

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

11 And Workshop To North Of Turning Head, Deakins Place

1 SUMMARY

Application No: 19/01998/PFUL3 for planning permission

Application by: Cassidy Group (Deakins Place) Ltd.

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

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

To meet the Council's Performance Targets this application should have been determined by 10 December 2019. An extension of time has been agreed with the applicant until 30 January 2020.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

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

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

- 2.2 Power to determine the final details of both the conditions and the section 106 obligation to be delegated to the Director of Planning and Regeneration.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought at 2 (b) (i) and (ii) above are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 BACKGROUND & SITE

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

4 DETAILS OF THE PROPOSAL

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

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

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

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

Councillor Corbett has objected as follows:

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

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

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

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

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

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

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

Additional consultation letters sent to:

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

Highways: no objection subject to submission of a construction traffic management plan, provision of a traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term, provision of cycle parking space, and a travel plan promoting sustainable transport.

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

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

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

City Archaeologist: No objection.

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

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

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

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (February 2019)

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

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

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

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

Aligned Core Strategy:

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

Nottingham Local Plan (November 2005):

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

Land and Planning Policies Document (May 2019):

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

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

Other Planning Guidance

Building Balanced Communities Supplementary Planning Document (BBCSPD)

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

Strategic Flood Risk Assessment (SFRA) (2008)

7. APPRAISAL OF PROPOSED DEVELOPMENT

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

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

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

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

iii) Impact on Residential Amenity (Policy 10 of the ACS; Policies H2, H6 and NE9 of the Local Plan; Policy DE1 of the LAPP)

- 7.18 The nature of buildings surrounding the site allow the proposed development to face adjoining sites with little impact of overlooking. The main area of sensitivity is to the south and the relationship with the adjacent PBSA. However, through design development this part of the scheme is one of the lower wings which has been pulled away from the southern site boundary and would only provide oblique views

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

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

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

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

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

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

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

- 7.28 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. A search zone within a maximum walkable radius (800m) of the two universities' key campus buildings within the City boundary was established in the FRA, which is understood to have been accepted by the EA. The sequential test could not identify any available sequentially preferable sites at a lower risk of flooding within the search area and it is therefore concluded that the sequential test is passed.
- 7.29 In relation to the exception test; it is necessary for the development to demonstrate that the development would provide wider sustainability benefits to the community that outweigh flood risk and demonstrate that the development would be safe from flooding for its lifetime. The redevelopment of this brownfield site would deliver sustainably located PBSA. The proposed layout includes flood storage and mitigation measures, including within a landscaped area alongside the river, which would also provide flood risk benefit to the surrounding area. Therefore, the proposal would meet the requirements of exception test.
- 7.30 The EA have also identified a scheme of strategic flood mitigation works along the river Leen corridor adjacent to the site, that would not only improve the flood profile for this development but other development sites in the vicinity, taking them out of flood zone 3b. The works could also safeguard up to 300 existing residential properties within the local area. Discussions relating to a contribution from the applicant towards these flood mitigation works are on-going, but this is agreed in principle by the applicant and would be secured through the S106 agreement.
- 7.31 Subject to the detail contained within the supporting FRA and on-going discussions with the EA, it is considered that the development would be safe for its lifetime from flooding, would not increase flood risk elsewhere and through wider flood mitigation works, would positively contribute to improving the flood profile of the surrounding area. Subject to condition, the proposal therefore accords with Aligned Core Strategy Policy 1, Local Plan Policy NE10 and policy CC3 of the emerging LAPP.

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

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

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

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

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

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

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

The public open space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance. This would be directed towards improvements in the vicinity of the site.

7.36 Such obligations are considered to meet the requirements of Regulation 122(2) Community Infrastructure Levy Regulations 2010, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

8. SUSTAINABILITY / BIODIVERSITY

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

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

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

9 FINANCIAL IMPLICATIONS

As detailed above a section 106 agreement would secure:

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

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

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

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

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

15 VALUE FOR MONEY

None.

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

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

17 Published documents referred to in compiling this report

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

Contact Officer:

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NOMAD printed map



Key

 City Boundary

Description

No description provided

My Ref: 19/01998/PFUL3 (PP-08112521)
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DPP Mr Tom Wright
Sophia House
28 Cathedral Road
Cardiff
CF105EN

Date of decision:

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

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

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. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



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

The sound insulation and ventilation scheme shall have regard to the Planning Noise Assessment by Stroma dated 20/11/2019 (Ref: 07-19-78880 - AC - 1v2) and include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic passive or mechanical ventilation and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{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 unless varied with the express written approval of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pre-occupation conditions

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

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

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



9. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures shall not exceed the fix plant noise limits set out in Table 7 of the Planning Noise Assessment by Stroma dated 20/11/2019 (Ref: 07-19-78880 - AC - 1v2).

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

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

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

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

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

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

11. No part of the development hereby permitted shall be brought into use until such time that a traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term has been submitted to the Local Planning Authority for approval. The traffic management scheme shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

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

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

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

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

Any trees or plants which die, are removed or become seriously damaged or diseased within five years following the occupation of development; shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation; and

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

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

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

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

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

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

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

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

Regulatory/ongoing conditions

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

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

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

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

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

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

Standard condition- scope of permission

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

Reason: To determine the scope of this permission.

Informatives

1. Environmental Noise Assessment

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

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



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

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

2. Commercial Noise

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

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

3. Contaminated Land, Ground Gas & Groundwater

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

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

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

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

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

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

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

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

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

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