

Report of Director of Planning and Regeneration

3 Triumph Road, Nottingham

1 Summary

Application No: 21/01558/PRES4 for approval of reserved matters

Application by: Desg on behalf of Cassidy Group (Triumph House) Ltd

Proposal: Application for the approval of reserved matters relating to condition 2 (details of appearance and landscaping) of Section 73 application reference 20/02228/PVAR3 (Demolition of existing buildings and erection of student accommodation - revisions to site layout, footprint and scale of the proposed building of outline planning permission reference 19/02581/POUT)

The application is brought to Committee at the formal request of its members of their 21 February meeting 2021, following approval of application reference 20/02228/PVAR3, on the basis of this being a major development on a prominent site with important design considerations.

To meet the Council's Performance Targets this application should be determined by 12th October 2021

2 RECOMMENDATION

2.1 To **GRANT RESERVED MATTERS APPROVAL** subject to the indicative conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to Director for Planning and Regeneration.

3 BACKGROUND

Site and Surroundings

3.1 This reserved matters submission relates to a 0.37ha site located on the western side of Triumph Road, close to the junction with Derby Road. The site comprised of two industrial buildings which have recently been demolished.

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.

Planning History

- 3.4 **Planning Application 18/01498/POUT:** An outline planning application was submitted in 2018 (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.
- 3.5 **Planning Application 19/02581/POUT:** A further outline application was submitted in 2019 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, cluster flats and one bedroomed apartments and communal facilities on the ground floor. This outline application was granted permission in February 2020 subject to the completion of a S106 Obligation 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.
- 3.6 **Planning Application 20/02228/PVAR3:** At the February 2021 meeting Planning Committee resolved to approve a Section 73 application which sought to vary the plans approved under outline planning permission 19/02581/POUT. The applicant sought to make design changes to the proposed scale of the building and site layout, together with an increase in the number of student bedrooms from 204 to 270. Approval was subject to a variation of the previous S106 Obligation to require an increased financial contribution of £258,390 towards the provision or improvement of open space or public realm. The S73 application was subsequently approved in June 2021 upon completion of the variation to the S106 Obligation.

4 DETAILS OF THE PROPOSAL

- 4.1 The layout, scale and means of access for this development have been approved under application 20/02228/PVAR3, approved at Committee in February 2021. The current proposal is for the approval of the outstanding 'Reserved Matters' in relation to the appearance of the building and the landscaping of the site.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

26 immediate neighbours were notified, a site notice posted and the application advertised in the local press (final date for comments 27.08.21).

No representations have been received in response to the statutory consultation of the application.

Councillor Trimble, Ward Councillor for Lenton and Wollaton East, has requested that his objection to the previous S73 application 20/02228/PVAR3 which was sent at that time to all members of Planning Committee, again be presented to Committee as an objection to this reserved matters application. His objection is set out in full below and is in lieu of speaking at Committee:

"I wish to object to this planning application for 3 Triumph Road (20/0228/PVAR3). The vast majority of housing in the area where this development is proposed are HMO's and Purpose Built Accommodation. What could be termed as community imbalance for the area is already at crisis point. We spend a great deal of time trying to build balanced communities in Nottingham with a diverse and wide range of people and communities getting on well together. And here we are yet again with a complete disregard for this. Noisy parties are a massive problem. In non Covid times Derby Road from Canning Circus to the QMC suffers severely with noise issues from 10-00pm until after 4-00am. Both universities already contribute £30,000 each towards community protection overtime costs. It's so bad that I would argue that that £60,000 is nowhere near enough to deal with the issues. The councils Anti-Social Behaviour car is regularly defaulted to the area. On a community protection exercise 1,353 Community Protection Notices were issued for noise and 1,124 street alcohol confiscations and not all were recorded. On one night alone, in a special operation for a couple of hours there was 315 street alcohol confiscations and because it was so visible they by no means caught everyone. The local primary held a survey and all the children in that area were deprived of sleep, including during exam time. That's not acceptable. Taking into account that both noise from student parties as well as street drinking are two very common occurrences of ASB in the area, DE1(1)(c) of the LAPP is particularly relevant where it notes that future development needs to be assessed on the basis of whether it would "enhance community safety". I am not at all convinced that the 270 unit PBSA proposed here would not exacerbate existing tensions between the student population and permanent residents and that it wouldn't lead to a rise in ASB cases.

Here we have developers following each other like lemmings over a cliff, creating a monolithic high volume concentration of small single housing units with very little or no diversity. When the city had the highest number of Covid cases in the country the local area was hit badly with the highest concentration of positive Covid tests being in Purpose Built Student Accommodation. We have seen quite a number of fines handed out including one for 10,000 pounds. This type of single use, single type of property, in this scale and in this location doesn't do anything to create balanced communities. This is the complete opposite of what we trying to achieve in every other part of the city.

The scale proposed height and scale of the 5 storey building is far too big. The flat roof is far too utilitarian and does nothing for the area. It dwarfs the almshouses known as the William Woodsend Memorial Holmes in a very stark and

unsympathetic manner. The intensity and size of the building are also in stark contrast to the peaceful nature of the River Leen. It should be noted here that HO5 of the LAPP clearly states that "Purpose Built student accommodation" should be encouraged if it is "of an appropriate scale and design". Policy DE1 is particularly relevant to this development as well as it states that planning applications should be considered against a number of criteria including "whether the development would respect and enhance the ... character of the area, and in particular its established scale, massing, rhythm, landscape ..." etc.

Furthermore, it has a distinct lack of facilities for the number of residents especially as this has increased from the proposed 220 to 270 bed spaces. As parking is a major problem in the local area provision for drop off and pick up time look to be almost non-existent and completely unfeasible. The number of students or their visitors using cars and needing parking places can also be a serious concern taking into account the scale of the proposed development. Parking is already a huge problem in the area and whilst students are not supposed to bring cars especially at PBSAs, they still bring them and they park them on surrounding streets sometimes rarely moving them. Policy DE2 of the LAPP is relevant in this instance as it states that development proposals "will be expected to: ... (l) ensure that the development does not generate levels of traffic, on street parking, vehicle movements or access arrangements which would have a detrimental impact on... the efficient operation of the highway network..." furthermore and in particular reference to parking, the LAPP states on the aforementioned policy that developments ought to "(k) maximise opportunities for sustainable transport and provide appropriate parking solutions to reflect the character of the development." Note as well that getting a "planning agreement or condition" restricting car use by potential occupiers as outlined in TR1(2)(g) of the LAPP in this context wouldn't work due to the scale of the proposed development as well as existing parking issues in the area. The fact remains that a planning condition applied here wouldn't stop prospective students having visitors nor owning and using cars, thus the problem would remain."

Environmental Health and Safer Places: No objections.

Drainage: No objections, subject to the drainage conditions imposed on application 20/02228/PVAR3 being complied with.

Biodiversity Officer: The Biodiversity Officer welcomes the use of native species as part of the landscape plan and other species of value to wildlife.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2021):

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 126 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 130 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 10 - Design and Enhancing Local Identity

Policy 17- Biodiversity

Land and Planning Policies (LAPP) (2020)

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN6: Biodiversity

7. APPRAISAL

Principle of the Development

- 7.1 The 2019 outline planning permission established the principle of re-developing the site for student accommodation. The subsequent 2021 Section 73 permission established the layout, scale and means of access for a scheme comprising 270 bedrooms. At that time consideration was given to height and envelope of the building, its relationship with neighbouring properties and to access arrangements, including for the future maintenance of the River Leen.
- 7.2 This application solely relates to the elevational treatment of the building and both hard and soft landscaping proposals within the site. These reserved matters are within the scope of the outline application as varied and now comprise a standalone permission.

Design and Landscaping Considerations (Policies A and 10 of the ACS and Policies DE1 and DE2 of the LAPP)

- 7.3 The elevations to the building have a consistent architectural style that comprise a strong brick frame with clearly defined base middle and top. Large-scale openings with deep reveals and a consistent approach to the fenestration pattern are

incorporated throughout. The use of full height windows on the ground floor together with feature textured brickwork and reconstituted stone banding provide additional detailing.

- 7.4 Through the pre-application process the front elevation of the building in particular has been enhanced by the re-organisation of the fenestration pattern and the design development of the entrance canopy. The prominent south eastern corner of the building has been revised to incorporate larger wraparound window openings, serving communal spaces, to create further interest in the streetscene when viewed along Triumph Road and from Derby Road.
- 7.5 A simple palette of materials is proposed consisting of two complementary bricks; either a red or pale grey multi brick to the upper storeys and a dark grey brick to the base. The windows are to be recessed 225mm and would have a dark frame with integral bronze clad feature window linings and spandrel panels. A bronze coloured canopy would define the entrance to the building.
- 7.6 The landscaping proposals would provide an attractive south facing external space for students within a new landscaped 'buffer' between the building and the Almhouses located on the opposite side of the River Leen. The indoor amenity space opens onto this area. Landscaping includes new trees, extensive shrub planting, some grassed areas and hard landscaping immediately adjacent to the building. Alongside the River Leen an 8m easement is required by the Environment Agency. A 3.7m wide reinforced grass access strip is to provide access for maintenance vehicles directly adjacent to the river with the remaining area of the easement being landscaped with wild flower and native shrub planting, to help create a habitat corridor along the Leen. New trees and soft landscaping are also proposed along Triumph Road to create an enhanced street frontage.

Notwithstanding the submitted details, a condition requiring planting details is proposed, given that the final details of the scheme are yet to be decided.

- 7.7 In conclusion, the proposed appearance of the building and landscaping proposals would make a positive contribution to the site and its surroundings, External materials and more detailed information on the design features of the building are already incorporated on the permission 20/02228/PVAR3 (conditions 8 and 10). The development therefore accords with policies A and 10 of the ACS and policies DE1 and DE2 of the LAPP.

8. SUSTAINABILITY / BIODIVERSITY (Policy 17 of the ACS and Policy EN6 of the LAPP)

- 8.1 The Biodiversity Officer welcomes the use of native species as part of the landscape plan and other species of value to wildlife.
- 8.2 The landscape proposals therefore accord with policy 17 of the ACS and policy EN6 of the LAPP.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Redevelopment of a partially cleared brownfield site with a high quality, sustainable and mixed-use development

Safer Nottingham: The development enhances the surrounding pedestrian environment and incorporates active ground floor frontages that would contribute to a safer and more attractive neighbourhood

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 21/01558/PRES4 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QW6LCTLYJY000>

17 Published documents referred to in compiling this report

Nottingham Local Plan Part 2 (January 2020)
Aligned Core Strategies (September 2014)

Contact Officer:

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NOMAD printed map



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Key

 City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 21/01558/PRES4 (PP-10001649)
Your Ref:
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Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR APPROVAL OF RESERVED MATTERS

Application No: 21/01558/PRES4 (PP-10001649)
Application by: Cassidy Group (Triumph House) Ltd
Location: 3 Triumph Road, Nottingham,
Proposal: Application for the approval of reserved matters relating to condition 2 (details of appearance and landscaping) of Section 73 application reference 20/02228/PVAR3 (Demolition of existing buildings and erection of student accommodation - revisions to site layout, footprint and scale of the proposed building of outline planning permission reference 19/02581/POUT)

Nottingham City Council as Local Planning Authority hereby **APPROVES** the reserved matters described in the above application subject to the following conditions:-

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

There are no conditions in this section.

Pre-occupation conditions

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

1. Notwithstanding the submitted plans, no part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species, location, sectional pit details and maintenance arrangements of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a high quality development in accordance with Policy 10 of the ACS and Policy DE1 of the LAPP.

DRAFT ONLY
Not for issue

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 13 July 2021.

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. Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

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

DRAFT ONLY
Not for issue

RIGHTS OF APPEAL

Application No: 21/01558/PRES4 (PP-10001649)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

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