

Report of Director of Planning and Regeneration

2A Triumph Road, Nottingham

1 Summary

Application No: 22/00001/PFUL3 for planning permission

Application by: DPP Planning on behalf of Cassidy (Triumph Road) Ltd.

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

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 have been determined by 6 May 2022. An extension of time has been agreed with the applicant until 30th May 2022.

2 Recommendations

2.1 GRANT PLANNING PERMISSION subject to:

- (a) The Environment Agency withdrawing their objection upon provision of satisfactory a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy to secure implementation of mitigation to ensure the development is safe for its lifetime from flooding and would not result in flooding elsewhere; and with the Director of Planning and Regeneration having delegated authority to determine the final details of the appropriate conditions
- (b) Prior completion of a Section 106 Planning Obligation to secure:
 - (i) A commuted sum of £296,601 in lieu of on-site affordable housing provision
 - (ii) A financial contribution of £174,166 towards the enhancement of public open space/public realm in the surrounding area, in lieu of on-site provision
 - (iii) A student management plan and restrictions on keeping private vehicles
 - (iv) Local employment and training benefits including opportunities in the construction and operational phases of development, together with payment of a financial contribution of £24,504 towards their delivery

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

- 2.2 Committee being 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.
- 2.3 Power to determine the final details of the conditions of planning permission to be delegated to the Director of Planning and Regeneration.

3 Site and Background

- 3.1 The site currently contains a large single storey building sub-divided in two units which front onto Triumph Road. One is occupied by a yoga studio/cafe and the other is a car dealership. The building is industrial in character and constructed of brick with a series of pitched roofs finished in metal cladding. The area at the front of the units is used for parking. There is also a single storey industrial outbuilding at the rear of the site, currently used by a taxi rental company. The rest of the site is a hardstanding parking/storage/service area. There are no trees or soft landscaping on the site.
- 3.2 The site is bounded by Triumph Road to the west and the River Leen to the east. Adjacent the site to the north is the Co-op Funeral care building. This comprises a 2-storey office element which fronts onto Triumph Road, behind which it becomes a more industrial single storey building with a series of pitched roofs. To the south of the site at the corner of Triumph Road and Derby Road is a car dealership.
- 3.3 The River Leen runs along the eastern boundary of the site and on the other side of this is a large student accommodation scheme by Unite is currently under construction. This is largely 5-6 storeys in scale and is to accommodate 690 beds.
- 3.4 To the western side of Triumph Road is Fanum House, occupied by the NHS, with industrial premises immediately to the north of this; the first of these, 3 Triumph Road, has also recently been granted permission for student accommodation3 Triumph Road.
- 3.5 The southern side of Derby Road is predominantly residential in nature.
- 3.6 The site is designated as being within Flood Zones 2 and 3a and is also partially located within an Archaeological Constraint Area.
- 3.7 Additionally, the site falls within the area safeguarded for the expansion of the Jubilee Campus in the LAPP.

4 Details of the proposal

- 4.1 The application proposes the demolition of the existing buildings and construction of purpose-built student accommodation (PBSA) with associated landscaping, access and car parking.

4.2 The scheme consists of a total of 169 student bedrooms (25 no. cluster flats and 34 no. studios) with associated amenity facilities. A total of 76 no. cycle parking Spaces (50 spaces within an internal secure room + 26 cycle spaces externally) and 4 no. car parking spaces (incl. 2 no. DDA compliant) would be provided within the site.

5 Consultations and observations of other officers

16 neighbouring properties were notified through letters. The proposal has also been publicised through site notices and a newspaper advertisement.

3 representations have been received from local residents stating:

- There are far too many students in this locality already (which the Council's own records of student housing accommodation will confirm) and there is no requirement for anymore.
- This proposal is far too high. There are already properties on Radmarsh Road of four storeys with extremely high pitched roofs with more due to be completed by September 2023. Whilst some sort of redevelopment would enhance this end of Triumph Road the proposal is unacceptable. Any approval should be limited to a building height such as Newark Hall and Southwell Hall on Triumph Rd, i.e. ground, first and second floors with a flat roof.
- The proposal won't create a sense of community for local residents. They will feel even more abandoned by the Council if this proposal is passed.
- Planning permission would be granted regardless of what the community think. It is a waste of council funding posting these letters to all the local residents.
- The proposal would move long term residents out of the area for short term tenants who don't care about their surroundings.
- Attracting additional students to live in Lenton would add to the already significant concentrations of students in the area and further imbalance the Lenton community.
- The significant increase in student numbers would increase the well-known problems caused by students living in the area, resulting in an increase in problems of anti-social behaviour, litter and refuse disposal, noise and the changing demographics of the area with a transient population etc.

The Nottingham Action Group on HMOs (NAG):

NAG has made lengthy and detailed comments on the proposed development. These are summarised briefly below but a full copy of their representation is appended to this report.

In the past, the NAG has recognised the part that Nottingham City Council's policies regarding the provision of purpose built student accommodation (PBSA) have to play in dealing with the problems associated with studentification, in particular the corrosive impact that large numbers of highly transient student tenants living in HMOs has on the permanent population living in neighbourhoods in so-called 'student areas', and, most importantly in the long term, on the future stability and development of these neighbourhoods. However, for these policies to be successful it is essential that PBSA not only provides accommodation for continuing increases in student numbers at Nottingham's higher education establishments, but unequivocally, and most importantly, results in the return to C3 use (whether owner occupied or rented) of C4 and sui generis HMOs in the locality, and therefore

makes a significant contribution to the rebalancing of neighbourhoods where student-occupied HMOs of all sizes have caused and continue to cause environmental (including a range of anti-social behaviours) and social problems.

Although the area in which it is proposed to locate the PBSA is within the boundary of the 'Jubilee Campus' as set out by the Jubilee Campus Master Plan, contrary to statements made in the Planning Statement associated with this application, it is in fact adjacent to a large residential area with a diverse range of properties which, had it not been for conversion to C4 and sui generis HMO, would be ideally placed to provide an equally diverse range of housing types attractive to groups of people who fall within the definition of 'family'.

In their submission the proposal is analysed against the following criteria:

- The location and size of the site and its potential for uses other than PBSA
- No other suitable locations available
- Contribution of the Proposed PBSA to the Protection of Residential Neighbourhoods in its Locality
- Contribution to the Reduction in Demand for HMOs and Returning HMOs to C3 Use
- Impact on Problems in Surrounding Neighbourhoods
- The Design, Materials and Massing of the PBSA
- The Student experience within the PBSA
- Adaptability for alternative residential uses

Having measured the proposed development against the above criteria, the NAG conclude that the application fails to satisfy these and put forward their opposition to it.

Ward Councillor:

A ward councillor for Lenton and Wollaton East has objected to the proposal on the following grounds:

- Scale, density and footprint. Whilst it is argued in the access statement that the proposed footprint of the building has been substantially reduced from earlier iterations given to planners, it is still considered that the structure is too large and bulky. In particular they do not consider that the proposed development "enhances community safety" (see DE1 (c)), as by adding another 169 units would cause even more footfall on the Derby Road corridor. The proposed development will therefore exacerbate existing problems such as street drinking which is against the relevant Public Space Protection Order and other forms of Anti Social Behaviour.
- it has a lack of careful consideration of local flood risk. It is far too large a development which will sit on flood zone 3a, which is associated with a high risk of flooding. It also proposes a change of use from industrial, retail and shops to residential. This is significant because while shops or industrial units which are already on site are considered less vulnerable uses, residential institutions are classed as more vulnerable according to Planning and Practice Guide: Flood risk and costal change. It should be emphasised that compensation measures to mitigate potential flooding have not been submitted at the time this objection was submitted, as far as they are aware. It's also disappointing that the flood risk assessment has been completed without a site investigation. They are therefore not convinced that the

development is safe as currently proposed for the residents that are going to live there.

- In the design and access statement submitted there is an illustration of the 2004 Jubilee campus master plan. The proposed site is for an area that is supposed to be dedicated for a “Research and Innovation Park”. What is being proposed here has no relation whatsoever to research and innovation. Looking at the same master plan towards the north of the Jubilee Campus there are two stretches of land on both sides of Triumph road whose heading is “New Student Halls”. We can’t just keep adding more and more Purpose Built Student Accommodation to the area affecting the Derby Road corridor.
- The development provides 4 car parking spaces and 76 cycle spaces. Whilst we want to encourage sustainable habits such as walking and cycling and even though most students may not bring cars, some of them might do. We all know that they will bring far, far more cars than that. Visitors will also bring cars. Therefore this development will also cause loss of parking spaces on Triumph Road and the parking traffic would get displaced to the surrounding residential areas, such as the Arnesby Road estate, Wollaton Hall Drive, and further into the Wollaton Park Estate.

Additional consultation letters sent to:

Environmental Health: No objection subject to conditions relating to contamination and a remediation strategy, a sound insulation scheme and submission of a finalised ventilation strategy, including their implementation.

Environment Agency (EA): Object to this application in the absence of an acceptable Flood Risk Assessment (FRA). (*This has now been provided and further comments are awaited*)

Drainage: The Environment Agency need to be heavily involved in this application due to the proximity to the Leen (main river) and the associated flood risk. A further drainage management strategy is required.

Highways: No comments received.

City Archaeologist: An archaeological Desk Based Assessment is needed prior to determining this application. The site lies within an Archaeological Constraint Area where there is the potential for archaeological remains of medieval and post medieval date to survive.

Biodiversity: No objection subject to conditions relating to bat roosting and bird nesting opportunities, a Construction Environment Management Plan to avoid any pollution of the watercourse during construction, details of external lighting to avoid excessive light spill onto this water course, and landscaping proposals.

Carbon Neutral Team: Make the comments made:

- Not supporting the city ambition to be Carbon Neutral by 2028
- No mention on BREEAM and only modest carbon emissions reduction (as a result of Gas Fired Central Heating)
- Small roof mounted solar array
- Passive design measures in place in the form of improved insulation
- The calculated Building Emissions Rate is 5% better than the Target Emissions Rate

- No mention of public engagement
- We welcome the inclusion of cycle storage, the location suitable for sustainable travel, the measures taken to reduce energy usage
- Recommendation to work with local suppliers and contractors where possible
- Further detail required on sustainability of construction materials
- More detail required around flood management and on-site water usage including SuDs
- No evidence of rainwater capture and utilization
- More detail required about on-site waste management and recycling
- Shared landscape area part of the 'green buffer zone' of native shrubs and wildflower. No reference to bee friendly pollinators

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.

Planning and flood risk

Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 161 of the NPPF states that all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- (a) applying the sequential test and then, if necessary, the exception test as set out below;
- (b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- (c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
- (d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

Paragraphs 162 and 163 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

Paragraphs 164 and 165 of the NPPF states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the exception test should be satisfied for development to be allocated or permitted.

Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific

flood-risk assessment . Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

(a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

(b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

(c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

(d) any residual risk can be safely managed; and

(e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

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 EE3: Change of use to non-employment uses

Policy EE4: Local Employment and Training

Policy LS2: Supporting the Growth of Further Education Facilities

Policy RE1: Facilitation Regeneration

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)

The Provision of open Space in New Residential and Commercial Development (2019)

Jubilee Campus Development Brief (2004)

7 Appraisal of proposed development

Main Issues

- (i) Principle of the development, including student accommodation
- (ii) Design considerations
- (iii) Impact on amenity
- (iv) Flood risk
- (v) Highway considerations
- (vi) Planning obligations
- (vii) Other matters

(i) Principle of the development, including student accommodation (Policies A and 8 of the ACS, Policies EE3, LS2, RE1, HO4, HO5 and HO6 of the LAPP, and the Jubilee Campus Development Brief)

- 7.1 Currently, one of the units on the site is a car dealership (*sui generis* use) and the other a fitness/health centre which is also a juice bar and serves limited food (a mix of use class E(d) and E(b)). Policy EE3 of the LAPP requires applications for the regeneration of previously-used employment sites and employment premises outside of Major Business Parks/Industrial Estates or allocated sites to be assessed against certain criteria. These seek to ensure that there is a sufficient supply of alternative employment land and premises, and also factor in the regeneration benefits of a particular scheme. The current tenants are not 'industrial' uses but rather quasi retail in nature; one has confirmed that they are moving their business locally. The proposal does not therefore result in the loss of premises currently used for 'industrial' purposes. New job opportunities would be created through the construction, management, security and maintenance of the scheme.
- 7.2 It should be noted that the area surrounding the site is currently transitioning away from traditional employment uses and moving towards uses associated with the University, resulting from this area being identified for the expansion of the Jubilee Campus within the LAPP. The change from the current to proposed uses is therefore acceptable in principle. Furthermore the proposed scheme, which also incorporates a large proportion of green space, would be positive in physical regeneration terms.
- 7.3 The main concern of NAG and those neighbouring residents who have responded relate to this being a PBSA scheme, which would result in an additional 169 student bed spaces at the Lenton end of the Campus. The location of PBSA needs to be considered against policy 8 of the ACS and policies LS2, HO5 and HO6 of the LAPP.
- 7.4 As stated above, the site forms part of the allocated UoN Jubilee Campus as defined 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), to include development for Further and Higher Education, Research & Development, and Information & Communication Technology facilities

required by the universities, along with ancillary uses such as PBSA and catering facilities for staff and students.

- 7.5 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 others, 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.
- 7.6 The Jubilee Campus Development Brief (2004) identified the site as being within the extended campus boundary and within Quarter 3, which was designated for 'Research and Innovation Park'. The brief states that accommodation for knowledge based industries will be provided east of Triumph Road and north of the River Leen.
- 7.7 However, there are number of recent planning application decisions that carry significant weight when considering the current proposal, particularly regarding the principle of allowing PBSA. These are:
- 3 Triumph Road (18/01498/POUT) – outline application for PBSA (204 bed spaces). Appeal dismissed on a technicality associated with the S106, but the Inspector concluded that the development was otherwise acceptable
 - 3 Triumph Road (19/02581/POUT) – outline application for PBSA (204 bed spaces). Approved following judgement made on previous appeal
 - Site at the northern end of Radmarsh Road (19/02325/PFUL3) – full application for PBSA (222 bed spaces). Approved November 2020
 - Corner Derby Road/Radmarsh Road (20/00141/PFUL3) – full application for PBSA (690 bedspaces) and ancillary class E and F.1 uses. Approved July 2021
- 7.8 Of particular interest is the Inspector's conclusions in respect of the 3 Triumph Road. This clarified the principle of student accommodation being accepted within any part of 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.
- 7.9 Critical to the appeal decision was the clear instruction within the LAPP that the requirements of policy HO6 (which sets a presumption against new HMOs/PBSA where the existing concentration of students is significant, defined as above 10%) do not apply to PBSA permitted under policy HO5 (which lists the locations appropriate for PBSA, including within university campuses).
- 7.10 At a more strategic level the number of students within the city continues to grow in line with the trend of the last four years. The Annual Monitoring Report (published in May 2021) reports that there are 25,750+ PBSA bed spaces within the city. Vacancy rates have consistently been below 2% for the last 6 years of the Council's annual Purpose Built Student Accommodation (PBSA) vacancy survey, in spite of a

further 1650+ PBSA bed spaces being made available for the 2020-21 academic year. Increased provision of PBSA is required to meet this growing demand for student accommodation, respond to the shortage of PBSA bedspaces and help to rebalance communities by providing an alternative to students living in on street housing, especially in areas where there are high concentration of students.

- 7.11 It is recognised that the proposed PBSA would increase the number of student bed spaces by a further 169 in addition to those existing and permitted in the Campus, as outlined above. Whilst acknowledging the concerns of local residents, it is considered that the provision of further good quality PBSA is an important part of the strategy for attracting students that would otherwise occupy HMOs in Lenton. The site forms a logical extension of existing development within the Jubilee Campus, as defined within the LAPP, and is sufficiently distant and separated from the nearest dwellinghouses situated to the south of Derby Road. For the reasons set out above, the principle of PBSA is therefore considered to be acceptable for the application site.
- 7.12 The site is in a highly accessible location with good pedestrian, cycle and bus links to the city centre and university campuses. Rooms proposed are of an appropriate size; a range of cluster flats are proposed to attract individuals and friendship groups of varying size. The bedrooms within these are each approximately 12.6sqm, with occupants also benefitting from the flat's shared communal space. Studio flats range from approximately 18.5sqm, which is similar to other recent PBSA schemes. Generous, multi-purpose communal space is proposed on the groundfloor, together with large area of landscaped open space along the River Leen corridor. All floors would be accessible to wheel chair users with ramped access and lifts available at each stair core. The requirement for an element of 'Accessible and Adaptable' units in accordance with policy HO4 is to be addressed by condition.
- 7.13 In accordance with guidance contained within policy HO6, details have been provided to demonstrate that should in the future the demand for student accommodation dissipate, the proposed development would be capable of being re-configured to meet general housing needs.
- 7.14 In light of the above, the principle of the proposed scheme is considered to be acceptable in accord with policies A and 8 of the ACS, policies LS2, HO1, HO4, HO5 and HO6 of the LAPP and the Jubilee Campus Development Brief.

(ii) Design considerations (Policy 10 of the ACS, Policies DE1, DE2 of the LAPP)

- 7.15 The development has been the subject of significant amendment in terms of its scale, massing and architectural treatment at the pre-application stage.
- 7.16 The proposed development comprises an L shaped block which fronts onto Triumph Road and runs back into the site alongside the north boundary, enclosing a southeast facing, landscaped amenity area alongside the River Leen. The block fronting onto Triumph Road is 5-storeys high, whilst the rear wing is 6-storeys high. The proposed layout would provide a new defined pavement along Triumph Road; the existing car parking spaces would be removed and new soft landscaping and trees would be planted to create an attractive setting and frontage to Triumph Road, where the main entrance would be positioned. Visitor cycle parking would be provided adjacent to the main entrance.

- 7.17 Immediately adjacent and opposite the site are single / two storey industrial buildings. To the east of the site on the opposite side of the River Leen, a large 5-6 storey student accommodation scheme is currently under construction. On the opposite side of Triumph Road to the south another 5-storey student accommodation scheme is also under construction. The height of the proposed scheme would therefore be in keeping with the other new developments in the area.
- 7.18 The building would have a clearly defined base, middle and top. The elevations are to be finished in two complimentary bricks; a red multi to the upper floors with a mid grey multi to the groundfloor. The elevations incorporate a cast stone band above the groundfloor and a similar coping to the roof parapet, with recessed soldier courses below. Full height feature corner windows to each end of the block facing onto Triumph Road would create attractive facades when viewed from both directions along Triumph Road. These also incorporate blue glazed tiles at the corners and expressed window reveal linings. All the windows would be recessed by 225mm and would have dark grey frames with matching integral louvred panels and perforated opening side panels. Additional recessed elements and soldier course detailing would add further interest to the elevations.
- 7.19 The proposed landscaped amenity area would provide a range of positive benefits and represent a significant enhancement in comparison to the current site environment.
- 7.20 Subject to precise materials and landscaping details being secured by condition, it is considered that the development would be a positive addition to the site and wider townscape in accord with policy 10 of the ACS and policies DE1 and DE2 of the LAPP.

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

- 7.21 The proposed building is set back 8m from the northern boundary with the Co-op site to allow for any future development on this adjacent site.
- 7.22 Concerns have been raised by a Ward Councillor, NAG and local residents that the increase in student numbers would increase the well-known amenity problems caused by a high concentration of students living in the surrounding area.
- 7.23 The applicants are experienced in the management of PBSA and have made assurances that robust procedures would be put in place to negate issues regarding the behaviour of future residents. An integral part of the student management plan would be a contact point for local residents to liaise directly with those responsible for the management of the accommodation. The student management plan would be secured as part of a S106 agreement.
- 7.24 The proposed accommodation is of an appropriate size with cluster bedrooms averaging 12.6 sqm and benefitting from associated communal kitchen/living areas commensurate to the size of the cluster flat, and studios ranging from 18.2 sqm. There is also a generous amount of communal space for all residents on the groundfloor, opening out onto a hard surfaced terraced area that forms part of the landscaped amenity space alongside the River Leen. Full height windows to the communal space would provide good levels of daylight and allow views over this external area.

- 7.25 Environmental Health colleagues have raised no objection to the proposed scheme but recommend noise assessment/sound insulation conditions to protect existing and future residents. These can be secured via condition.
- 7.26 On this basis, the proposal complies with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

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

- 7.27 The site is designated as being within Flood Zones 2 and 3a in accordance with Environment Agency mapping. In the latter there is a general presumption against new build development. The application has been supported by a detailed Flood Risk Assessment (FRA) and Surface Water Drainage Strategy, which have been the subject of discussion with the Environment Agency (EA), resulting in further iterations of the FRA and the submission of additional information to the EA.
- 7.28 As required by the NPPF the development has been sequentially tested, a process which aims to steer new development to areas with the lowest risk of flooding. A search zone was established in the FRA, which is understood to have been accepted by the EA. The sequential test could not identify any available sequentially preferable sites at a lower risk of flooding within the search area and it is therefore concluded that the sequential test is passed.
- 7.29 Table 2 of Planning Practice Guidance (PPG) categorises the development as a “More Vulnerable” use. Table 3 of PPG indicates that More Vulnerable uses in Flood Zone 3a require an exception test to be met demonstrating development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development would be safe from flooding for its lifetime.
- 7.30 This is a brownfield site which is designated as part of the Jubilee Campus. It is in a highly sustainable location and its development would facilitate the regeneration of the site, provide improvements to landscaping, biodiversity, drainage and improved access to the River Leen. It would also create direct and indirect employment opportunities and help to meet an identified need for PBSA. The proposed development incorporates a number of mitigation measures which would make the development safe from flooding and reduce the flood risk to other areas within the vicinity of the site. The proposal is therefore considered to pass the exception test.
- 7.31 The EA originally raised objection to the proposed FRA and discussion has been ongoing to overcome this, including the submission of a revised FRA and Surface Water Drainage Strategy information to secure implementation of mitigation to ensure the development is safe for its lifetime from flooding and would not result in flooding elsewhere.

As a decision maker is required to give the views of statutory consultees great or considerable weight in the planning balance, then subject to the EA withdrawing their objection, the proposal would accord with Policy 1 of the ACS and policy CC3 of the LAPP.

(v) Highway considerations (Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)

- 7.32 The application is supported by a Transport Statement. Policy TR1 of the LAPP seeks to preclude development that would be detrimental to highway safety and to

ensure that proposals include a sufficient package of measures to ensure that journeys by private car are minimised and journeys by sustainable modes of transport are supported, in line with the transport hierarchy within policy 14 of the ACS. Policy TR1 highlights specialist residential accommodation such as PBSA as an appropriate form of low-car or car-free development.

- 7.33 There is no student parking provision for this development (with the exception of 2 parking spaces for management staff and 2 disabled spaces) and there would be a restriction within the student management plan to prevent residents from having motor vehicles within the boundaries of the City of Nottingham which would be secured within the S106 obligation. A condition is also recommended with regard to drop-off and pick-up arrangements.
- 7.34 The scheme incorporates 76 spaces of secure and covered cycle parking, which is compliant with LAPP requirements. The site is very close to the Jubilee and Highfield Campuses, thereby encouraging the majority of occupiers to walk or cycle to the University. The site also benefits from close proximity to Derby Road as a main arterial bus route to/from the city centre.
- 7.35 Subject to condition and S106, the development is considered to accord with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

(vi) Planning obligations (Policy 19 of the ACS, Policies IN4, EN2 and EE4 of the LAPP)

- 7.36 In order to comply with development plan policy and the requirements of the relevant Supplementary Planning Guidance, planning obligations are necessary to make the development acceptable in planning terms, which are directly related to the development and fairly and reasonably related in scale and kind to the development. They would be secured within a S106 obligation and in this instance would include:
- A commuted sum of £296,601 in lieu of on-site affordable housing provision
 - A financial contribution of £174,166 towards the enhancement of public open space/public realm in the surrounding area
 - A student management scheme, which shall include a restriction on car usage and management arrangements to mitigate any adverse impact arising from the behaviour of future residents
 - Local employment and training opportunities during the construction and operational phases of development, together with a financial contribution of £24,504 to help facilitate these
- 7.37 All policy compliant S106 contributions are being met in this case.
- 7.38 The public open space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance.
- 7.39 The proposed obligations are considered to meet the requirements of Regulation 122(2) Community Infrastructure Levy Regulations 2010, in that they 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.

(vii) Other matters

Archaeology (Policy HE1 of the LAPP)

- 7.40 The site is partially located within an Archaeological Constraint Zone as identified within the proposals map of the LAPP. A desktop archaeological assessment has been undertaken and reviewed by the Council's Archaeologist. This has identified a moderate potential for remains of local archaeological interest only. Conditions relating to a programme of archaeological works, initially consisting of an archaeological field evaluation, are requested by the Council's Archaeologist.

Contamination (Policy IN2 of the LAPP)

- 7.41 Requirements relating to the remediation strategy, recommended by Environmental Health colleagues, can be secured by condition.

8 Sustainability / Biodiversity (Policies 1 and 17 of the ACS, Policies CC1, CC3 and Policies EN5 and EN6 of the LAPP)

- 8.1 The site is sustainably located both for the University's campuses but also the primary Derby Road public transport corridor to/from the city centre. 2 no. of parking spaces would have electric vehicle charging points. A wide range of sustainable measures are also to be incorporated within the built development, including:
- Heating via electric panels throughout, with enhanced controls
 - Air source heat pump heating and cooling to the more densely occupied amenity spaces
 - Hot water provided by high efficiency gas fired condensing hot water heaters
 - Natural ventilation to bedrooms where possible (due to acoustic environment), alongside trickle and boost extract ventilation to adjoining bathrooms and kitchen spaces
 - Mechanical heat recovery ventilation (MVHR) to any other bedrooms and kitchen living dining spaces (due to acoustic environment), as well as the more densely occupied amenity spaces
 - LED lighting throughout, with PIR presence detection to corridors / communal areas
 - Provision of photovoltaic panels at roof level
 - Incorporation of Sustainable Urban Drainage (SUDs)
 - A comprehensive waste management strategy for the reuse and recycling of materials
- 8.2 The scheme aims to achieve a minimum of 10% reduction on the CO2 emissions standards set by Building Regulations. Subject to a condition that requires further details of the proposed sustainability measures, it is considered that the proposal accords with policy 1 of the ACS and policies CC1, CC2 and CC3 of the LAPP.
- 8.3 The site currently consists of industrial buildings with concrete yards and parking areas. There are no trees or soft landscaping on the site. A substantial area of new landscaping would be created to the south east of the building adjacent to the River

Leen. The proposal would enhance the relationship with the river and create a corridor alongside it habitat for wildlife. The habitat corridor would be planted with native shrubs and wildflowers which are specifically chosen as food sources and cover for birds, and insects.

- 8.4 The application has been supported with an ecological appraisal. The information submitted has been reviewed by the Biodiversity Officer who has raised no objection subject to conditions relating to the provision of ecological enhancements such as bird and bat boxes within the fabric of the building, the proposed landscaping scheme, and the submission of a biodiversity enhancement plan adhering to the recommendations contained with the Biodiversity SPD. Subject to condition, it is considered that the development accords with policy 17 of the ACS and policy EN6 of the LAPP.

9 Financial Implications

As detailed above a section 106 obligation would secure:

- A financial contribution of £174,166 towards off-site Public Open Space
- A financial contribution of £296,601 towards off-site Affordable Housing
- A financial contribution of £24,504 towards the delivery of local employment and training opportunities

10 Legal Implications

The Environment Agency is a statutory consultee under planning law and plays an important part in ensuring that planning decision-making is informed, fair and effective. Although a statutory consultee cannot direct that planning permission is refused it may recommend such a course. A decision-maker is required to give the views of statutory consultees great or considerable weight in the planning balance - (Swainsthorpe Parish Council v Norfolk County Council [2021] EWHC 1014 (Admin)).

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

11 Equality and Diversity Implications

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

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a brownfield site. Providing on campus PBSA in support of developing balanced and sustainable communities

Safer Nottingham: The development would provide active surveillance of the street that would contribute to a safer and more attractive neighbourhood

Ensuring Nottingham's workforce is skilled

14 Crime and Disorder Act implications

The development would enhance natural surveillance in and around the site.

15 Value for money

None.

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

1. Application No: 22/00001/PFUL3 - link to online case file:

<https://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

17 Published documents referred to in compiling this report

NPPF (2021)

Aligned Core Strategies – Local Plan Part 1 (2014)

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

Biodiversity SPD (2020)

The Provision of open Space in New Residential and Commercial Development SPD (2019)

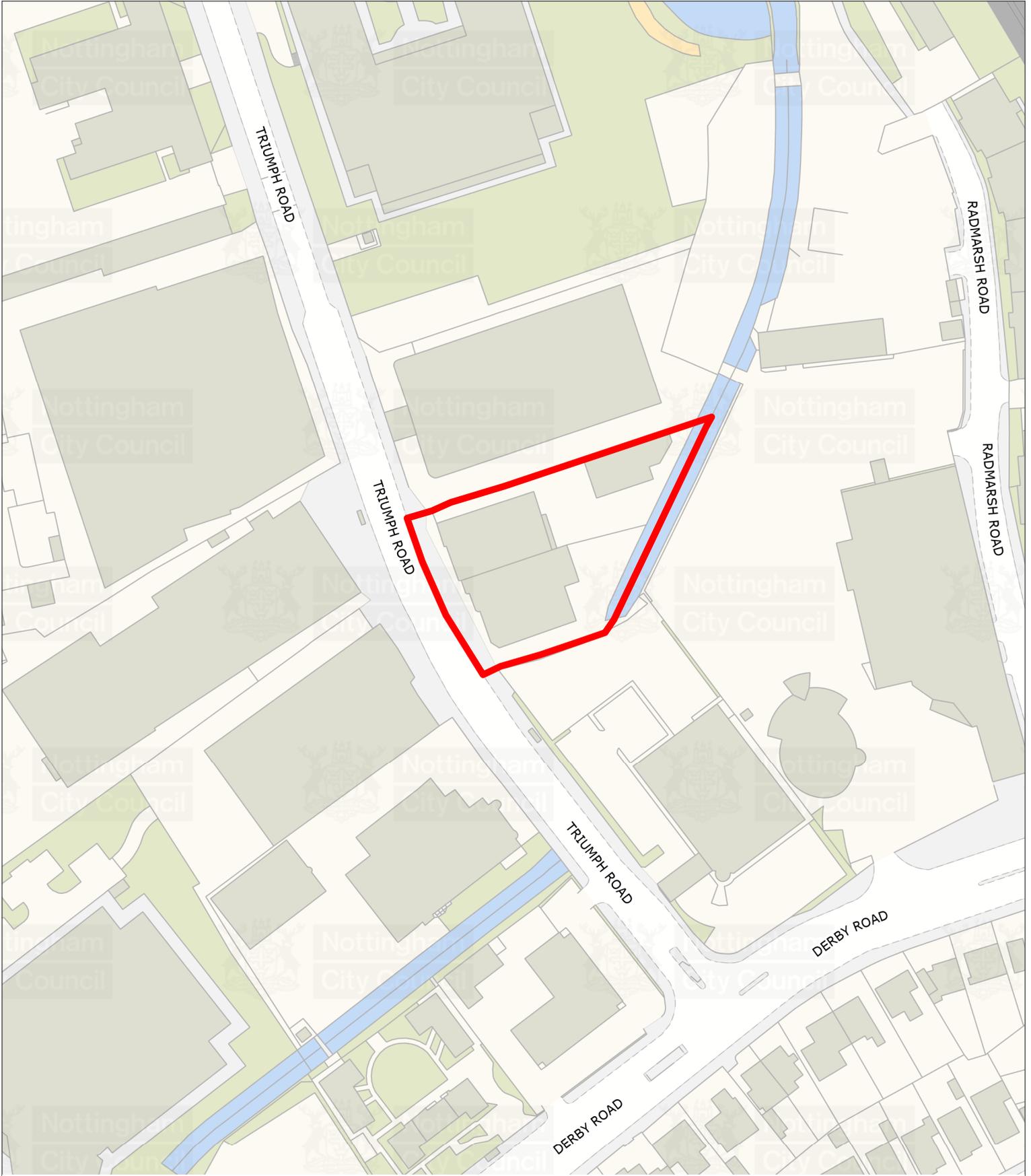
Jubilee Campus Development Brief (2004)

Contact Officer:

Mr Mohammad Taufiqul-Islam, Case Officer, Development Management.

Email: Mohammad.Taufiqul-Islam @nottinghamcity.gov.uk Telephone: 0115 876

Nomad printed map



Crown copyright and database rights 2021 OS 100019317. Use of this data is subject to terms and conditions., Nottingham City Council

0 0.03 0.06 km



Key

 City Boundary

Printed map generated by a Nomad user on 10/05/2022. This map is not suitable for publishing, for high quality maps please contact gl@nottinghamcity.gov.uk.

Description

A map printed from Nomad.



Nottingham
City Council

My Ref: 22/00001/PFUL3 (PP-10503406)
Your Ref:
Contact: Mr Mohammad Taufiqul-Islam
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Mr Leo Horton-Taylor
Desg, 11-13
Penhill Road
Pontcanna
Cardiff
CF11 9PQ

Date of decision:

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

Application No: 22/00001/PFUL3 (PP-10503406)
Application by: c/o agent
Location: 2A Triumph Road, Nottingham, NG7 2GA
Proposal: Demolition of the existing structures and the construction of new purpose-built student accommodation, associated ground floor indoor/external amenity areas, access, landscaping, car parking and associated infrastructure.

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

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

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



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ¹ ONLY
Not for issue

Continued...

2. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

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.

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

Reason: In the interests of biodiversity enhancement and the conservation of species along River Leen in accordance with Policy 17 of the ACS and Policy EN6 of the LAPP.



5. No development shall commence until a programme of archaeological works involving the minimum of an archaeological field evaluation has first been submitted to and approved in writing by the Local Planning Authority.

The archaeological field evaluation should consist of two stages:

- 1) Monitoring, by an archaeological contractor, of geotechnical investigations.
- 2) Trial trench evaluation based upon the results of the geotechnical investigations (this will enable trenching to target those areas with greater archaeological potential).

The archaeological field evaluation will assess the character, condition and extent of archaeological remains and provide an evidence base to determine what further work may be required in advance of and/or during groundworks associated with the development.

The archaeological field evaluation should be undertaken by a suitably qualified and experienced archaeological contractor, which is a Registered Organisation with the Chartered Institute for Archaeologists (CIfA). All works should be undertaken in accordance with the Standards and guidance of the CIfA and in accordance with a Written Scheme of Investigation (WSI) to be approved by the City Archaeologist. The WSI should be produced in response to a brief prepared by the City Archaeologist and issued to the archaeological contractor.

All archaeological investigation should be carried out in full accordance with the programme of archaeological works.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy HE1 of the LAPP.

6. Prior to the commencement of above ground development, a sound insulation and ventilation scheme based on the noise monitoring carried out as part of the Acoustic Assessment by Noise Air for HSP Consulting dated Dec 2021 and a ventilation strategy that shall summarise the ventilation proposals at each floor level and façade, shall be submitted to and approved in writing by the Local Planning Authority. The submitted information 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 normally more than 45dB L_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The sound insulation and ventilation scheme shall be carried out in accordance with the approved details and completed prior to first occupation of the development, unless varied with the express written approval of 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.

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

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

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

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

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

8. Prior to the commencement of above ground development, a large scale sample panel of all proposed materials to be used on the external elevations of the approved development shall have been constructed on site and reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials shall also be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the ACS and DE1 of the LAPP.

9. 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.



10. Prior to the commencement of above ground 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.

11. Prior to the commencement of above ground development, a scheme to ensure appropriate access to the River Leen for the future maintenance, operation and emergency access shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include:

- The construction of no buildings or structures within 8 metres of the River Leen;
- The provision of 3 metre level access along the River Leen and its associated flood risk infrastructure (sheet piles/concrete channel); and
- A suitable access route within the site to allow appropriately sized equipment to undertake the above;

The arrangements should be designed to enable the Environment Agency access to the site using appropriate vehicular modes of transport along the full length of the watercourse within the site.

The scheme shall be fully implemented prior to first occupation of the development and subsequently maintained in accordance with the approved details

Reason: To allow the Environment Agency access to the River Leen for essential maintenance and thereby ensure there is no increase in flood risk to third parties in accordance with the aims of Policy 1 of the ACS and Policy CC3 of the LAPP.

12. Notwithstanding the approved drawings, prior to the commencement of above ground development, a scheme of Accessible and Adaptable units to be provided within the development shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the accommodation is designed to meet all accessibility needs, in accordance with policy HO4 of the LAPP

13. Prior to the commencement of above ground development, a scheme of ecological and biodiversity enhancement measures, including bird and bat boxes integrated within the fabric of the building, shall have be 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

14. Notwithstanding the submitted information and prior to the commencement of above ground development, details of the sustainability measures to be incorporated within the development to reduce carbon emissions shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development incorporates sustainable design features to accord with Policy 1 of the ACS and Policy CC1 of the LAPP.

15. Prior to its installation, details of the proposed external lighting scheme shall be submitted to and approved by the Local Planning Authority.

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

Reason: In order to ensure that the external public spaces of the approved development are appropriately lit having regard to public safety in accordance with Policies 10 of the ACS and Policies DE2 and EN6 of the LAPP.

Pre-occupation conditions

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

16. Prior to the first occupation of the development, a landscaping scheme (both hard and soft landscaping including surfacing and means of enclosure), including details to enhance biodiversity and a management strategy relating to on-going maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall also include the type, height, species and location of proposed trees, shrubs, planters and other planting.

The approved hard surfacing shall be carried out prior to first occupation of the development. The approved soft landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which die, are removed or become seriously damaged or diseased within five years following the occupation of development, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

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



18. Prior to first occupation of the development, verification that the approved sound insulation and ventilation scheme have 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 and air quality for future occupants and to accord with Policies DE1 and IN2 of the LAPP and Policy 10 of the ACS.

19. Prior to first occupation of the development, verification that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented, shall be submitted to and approved in writing by the Local Planning Authority.

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.

20. 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.

21. Prior to first occupation of the development, the 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.

22. Prior to first occupation of the development, the secure cycle parking shall be provided for a minimum of 76 cycles.

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

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

23. 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, including waste to be re-cycled.

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.

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 4 February 2022.

Reason: To determine the scope of this permission.

Informatives

1. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

'Cut and fill' operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be verified

How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved

Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT & ONLY

Not for issue

Continued...

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.

2. 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.

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

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

example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)

photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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

3. Commercial Noise

The objective of this condition is to prevent background noise creep in the vicinity of the development. 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.

4. Construction & Demolition

Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (email: pollution.control@nottinghamcity.gov.uk) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday:	07.30 hrs - 18.00 hrs (noisy operations restricted to 08.00 hrs -18.00 hrs)
Saturday:	08.30 hrs - 17.00 hrs (noisy operations restricted to 09.00 hrs - 13.00 hrs)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council's Environmental Health Team (email: pollution.control@nottinghamcity.gov.uk)

Equipment

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

Dust/Grit and Other Fugitive Emissions

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

Contractors are expected to use appropriate guidance and methods (eg Guidance on the Assessment of Dust from Demolition and Construction v1.1, IAQM, 2016) to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.

Appropriate measures include;-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

5. Highways:

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 0115 8765238.

Traffic regulation Orders (TROs):

TROs on the adjacent highway network are required to ensure the management for drop off and pick up of students with pay and display bays and day to day vehicular deliveries, refuse collection and activities.

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.

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

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.

Stopping Up Orders:

An area of Radmarsh Road will need to be stopped up in order for the development to take place. The applicant is to apply for the land to be stopped up as adopted highway. As this order takes 4/5 months to progress, depending on objections (and currently longer due to the COVID19 lockdown and restrictions on publishing statutory notices) it's advisable to commence the application process as soon as possible.

Nottingham City Council's fees for processing applications for stopping up orders made by the Secretary of State under the Town and Country Planning Act 1990

Due to a number of issues with previous stopping up orders and highway closures, the City Councils highway authority now offers a complete service to undertake this work at a very competitive price; we find this saves everyone time and money. Generally, the fee will be in the region of £1200 to £2000, depending on the specific powers being used, the extent of the highway being stopped up and any complexities unique to the highway(s) and/or development site.

The applicant is to contact John Lee 0116 8765246 john.lee@nottinghamcity.gov.uk to progress the stopping up Order.

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.

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.

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

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

RIGHTS OF APPEAL

Application No: 22/00001/PFUL3 (PP-10503406)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible,



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

DRAFT ONLY

Not for issue