



Additional Agenda Items

This is a supplement to the original agenda and includes reports that are additional to the original agenda.

Nottingham City Council Planning Committee

Date: Wednesday 22 July 2020

Time: 2:30pm

Place: <https://www.youtube.com/user/NottCityCouncil>

Governance Officer: Catherine Ziane-Pryor **Direct Dial:** 0115 876 4298

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PLANNING COMMITTEE

UPDATE SHEET

(List of additional information, amendments and changes to items since publication of the agenda)

22 July 2020

4(a) Land To South Of 106 Thoresby Road To 82, Appledore Avenue

Applicant's statement

The applicant has requested that the following statement be circulated to committee members:

We are disappointed at the Officer's recommendation for refusal as we feel that the major gains of these applications have not been recognised. Of paramount importance is the removal of highly invasive natural biohazard Japanese Knotweed (which is spreading rapidly). Landowners are required under the Wildlife & Countryside Act to prevent the spread into the wild and neighbouring properties. In order to comply with this, if our application is rejected, security fencing will be erected to prevent unauthorised access inadvertently causing the spread of this invasive weed. No formalised access to this 11.5 acres of private land and removal of the JK can be achieved by other means. The cost of removal of the Japanese Knotweed is over £400k and rising.

If the Bramcote Unity Park scheme is refused then the funding bought about by the enabling development will not exist, and the land will, as reported by leading ecology experts be completely lost to JK in a matter of a few years creating a monoculture. The trees cannot self-seed and the JK is already dominating areas. One of the main reasons for recommending refusal is a concern as to what harm the building of 11 houses could cause to the land in ecological and biodiversity terms. However the losses will be and are occurring naturally at a rapid rate. The JK is thriving on this land and as reported by the Council's own experts will, in a few short years, cover it entirely.

A vote for the Bramcote Unity Park project is a vote for positivity with a clear plan and funding to create the first privately funded public park for generations. A vote against is a vote for permanent severance of the land through fencing to control the JK spread and the certainty of the JK creating a monoculture dominating the landscape and destroying biodiversity. Ultimately that decision is the Councillor's to make. Officers of both authorities have reported that JK is the single biggest threat to the land and ecology, but there is no other suggestion of how to eradicate it without the funds from the enabling development, leaving us with no option but to secure the land to slow the spread.

As locals, the goal that we aim to achieve for this land is to take it from private ownership and formalise rights of way across it, place into the CIC (Charitable Incorporated Company) and formally gift it to the public. We were not made aware of the Japanese Knotweed at the time of purchase and formulated the best plan we could to give over 70% of the land for the creation of this park for the people, whilst being commercially viable to whoever undertakes the eco-home build. We do hope

that you can positively support our vision for this new privately funded, publicly owned park in Nottingham. If members wish to engage further with the applicant in order to seek a positive outcome for the proposal we would be delighted to engage.

Officer comment: These matters raised are addressed in the report. It is stated that “The JK is thriving on this land and as reported by the Council’s own experts will, in a few short years, cover it entirely”. For clarity, the City Ecologist comments: There is no dispute that the Japanese knotweed requires management and that if left unmanaged it is likely to spread in the woodland.

4(b) Wollaton House, 43 Radford Bridge Road

Since completing the committee report additional representations have been received from local residents objecting to the proposed recommendation. A summary of their additional comments is listed below and includes comments sent directly to Planning officers but also those received by the Director of Planning and Regeneration, Planning Committee members, Highways and Environmental Health and Safer Places.

9 further letters have been received from a close neighbour and 5 further objections from other local residents. Set out below are their additional comments that are not already covered within the main report:

- Residents feel let down by the officer’s recommendation. They consider that the number of resident objections to the proposal is a reflection of the strength of their concerns. They point out they have the support of Environmental Health and Safer Places and refer to a precedent from another Local Authorities who have rejected similar applications for such centres in residential areas. The retention of the current hours of opening is seen as essential to protect residential amenity. They consider that they do not need a one year permission to understand the impact on the amenities.
- The committee report incorrectly states that the petition was signed by 72 signatures. The petition was signed by over 76 local residents and should be corrected. This equates to over 70 households in the area.
- Further clarification is required on the hours of opening. The report states that the Centre would be open 15 minutes before prayers commence, there is concern that this will mean that users of the Centre would be arriving at 6:15am and leaving at 11:15pm.
- Residents refer to the use of the Centre as a Community Centre which should not operate such extended hours and with unlimited attendees. They refer to the Harrow Road Community Centre which has restricted activity to protect residential amenity.
- Request that the current application is invalid on the grounds that the travel plan condition was not discharged (see item below) and the history of non-compliance with the hours of opening condition imposed on the 2013 planning permission. In addition residents state that they were not consulted on the exemption of the Ramadan period from the normal hours of opening, which they consider unreasonable and has had a significant impact on traffic, parking and residential amenity due to noise and disturbance on residents living close to the Centre.
- The 2013 planning permission was granted subject to a condition requiring the submission, agreement and implementation of travel and car park management plan. Residents state that this condition has not been formally discharged and the numbers

attending the Centre by car has continued to increase, with increasing issues of double parking, blocked pavements and driveways. The resident feels that the Centre has made no commitment to reduce the reliance on its users visiting by private car. They have asked Highways to revisit the plan and review the situation, which in their opinion would be exacerbated by the extension of hours proposed.

- The report records that there were 24 letters of support. Residents feel that this needs further clarification as these are not immediate neighbours to the Centre but are Centre users, who probably arrive by cars and live further away.
- Those who support the application claim that the Crown pub is causing more disturbance to the residents than the centre, a local resident considers that this is incorrect. The pub is at the beginning of the street and has no such effect. It also does not operate in the early morning.
- Supporters have stated that other mosques have no opening hours conditions. Residents, for clarity, have stated that the Centre is not a mosque. It is a learning and praying centre located in a residential area.
- The applicant claims that only up to 12 people will use the Centre after 9 pm. Residents query why this hasn't been conditioned to ensure that no more 12 people can attend.
- Residents consider that the obligatory prayer in the early mornings and evenings could be performed everywhere, such as at home. Residents feel it is misleading to consider that it has to take place at the Centre. They point out that an alternative mosque is located within a 10 min walking distance from the centre on the Beechdale Road and is not located in such a residential area. They consider that there is an alternative for the Centre users to worship – local residents do not have alternative houses to live in.
- The needs to pray is denying local residents needs to basic human right such as sleep and safety in their own home.
- The planning department has failed to enforce conditions on the two previous planning permissions.
- The proposal is brought in the time of the pandemic. There are questions about how larger gatherings can affect the local community and how social distancing can be met.
- The right contact in Highways has not been forwarded by Planning despite having done so in the past.
- Publicity of the application should have included greater numbers of properties on Seaford Avenue.
- Re-emphasis of the parking problems on Radford Bridge Road and surrounding streets such as Seaford Avenue. A request is made for the area to be made the subject of a residents parking scheme.

Officer comment:

- ***Paragraph 3 of Section 5 of the report should read as follows:***

“A petition has also been received signed by 83 local residents. Their comments are summarised below:”

The summary of the comments made by signatories of the petition remains as stated in the report.

- ***The proposed extension to the hours of opening are as stated in the main report. The times for arrival in the morning and departure in the evening have been taken into account by the applicant.***

- ***The numbers of people attending early and evening prayer have not been restricted. Monitoring of vehicles and usage during consideration of the 2012 application clearly demonstrated that attendance outside the main Friday prayer and Ramadan period was considerably lower. The attendance figures reflected in the main report have been confirmed by the applicant after contacting other mosques/Muslim centres in the city where early and late prayer is permitted.***
- ***The rights of worshippers to pray at their local place of worship is not disputed. As set out in the main report this has to be balanced against the need to protect the amenities of local residents.***
- ***The use of the property is defined as a Learning and Prayer Centre and not as a Community Centre. As a place of worship, ancillary community use would be permissible. The permitted development rights to use the property for any other use within Class D1 has been removed (see condition 4 of the draft decision notice).***
- ***The history of non-compliance with the 2012 permission's hours of opening condition is addressed in the main body of the report.***

The exemption of the Ramadan period from the normal opening hours of the Centre formed part of the report and recommendation to Planning Committee when considering the permanent use of the Centre as Learning and Prayer Centre, in November 2012.

The minutes of the meeting record that Planning Committee considered at some length the proposed hours of opening of the Centre. The applicant had commented that they would like to operate without any time restriction but requested variable hours could be 7am till 8pm in the winter, and 4am till 11pm in the summer. Planning Committee considered that some flexibility was reasonable in regard to the Ramadan period but to remove the hours restriction completely or to permit the hours suggested would be a significant shift from the 2011 temporary permission, and was not deemed appropriate.

- ***An application to discharge condition 1, relating to the traffic and car park management plan of the 2012 planning permission was submitted in July 2013. The Plan was assessed by Highways colleagues and found to be technically sound. A further revision was requested to ensure that the numbers of users parking on street reflected the on ground situation. This was not received and the condition was not formally discharged.***

It is acknowledged that the Centre has been attempting to manage traffic and parking issues, particularly relating to the Friday lunchtime prayer. Furthermore, the 2012 permission included a S106 Agreement to secure funding for the implementation of a Traffic Regulation Order to provide double yellow lines at the junction of Radford Bridge Road with Crown Island.

Given that the traffic and car park management plan was not fully discharged, it has been recommended for inclusion on this temporary planning permission (see condition 3 of the draft decision notice), to allow Highways to review the plan in light of the current situation.

The comments of Highways on the potential highway impact of the proposed extension to the hours of opening are contained in the main report.

- ***104 local residents were individually notified. This included residents at the end of Seaford Avenue.***

4(c) Car Park South Side, Traffic Street

S106

Viability discussions have been resolved with the applicant and it has been agreed that the scheme would be policy compliant with full contributions towards public open space and local employment and training, as follows:

- £499,554 towards public open space/public realm enhancement in the vicinity of the site, and;
- £40,000 towards local employment and training

It is therefore proposed that the recommendation be amended as follows:

2.1 GRANT PLANNING PERMISSION subject to:

(a) prior completion of a Section 106 Planning Obligation to secure Local Employment and Training opportunities, a student management plan and restrictions on car use, and financial contributions towards Public Open Space and Local Employment and Training; and

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

2.2 Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

Officer comment: *For noting.*

Bat survey

Following comments from the Biodiversity Officer, an emergence bat survey has been undertaken of the existing office building. The survey concludes that the building is of low suitability for roosting and no further survey work is required.

Officer comment: *Noted.*

Means of enclosure to the plaza

An additional condition is proposed to address this matter, as follows:

Prior to first occupation of the development, details of the means of enclosure to the plaza area between the two buildings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the size and position of gated access points and the hours during which these will be left open to permit unrestricted access. Once installed, the gates shall thereafter be left open to permit unrestricted access during the agreed hours.

Reason: In the interests of the appearance and function of the development in accordance with policy 10 of the ACS and policies DE1 and DE2 of the LAPP.

Officer comment: It is recognised by officers and the applicant that this external space should be open, attractive and functional, with unencumbered access for both residents and visitors; however, a degree of security would also be necessary in the late evening and early hours of the morning. The condition would ensure that this matter is appropriately addressed.

Cycle parking

An additional condition is proposed regarding this matter, as follows:

Notwithstanding the approved drawings, prior to the commencement of above ground development, details of the cycle parking facilities for a minimum of 325 cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be implemented and available for use prior to the first occupation of the development.

Reason: In the interests of promoting sustainable travel and the appearance and functionality of the development, in accordance with policies 1 and 10 of the ACS and policies TR1, DE1 and DE2 of the LAPP.

Officer comment: Revised plans have been received to demonstrate the provision of 236 cycle spaces, in accordance with LAPP cycle parking standards. Some cycle storage is shown within the plaza area, which may impede the quality and functionality of this space. A condition is therefore proposed requiring further details of the cycle storage facilities.

Drop-off/pick-up arrangements

Indicative plans have been provided for a limited waiting area on Traffic Street to facilitate drop-offs/pick ups and deliveries to the site. This has been reviewed by Highways colleagues and is considered to be acceptable in principle. Final details would be secured via condition 24 on the draft decision notice.

Officer comment: For noting.