

## **Report of Director of Planning and Regeneration**

### **3 Triumph Road, Nottingham**

#### **1 Summary**

Application No: 20/02228/PVAR3

Application by: DPP Mr Thomas Ryan on behalf of Cassidy Group (Triumph House) Ltd

Proposal: Variation of condition S1 of planning permission reference 19/02581/POUT. Changes to the position, footprint, scale and internal arrangement of the proposed building. Landscape buffer and easement to the River Leen and changes to the access, vehicle and cycle parking.

The application is brought to Committee at the request of a Ward Councillor who has raised valid planning considerations

To meet the Council's Performance Targets this application should be determined by the date agreed with the applicant of 5<sup>th</sup> March 2021.

#### **2 Recommendations**

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

(a) Prior completion of a variation to the existing Section 106 Planning Obligation to secure:

(i) The transfer of the completed S106 Obligation relating to planning reference 19/02581/POUT to the current application, which includes the provision of local employment and training opportunities, a financial contribution towards the operation of the Council's Employer Hub and a student management plan, including a restriction on car usage

(ii) An increased financial contribution of £258,390 towards the provision or improvement of open space or public realm within the City of Nottingham

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

2.2 Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission 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 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 application site of 0.37ha lies on the western side of Triumph Road, close to the junction with Derby Road. The site comprises two industrial buildings which were previously used as a cash and carry clothing warehouse (frontage building), and for textile manufacture (rear building). These uses ceased some time ago. More recently the rear building had been used as a tyre fitting depot, for storage and the car parking area as overspill parking by the Jaguar dealership opposite.
- 3.2 The River Leen runs along the southern boundary of the site and to the south of the Leen are properties fronting onto Derby Road, namely Fanum House which is occupied by the NHS as an emergency dental service, a terrace of almshouses (The William Woodsend Memorial Homes) and the Rose and Crown Public House. To the north of the site are industrial premises and on the opposite side of Triumph Road a car dealership and further industrial premises.
- 3.3 Within the Part 2 Local Plan (the LAPP) the site falls within an area safeguarded for the expansion of the University of Nottingham Jubilee Campus. One of the more recent University buildings on the Jubilee Campus, the Advanced Manufacturing Building, immediately adjoins the western boundary of the site and fronts Derby Road.
- 3.4 The site lies within Flood Zone 2 of the River Leen.

#### **Relevant Planning History**

- 3.5 An outline planning application was submitted in 2018 (planning ref: 18/01498/POUT) with layout, scale and means of access being submitted for consideration at that time. Appearance and landscaping were reserved for future approval. The proposed development comprised a single block of student accommodation with 204 bedspaces. The application was subject to an appeal against non-determination and although this was dismissed in November 2019, the Planning Inspector concluded that the development was acceptable but that the appeal failed due to a technical flaw in the draft S106 agreement.
- 3.6 A further outline application was submitted in 2019 (planning reference: 19/02581/POUT) that was identical to the previous one but with the flaw in the draft S106 resolved. The 204 bed student accommodation again comprised a mix of studios (including wheelchair accessible studios), cluster flats and one bedroomed apartments and communal facilities on the ground floor.
- 3.7 The footprint of the building was 'H' shaped. The central spine and the front wings were to be 5 storeys high with the rear wings 4 storeys, stepping down to 2 storeys adjacent to the River Leen. A service road ran along the northern and western sides of the building to provide access to a Severn Trent pumping station adjacent to the River Leen. 9 disabled car parking spaces and 142 cycle parking spaces were included as part of the scheme.
- 3.8 This outline application was granted permission in February 2020 subject to the completion of a S106 agreement to secure local employment and training opportunities (including a financial contribution of £27,988 towards the operation of

the Council's Employer Hub), a student management plan (including a restriction on car usage) and a financial contribution of £43,009.32 towards the provision or improvement of open space or public realm within the City of Nottingham.

#### **4 Details of the proposal**

This application seeks to vary the plans approved under permission 19/02581/POUT. The applicant wishes to make design changes to the proposed building which are summarised below:

- Variation to the location and footprint of the building. The depth of the building has been reduced and reconfigured to extend further towards the south west boundary with the Advanced Manufacturing Building. The south west wing has also been set back by a further 7.5m from the River Leen opposite the almshouses. The revised scheme is approximately 111 sqm smaller in terms of its footprint than the approved scheme and 217sqm less in volume.
- The building is now all five storeys in height, with the set back to the south west wing removed.
- The internal floor plans of the building have been re-planned to accommodate more cluster bedroom flats and less studios. The one bedroom flats have also been omitted. The floor plans are now more efficient layout with the stair and lift cores repositioned. A vehicle underpass in the south west wing has also been removed.
- The re-planning has resulted in an increase in bed spaces from 204 to 270
- Whilst the number of bed spaces has increased, the student amenity space has also increased in size and now includes a post room, office, cinema and larger social and study area. The main amenity space has been relocated to the central wing overlooking and with direct access to the south facing external amenity space alongside the Leen.
- The Environment Agency require an 8m easement adjacent to the River Leen for access and maintenance. The approved outline scheme only provided 6m.
- A landscaped buffer zone has been introduced along the south east boundary between the 8m easement and the new building, to soften the outlook from the almshouses.
- The access road along the south west boundary has been removed and the number of car parking spaces reduced from 9 to 6.
- A secure store for 72 cycles has been provided and the external cycle stands removed. The number of cycle spaces has been reduced from 142 to 72 spaces.
- A new substation has been added at the rear of the site adjacent to the car park.
- The internal plant room and bin store have been increased in size.
- The reduction in the building footprint and omission of the internal access road has reduced the hard surfaced area by 223sqm, to be replaced with soft landscaping and enhanced biodiversity.

#### **5 Consultations and observations of other officers**

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

32 immediate neighbours were notified, a site notice posted and the application advertised in the local press (final date for comments 20.11.20).

The Local Access Forum object to the reduction in cycle parking from 142 to 72 spaces. They are also concerned that there is no visitor cycle parking which should be conveniently located next to the main entrance. The Forum consider that the reduction in provision to a minimum requirement fails to support the Council (and a

national) commitment to active travel, and does not recognise the Council's undertaking to become carbon neutral by 2028. It is contrary to the parking guidelines set out in Appendix 1 of the LAPP.

The Nottingham Action Group on HMOs (NAG) objected to the original outline application dismissed on appeal and the following one approved in 2020. They have written to state that all their previous comments and concerns remain relevant. In relation to the current revised proposal their comments are summarised below:

1. They note with concern that the development exhibits the same 'bed space creep' which is becoming a feature of recent PBSA (Purpose Built Student Accommodation) schemes. In this case it is an increase from 204 to 270 bedspaces. The NAG consider that this represents not only a significant increase in the number of students on this site, but also a not insubstantial increase in the concentration of students in the local area where the acknowledged imbalance caused by the student population is damaging to the sustainability and viability of the neighbourhoods in the locality. In connection with this the NAG draw attention to the following:
  - The approval in December 2019 of a 222 bedroom PBSA scheme on Radmarsh Road (19/02325/PFUL3).
  - An application by Unite seeking permission for a 690 bedroom PBSA scheme on the site of former car showroom on Derby Road/Radmarsh Road, which is even closer to the 3 Triumph Road site (20/00141/PFUL3).
  - The existing Unite PBSA on Radmarsh Road accommodating over 500 students.
  - NAG do not consider that there is genuine evidence that PBSA schemes will reduce the demand by students for accommodation in HMOs in the local area.

In conclusion the NAG are concerned that there is the prospect of the student population increasing by 1,200 students and that the increase in bedspaces rather than assisting in the rebalancing of the local area will allow the universities to expand without contributing to the provision of PBSA themselves.

2. Relationship to the William Woodsend Memorial Homes. The NAG continues to be concerned by the likely impact on the almshouses in terms of its relative size and mass and, very much at the forefront of their concerns, the noise disturbance to residents of the almshouses from the tenants and their activities. It is their opinion that at five storeys in height, with a featureless (flat) roofline, the proposed building would overshadow the almshouses. They want to see a further increase in the depth of the buffer zone alongside the River Leen and additional measures taken to ensure that the residents of the Memorial Homes are not subjected to noise disturbance and, in addition, that their privacy is and light is maintained. The NAG consider that any outdoor amenity space should be located on the opposite side of the building well away from non-student accommodation, to reduce the potential for 24 hour noise disturbance.
3. A further concern is the relationship in terms of size and style to not only the William Woodsend Memorial Homes, but also Fanum House, both considered to be significant and beneficial features of the Derby Road street scene. The proposed building in terms of its height, its pedestrian, unsympathetic to place and the unimaginative nature of its design, will also detract from the architecture of Fanum House and dominate the junction between Derby Road and Triumph

Road. A totally unnecessary and avoidable unsympathetic juxtaposition between the old and the new, which must be avoided.

Bearing in mind the other developments either taking place or proposed to take place in close proximity to the site, i.e. the Nottingham University building on Triumph Road which appears to be nearing completion and the proposed Unite development at the junction of Derby Road and Radmarsh Road, the NAG consider it a distinct possibility that the whole area will become dominated by developments which, in their opinion, will reduce the street scene on this part of Derby Road into a series of buildings they describe as being 'Cell Block H' and 'Maze Prison' like in design terms.

4. Concerns about the lack of communal space for students to widen their contacts with students other than those in their cluster flats or study groups. It is the NAG's opinion that the scheme would perpetuate their long standing criticism of PBSA in their creation of student ghettos.
5. The NGA note that the scheme will only provide two disabled parking spaces and question whether this is sufficient.

A ward councillor for Lenton and Wollaton East has also objected to the proposed changes. They consider that the design lacks any imagination and is far too big and utilitarian. It dwarfs the William Woodsend Memorial Homes and looks out of place. They feel that the flat roof should be replaced with a pitched roof. These comments are made with reference to the NPPF which requires achieving "well-designed places" and, in the spirit of Para.125, states that design features need to be "grounded in an understanding and evaluation of each area's defining characteristics." Furthermore, according to Para.127 "*Planning ... decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment..., while not preventing or discouraging appropriate innovation or change (such as increased densities)*". Similarly they state that policy DE1 of the LAPP argues that "*Planning applications will be considered against ... (a) whether the development would respect and enhance the streetscape, local environment, townscape and character of the area, and in particular its established scale, massing etc. ...*".

They are concerned that given the number of bed spaces, the student accommodation has a lack of facilities and in the interests of equality needs more than 2 disabled parking spaces. Reference is made to criteria (e) of policy DE1 of the LAAP, which requires developments to make provision for "*the safe and convenient use of, and access into and around the building, paying particular attention to the needs of people with disabilities.*" Furthermore, they consider that the site is very constrained and with very few places to park in the area they consider drop off and pick up arrangements at the beginning and end of terms to be unsuitable.

Despite the introduction of the new landscape buffer zone there is still concern regarding the proximity of the proposed development to the William Woodsend Memorial Homes. Reference is made to policy to DE1 (b) of the LAPP i.e. "*whether a satisfactory level of amenity would be provided for ... occupiers of neighbouring properties.*" In assessing the aforementioned, issues related to "*security, ..., noise, vibration and nuisance*" must be taken into consideration. Whilst the ward councillor understands that the developers have tried to address the issue of proximity, they are still concerned that the occupiers of the William Woodsend Memorial Homes

would not be shielded by noise and nuisance from the proposed development.

The ward councillor understands that the development has been previously approved on the basis of HO5 of the LAAP, which states that the local planning authority 'encourages' PBSA developments to take place within "(b) University Campuses". However, they stress that the LAAP is clear within the same provision that what is being encouraged is "Purpose Built student accommodation of an appropriate scale and design." It is in this sense of scale of development that they would like to strongly argue that increasing the occupancy numbers from 204 to 270 in an area that already suffers from high student numbers is highly problematic.

**Environmental Health:** No objections subject to conditions relating to a contamination remediation strategy, an environmental noise assessment and sound insulation scheme for the building and associated mechanical services plant and equipment, and details of piling or other foundation designs using penetrative methods (as per 19/02581/POUT).

**Environment Agency:** No objections subject to conditions relating to the development being carried in accordance with the Flood Risk Assessment, the provision of the proposed 8m easement to the River Leen together with the provision of a gated access for maintenance vehicles from Triumph Road.

**Drainage:** No objections, subject to a drainage strategy including sustainable urban drainage measures.

**Highways:** No objections, subject to conditions relating to: a construction management plan; details of access; access gates to be set back 5m; parking and servicing areas being provided; parking for 122 cycles (details to be agreed); redundant footway crossing reinstated; the provision of Electric Vehicle Charging Points; and the provision of a student traffic management plan.

**Biodiversity:** The current setting of the River Leen within metal shuttered canonised walls, together with the requirement by the Environment Agency for an 8m maintenance easement along the top of the wall, means that little ecological enhancement along the river corridor can be achieved. It is however appreciated that there are flooding issues along the Leen which prevent the naturalisation of the river's banks at this point. It is therefore suggested that a wildflower seed mix be used for the grasscrete easement line. Further biological enhancements could then be incorporated into the enlarged landscape areas and into the proposed building. A green roof should be secured on the building as a way of providing further biological enhancements to the corridor which would link to other planning proposals up and down stream of the site.

## 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.

### **Aligned Core Strategies (ACS) (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

### **Land and Planning Policies (LAPP) (2020)**

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy LS2: Supporting the Growth of Further Education Facilities

Policy HO1: Housing Mix

Policy HO4: 10% Adaptable Units

Policy HO5: Locations for Purpose Built Student Accommodation

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

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy TR1: Parking and Travel Planning

Policy EN2: Open Space in New Development

Policy EN5: Development adjacent to Waterways

Policy EN6: Biodiversity

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

### **Supplementary Planning Documents (SPDs)**

Biodiversity (2020)

## 7. Appraisal of proposed development

### Main Issues

- (i) Principle of student accommodation
- (ii) Layout and scale of the development
- (iii) Impact on amenity of surrounding residents
- (iv) Highway considerations
- (v) Flood risk
- (vi) Planning obligations

**(i) Principle of student accommodation** (Policies A and 8 of the ACS, Policies LS2, HO1, HO4, HO5 and HO6 of the LAPP).

- 7.1 The site forms part of the allocated University of Nottingham (UoN) Jubilee Campus, as defined on the proposals map within the LAPP. Policy LS2 of the LAPP aims to support the future expansion and growth of further education facilities on the Jubilee Campus (and other university sites). The policy primarily refers to the Further and Higher Education, Research & Development, and Information & Communication Technology facilities required by the universities. It also refers to ancillary uses such as accommodation and catering facilities for staff and students.
- 7.2 Policy HO5 of the LAPP States that PBSA 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. The supporting text for policy HO5 states that encouragement for PBSA in appropriate locations, as an alternative to the general housing stock, continues to form an important element of the Council's housing policy framework and is consistent with the 'Quality Homes for All' - Nottingham's housing strategy 2018 - 2021, with benefits of reducing demand on the City's existing housing stock and the creation of sustainable communities.
- 7.3 The decision reached by the Planning Inspectorate in relation to the 2018 outline application and the subsequent approval of the same in 2020 have significant weight as a material planning consideration in relation to the current application and has established the principle of PBSA in this location.
- 7.4 Of particular interest is the Inspector's conclusions around the principle of the site's development for PBSA. The 2019 appeal decision clarified the principle of student accommodation being accepted within the allocated area for the Jubilee Campus, in line with policies A and 8 of the ACS and policies LS2, HO1, HO5 and HO6 of the LAPP. Furthermore, the need for more student accommodation in the location of Jubilee Campus was acknowledged by the Inspector, who then went on to say that the pressure on existing housing stock in the Lenton Area was likely to result from an unmet need for PBSA in the locality. It was also recognised that policy HO6 of the LAPP excludes the inclusion of PBSA permitted under policy HO5 when considering the existing proportion of HMOs and/or other student households in an area, and whether the proportion amounts to a 'significant concentration' (which is identified as above 10%).

- 7.5 The 2020 outline permission proposed a PBSA development of 204 bedrooms which comprised 169 studios (including wheelchair accessible studios), 4 x 5 bedroom cluster flats and 15 one bedroomed apartments. A small communal area was shown on the ground floor adjacent to the entrance off Triumph Road.
- 7.6 Design development relating to the layout, scale, accommodation typology and internal arrangements of the scheme have resulted in changes to the proposed development. This now comprises 270 bedrooms of which 216 are within cluster flats (4, 7, 9 and 10 bed flats) and 54 are studio apartments. Communal facilities on the ground floor have been significantly increased to 308.42 sqm, including a communal break out area, cinema, large reception area and laundry. This equates to approximately a third of the total ground floor. Each cluster flat also has its own communal kitchen and living area.
- 7.7 Whilst it is acknowledged that the total number of bedrooms has increased, the revised scheme creates a more varied mix in the type and size of accommodation, significantly increases the amount of communal space and has led to an overall reduction in the footprint and volume of the building. It has also enlarged the external amenity area and landscaped buffer adjacent to neighbouring residents. The size of the accommodation meets current guidelines and it is recognised that cluster flats are the most appropriate form of PBSA to challenge the HMO market in Lenton and Dunkirk. The 2020 outline scheme primarily proposed studio rooms with little communal or external space.
- 7.8 In light of the above, the proposed PBSA scheme is considered to be acceptable in terms of its location, number of bedrooms and the quality of accommodation proposed. The development therefore accords with policies A and 8 of the ACS and policies LS2, HO1, HO5 and HO6 of the LAPP.

**(ii) Layout and scale of the development** (Policies 10 and 17 of the ACS, Policies DE1, DE2, EN5 and EN6 of the LAPP)

- 7.9 The revisions made to layout and scale of the proposed development are welcomed and the result of further discussions with the applicant to improve the scheme's and its relationship with the neighbouring William Woodsend almshouses.
- 7.10 The site layout, footprint, height and scale of the building have been established by both the 2019 appeal decision and the subsequent 2020 outline permission. This has established the proposed building to have a 'H' shaped footprint, to be a maximum of 5 storeys in height and to have a flat roof. The revised scheme sits within these parameters but also results in a reduced building footprint that is sited further away from the almshouses. The widened green corridor alongside to the River Leen is a further positive of the proposed changes. A suitable landscaping condition is recommended to secure additional ecological enhancements within this area.
- 7.11 The detailed design and appearance of the building are 'reserved matters' which will be considered under a subsequent application.
- 7.12 Conditions on the 2020 outline permission relating to the management of refuse and satisfactory recycling facilities would still apply.

7.13 The proposal is therefore in accord with policies 10 and 17 of the ACS and policies DE1, DE2, EN5 and EN6 of the LAPP.

**(iii) Impact on amenity of surrounding residents** (Policy 10 of the ACS and Policies HO6, DE1 and IN2 of the LAPP)

7.14 The revised scale and layout of the proposed development would improve its relationship with the recently redeveloped William Woodsend almshouses. The south west wing has been set back a further 7.5m from the River Leen and almshouses beyond. The building is now all 5 storeys in height and whilst there is no stepping down on the south west wing, its south elevation facing the almshouses is to have obscure glazing to prevent any overlooking.

7.15 The additional separation distance between the south west wing and the River Leen has also created a widened landscape buffer zone to help soften the relationship with the almshouses.

7.16 Although not a detailed matter for consideration at this time, the internal layout of the proposed accommodation is considered to provide a good level of amenity for future occupants.

7.17 In line with the recommendations of Environmental Health, a noise assessment and sound insulation scheme would be required by condition to further protect the amenities of future occupants and neighbouring residents.

7.18 The proposal is therefore in accord with policy 10 of the ACS and policies HO6, DE1 and IN2 of the LAPP.

**(iv) Highway considerations** (Policy 14 of the ACS and TR1 of the LAPP)

7.19 The site layout includes for the provision of 6 off-street parking spaces, primarily for disabled parking and service vehicles.

7.20 Provision has made within the layout for 72 cycle parking spaces. The parking standard for PBSA in the LAPP requires a minimum of 1 cycle space per 4 bedrooms together with 1 cycle space per 5 bedrooms for visitors. On this basis the development would need to provide 122 cycle parking spaces, thereby resulting in a shortfall of 50 spaces. A condition is proposed to ensure that the LAPP standard is met in full.

7.21 On street parking is controlled along Triumph and Derby Road. Within the wider area residents parking schemes predominate to address historic parking pressures. The appellant has agreed that there would be a restriction within the Section 106 agreement to prevent students from keeping vehicles within the City.

7.22 Highways have raised no objection to the scheme subject to a number of matters that can be addressed by condition.

7.23 The proposal therefore accords with policy 14 of the ACS and policy TR1 of the LAPP.

**(v) Flood risk** (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 7.24 The application is accompanied by a Flood Risk Assessment which notes that the site is located within Flood Zone 2 of the River Leen and defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a medium probability of flooding. The development is considered to pass the Sequential Test approach to site selection.
- 7.25 The Environment Agency (EA) considers the submitted FRA and its recommendation for flood mitigation to be acceptable. The revised scheme also now addresses the EA requirement to provide both an 8m maintenance easement and access from Triumph Road, not provided in the 2020 outline permission. It is recommended that details of surface water drainage, to include sustainable drainage techniques, be dealt with by condition.
- 7.26 Subject to the relevant conditions, the proposal is therefore in accordance with policy 1 of the ACS and policy CC3 of the LAPP.

**(vi) Planning obligations** (Policy 19 of the ACS, Policies EN2 and IN4 of the LAPP and the Planning Guidance for the Provision of Open Space within Developments SPD)

- 7.27 In order to comply with the requirements of the LAPP and relevant SPD, the developer was required to enter into a S106 agreement as part of the 2020 outline permission. The completed original S106 agreement secures local employment and training opportunities (including a financial contribution of £27,988 towards the operation of the Council's Employer Hub), a student management plan (including a restriction on car usage) and a financial contribution of £43,009.32 towards the provision or improvement of open space or public realm within the City of Nottingham.
- 7.28 The applicant has agreed to a variation of this S106 agreement to secure:
- (i) The transfer of the completed S106 Obligation relating to planning reference 19/02581/POUT to the current application, which includes the provision of local employment and training opportunities, a financial contribution towards the operation of the Council's Employer Hub and a student management plan, including a restriction on car usage
  - (ii) An increased financial contribution of £258,390 towards the provision or improvement of open space or public realm within the City of Nottingham
- 7.29 The public open space contribution is based on the formula within the Council's Open Space SPD. The proposed pos contribution complies with this requirement.
- 7.30 On the basis of this variation to the S106 Obligation referred to above, it is confirmed 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.
- 7.31 The proposal is therefore in accordance with policy 19 of the ACS, policies EN2 and IN4 of the LAPP and the Planning Guidance for the Provision of Open Space within Developments SPD.

**8. Sustainability / Biodiversity** (Policy 1 of the ACS, Policies CC1, CC3 and EN6 of the LAPP and the Biodiversity SPD)

- 8.1 This application seeks to vary a development already approved under 19/02581/POUT. Further discussions are on-going regarding the development's sustainability credentials, the details of which will be reported at Committee.
- 8.2 A condition is already imposed on the 2020 outline planning permission requiring a scheme of ecological enhancements, including those integrated within the fabric of the building. The widened landscape buffer to the River Leen allows for the integration of additional landscaping to further enhance the biodiversity of the site. The suggestion by the Biodiversity Officer of a green roof is noted and will be one of the options, alongside PV panels, that will be considered when the detailed application for the building is submitted.
- 8.3 Subject to the relevant conditions, the proposal is therefore in accordance with policy 1 of the ACS, policies CC1, CC3, EN6 of the LAPP and the Biodiversity SPD.

**9 Financial Implications**

The applicant has indicated that they are willing to meet the required planning obligation financial contributions.

**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.

**12 Risk Management Issues**

None.

**13 Strategic Priorities**

Neighbourhood Nottingham: Redevelopment of a brownfield site on the Jubilee Campus with PBSA that would help to relieve the demand for HMO accommodation in the surrounding residential areas and support the aim to create balanced, sustainable communities.

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

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

**14 Crime and Disorder Act implications**

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: 20/02228/PVAR3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QI8LL7LYGTC00>

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

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

NPPF (2019)

Biodiversity SPD (2020)

Open Space SPD (2019)

**Contact Officer:**

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# NOMAD printed map



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Key  
 City Boundary

Description  
 No description provided

**My Ref:** 20/02228/PVAR3 (PP-09124212)  
**Your Ref:**  
**Contact:** Mrs Jo Bates  
**Email:** development.management@nottinghamcity.gov.uk

Development Management  
City Planning  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

DPP Mr Thomas Ryan  
28 Sophia House,  
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**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Date of decision:

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

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Application No: 20/02228/PVAR3 (PP-09124212)  
Application by: Cassidy Group (Triumph House) Ltd  
Location: 3 Triumph Road, Nottingham, NG7 2GA  
Proposal: Demolition of existing buildings and erection of student accommodation.  
Variation of condition S1 plans of planning permission reference  
19/02581/POUT (revisions to site layout, footprint and scale of the proposed  
building)

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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:-

**Time limit**

1. Application for the approval of any reserved matters shall be made to the Local Planning Authority before 12.02.2023 (being the expiration of three years from the date of the grant of outline planning permission reference 19/02581/POUT)

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

*Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. Approval of the details of appearance and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

*Reason: In accordance with Section 92 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)

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

3. The development, including all site preparation works, shall not be commenced until a Construction Management Plan detailing how the development works are to be carried out, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include as a minimum:

- Measures to be taken to reduce noise and disturbance to neighbouring properties;
- Traffic Management requirements;
- Arrangements for deliveries, loading and unloading;
- Arrangements for contractor staff parking;
- Measures to prevent the deposit of debris onto the highway.

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

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the ACS and Policies DE1, IN2 and TR1 of the LAPP.*

4. Prior to the commencement of the development, details of the proposed new vehicular accesses shall be submitted to and agreed in writing by the Local Planning Authority. Details shall be provided of the layout geometry, signing, lining, a swept path analysis and visibility splays.

The vehicular accesses shall be constructed in accordance with the approved details.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policies DE1, IN2 and TR1 of the LAPP.*

5. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground 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 the Phase 1 Environmental Assessment by Ivy House Environmental dated 07/09/18, and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan, based on the Phase 1 and the site investigation required by a), 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 c) above are complete.

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

*Reason: To ensure that the proposed development poses no contamination risks to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.*

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

6. 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.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements, or any details as may subsequently be agreed, in writing, by the Local Planning Authority.

Details shall also demonstrate that industry best practice is being used to minimise the effects of noise and vibration on surrounding occupiers.

*Reason: To ensure that the proposed development poses no contamination risks and the amenities of occupiers of neighbouring properties in accordance with Policies 1 and 10 of the ACS and Policies CC3, DE1 and IN2 of the LAPP.*

7. Notwithstanding the submitted noise assessment prepared by Spire Environmental Consultants Ltd dated 3 May 2018, prior to the commencement of above ground development a environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

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

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary 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 LAmax(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: To ensure that an appropriate noise environment for future occupants and to accord with Policies DE1 and IN2 of the LAPP and Policy 10 of the ACS.*

8. 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 ACS and Policy DE1 of the LAPP.*

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

9. No development shall commence until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures, have been submitted to and agreed in writing with the Local Planning Authority.

*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 in accordance with Policy 1 of the ACS and Policy CC3 of the LAPP.*

10. Prior to the commencement of above ground development, large-scale elevation and section drawings (e.g. at a scale of 1:20/1:10) of the detailed design of the following elements of the development shall be submitted to and approved in writing by the Local Planning Authority:

a) Elevations: including window, glazing systems, reveals, window panels and entrances;

b) Roofs: including edges and parapets;

c) Plant: including external ventilation systems and other similar elements that are integral to the fabric of the building.

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 ACS and Policy DE1 of the LAPP.*

11. No above ground development shall be commenced until a scheme of ecological enhancement measures, including those integrated within the fabric of the building, have been submitted to and approved in writing by the Local Planning Authority.

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 ACS , Policies EN5 and EN6 of the LAPP and the Biodiversity SPD*

**Pre-occupation conditions**

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

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.

*Reason: To ensure that an appropriate noise environment for future occupants and to accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.*

13. Prior to the first occupation of the development, a Waste Management Plan shall be implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The submitted management plan shall include provisions for the management, storage and collection of waste arising from the development.

*Reason: To ensure waste arriving from the development is dealt with in an appropriate manner to safeguard the amenities of the future and neighbouring occupiers in accordance with Policy 10 of the ACS and Policy DE1 of the LAPP*

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

14. Prior to the development being first occupied, 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 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 gas contamination of the site has been fully implemented and completed.
  - c) The Verification Report shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

*Reason: To ensure that the site is appropriately remediated in accordance with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.*

15. Prior to the 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 ACS and Policy DE1 of the LAPP.*

16. Notwithstanding the submitted plans and prior to first occupation of the development, secure cycle parking shall be provided for a minimum of 122 cycles in accordance with details that shall first have been submitted to and agreed in writing with the Local Planning Authority.

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

*Reason: To ensure that appropriate cycle parking facilities are provided to encourage an alternative mode of transport to accord with Policy 14 of the ACS and Policy TR1 of the LAPP.*

17. Prior to first occupation of the development, an electric vehicle charging scheme shall have been installed in accordance with details that have first been submitted to and be approved in writing by the Local Planning Authority.

*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.*

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

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

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

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the ACS and Policy TR1 of the LAPP.*

19. Prior to the first occupation of the development, any redundant footway crossings and/or damaged or altered areas of footway or other highway shall be reinstated in accordance with details that have first been approved in writing by the Local Planning Authority.

*Reason: To ensure that any redundant crossings or damaged crossings are reinstated appropriately to safeguard highway safety and to accord with Policy 10 of the ACS and Policy TR1 of the LAPP.*

20. The development shall be carried out in accordance with the submitted drawing 'Proposed Site Plan' ref. 00105 S2 P02, and the following mitigation measures it details:

- An 8 metre easement shall be provided alongside the River Leen
- Gated access for maintenance vehicles shall be provided to Triumph Road

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

*Reason: To allow the Environment Agency access to the River Leen for essential maintenance in accordance with the aims of Policy 1 of the ACS and Policy CC3 of the LAPP.*

**Regulatory/ongoing conditions**

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

21. The development shall be carried out in accordance with the submitted Flood Risk Assessment (SCC Consulting Engineering, Rev B dated 12/11/2020) and the following mitigation measures it details, unless otherwise agreed in writing by the Local Planning Authority:

- Finished floor levels shall be set no lower than 29.3 metres above Ordnance Datum (AOD)
- Provision of a emergency flood evacuation plan for the safe exit from the buiding during an extreme flood event

These mitigation measures shall be fully implemented prior to first occupation of the development and thereafter retained and maintained 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 ACS and Policy CC3 of the LAPP.*

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

<p>22. Any gates to the proposed vehicular accesses shall be back a minimum of 5m from the back edge of the public highway.</p> <p><i>Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the ACS and Policy TR1 of the LAPP.</i></p>
<p>23. Details of any proposed mechanical services plant or equipment shall be submitted to and approved by the Local Planning Authority prior to installation.</p> <p>The details shall include an environmental noise assessment and sound insulation scheme. 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.</p> <p>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).</p> <p>The approved mechanical services plant or equipment and associated sound insulation scheme shall be carried out prior to the occupation of the development and in accordance with the approved details unless varied with the written approval of the Local Planning Authority.</p> <p><i>Reason: To ensure that an appropriate noise environment for future occupants and to accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.</i></p>
<p>24. No infiltration of surface water drainage into the ground by soakaway or infiltration SUDS on land affected by contamination is 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 controlled waters.</p> <p>The development shall be carried out in accordance with the approval details.</p> <p><i>Reason: To ensure that the proposed development poses no contamination risks in accordance with Policies 1 and 10 of the ACS and Policies CC3 and IN2 of the LAPP.</i></p>
<p>25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The remediation strategy shall be implemented as approved.</p> <p><i>Reason: To ensure that the proposed development poses no contamination risks in accordance with Policies 1 and 10 of the ACS and Policies CC3 and IN2 of the LAPP.</i></p>
<p><b>Standard condition- scope of permission</b></p>
<p>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 15 October 2020.</p>

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

*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. Highways:

Construction Management Plan:

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.

Mud on road:

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.

Highway licences:

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 [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk) 0115 8765238.

Traffic regulation Orders (TROs):

Prior to occupation of the consented development, it is necessary to amend and introduce Traffic Regulation Orders. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed; please contact Highways Network Management on 0115 876 5293 to instigate the process. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

Car Parking:

Off road parking spaces shall have minimum dimensions of 2.4m x 5.5m (with additional 0.5m if adjacent to a hard boundary) with permeable bound surface construction. The spaces should be marked out in accordance with details which shall first have been agreed in writing with the local planning authority.

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**Not for issue**

Disabled parking bay provision will need to be provided at the correct disabled bay dimensions with a minimum of two spaces for the site.

Disabled parking bay provision will need to be provided at the correct disabled bay dimensions with a minimum of two spaces for the site.

Cycle Parking:

For information on cycle parking including stands and cycle maps please contact the email address requesting support: [CyclingTeam@nottinghamcity.gov.uk](mailto:CyclingTeam@nottinghamcity.gov.uk)

Access and S278 Agreement:

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. We 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.

Details related to the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and stage I/II/III Safety Audit are to be submitted for the access proposals before changes to the highway are commenced.

Refuse collection:

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.

Highway licences:

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.

EVCP (Electric Vehicle Charging Point):

EVCP or infrastructure is to be provided at the site.

To discuss electric vehicle charging points please contact Rasita Chudasama on 0115 8763938. The highway authority require a minimum of one space or 10% of overall parking space provision to have EVCP, whichever is the required amount.

Sustainable Transport:

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 James Ashton 0115 8763093.

4. Condition(s) \*\*\*\* are 'reserved matters' as defined in the Town & Country Planning (General Development Procedure) Order 1995.

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

## 5. Contaminated Land, Ground Gas & Groundwater:

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, 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.

## 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.

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**Not for issue**

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. 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.

#### 8. Waste on site:

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at <https://www.gov.uk/government/organisations/environment-agency> for further guidance

#### Waste to be taken off site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more

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

## EA Flood Risk Standing Advice:

The site falls in Flood Zone 2 and standing advice can be applied.

The applicant's flood risk assessment states that during a 1 in 1000 year flood event, flood levels on the surrounding roads would prevent safe passage, although the occupants of the building would be above flood levels. The building occupants would therefore require evacuation from the site during a 1 in 1000 year event.

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.

The planning practice guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk as such the EA, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your Emergency Planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 163 of the NPPF and the guiding principles of the PPG

## Maintenance Access to the River Leen:

There is currently on-street parking blocking the proposed access gate so please ensure there is 24 hour emergency vehicular access to the access gate/easement. Please also ensure no ground levels are changing on site, including in the area of the easement. Changing the ground levels would affect the flood risk of the site. Provision of 24hr access may require revision to the existing TRO along Traffic Street.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- On or within 8 metres of a main river (16 metres if tidal)
- On or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- On or within 16 metres of a sea defence
- Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- In a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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.

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

Your attention is drawn to the rights of appeal set out on the attached sheet.

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

## **RIGHTS OF APPEAL**

Application No: 20/02228/PVAR3 (PP-09124212)

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.

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