



## ADDITIONAL AGENDA ITEMS

This is a supplement to the original agenda and includes reports that are additional to the original agenda.

### NOTTINGHAM CITY COUNCIL PLANNING COMMITTEE

**Date:** Wednesday 18 December 2019

**Time:** 2:30pm

**Place:** LB 31-32 - Loxley House, Station Street, Nottingham, NG2 3NG

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

### AGENDA

### Pages

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PLANNING AND REGENERATION**

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## PLANNING COMMITTEE

### UPDATE SHEET

(List of additional information, amendments and changes to items since publication of the agenda)

18 December 2019

#### 4(a) Deakins Place

Two new conditions have been added to the draft decision notice:

Condition:

Prior to the commencement of the development, details of any piling or other foundation designs using penetrative methods shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that industry best practice is being used to minimise the effects of noise and vibration on surrounding occupiers. The development shall only be implemented in accordance with the approved details.

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE9 of the Local Plan.

Condition:

Prior to the commencement of above ground development, details of biodiversity measures to be incorporated within the fabric of the building shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity enhancement of the building and surrounding area 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.

*The above conditions should be read in conjunction with the conditions included within the draft decision notice.*

#### 4(b) Express Dairies, Meadow Lane

##### Further Information

1. The applicant agrees to the provision of photovoltaics to the townhouse roofs, insulation in excess of the Building Regulations, and a green roof to the apartments block. Clarification over the boundary details, including those to the front boundaries of the townhouse units has been sought.

1. *The commitment of the applicant to the provision of further sustainable measures is noted and welcomed. Further details of boundary details, including walls and railings to the front of the townhouse units have also been confirmed in principle. The following additional conditions are recommended to ensure the implementation and further details of these features:*

### Condition

*Prior to the commencement of any above ground development and notwithstanding the details included on the approved drawings, details of the provision of photovoltaics to the townhouse roofs, insulation in excess of the Building Regulations, and a green roof to the apartments block shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.*

*Reason: In the interests of maximising opportunities to incorporate sustainable design features within the approved development and in accordance with Policy A of the Aligned Core Strategies and Policy CC1 of the Land and Planning Policies Document (Local Plan Part 2)*

### Condition

*Prior to the commencement of any above ground development, details of the means of enclosure for the site and individual dwellings, including front boundary walls and railings to the townhouse units, have been submitted to and approved in writing by the Local Planning Authority.*

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

1. Additional Background Papers (Agents emails of 10.12.19, 16.12.19 & 17.12.19)

#### **4(c) Radmarsh Road, Lenton**

##### **Comments from the applicant:**

A 30KWp Solar PV array is proposed on the roof of the building in addition to the building being heated by Air Source Heat Pumps. This is predicted to result in a 25% improvement on 2010 Building Regulations standard, a 15% improvement on 2016 Building Regulations standard and a 3x anticipated improvement on the next revision of the Building Regulations due out in 2020.

A green roof has also been incorporated on the Energy Centre and the external wall to the bin store is to be a living wall.

Officer comments: noted.

##### **Comments received from the Environment Agency stating:**

This development is located within a high flood risk zone (Flood Zone 3b, Functional Floodplain). As the development is More Vulnerable it would be considered not appropriate to the flood zone, in accordance with tables 1-3 of the NPPF. The Environment Agency has been working with the Local Planning Authority and the Applicant to consider the positive contribution to flood risk this development can have to the wider catchment. We have identified that there is a need for a wider flood risk scheme in this location to reduce flood risk to a large area within Nottingham and such a scheme will be need of partnership funding. A scheme of this nature would have the potential benefit of reducing flood risk to this development, as well as the wider community.

We understand that the LPA has worked with the applicant and agreed a contribution from this development to support the development of a wider flood risk mitigation scheme that would aim to reduce flood risk to third parties. The development itself has proposed on site mitigation that ensures it is safe and that there are no third party impacts. The LPA will need to determine whether the application complies with planning policy and that the wider potential sustainability benefits are achieved.

We have also explained to the LPA that emergency planning arrangements for the site need to be reviewed by the LPA and their Emergency Planner, due to the vehicular route in and out of the site in times of flood posing a danger to most. The EA do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network (further details are provided in the below comments).

If the LPA are minded to consider the development appropriate to the flood zone and that the Emergency Planning arrangements are adequate, then the proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if appropriate planning conditions are included.

Officer comments:

The National and Local policy position in relation to development and flood risk are rehearsed in full within section 7.23-7.28 of the report to committee. Discussions are on-going in relation to the provision of contributions towards a program of wider flood alleviation works in the vicinity of the site which would not only directly benefit this development but up to 300 existing residential properties within the vicinity of the River Leen. Subject to the addition of conditions recommended by the EA it is considered that the development accords with Local and National planning policy, would be safe for its lifetime from flooding and would not result in an increase in flooding elsewhere. The development would also result in regeneration of a site to the benefit of the wider area and result in the holistic improvement of the flood profile of the wider area.

#### **Comments received from Nottingham Action Group on HMOs (NAG):**

For brevity comments have been reduced to the provided summary on page 3 of the submission;

For clarity the comments are made in light of the changing situation regarding the Jubilee Campus Development brief and the likelihood that a further application for student accommodation will be submitted by Unite on the neighbouring Toyota/Lexus site.

A summary of the positive and negative aspects of this stand-alone application are provided below. We then consider the application in the context of other proposals within the vicinity.

#### **Positive Aspects of the Application**

- The brownfield site on which the project is located which can be envisaged as the remaining portion of the parcel of land making up one-third of the 'Mixed

Use Quarter' of the Jubilee Development Brief, has been vacant for a considerable amount of time. It is clearly a challenging one to re-develop.

- In terms of design and materials this application is a much improved re-submission of a proposal originally submitted in 2011, but subsequently withdrawn. The quality of the project is evident, especially when compared to the existing PBSA on Radmarsh Road, and its genetic relationship to the Graystacks developments on Castle Boulevard is evident.
- The hard and soft landscaping detailed in the proposal is exciting, and brings the parkland setting of the Jubilee Campus across the River Leen. Unfortunately, because of its location at the bottom of Radmarsh Road, this green extension of the Jubilee Campus is not visible from Derby Road and so, unlike the Castle Boulevard project, has no beneficial impact on the appearance of what is a major gateway into the city centre.
- That being said, the various aspects of the building and its grounds should be seen as the gold standard to which all other PBSA developments need to aspire to, and indeed in planning terms must be judged against.
- Also significant is the extension of the ethos of Graystacks on Castle Boulevard with respect to the welfare and societal and community interaction and development of the project's future residents.

#### **Negative Aspects of the Application**

- The building proposed does not duplicate the townhouse structure of Graystacks on Castle Boulevard. Neither does it contain the flexibility of future use that the Castle Boulevard project has.
- The height of the building at six storeys is taller than the Castle Boulevard buildings and, in following the example of the Riverside Point PBSA adjacent to it, risks making this the accepted/target height of any other development in the Mixed Use Quarter.
- When compared with Graystacks on Castle Boulevard, the larger number of bed spaces is unfortunate since it exacerbates the concerns that already exist about the significant increase in the number of students domiciled in an area where the concentration of students is already well above what is currently accepted as the balanced and sustainable community threshold, and where problems for long-term residents associated with this concentration are already more than evident.
- Concerns were raised in 2013 about the potential of the Graystacks development on Castle Boulevard to set a precedent for other PBSA within what is now Lenton & Wollaton East Ward. This concern remains, and indeed is increasingly significant when taken in the wider context of proposals for PBSA development in the area which are either now awaiting planning consent, or are likely to materialise in the near future.

#### **Wider Considerations**

An outline planning application (19/02581/POUT) which, although not located in the Mixed Use Quarter is adjacent to it, has a proposed height of between four and five storeys, and provides 204 student bed spaces. Pre-application proposals by the

Unite Group to build student accommodation in the Mixed Use Quarter providing more than 600 bed spaces which rises to six storeys along the River Leen and Radmarsh Road. This latter proposal, if approved, would mean that around two-thirds of the Mixed Use Quarter would be taken up by PBSA, with little prospect of the remaining one-third, being developed as anything other than PBSA.

Taken together, the Graystacks Radmarsh Road application, the outline application on Triumph Road, and the Unite pre-application add up to around 1000 student beds, more than doubling the number of bed spaces already in situ in the Riverside Point development. In view of this, the concerns expressed in 2013 about development of PBSA in the heart of Lenton & Wollaton East Ward are more than well founded.

### **Concluding Remarks**

Ordinarily, and as it has done in the past, the NAG would have judged this application on its merits alone. Even as recently as six months ago, this would have been the position, and the Group's conclusions might well have been different from what they are now. However, this is no longer the case.

Rather, as alluded to in Section 2, the NAG has concluded that of necessity comments on this application must be made in the wider context of the situation outlined above and, therefore, in order to accurately reflect the present situation, as well as to ensure that the NAG retains the ability to respond robustly to future applications, whether they are located in the Mixed Use Quarter or not, the conclusion is that the NAG cannot support this application.

Officer comments:

Policy considerations in relation to PBSA are fully rehearsed within the report to committee. It is further considered that the policy position has been reinforced by the Inspectors decision referenced within the report on Triumph Road, which highlights that the Jubilee Campus is a suitable location for the provision of PBSA. Future applications for further PBSA provision in the vicinity of this development will be considered on their merits, in accordance with Local and National planning policy and in light of representations received.

### **Comments received from the Lenton Drives & Neighbours Residents Association:**

I am very concerned about the possible substantial increase in student numbers in Lenton. I wish to object to the proposal of drawing yet more students into the vicinity of Lenton neighbourhoods. 19/02325/PFUL, 19/02642/EASCR and 19/02581/POUT have to be considered together as the three projects aim at accommodating many hundreds of students on top of the thousands already tenanted the general housing stock in Lenton. I understand the Council's policy is to permit these developments away from residential neighbourhoods and I don't believe this development is sufficiently removed from Lenton, especially given the numbers of students projected.

Council policy is not to permit purpose built student accommodation adjacent to residential neighbourhoods and the Council also commits to safeguarding the living conditions of neighbouring residents where such accommodation is built. As it stands, the living conditions of the permanent residents in Lenton have not been, and are not, effectively safeguarded from the antisocial behaviour of students. While measure have been taken to tackle problems their impact, so far, is too limited.

If these developments were to take place there is nothing to prevent the students accommodated from coming into Lenton and mixing with the large student population already renting HMO here. While the proposed development serve to accommodate the ever increasing number of students recruited by the University of Nottingham, there is too high a risk they will also serve to exacerbate the antisocial behaviour extant in Lenton.

Officer comments:

The location of the proposed PBSA is thoroughly rehearsed within the report to committee and the location, within the Jubilee campus, considered to be acceptable for the provision of further PBSA. The reference to other applications is noted and whilst each application must be considered on its merits, the Council is mindful of the currently demonstrated shortfall in student rooms and the benefits that PBSA can bring in diverting students away from HMOs and the anti-social behaviour concerns associated with this.

#### **Comments received from Cllr Trimble:**

I wish to object. The development would exacerbate the over-concentration of students within the locality and further in-balance the local community.

Officer comments:

Noted and covered within the report to committee.

#### **4(d) Eagle Building**

1. Education have confirmed that a S106 education contribution was not required for the development. They do not seek contributions for secondary pupils from 1 and 2 bed apartments. In relation to primary pupils, there is sufficient capacity in the area to accommodate the 0.35 pupils per year generated by the development, as projected by the pupil yield formula.

2. The development will require changes to the TRO on the southern side of Robin Hood Way where parking is restricted to two hours, which the applicant will need to fund. The proposal will not affect the residents parking scheme to the northern side of Robin Hood Way. Highways have stated that residents of the development will not be eligible to join the residents parking scheme.

3. In line with current guideline the development will either provide 10% of spaces with Electric Vehicle Charging Points (EVCP) if unallocated. If all spaces are allocated the development will to provide EVCP for each parking space.

4. Further clarification of the sustainability credentials of the development have been sought. The applicant is committed to the use of sustainable construction practices and the desire to create a high quality development, which maximises resilience and adaptation to climate change. The sustainable design features of the development have been outlined in section 8 of the Committee Report.

An energy reduction strategy following a “fabric first” approach will be employed to improve upon the fabric requirements set out in Part L1A 2016. The aim will be to design the apartments as nearly “zero energy buildings” or as close to this as is feasible. The aim to improve the heat loss performance of roofs by 25%, walls by

20% and ground bearing floors by 40%. Therefore, due to the traditional construction methods proposed, the building will have a high thermal mass and will be well insulated, reducing heat loss and reducing carbon consumption. In addition, to ensure that heat is not wasted through air leakage the aim is to meet or exceed the pressure testing requirements set out in the Building Regulations.

The use of photovoltaic panels is not the preferred choice in this location. Instead, low target air leakage rates will be implemented into the SAP process, mitigating the need for expensive renewable technologies by concentrating on improving thermal envelope standards to reduce heat loss. This allows for ongoing efficiency of the building with less reliance on technologies that have a lesser lifespan.

The development would meet the higher National Housing Standard for water consumption.

The applicant therefore considers that the development has met many requirements of Policy CC1 of the LAPP.

***Planning Committee are requested to note Points 1 and 2.***

***3. The provision of EVCP will be dealt with by condition which is included on the draft decision notice.***

***4. An additional condition to secure the provision of sustainable design features is recommended as outlined below:***

***“Prior the commencement of above ground works, details of sustainable design features to be used in the development shall be submitted to and agreed in writing with the Local Planning Authority.***

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

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