have recommended noise assessment/sound insulation conditions

to protect existing and future residents, including potential noise disturbance arising from external plant. In addition, further information is required in relation to an air quality assessment and piling design. All relevant information can be secured via condition. The submitted CGI's show the inclusion of a roof terrace area on the north western corner of the building. This has been discussed with the applicant who has stated that they are still unsure if a roof terrace would be provided or who it would be accessible to. This has been discussed with Environmental Health who have raised concern regarding its potential for noise disturbance. It is therefore recommended that details and management of any potential roof terrace be secured via condition.

7.21 In consideration of the amenity for future occupiers, room sizes are considered to be acceptable and the generously proportioned communal spaces, including the centrally located winter garden, are welcomed. This would be further supported by the landscaped areas to the front of the building, providing an attractive external space for the residents' use. A landscape masterplan has been submitted in support of the scheme, however precise details would be secured via condition.

7.22 On this basis, the design of the scheme and relationship with surrounding properties would ensure that the proposal would not result in an unacceptable level of 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, Policies H2, H6 and NE9 of the Local Plan and the Building Balanced Communities SPD.

**(iv) Flooding/Drainage** (Aligned Core Strategy Policy 1, Local Plan Policy NE10 and policy CC3 of the emerging LAPP)

7.23 The site is designated as being within Flood Zones 2 and 3b (functional flood plain) in accordance with Environment Agency mapping. In the latter there is a general presumption against new build development. The application has been supported by a detailed Flood Risk Assessment (FRA) and discussions are currently on-going with the Environment Agency (EA) regarding this. The applicant's FRA states that notwithstanding the sites classification as functional flood plain, given the nature of the site as a former wood yard it is therefore deemed as brownfield land and should be treated as Flood Zone 3a (high probability of flooding). The classification of the land as 3a does not negate residential development, subject to compliance with the necessary sequential and exceptions tests and the provision of satisfactory mitigation to ensure the development is safe for its lifetime from flooding, and would not result in increased flooding elsewhere.

7.24 The development proposes to set floor levels 600mm above the 1 in 100 annual probability of flooding, plus an additional allowance for climate change which in this instance is +50%. The site currently sits approximately 1.4m lower than the footpath to the front of the site which provides access to the Jubilee Campus footbridge. To achieve the proposed finished floor levels the building is proposed to be raised above existing ground levels with open voids under the building for flood storage. The increase in land level would be graded from Radmarsh Road and as demonstrated within the CGI's, the change in level would not be particularly apparent from the public realm.

- 7.25 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. An 800m search zone surrounding the site was established in the FRA considered in the 2011 application, which is understood to have been accepted by the EA. The sequential test fails to identify any available sequentially preferable sites at a lower risk of flooding within the search area and it is therefore concluded that the sequential test is passed.
- 7.26 In relation to the exception test it is necessary for the applicant to demonstrate that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development would be safe from flooding for its lifetime. Flood attenuation is proposed as part of the overall scheme with dry swales incorporated as landscape features and flood storage provided under the building, that would prevent flows continuing along Radmarsh Road and flooding further properties, including residential properties to the south in Old Lenton. The proposal is therefore considered to pass the Exception Test.
- 7.27 The EA have also identified a scheme of strategic flood mitigation works along the river Leen corridor, particularly around Midland Way to the north of the site, that would not only improve the flood profile for this development but other development sites in the vicinity, taking them out of flood zone 3b. The works could also safeguard up to 300 existing residential properties within the local area. Discussions relating to a contribution from the applicant towards these flood mitigation works are on-going, but this is agreed in principle by the applicant and would be secured through the S106 agreement.
- 7.28 Subject to the detail contained within the supporting FRA and on-going discussions with the EA, it is considered that the development would be safe for its lifetime from flooding, would not increase flood risk elsewhere and through wider flood mitigation works, would positively contribute to improving the flood profile of the surrounding area. The proposal has also been reviewed by drainage colleagues acting as the Lead Local Flood Authority. No objection has been raised to the proposed development subject to further details being supplied relating to long term maintenance of flood mitigation measures, which shall be secured via condition. Subject to condition and s106 contribution, the proposal therefore accords with Aligned Core Strategy Policy 1, Local Plan Policy NE10 and policy CC3 of the emerging LAPP.

**(v) Highway Considerations** (Aligned Core Strategies Policy 10 & 14, Local Plan Policy T3 and policy TR1 of the emerging LAPP)

- 7.29 The application is supported by a detailed Transport Statement which has been reviewed by Highways colleagues. Policy T3 seeks to preclude development that would be detrimental to highway safety. There is no student parking provision for this development and there would be a restriction within the student management plan 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 on his basis. The scheme incorporates secure cycle storage with 50 bike spaces proposed. The site is very close to the Jubilee Campus with a direct footbridge link, thereby encouraging the majority of occupiers to walk to the University. The site also benefits from close proximity to Derby Road as a main arterial bus route to/from the city centre. Precise details relating to pick up and drop off would be secured via the student management scheme as part of the s106 agreement. Limited parking is proposed on the site with one space for

building maintenance and two disabled spaces. In the interests of continued sustainability details relating to the provision of electric vehicle changing would be secured via condition. Subject to condition the development is considered to accord with policies 10 and 14 of the ACS, policy T3 of the Local Plan and policy TR1 of the emerging LAPP.

**(vi) Other Matters**

**Planning Obligations** (Aligned Core Strategy Policy 19, policy H5 of the Local Plan and policy IN4 of the emerging LAPP)

7.30 In order to comply with development plan policy and the requirements of the relevant Supplementary Planning Guidance, planning obligations are necessary to make the development acceptable in planning terms, which are directly related to the development and fairly and reasonably related in scale and kind to the development. They would be secured within a s106 agreement and secure the following:

- A student management scheme, which shall include a restriction on car usage, mitigation and management of potential noise nuisance, security details, cleaning and refuse management
- A financial contribution towards Environment Agency flood alleviation works along the River Leen corridor associated with the site and wider area (as appraised above) ;and
- A financial contribution towards off-site Public Open Space - £46,804.26 in lieu of on-site provision.

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 in the vicinity of the site.

7.31 Such obligations are considered to meet the requirements of Regulation 122(2) Community Infrastructure Levy Regulations 2010, in that the planning obligations sought are (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.

**Biodiversity** (Policy 17 of the Aligned Core Strategies, Policy NE3 of the Local Plan and Policy EN6 of the emerging LAPP)

7.32 The application has been supported with an ecological appraisal and arboricultural assessment. The information submitted has been reviewed by the Biodiversity Officer who has raised no objection to the proposal subject to a number of conditions relating to provision of hedgehog friendly fencing, bird and bat boxes within the fabric of the building, development occurring outside bird breeding season, and the development being undertaken in accordance with recommendations contained within the ecology report. A recommendation for the provision of a green wall for the side elevation of the bin storage area has been made to enhance the proposed green space on the site, which can be secured via condition. Subject to these conditions it is considered that the development would accord with Policy 17 of the Aligned Core Strategies, Policy NE3 of the Local Plan and Policy EN6 of the emerging LAPP.

**Archaeology (Policy BE16 of the Local Plan and policy HE2 of the emerging LAPP)**

- 7.33 The site is partially located within an Archaeological Constraint Zone as identified within the proposals map of the Local Plan/LAPP. A desk top archaeological assessment has been undertaken and reviewed by the City Archaeologist. It is considered that the potential for archaeological remains on the site is low and no further detail is required. The proposal accords with Policy BE16 of the Local Plan and policy HE2 of the emerging LAPP in this regard.

**8. SUSTAINABILITY/BIODIVERSITY**

- 8.1 The application has been supported by an Energy Statement and a further update has been provided during the lifetime of the application. The building has been designed to follow the energy hierarchy; Be Lean, Be Clean and Be Green to reduce the building's carbon footprint. The building proposes a fabric first approach and would have U-Values and air tightness which surpass Building Regulation standards. The building would be totally heated by Air Source Heat Pumps, which have a high co-efficient of performance allowing 3 times the amount of energy to be generated than is Imputed. There will also be a small back up provision of gas boilers provided. The use of Water Source Heat Pumps have been considered given the proximity of the river, however the varying temperature of the river is considered to result in instability and less efficient performance.
- 8.2 In addition discussions have been had with the applicant following initial comments received. It has been agreed that the wall of the energy centre fronting the river would be a living wall and the roof of the building would be a green roof. Precise details would be secured via the landscaping condition.

**9 FINANCIAL IMPLICATIONS**

As detailed above a section 106 agreement would secure:

- A financial contribution towards off-site Public Open Space - £46,804.26 in lieu of on-site provision
- A financial contribution towards flood risk mitigation and
- A student management plan to include restrictions on car use

**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**

The proposed development has been designed to be compliant with current building regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheel chair users and lifts are proposed at every stair core.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: Redevelopment of a partially cleared brownfield site with a quality sustainable residential development. Providing on campus PBSA in order to develop a more sustainable community within the local area.

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

**14 CRIME AND DISORDER ACT IMPLICATIONS**

The development would provide a residential development with good natural surveillance.

**15 VALUE FOR MONEY**

None.

**16 List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 19/02325/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZIFGGLYJ6N00>

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

Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)  
Emerging LAPP (September 2019)  
NPPF (2019)  
Nottingham Authority Monitoring Report (March 2019)  
Strategic Flood Risk Assessment (SFRA) (2008)  
Building Balanced Communities Supplementary Planning Document (March 2007)  
Jubilee Campus Development Brief (2004)  
Open Space SPG (2011)

**Contact Officer:**

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764043

# NOMAD printed map



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**Key**

 City Boundary

**Description**

No description provided

**My Ref:** 19/02325/PFUL3 (PP-08215132)  
**Your Ref:**  
**Contact:** Mr James Mountain  
**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

Church Lukas  
FAO Mr Mohammad Fahad  
Imperial Building  
20 Victoria St  
Nottingham  
Nottingham  
NG1 2EX  
United Kingdom

Date of decision:

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

Application No: 19/02325/PFUL3 (PP-08215132)  
Application by: Omni Developments  
Location: Units 1 2 3 4 7 And 9, Radmarsh Road, Nottingham  
Proposal: Erection of six storey co-living student accommodation block to provide 222 bed spaces, with associated ancillary accommodation & structures

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. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement.

*Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy NE9 of the Local Plan*



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**Not for issue**

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3. Prior to the commencement of above ground development, precise details of the materials to be used externally within the development including the construction of a sample panel on the site shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.

*Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS*

4. Prior to the commencement of above ground development, an electric vehicle charging scheme shall be submitted to and be approved in writing by the Local Planning Authority.

For Anticipated Future Demand:

To prepare for increased demand in future years, appropriate cable provision shall be included in the scheme design and installed as part of the development in agreement with the Local Planning Authority.

The development shall not be occupied until the agreed charging scheme has been installed and it shall thereafter be retained for the lifetime of the development.

*Reason: In the interests of sustainable transport and to accord with policy T3 of the Local Plan*

5. Prior to the commencement of above ground development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority that builds on the report submitted with the application ('Noise and Vibration Survey Report' by SRL dated 14th Aug 2019 (report No.15065/T02b)).

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 acoustic 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<sub>Amax</sub>(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The sound insulation scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: To ensure that future occupants of the building are not adversely affect by noise and to accord with policy NE9 of the Local Plan.*

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

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

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

The sound insulation scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority

*Reason: To ensure that future occupants of the building are not adversely affect by noise and to accord with policy NE9 of the Local Plan.*

7. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Site Investigation, based on 'Phase 1 Desk Study Report for Graystacks Radmarsh Road' by Geodyne No Date (poss ref: 39134 Phase I Desk Study Report) and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the 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 demonstrating that industry best practice shall be 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: Piling or any other foundation using penetrative methods can result in risks to groundwater supplies it therefore needs to be demonstrated that piling would not result in contamination of groundwater to accord with Policy NE10 of the Local Plan.*

9. Prior to the commencement of above ground development, an assessment of the overall air



quality impact of the development which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:

- A full air quality impact assessment of the heating and power generating proposals and the concentrations of pollutants of concern at sensitive receptors
- A stack height calculation (where appropriate)
- Details of an abatement techniques and mitigation of potential impacts

The scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: To ensure that the heating requirements of the building do not adversely affect air quality to accord with policy NE9 of the Local Plan.*

### **Pre-occupation conditions**

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

10. Prior to the development first being occupied a landscaping scheme (hard and soft landscaping including surfacing and means of enclosure), in addition to details to enhance biodiversity including a management strategy relating to the provision of green walls and/or green roofs shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall also include the type, height, species and location of proposed trees, shrubs, green walls and roofs.

Any trees or plants which die, are removed or become seriously damaged or diseased within five years following the occupation of development; 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; and

No part of the site included in the landscaping scheme shall be used for any other purpose without the prior written consent of the Local Planning Authority.

*Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS*

11. No building on site shall be occupied until details of bird and bat boxes and or bricks have been submitted to and approved in writing by the Local Planning Authority. The nest boxes/bricks shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of enhancing biodiversity and to accord with policy EN6 of the emerging LAPP.*

12. 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.

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 ensure that approved mitigation measures to deal with noise associated with the operation of the building have been implemented to accord with policy NE9 of the Local Plan.*

13. Prior to first occupation of the development, verification that the approved external lighting scheme namely 'External Lighting Strategy' by Future Serv dated 23rd Aug (doc ref:P6653/17.0/Reports) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority. If there are changes to the aforementioned report then a new assessment must be undertaken and submitted for approval to the Local Authority.

*Reason: To ensure that there is no adverse impact on local wildlife, such as bats to accord with policy 17 of the Local Plan.*

14. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

*Reason: To ensure that site is remediated appropriately in line with the approved remediation strategy to accord with policy NE12 of the Local Plan.*

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

*Reason: In the interests of the amenity of residents and to accord with policy NE9 of the Local Plan*

16. The residential units shall not be occupied until bin storage facilities and collection arrangements have been provided in accordance with details which have first been submitted and approved in writing by the Local Planning Authority. The approved details shall thereafter be retained for the lifetime of the development.

*Reason: To ensure that appropriate bin storage facilities have been provided in order to comply with policy 10 of the ACS.*

17. Prior to first occupation of the development, verification that the measures in the approved Energy Statement by Futureserv dated September 2019 (Ref: P6653/17/1) have been implemented and are fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: In the interests of promoting a sustainable form of development and to accord with policy CC2 of the emerging LAPP.*

18. Prior to the development being first occupied a detailed Noise Management Plan shall be submitted to and be approved in writing by the Local Planning Authority in relation to the proposed fifth floor roof terrace.

The Noise Management Plan shall identify the types and locations of operational activities which are likely to cause noise disturbance to sensitive receptors and:

- Minimise noise arising from operational activities by technical and physical means, and through management best practice
- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from any residents

Provision for the regular review the Noise Management Plan shall be also be made. The plan shall set out the measures for controlling noise associated with the use of the roof terrace.

*Reason: To ensure that noise associated with the occupation of the building and the use of the roof terrace does not adversely affect surrounding properties or causes disturbance to any occupants of the building. To accord with policy NE10 of the Local Plan.*

19. No part of the development hereby permitted shall be brought into use until such time that a traffic management scheme 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 the Local Planning Authority for approval. The traffic management scheme shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

*Reason: To avoid the prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety in accordance with policy T3 of the Local Plan.*

#### **Regulatory/ongoing conditions**

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

20. The building shall not be occupied unless it has been carried out in accordance with the submitted flood risk assessment (September 2019, Peter Brett Associates) and the mitigation measures detailed therein. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development, with management and maintenance arrangements to be submitted to and agreed in writing by the Local Planning Authority within 3 months of the first occupation of the building.

*Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy 10 of the Local Plan and Policy 1 of the ACS*

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

*Reason: In the interests of promoting sustainable travel and to accord with policy T3 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 17 October 2019.

*Reason: To determine the scope of this permission.*

### Informatives

1. The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

Verification that the approved sound insulation scheme has been implemented shall include;  
The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme  
example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)  
photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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.

2. 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, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures



# DRAFT ONLY

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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 Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

3. The development is located within an Air Quality Management Area declared under the provisions of Part IV of the Environment Act 1995. Air Quality Management Areas are designated where the air quality objectives as set out in the Air Quality (England) Regulations 2000 (as amended) [the Regulations] are not being achieved.

In this context an area of poor air quality means that the air quality objectives for nitrogen dioxide, as set out in the Regulations, are not being met.

4. The approved external lighting scheme shall be maintained and serviced in accordance with manufacturer's recommendations while the development continues to be occupied.

5. Vehicles delivering to the site cannot be permitted to wait/park on the highway, in accordance with details to be submitted to and agreed in writing after consultation with the city council highway authority and planning authority. A Construction Traffic Management Plan will be required and this will also include a construction traffic routing agreement. This is in the interests of highway safety.

6. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Network Management 0115 8765238.

7. Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

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

9. To progress cycle parking details contact John Bann 0115 8764014

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

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

12. A Travel Plan statement is to be provided by the applicant alongside a plan for student pick up and drop off at the start and end of each term. To obtain further information on expectations please contact Transport Strategy 0115 8763093.

13. Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period

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: 19/02325/PFUL3 (PP-08215132)

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](http://www.planningportal.gov.uk/pes).

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

## PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

## COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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**WARDS AFFECTED:** Bridge

**Item No:**

**PLANNING COMMITTEE  
18th December 2019**

## **REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

### **Eagle Building, Riverside Way**

#### **1 SUMMARY**

Application No: 19/00937/PFUL3 for planning permission

Application by: Rayner Davies Architects Mr Julien McGuinness on behalf of  
Gilbert & Hall Limited Mr Tewson

Proposal: Demolition of commercial unit and erection of a new four storey  
apartment building comprising 42 apartments with associated  
parking

The application is brought to Committee because this is a major development where the required S106 Planning Obligations are proposed to be waived for viability reasons.

To meet the Council's Performance Targets this application should have been determined by 16th October 2019. The applicant has however agreed an extension of time until 19 December 2019.

#### **2 RECOMMENDATION**

##### **2.1 GRANT PLANNING PERMISSION** subject to:

The indicative conditions listed in the draft decision notice at the end of this report.

##### **2.2 Power to determine the final details of the conditions to be delegated to The Director of Planning and Regeneration.**

#### **3 BACKGROUND**

3.1 The Eagle Buildings sit on a lozenge shaped site that narrows at either end and is located between Robin Hood Way to the north and Riverside Way to the south. It is predominantly occupied by four industrial units which, apart from one, are currently vacant and in a poor state of repair. An existing telecoms monopole mast located at the western end of the site is to be relocated further to the west on Riverside Way, in a position for which approval has already been granted. Just beyond the western boundary of the site is a small substation which is proposed to remain in situ. Three existing vehicular access points to the site currently exist from Robin Hood Way.

3.2 To the north of Riverside Way and to the east lies the existing Meadows residential estate. To the west are further industrial and commercial units and to the south and south east lies the Victoria Embankment and the River Trent beyond. The NET 2 tram line and a tram stop is located to the east of the site, which runs across the River Trent on Wilford Bridge to the south east.

3.3 The development site has been extended to include a section of grass verge and

footpath that constitutes highway land and sits between the site and the footpath along Riverside Way.

- 3.4 The site is located with Flood Zones 2 and 3a of the River Trent.

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 Planning permission is sought to demolish the existing industrial units and construct a 3 and 4 storey building comprising 42 apartments (7x1 bedroom and 32x2 bedroom units). Undercroft parking for 30 cars, accessed from Robin Hood Way, would be provided at ground floor level.
- 4.2 Pedestrian access would be provided from both Robin Hood and Riverside Way. Bin storage and a cycle store for 42 cycles are proposed within the undercroft parking area.
- 4.3 The apartment building would be contemporary in its design and would largely be constructed in brick with a largely glazed central entrance area and gray cladding system to the top floor.

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

##### **Adjoining occupiers consulted:**

The application was advertised by way of 50 individual letters to neighbouring residents, including properties on Soudan Drive, Briar Court, Meadow Bank House, Sweet Leys Road and Carroll Gardens; also by press and site notice.

No comments have been received from local residents as a result of the consultation exercise.

##### **Additional consultation letters sent to:**

**Highways:** No objection. Conditions relating to the provision of vehicle and cycle parking, turning and servicing areas are recommended.

**Environmental Health and Safer Places:** No objection. Conditions relating to contamination and vehicle charging are recommended.

**Environment Agency:** No objection, subject to implementation in accordance with the revised Flood Risk Assessment.

**Education:** No financial contribution towards education is required.

**Drainage:** No objection. A condition relating to surface water drainage is recommended.

**Biodiversity Officer:** No objections. A condition requiring ecological enhancements such as bird/bat boxes is recommended.

**Nottingham University Hospital NHS Trust (NUH NHS Trust):** A financial contribution is requested for additional secondary healthcare services, to meet patient demand.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning and Policy Framework (2019):**

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

### **Aligned Core Strategies (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 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

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

Policy ST1: Sustainable Communities

Policy E4: Previously used employment sites

Policy H2: Density

Policy H5: Affordable Housing

Policy R2: Open Space in New Development

Policy NE3: Conservation of Species

Policy NE9: Pollution

Policy NE10: Water Quality and Flood Protection

Policy NE12: Derelict and Contaminated Land

Policy T3: Car, Cycles and Servicing Parking

## **Emerging LAPP (2019):**

Policy CC1: Sustainable Design and Construction  
Policy CC3: Water  
Policy EE3: Change of Use to Non Employment Uses  
Policy DE1: Building Design and Use  
Policy DE2: Context and Place Making  
Policy EN2: Open Space in New Development  
Policy EN6: Biodiversity  
Policy HO1: Housing Mix  
Policy HO3: Affordable Housing  
Policy IN2: Land Contamination, Instability and Pollution  
Policy IN4: Developer Contributions  
Policy TR1: Parking and Travel Planning

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Principle of the development
- (ii) Layout, scale and design
- (iii) Impact on residential amenity
- (iv) Impact on highways and parking
- (v) S106 contributions

**i) Principle of the development** (NPPF, Policies A and 8 of the ACS, Saved Policies E4, ST1 and H2 of the Local Plan and Policies EE3 and HO1 of the LAPP)

- 7.1 The application site is located within a Primarily Residential Area as defined by the Local Plan. Currently comprising industrial premises the proposal needs to be assessed against policy E4 of the saved Local and EE3 of the LAPP, both of which permit the redevelopment of redundant employment premises subject to an assessment of the existing buildings being of an appropriate quality, or in an appropriate location, as suitable supply of premises of a similar scale and whether the development would alleviate unacceptable environmental impacts of resulting from the current use.
- 7.2 This is a constrained island site of small industrial units located in close proximity to neighbouring residential properties. The existing buildings are in a very poor state of repair and beyond reuse. It is considered that there is a sufficient supply of similar sized properties in the area and that the redevelopment of the site for residential purposes is a more appropriate use of the site given its size and context.
- 7.3 Saved Policy ST1 of the Local Plan promotes sustainable communities and developments that contribute to the provision of a balanced mix of housing size, type and affordability in an area. Aligned Core Strategy Policy 8 (Housing Size, Mix and Choice) states that residential development should maintain, provide and contribute to a mix of housing tenure, types and sizes in order to create mixed and balanced communities. Outside the City Centre Policy HO1 of the LAPP seeks to encourage the provision of family housing on sites capable and suitable of accommodating family housing. It recognises that an alternative housing mix on some sites may be more appropriate, based on local housing need or to fulfil other regeneration aspirations of the Council.

7.4 The proposed development comprises 42 apartments made up of 7x1 bedroom and 35x2 bedroom units (including 24 duplex apartments) which are proposed to be homes for market sale. The immediate neighbourhood predominantly comprises social housing in the form of two storey houses. The proposed market for sale apartments would contribute towards meeting local housing needs and would be in keeping with the NPPF and the City Council's strategic objectives to create balanced and sustainable communities. The position and constrained nature of the site does not lend itself to a housing development; an apartment scheme however would be suited to both its constraints and the river frontage aspect of the site, the redevelopment of which would represent a significant benefit to the local area in regeneration terms. Additionally, the development is located in a sustainable location, close to local facilities and a range of transport options.

7.5 The proposal therefore accords with the NPPF, policies A and 8 of the ACS, saved policies E4, ST1 and H2 of the Local Plan, and Policies EE3 and HO1 of the LAPP.

**ii) Layout, scale and design** (NPPF, Policy 10 of the ACS, Saved Policy H2 of the Local Plan and Policies DE1 and DE2 of the LAPP)

7.6 The existing buildings are of poor townscape quality and the high quality design of the development would positively contribute towards the enhancement of the street scape along the Trent Embankment. The NPPF and particular paragraph 127, outlined above, recognises the importance of design of the built environment in making places better. It acknowledges that good design is a key aspect of sustainable development and contributes positively to delivering and shaping places that work well, that are safe, inclusive and accessible. Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP seek to ensure that new housing development is of a high design quality, in order to enhance or to create a sense of place and reinforce local distinctiveness.

7.7 The proposed scale of the development, at 3/4 storeys in height, and its density are considered to be appropriate for its context. The development has responded well to the prominence of the site, its highly accessible location, the 'island' nature of the site that is enclosed by Robin Hood and Riverside Way, and the height of existing residential properties on the opposite side of Robin Hood Way.

7.8 The proposed building provides a strong and active built frontage to both Robin Hood Way and Riverside Way and would create a presence and distinctive landmark along the Trent Embankment. The building has been designed as two separate apartment wings linked by a central, triple height glazed entrance atrium, which helps to break up its mass and allows access to the building from both road frontages. The façades of each wing have been further broken down into a series of bays to strengthen the vertical emphasis of the building. Deeply recessed balconies are provided along its south elevation to maximise views of the Trent and provide a high quality outdoor space with a southern aspect for future residents. To maximise the number dual aspect apartments, to minimise internal circulation space and to maintain a lower building height, a split level duplex scheme is proposed which has resulted in 39 out of the 42 apartments having a dual and/or southern aspect.

7.9 Pre-application discussion has resulted in the creation of an active frontage to Riverside Way through the provision of ground floor apartments with direct front door access. The adjacent and very wide grass verge along Riverside Way has also been incorporated into the scheme, which is to be remodelled and landscaped

to enhance both the appearance of this land and the setting of the building. The incorporation of this section of highway land would also help to reduce the visual impact of the required increase in the ground floor levels of the building, needed to mitigate flood risk.

- 7.10 The primary use of brick with elements decorative brickwork detailing, together with a contrasting grey clad third floor, would add to the quality and character of the development.
- 7.11 Overall it is considered that the proposed layout, scale and design of the development is appropriate for the site and its context, creating a distinctive high quality development that would have a positive and regenerative effect on this prominent site. The proposed development therefore accords with the NPPF, policy 10 of the ACS, saved policy H2 of the Local Plan and policies DE1 and DE2 of the LAPP.

**iii) Impact on residential amenity** (Policy 10 of the ACS, Saved Policies NE9 and NE12 of the Local Plan and Policies DE1 and IN2 of the LAPP)

- 7.12 The development is separated from the closest properties in the Meadows Estate by Robin Hood Way. Four properties, located opposite the south western end of the site, have habitable room windows and gardens which face towards the development. These properties are set approximately 25m to 30m from the northern boundary of the site. To ensure that the height of the proposed building would not have an adverse impact on outlook and light reaching these properties, a daylight analysis was undertaken. This resulted in the height of the south western end of the building being reduced to three storeys in height. The daylight analysis concluded that at this reduced height the development would have negligible impact on neighbours' amenity in terms of direct and indirect daylighting effects. The rear elevation and gardens of these neighbouring properties would remain in full sun from the 21<sup>st</sup> March each year.
- 7.13 Environmental Health have raised no objection to the scheme subject to conditions to secure the provision of a remediation strategy for ground contamination. Given the site context, further noise assessment was not considered necessary.
- 7.14 The proposed development therefore accords with policy 10 of the ACS, saved policies NE9 and NE12 of the Local Plan, and Policies DE1 and IN2 of LAPP. ocal Plan.

**iv) Impact on highways and parking** (Policy 14 of the ACS, Saved Policy T3 of the Local Plan and Policy TR1 of the LAPP)

- 7.15 A total of 30 car parking bays are proposed and each apartment would be provided with a cycle parking space in the undercroft parking area. Given the highly sustainable and accessible location of the development, with its close proximity to the tram, these provisions are considered acceptable to the Highways and would be secured through condition.
- 7.16 The proposal would require a stopping up application regarding the highway land on Riverside Way, to which Highways have raised no objection.
- 7.17 The proposed development therefore accords with policy 14 of the ACS, saved policy T3 of the Local Plan and policy TR1 of the LAPP.

**(v) Planning obligations** (Policy 19 of the ACS, Saved Policies H5, R2, CE6 of the Local Plan and Policies HO3, EN2 and IN4 of the LAPP)

7.18 The scheme meets the thresholds for securing contributions towards the provision of public open space, affordable housing and employment and training. Contributions have also been requested from the NHS in relation to secondary healthcare provision.

7.19 To be policy compliant the scheme requires the following contributions to be secured through planning obligation:

- Public open space - £35,429.94.
- Affordable housing – 20% on site affordable housing, which equates to 9 units and a figure of £560,583.

The request for secondary health care provision is - £17,114.

7.20 Regarding the requested contribution for the NUH NHS Trust, it is accepted that health care provision is a material planning consideration that is referenced in policy CE6 of the Local Plan (The provision of Health Facilities), within chapter 8 of the NPPF (Promoting Healthy & Safe Communities) and within Policy INV4 of the LAPP. Whilst the Council are therefore supportive of the principle of such a contribution, a number of queries and issues arise from the request, in particular that the contribution sought relates solely to secondary/acute care rather than wider healthcare infrastructure, particularly primary care (GP provision). There are also queries over the basis of the calculation being used to arrive at the figure requested, and reassurances required that any monies sought would be spent on healthcare provision reasonably and directly related to this development.

7.21 Policy 19 of the ACS states that the viability of a scheme is a key consideration and will be taken into account when negotiating planning obligations with developers. In this instance the applicant has submitted a viability appraisal and an independent assessor appointed to review this document. The conclusions of the assessment are that the development would be unviable with the burden of any S106 contribution. A key factor in reaching this conclusion has been the additional costs associated with providing the necessary flood mitigation measures for the development, which involve raising the floor level of the building. The conclusion of the independent assessor is such that waiving the S106 requirements has been appropriately justified in this instance. The proposal therefore complies with Policy 19 of the ACS and IN4 of the LAPP.

### **OTHER MATTERS**

**Flood risk and drainage** (Policy 1 of the ACS, Saved Policy NE10 of the Local Plan and Policies CC1 and CC3 of the LAPP)

7.22 The site is located within Flood Zones 2 and 3a. A Flood Risk Assessment (FRA) was submitted with the application and the Environment Agency have no objection to the proposal subject to the development being carried out in full accordance with the revised FRA.

7.23 The Drainage team would like to see a reduction in the amount of surface water runoff by 30% compared to the site's previous use, ideally through SuDS. Details of

the drainage scheme can be secured through condition. The proposal therefore complies with policy 1 of the ACS, saved policy NE10 of the Local Plan and policies CC1 and CC3 of the LAPP.

**8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17 of the ACS, Saved Policy NE3 of the Local Plan and Policy EN6 of the LAPP)**

- 8.1 The site is located within a highly accessible and sustainable location with close proximity to the NET 2 tram stop and main cycle and pedestrian routes. The building is 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. Other sustainable measures include:
- Orientation of duplex apartments allows for south facing aspects to the majority of units, improving solar gain in winter months to reduce heating loads
  - Splayed roof overhangs and deep recesses to south facing facades temper the risk of overheating in summer months when the sun is at its highest point
  - Natural ventilation is proposed rather than relying on mechanical ventilation systems. The layouts lend themselves to natural ventilation by virtue of most apartments being dual aspect units which allows for cross ventilation
  - It is highly likely that an all-electric system will be explored at technical design stages by the M&E engineer in order to improve energy usage and reduce carbon consumption
  - Low energy LED lighting (on motion sensors where applicable in communal areas) will be utilised to reduce energy consumption
- 8.2 The existing site is largely comprised of built development. The ecological report submitted with the application concludes that the site is of limited ecological value, however in accordance with guidance from the NPPF, ecological enhancement can be achieved through the incorporation of ecological enhancement features being incorporated into the design of the building. Further details of these measures are to be secured via condition.
- 8.3 The proposal therefore complies with Policies 1 and 17 of the ACS, Saved Policy NE3 of the Local Plan and Policy EN6 of the LAPP

**9 FINANCIAL IMPLICATIONS**

The viability appraisal demonstrates that the policy compliant obligations would warrant the scheme unviable. It is recommended that the following S106 developer contributions be waived in this instance for reasons of development viability:

- Public open space - £35,429.94
- Affordable housing - 20% on site affordable housing of 9 units and a figure of £560,583

**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 disused and unsightly 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 would contribute to a safer and more attractive neighbourhood through its active frontage and all round natural surveillance

**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: 19/00937/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PQLVF4LYHWM00>

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

Nottingham Local Plan (November 2005)

**Contact Officer:**

Mrs Jo Bates, Case Officer, Development Management.

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

# NOMAD printed map



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Key  
 City Boundary

Description  
 No description provided

**My Ref:** 19/00937/PFUL3 (PP-07791778)  
**Your Ref:**  
**Contact:** Mrs Jo Bates  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
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Rayner Davies Architects Mr Julien McGuinness  
2 St. Peter's Gate  
Nottingham  
NG1 2JG  
United Kingdom

Date of decision:

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

Application No: 19/00937/PFUL3 (PP-07791778)  
Application by: Gilbert & Hall Limited Mr Tewson  
Location: Eagle Building, Riverside Way, Nottingham  
Proposal: Demolition of commercial unit and erection of a new four storey apartment building comprising 42 apartments with associated parking

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 a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that the development has no adverse impact on the local highway network, the NET Tram Line and has no significant impact on neighbouring properties to accord with POLICY 10 of the ACS, Policy NE9 of the Local Plan and Policy DE1 of the LAPP.*



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Continued...

3. Prior to the commencement of the development, apart from demolition, 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 Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: To ensure that any contamination of the site is adequately dealt with and to accord with Policy NE12 of the Local Plan and Policy IN2 of the LAPP.*

4. Notwithstanding the submitted Flood Risk Assessment, the development shall not be commenced, apart from demolition, until a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be 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 development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy 1 of the Aligned Core Strategy, Policy NE10 of the Local Plan and Policies CC1 and CC3 of the LAPP.*

5. Prior to the commencement of above ground development, details of all external materials, including details of the windows/doors, means of enclosure and hard surfaced areas of the site, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in accordance with the approved materials.

*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.*

6. No above ground development shall be commenced until an electric vehicle charging scheme has been submitted to and be approved in writing by the Local Planning Authority.

The approved scheme shall be implemented prior to the first occupation of the development.

*Reason: To promote sustainable forms of travel to comply with Policies 1 and 14 of the ACS and Policies CC1 and TR1 of the LAPP.*

7. No above ground development shall be commenced until a scheme of enhancement measures, which shall have regard to the recommendations of the ecological appraisal have been submitted to and approved in writing by the Local Planning Authority.

Measures shall include details of the following:

- Clearance of vegetation outside of the bird breeding season;
- A bat and bird box scheme;
- Hedgehog friendly fencing throughout the scheme;
- Soft landscaping using native and ecologically valuable species.

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

*Reason: In the interests of ecological enhancement and in accordance with the Policy 17 of the Aligned Core Strategy, Policy NE3 and NE2 of the Local Plan and Policy EN6 of the LAPP*

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

8. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

*Reason: To ensure that any contamination of the site is adequately dealt with and to accord with Policy NE12 of the Local Plan and Policy IN2 of the LAPP.*

9. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided and are surfaced in a bound material with the parking bays clearly delineated in accordance with the approved details.

The parking, turning and servicing areas shall then be maintained for the life of the development and shall not be used for any other purpose other than parking, turning, loading, and unloading of vehicles.

*Reason: To ensure that the development has no adverse impact on the local highway network, the NET Tram Line and has no significant impact on neighbouring properties to accord with Policies 10 and 14 of the ACs, Policies NE9 and T3 of the Local Plan and Policies DE1 and TR1 of the LAPP.*

10. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the parking of 42 cycles in accordance with the approved details.

The approved cycle parking facilities shall not be used for any other purpose other than the parking of cycles.

*Reason: To promote sustainable forms of travel to comply with policies 1 and 14 of the ACS and Policy CC1 of the LAPP.*

11. Prior to first occupation of the development a scheme of landscaping shall be 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 and Policies DE1 and DE2 of the LAPP*

### **Regulatory/ongoing conditions**

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

12. The development shall be carried out in accordance with the submitted flood risk assessment (Proposed Residential Development, Riverside Way, Nottingham, flood Risk Assessment and Drainage Strategy, BSP Consulting, July 2019, RWNG-BSP-ZZ-RP-C-1000-P2, 18-0442, Rev P2) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 26.46m AOD metres above Ordnance Datum (AOD) for all the proposed more vulnerable development on site. Where less vulnerable development on site is below 26.46m AOD, flood resilience should be implemented up to 26.46m AOD.

These mitigation measures shall be fully implemented prior to occupation of the development and retained and maintained thereafter throughout the lifetime of the development.

*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, Policy NE10 of the Local Plan and Policy CC3 of the LAPP.*



## 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 17 July 2019.

*Reason: To determine the scope of this permission.*

### Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

### 3. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.



The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

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

#### 5. Highways:

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

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

iii: In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

iv: The proposed development appears to require the stopping up public highway. The grant of planning permission for this development does not authorise the obstruction or the stopping up or diversion of this public highway and an unlawful obstruction to the highway is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up the public highway will be required. This is a separate legal process and the applicant will need to contact the Department for Transport at their earliest convenience to discuss this matter further. Their contact details as follows: The National Transport Casework Team, Department for Transport, 2nd Floor, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH (T) 0191 226 5216. It is strongly recommended that the applicant liaise with our Rights of Way Officer, John Lee who can be contacted on 0115 876 5246.

v: The development necessitates the repositioning of a street lighting column. Please contact Street Lighting on 0115 876 1850. All associated costs shall be borne by the applicant.

#### 6. Environment Agency Informative to the Applicant:

##### Floating Cars

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought;

- Details and calculations relating to the structural stability of buildings during a flood

We can provide the following information on the characteristics of flooding at this site to help with your decision:

More vulnerable elements of the proposal will remain dry but the less vulnerable below the FFL will be wet with depths up to 725mm (lowest ground level in the undercroft is 25.435m AOD).

This development has been proposed within an area identified as being at risk of flooding, and includes the provision of car parking within buildings. The applicant should be aware that vehicles can start to float in flood depths of less than 60cm - less if it is fast-flowing. The applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding, would not jeopardise its structural stability. In addition, the applicant should ensure that any sensitive infrastructure such as gas and water pipes or electrical cabling are located and designed to withstand the potential impacts of floating or displaced vehicles.

#### Flood Warning Service:

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>

7. Noise Control: hours of work and equipment during demolition/construction  
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)  
Saturday: 0830-1700 (noisy operations restricted to 0830-1300)  
Sunday: at no time  
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

#### Equipment

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

#### Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste



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**Not for issue**

Continued...

Wheel washing  
Periodic road cleaning

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: 19/00937/PFUL3 (PP-07791778)

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](http://www.planningportal.gov.uk/pes).

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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## **Not for issue**

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