

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>20/00891/FUL</b>
<b>LOCATION:</b>	<b>Central College Nottingham, High Road, Chilwell, Nottinghamshire, NG9 4AH</b>
<b>PROPOSAL:</b>	<b>Conversion of existing college building to student accommodation comprising 162 bedrooms including external alterations</b>

**1     Executive Summary**

- 1.1     This application was first brought before Planning Committee on 7 July 2021 with a recommendation for approval (original report attached as appendix 2). Members deferred making a decision on the application due to concerns regarding insufficient parking, inadequacy of Section 106 financial contributions, the potential for Dale Lane to be used as an access point for any phases of the site, working hours on site and lack of landscaping detail. It was also highlighted there is a need for family homes in the area.
- 1.2     The agent has considered the issues raised by the Planning Committee and has made the following changes and considerations:
- Parking spaces increased from 15 to 25
  - Confirmation that Dale Lane will not be used for vehicle or pedestrian access for this phase or any future phases
  - Agreement to further landscaping planting under relevant conditions
  - Offered an additional £32,000.00 towards financial contributions.
- 1.3     The applicant has amended the plans in line with the comments raised by Members and therefore it is considered the scheme is acceptable.
- 1.4     The Committee is therefore asked to resolve that planning permission be granted subject to the conditions outlined in appendix 1.
- 1.5     All issues raised as part of any 'late items' submissions from the previous consideration of this application have been incorporated below, if they were not previously covered in the original appraisal (attached at the appendix).

## APPENDIX 1

1 Details of Application

- 1.1 The main concerns regarding the application were in relation to insufficient parking, inadequacy of Section 106 financial contributions, the potential for Dale Lane to be used as an access point for any phases of the site, working hours on site and lack of landscaping detail. It was also highlighted there is a need for family homes in the area.
- 1.2 As stated above in section 1.2, the developer has agreed to additional financial contributions, increased parking, confirmation that Dale Lane will not be used as a pedestrian or vehicular access for this phase or future phases and agrees to a condition in respect of landscaping.
- 1.3 The agent has confirmed that the proposed development will be served from High Road only and there will be no vehicle or pedestrian access to the site from Dale Lane. The internal site access road will serve only the current proposal and further phases of development on the wider site. The Dale Lane access will not be brought back into use as part of future phases of the site masterplan.
- 1.4 The agent has confirmed that parking on site will be managed by the operator of the development and allocated to students based on their need and application. In all other cases, students will not be permitted to bring cars onto site and will be advised of parking restrictions in the surrounding area. During the start and end of term times, parking on site will be allocated with pick up and drop off bays via a booking system.
- 1.5 A condition controlling the hours of construction on site is already included in the recommendation and will be repeated (condition 12).
- 1.6 A landscaping condition was previously included in the original recommendation which will be repeated.

2 Re-consultation

- 2.1 An amended site plan was submitted which includes in the increase in parking spaces. A further 7-day consultation has been undertaken with the occupants of neighbouring properties and those who previously commented on the scheme. An amended site notice was also posted on Grove Avenue and to the front of the site on High Road. Four representations were received, one raising observations and three raising objections which can be summarised as follows:
  - More parking spaces should be provided
  - A minimum of 54 spaces should be provided
  - Applicant is not paying towards local health costs
  - Insufficient money being paid under the S106 agreement
  - Mental health issues from noise and disturbance
  - Should encourage walking and cycling and discourage use of cars
  - Concerns with working hours on site outside of sociable hours
  - Insufficient enforcement on parking on nearby roads but residents still have to pay for permits on their own roads

- Better infrastructure to deal with the addition of the housing development opposite the college
- School places and doctor's surgery should be accounted for with influx of more people.

### 3 Appraisal

- 3.1 As the Highways Authority has not objected to the application and more parking has been provided from feedback from the previous committee, it is considered the level of parking proposed is sufficient and will aid in the start and end of term times when the site is most likely to be busy with occupants moving in and out.
- 3.2 In accordance with paragraph 56 of the NPPF and the Community Infrastructure Levy (CIL) Regulations 2010, planning obligations can only be used if they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, it is considered the health contribution of £35,113.50 is reasonable and fair to mitigate the development. This was the only contribution requested from the consultees for this application where there is a requirement under policy for it to be paid.
- 3.3 The applicant has offered an additional £32,000.00 in financial contributions for an unspecified purpose. However, the contribution would not meet the tests for requiring planning obligations (detailed in the above paragraph) as it would not be deemed necessary to make the development acceptable even if directly related to the development. The advice to the previous committee was that the development was deemed acceptable with the proposed sole NWCCG contribution so there would be no planning merit to accepting this additional contribution to make the development acceptable in planning terms. Therefore, it would not be in accordance with paragraph 56 of the NPPF and the Community Infrastructure Levy (CIL) Regulations 2010 and the strong advice would be not to accept this payment.
- 3.4 It is acknowledged that a degree of noise and disturbance will be experienced from the change of use of the building into student accommodation. However, it is also acknowledged that a degree of noise and disturbance will have been experienced from its use as a college. Environmental Health has not raised any objection in relation to the change of use and has stated that any incidents of excessive noise should be reported to the Council and would be dealt with via relevant legislation. Furthermore, any potential excessive noise and disturbance should be reported to the Council's Environmental Health department.
- 3.5 The tram being situated right outside the site will promote the use of sustainable transport. Furthermore, there will be cycle storage and local amenities are within walking distance.
- 3.6 The approval of the application will ensure that the working hours on site are conditioned (as specified in condition 12) and therefore can be controlled.
- 3.7 Any concerns in regards to vehicles parking without permits should be reported to the Council's Parking Services team.

- 3.8 The Highways Authority has not requested any improvement via financial contributions to improve infrastructure in the area and therefore the request of this would be unjustified.
- 3.9 Students will be likely attending local universities and therefore will not impact on school places. Whilst it is acknowledged there will be an increase in patients at local surgeries, this is not considered a reason for refusal of the scheme.
- 3.10 All relevant conditions attached to this planning permission will be considered and discharged in collaboration with the relevant specialists, as is standard practice.
- 3.11 Nottingham City Council Local Plan Part 2 is a planning policy document for Nottingham City Council and irrelevant to the determination of this planning application.

**4 Planning Balance**

- 4.1 The benefits of the proposal are that it would provide an acceptable standard of accommodation which would reflect an acceptable standard of design and would potentially relieve pressure on residential family homes being converted into small bed houses in multiple occupancy. On balance, whilst it is acknowledged there will be a degree of noise and disturbance experienced and impact on traffic and local services, it is considered this is outweighed by the positives of the scheme. Furthermore, the scheme is considered to be in accordance with the policies contained within the development plan which is given significant weight.

**5 Conclusion**

- 5.1 It is recommended that planning permission be granted, subject to the conditions set out below.

<p><b><u>Recommendation</u></b></p> <p><b>The Committee is asked to RESOLVE that the Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:</b></p> <p><b>(i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of contribution to health.</b></p> <p><b>(ii) the following conditions:</b></p>	
<p><b>1.</b></p>	<p><b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b></p> <p><b><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></b></p>

2.	<p>The development hereby permitted shall be carried out in accordance with drawings:</p> <p>Received by the Local Planning Authority on 22 December 2020:</p> <ul style="list-style-type: none"> <li>• 19119-CBP-Z1-XX-DR-A-4000-S4-P01</li> <li>• 19119-CBP Z1-03-DR-A-3300-S4-P01</li> <li>• 19119-CBP-Z1-01-DR-A-3100-S4-P01</li> </ul> <p>Received by the Local Planning Authority on 6 January 2021:</p> <ul style="list-style-type: none"> <li>• 19119-CBP-Z1-XX-DR-A-4001-S4-P02</li> </ul> <p>Received by the Local Planning Authority on 21 May 2021:</p> <ul style="list-style-type: none"> <li>• 19119-CBP-Z1-GF-DR-A-3000-S4-P03</li> <li>• 19119-CBP-Z1-02-DR-A-3200-S4-P03</li> </ul> <p>Received by the Local Planning Authority on 28 May 2021:</p> <ul style="list-style-type: none"> <li>• 19119-CBP-Z1-XX-DR-A-1010-S4-P04</li> </ul> <p>Received by the Local Planning Authority on 29 July 2021:</p> <ul style="list-style-type: none"> <li>• 19119-CBP-Z1-XX-DR-A-1010-S4-P07</li> </ul> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No development hereby approved shall commence until a detailed construction plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall outline access and egress arrangements with specific regard to preventing any damage or disruption to the operating procedures of the adjacent Nottingham Express Transit route.</p> <p><i>Reason: No such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of highway safety, to minimise disturbance to neighbour amenity and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).</i></p>
4.	<p>No development shall commence until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition and Construction Method Statement shall be adhered to throughout the construction period. The Demolition and Construction Method Statement shall provide for:</p>

	<p>a) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</p> <p>b) parking provision for site operatives and visitors;</p> <p>c) the loading and unloading of plant and materials;</p> <p>d) the storage of plant and materials used in constructing the development;</p> <p>e) measures to control the emission of dust and dirt during construction.</p> <p><i>Reason: No such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of highway safety, to minimise disturbance to neighbour amenity and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
5.	<p>No development shall commence until a Reasonable Avoidance Measures Statement (RAMS) is produced and subsequently approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: To ensure the impact on ecology is minimised and within the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF (2021).</i></p>
6.	<p>No development shall commence until a Landscape and Economical Management Plan (LEMP) mapping the ecological enhancements on site has been submitted to and approved in writing by the Local Planning Authority. The enhancements shall be constructed only in accordance with the approved details and prior to the first occupation of the building.</p> <p><i>Reason: To ensure the impact on ecology is minimised during construction and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF (2021)</i></p>
7.	<p>No above ground works shall commence until samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.</p> <p><i>Reason: No such details were submitted with the application and in the interests of the appearance of the development and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
8.	<p>No above ground works shall take place until a landscaping scheme has been submitted to and approved in writing by the</p>

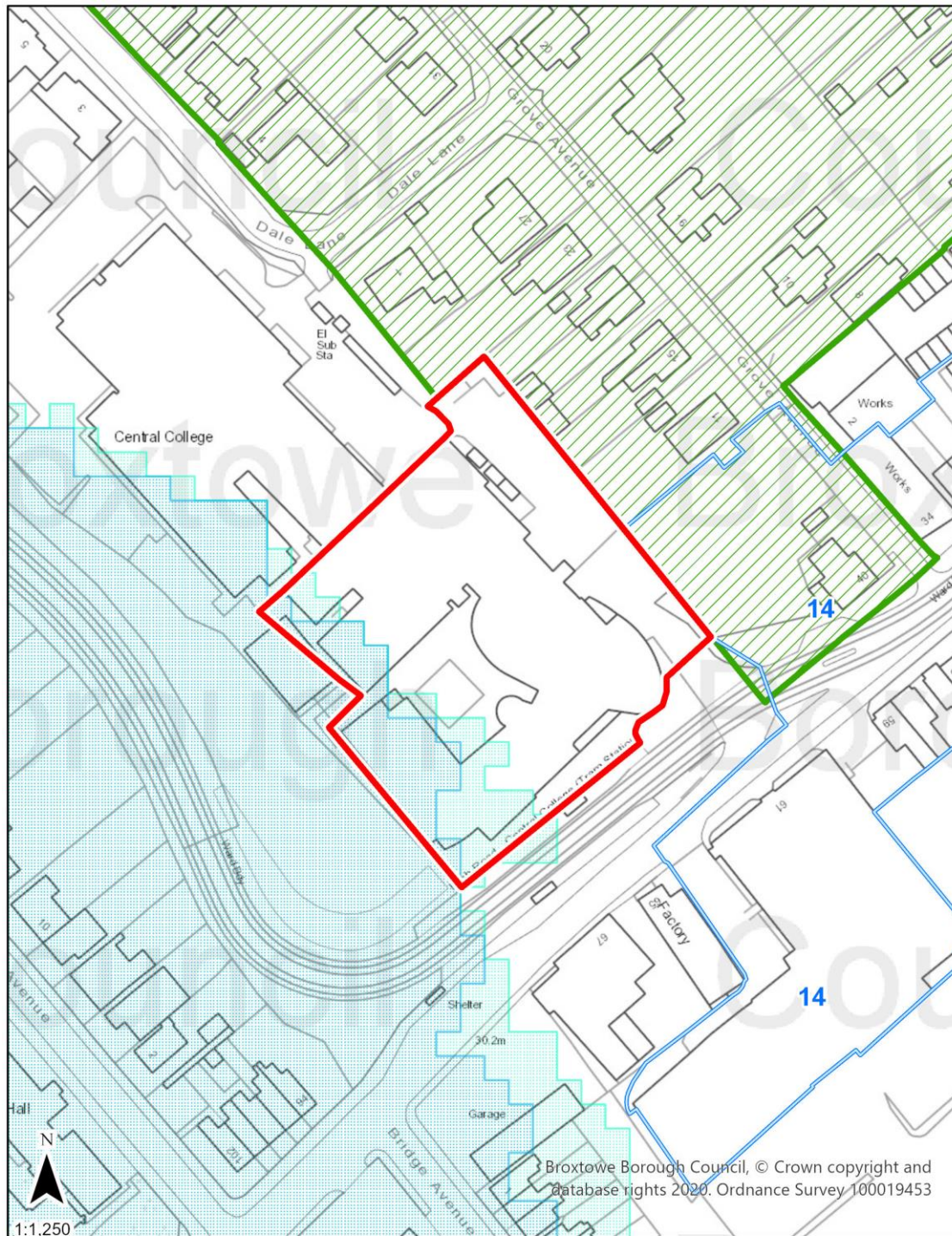
	<p><b>Local Planning Authority. This scheme shall include the following details:</b></p> <ul style="list-style-type: none"> <li>a) numbers, types, sizes and positions of existing/proposed trees, shrubs and hedgerows and measure for their protection during construction. No development shall commence until the agreed protection measures are in place</li> <li>b) details of boundary treatments;</li> <li>c) proposed bin and cycle stores;</li> <li>d) proposed hard surfacing treatment;</li> <li>e) planting, seeding/turfing of other soft landscape areas; and</li> <li>f) timetable for implementation of the scheme.</li> </ul> <p>The approved scheme shall be carried out strictly in accordance with the approved details and shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased, shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: No such details were submitted with the application and to ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 the Broxtowe Aligned Core Strategy (2014).</i></p>
9.	<p>Prior to the first occupation of the building following the change of use hereby approved, the fenestration shall be installed in accordance with the details as outlined in section 6.0, page 18 of report titled Spire Environmental ref: R20.1435-1N-AG dated 18<sup>th</sup> December 2020.</p> <p><i>Reason: To minimise disturbance to neighbours and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
10.	<p>Prior to the first occupation of the building following the change of use hereby approved, a detailed lighting strategy shall be submitted and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details and maintained for the lifetime of the development.</p> <p><i>Reason: To minimise light pollution and light pollution in Chilwell Cottage Grove Conservation Area and in accordance with the aims of Policies 10 and 11 of the Broxtowe aligned Core Strategy (2014)</i></p>

	<b><i>and Policies 17 and 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF (2021).</i></b>
11.	<p><b>Prior to the first occupation of the building following the change of use hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment by HSP Consulting Engineers Ltd ref: HSP2020-C3450-C&amp;S-FRAS1-38 dated 15 December 2020 and subsequent technical memorandum by HSP Consulting Engineers Ltd ref: C3450/TM001 dated 30 April 2021.</b></p> <p><b><i>Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></b></p>
12.	<p><b>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 on Saturdays and at no time on Sundays or Bank Holidays.</b></p> <p><b><i>Reason: To minimise disturbance to neighbours and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></b></p>
	<b>NOTES TO APPLICANT</b>
1.	<b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b>
2.	<b>Any discharge of surface water from the site should look at: 1) infiltration 2) watercourse 3) sewer, as the priority order for discharge location. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.</b>
3.	<b>Burning waste on site is prohibited.</b>
4.	<b>The future owners/occupiers of the site proposed dwelling should sign up to the Environment Agency's Flood Warning Direct Service.</b>
5.	<b>The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151 of the Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the</b>



	<b><u>applicant / contractors / the owner or occupier of the land.</u></b>
6.	Due to the presence of gas apparatus on site, you are required to contact Cadent's Plant Protection Team for approval before carrying out any works, <a href="mailto:plantprotection@cadentgas.com">plantprotection@cadentgas.com</a> or telephone: 0800 688 588.
7.	<b><u>Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.</u></b>
8.	As this permission relates to the creation of a new units, please contact the Council's Street Naming and Numbering team: <a href="mailto:3015snn@broxtowe.gov.uk">3015snn@broxtowe.gov.uk</a> to ensure an address is created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.
9.	The proposed access and layout does not meet adoptable highway standards and therefore, all roads, paths, street lighting, footways and waste management must be maintained at the expense of the applicant/land owner.

## Map



### Legend

- Site Outline
- Conservation Area
- Flood Zone 3
- Flood Zone 2
- Centre of Neighbourhood Importance



Photos



South east (front) elevation



South east (front) elevation



Next to north east (side) elevation of college facing south east



North east (side) elevation

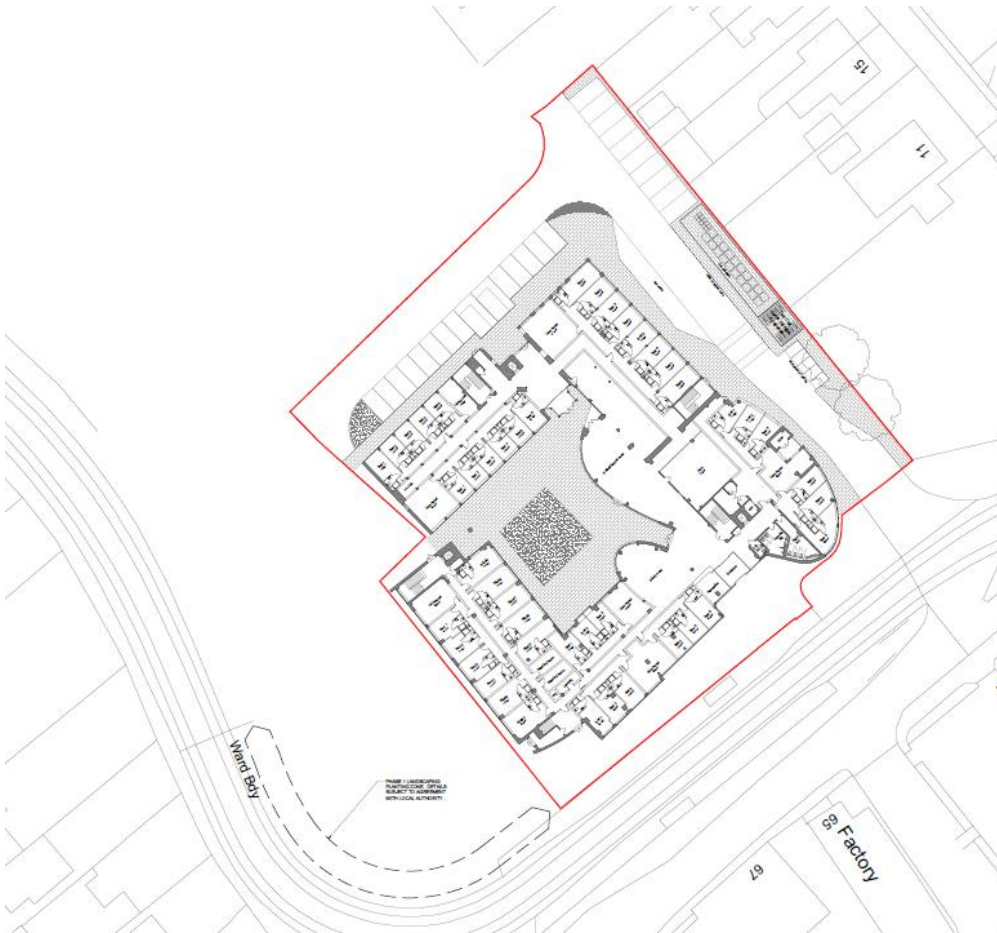


Rear of site facing north east



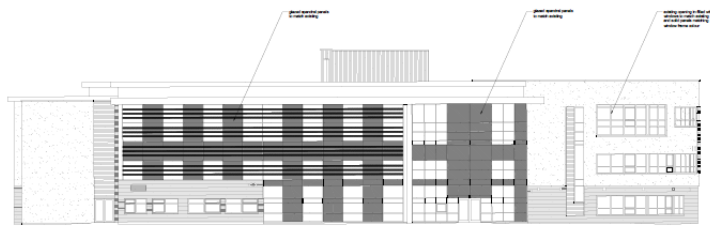
Rear of site facing north east

**Plans (not to scale)**

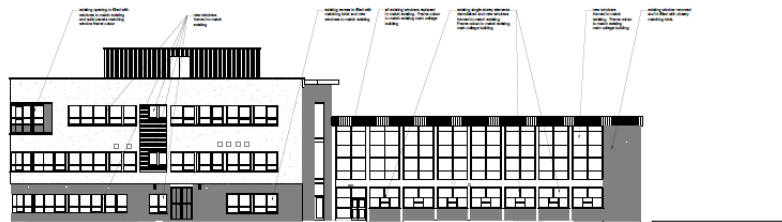
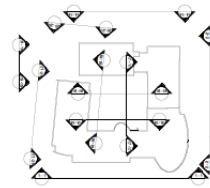


Site Plan

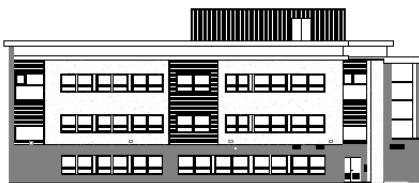
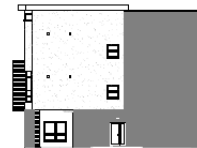
**Plans (not to scale)**



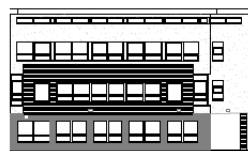
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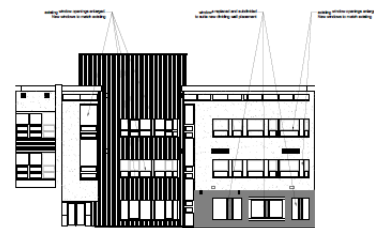
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Elevation 3-3  
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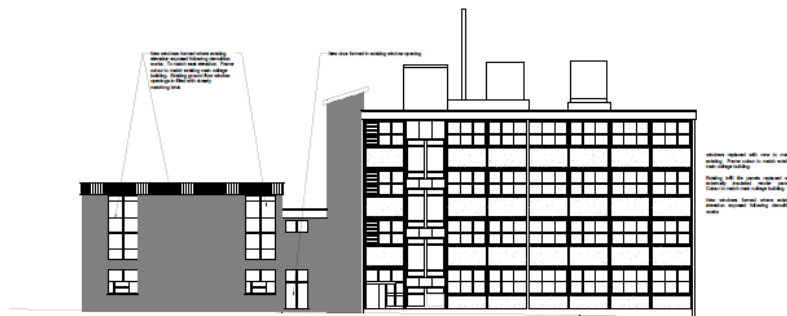


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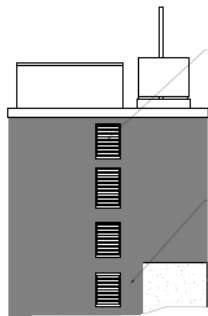
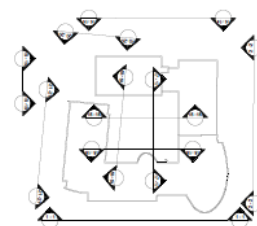


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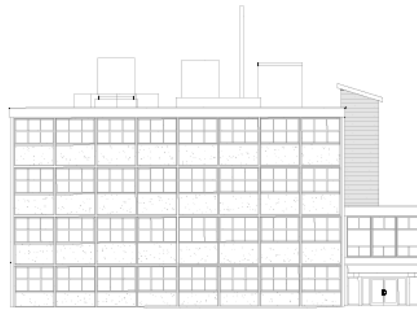
**Proposed Elevations**



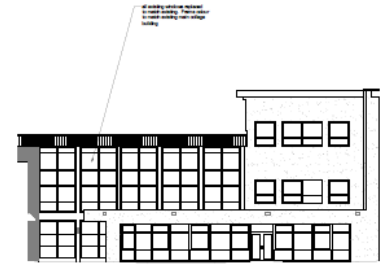
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Elevation 7-7  
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Elevation 8-8  
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Elevation 9-9  
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**Proposed Elevations**

Plans (not to scale)



Ground Floor Plan