



## **Additional / To Follow Agenda Items**

This is a supplement to the original agenda and includes reports that are additional to the original agenda or which were marked 'to follow'.

### **Nottingham City Council Planning Committee**

**Date:** Wednesday, 17 March 2021

**Time:** 2.30 pm

**Place:** Remote - To be held remotely via Zoom -  
<https://www.youtube.com/user/NottCityCouncil>

**Governance Officer:** Kate Morris **Direct Dial:** 0115 876 4353

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**Wards Affected:** Lenton And Wollaton East (May 2019)

**Item No:**

**Planning Committee  
17th March 2021**

## **Report of Director of Planning and Regeneration**

### **406 And 408 Derby Road And Northern Dairies LTD Radmarsh Road, Nottingham**

#### **1 Summary**

Application No: 20/00141/PFUL3 for planning permission

Application by: Rok Planning on behalf of Unite Group Plc

Proposal: Retention of car showroom garage, demolition of remaining buildings, and redevelopment for managed student accommodation and a flexible floorspace building for Use Class F.1 (learning and non-residential institutions) and E (commercial business and service) fronting Derby Road, with associated cycle parking and landscaping.

The application is brought to Committee at the request of a Ward Councillor who has raised valid planning considerations and 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 21st April 2020. An extension of time has been agreed with the applicant until 16 April 2021.

#### **2 Recommendations**

##### **2.1 GRANT PLANNING PERMISSION** subject to:

(a) Prior completion of a Section 106 Planning Obligation to secure:

(i) An off-site Public Open Space financial contribution of £373,230 towards enhancement in the surrounding area;

(ii) A student management plan, to include restrictions on car use;

(iii) Local employment and training benefits including opportunities in the construction and operational phases of development together with payment of a financial contribution of £108,976 towards employment and training;

(iv) A financial contribution of £603,000 towards Environment Agency flood alleviation works along the River Leen corridor associated with the site and wider area;

and potentially:

(v) A financial contribution towards off-site highway works associated with the site and wider area.

- (b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.2 To delegate power to determine the final details and terms of the Planning Obligation (including whether a financial contribution towards off-site highways works provision be sought and if so as to the quantum of that contribution) to the Director of Planning and Regeneration, subject to him being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:
- (i) necessary to make the development acceptable in planning terms;
  - (ii) directly related to the development;
  - (iii) fairly and reasonably related in scale and kind to the development.
- 2.3 Power to determine the final details of the conditions of planning permission to be delegated to the Director of Planning and Regeneration.
- 3 Background**
- 3.1 This site is located on the northern side of Derby Road and sits between its junction with Triumph Road to the south west, Radmarsh Road to the east and the River Leen to the north west. The site until recently comprised of three car dealerships which front Derby Road and were occupied by Jaguar, Toyota and Lexus. Jaguar have now moved to new premises on Enterprise Way and Lexus/Toyota are currently in the process of moving into their unit, leaving their two units vacant.
- 3.2 The majority of the site, to the rear of the buildings, is used for the open storage of vehicles associated with the garages and is hardsurfaced. The River Leen runs diagonally along the north western edge of the site although part of it is located on the opposite side of the river and accessed via a bridge.
- 3.3 To the eastern side of Radmarsh Road, the Three Wheatsheaves public house sits at its junction with Derby Road. To the rear is a collection of four storey student accommodation buildings providing approximately 200 units, managed by Unite Students (Riverside Court). At the northern end of Radmarsh Road is a former timber yard which was granted planning permission in 2020 for a six storey student accommodation block providing 222 bed spaces (19/02325/PFUL3), the applicant being Omni Developments. A footpath runs from the end of Radmarsh Road along the western edge of the Omni site and leads to a footbridge over the River Leen onto the Jubilee campus.
- 3.4 To the north/north west of the site beyond the River Leen is a mix of commercial units and the University of Nottingham's (UoN) Jubilee Campus. The closest buildings within this are the striking the GlaxoSmithKline Carbon Neutral Laboratory for Sustainable Chemistry and the circular Ingenuity Centre.
- 3.5 To the western side of Triumph Road is Fanum House, occupied by the NHS, with industrial premises immediately to the north of this. At the last meeting in February, Committee resolved to approve a revised outline scheme for student accommodation on the immediately adjacent site, 3 Triumph Road (20/02228/PVAR3).

- 3.6 The southern side of Derby Road is predominantly residential in nature.
- 3.7 The site is designated as being within Flood Zones 2 and 3b. The site is also partially located within an Archaeological Constraint Area as identified within the Land and Planning Policies document - the Local Plan Part 2 (LAPP).
- 3.8 The site falls within the area safeguarded for the expansion of the Jubilee Campus in the LAPP.

#### **4 Details of the proposal**

- 4.1 The application proposal is for a mixed-use development including purpose-built student accommodation (PBSA) and flexible commercial space intended for use by the University of Nottingham (Use Classes F.1 and E), and the retention of an existing car showroom garage. The specific elements of the proposed development are as follows:

1. **Retention and Re-use of former Jaguar showroom, garage and surrounding open hardstanding for associated vehicle parking:**  
Demolition of most of the existing buildings and structures associated with the Lexus and Toyota dealerships is proposed to make way for the proposed development. The former Jaguar showroom and garage is to be retained and Lexus and Toyota relocated to this part of the site.
2. **Commercial Building:** The construction of a 3 storey building fronting Derby Road which would provide a 1,414 sqm (net internal area) of flexible commercial floorspace for Use Classes F.1 and E, intended for use by the University of Nottingham. A new area of public realm is proposed to be created to the front of the building. The new Class F.1 covers education and training, museums, public libraries, public halls, exhibition halls, places of worship and law courts. The new Class E covers offices, research and development, light industrial, medical centres, day nurseries and day centres, gyms/indoor recreation, shops, financial and professional services, and cafes/restaurants.
3. **Purpose-built student accommodation (PBSA):** The construction of two buildings, 3 - 6 storeys in height, providing 700 student beds and shared communal spaces. The accommodation would comprise 94 cluster flats ranging from 5 to 10 bed spaces, and 39 studio flats (133 flats in total). The two buildings would sit behind the commercial building referred to above and are configured around a central hard and soft landscaped area, which includes a 'street' between the two buildings. It would create built frontage to Radmarsh Road, a new path alongside the River Leen, and the Jubilee Campus beyond. The 'street' would form the main entrance into the PBSA and the student reception in the northern building. Various student collaboration spaces, welfare facilities, a laundry, bike stores (to accommodate a total of 315 bikes) and refuse storage are also incorporated into the scheme.
4. **New Publicly Access Open Space and Public Realm:** The creation of a large area of landscaped public open space and public realm surrounding the development, incorporating land on both sides of the River Leen. All would be accessible to the general public. This includes the creation of:

- A Riverside Park at the northern end of the site, extending up to the footbridge to the Jubilee Campus;
- Landscaping to the Radmarsh Road frontage;
- A landscaped Riverside Walk to the west of the buildings, providing a new access link between Derby Road, the River Leen and the Riverside Park; and
- Public realm improvements to the Derby Road frontage to create a formal space in front of the commercial building.

5. **Radmarsh Road Highway Improvements:** To include the widening and rationalisation of the footpath adjacent to the buildings, the integration of planted build outs, the creation of managed on-street parking (to be subject to a TRO) and the creation of a new enlarged turning head for the northern end of Radmarsh Road, to serve both the development and the adjacent Omni scheme.

- 4.2 Numerous revisions have been made to original scheme during the life of the application to address design, landscaping and flood risk matters. The number of bed spaces has increased through this process from 690 to 700.

## 5 Consultations and observations of other officers

144 neighbouring properties were originally notified on Derby Road, Radmarsh Road, Wollaton Hall Drive, Dorkett Drive, Arnesby Road, Gregory Street, Rathmines Close, Lenton Manor, Gregory Court and Triumph Road.

Site notices have been posted on Derby Road, Radmarsh Road and Triumph Road and an advert placed in the paper.

(The site was the subject of a public consultation event prior to submission and was also reviewed by local residents groups, ward councillors and the Design Review Panel at the pre-application stage). A Statement of Community Involvement has been submitted with the planning application.

### Original Scheme

Eleven representations have been received from local residents stating:

- Attracting additional students to live in Lenton would add to the already significant concentrations of students in the area and further imbalance the Lenton community. This is contrary to the City Council policies of returning Lenton to a balanced and sustainable community. They consider that allowing a new large population of students into the neighbourhood would be contrary to these policies.
- The significant increase in student numbers with a 690 bedroom PBSA would increase the well-known problems caused by students living in the area, resulting in an increase in problems of anti-social behaviour, litter and refuse disposal, noise and the changing demographics of the area with a transient population etc. Any further increase would only be to the detriment of local residents and together with existing and newly permitted PBSA's in the area would significantly exacerbate these problems.

- One resident, whilst considering the development of PBSA along main frontage will be less of a problem, states that students still need to be educated on how to behave prior to visiting their friends in surrounding HMOs. They consider that the current problems associated with HMOs is out of control and is an indication of the long term bad management by both the University and City Council. Prior to further increases in the student population in Lenton real management of the problems is required.
- Concern that it would further contribute to the perception of Lenton as a 'student' area. One resident feels that the ongoing expansion of the University and associated development is destroying local community cohesion in Lenton and its status as a residential area for local people.
- Concern regarding the poor maintenance of the existing student accommodation on Radmarsh Road. The road is seen to be littered by rubbish and constantly parked up with private cars and delivery vans. The proposed increase in density of student population in this small area will lead to further uncleanness in the area and an increase in student parking in the area.
- Concern regarding noise, air pollution and traffic during the construction period.
- Traffic implications resulting from the drop off and pick of such a high density Purpose Built Student Scheme, in a location with poor vehicular access and where access is from a very busy and important arterial road for the City (Derby Road). There is concern that the number of students will result in severe traffic congestion which will gridlock the area at the beginning and end of each term. This is in addition to the two existing Unite halls and the new Omni PBSA at the end of Radmarsh Road.
- An increase in the student population will lead to a further depreciation of property values for family houses in the area.

Five local residents have made the following general comments in general support of the development, stating:

- The award winning Jubilee Campus is seen to an asset to the community and the city by many in the community for outdoor recreation. Amenities such as the cafes, sports facilities and Scout Hut are open to the community for use or hire. They consider the campus is a massive improvement on what was there beforehand and that the positive contribution the Jubilee Campus continues to bring to the area should not be lost in the concern about student numbers.
- Two residents raised concerns about the intolerant language used in respect of "students". They are concerned that if similar language had been used in regard to race, creed or religion it would clearly be seen to be discriminatory. They consider that the majority of students are well behaved, courteous, not litter louts nor drunkards. Like all sub groups of the population there are some miscreants amongst them. To demonise "students" in this way does a disservice to the contribution students make in so many ways to Nottingham not least its economy and culture.

- The site forms part of the 'planned' Jubilee Campus. It is a brown field site with limited current environmental and commercial benefit to the community. It would house students adjacent to the Jubilee Campus in well managed accommodation. They feel that whilst not alleviating the problems in the Lenton area from HMOs they consider that it should not be construed as adding to them. A granting of planning consent would see an improved access to the campus; environmental improvements to the land adjoining the River Leen; street furniture in the latter and some community facilities such as a cafe and or room for community use. With these in place they do not see a reason to oppose the application. It will improve the immediate area off Radmarsh Road.
- There is sympathy regarding the current problems associated with student HMOs and the impact on local residents. However they consider that the problem of HMOs does not have a direct bearing on the current application and is best dealt with in other ways.
- Two residents consider PBSA accommodation on the campus to be the best location for it and that the impact on local residents would be minimal as there are few residents on this side of Derby Road.
- One resident considers that residents of Lenton and Wollaton Park should not lose sight of the wonderful place in which they live, with access to Wollaton Park, the University's two green campus's, and the highly regarded QMC hospital which has been responsible for some of the greatest scientific achievements such as the MRI scanner. They consider students to be part of the community of Lenton.

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

The NAG continues to support the principle of PBSA as part of the toolkit to address the widely and well-documented problems that result from studentification. They qualify that support by saying that PBSA is only one part of that toolkit, and is not a solution in itself. They consider that it is only a useful part of that toolkit if it can be shown that it not only provides student accommodation, but that it unequivocally satisfies a number of additional criteria.

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

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

In addition, the NAG also comment on the community consultation aspect of the Statement of Community Engagement and the conclusions drawn from it. The NAG



support the comments made by the ward councillor in relation to the Omni PBSA scheme (19/02325/PFUL3) when Planning Committee considered this in December 2019. They highlight the contradiction between the requirements of Policy HO5 and HO6 and express concern about the Council's strategic approach to the provision of student accommodation in the city.

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

### **Revised Scheme**

All neighbours were re-consulted on the amended plans and the resulting increase in bed spaces from 690 to 700. This has resulted in three additional representations being received which largely reflect the comments summarised above and note that the revisions do not address the concerns previously raised. The increase in the number of student bedrooms is considered to exacerbate these concerns and the negative impacts on local residents and Lenton. One resident suggests that the University should move students away from residential areas through the redevelopment of existing old halls of residence on the main campus, with modern halls with an increase in scale and capacity.

The NAG have also submitted supplementary comments, which are also appended to this report. Further concerns are raised regarding balance and sustainability, together with comments on design, massing and other considerations. The NAG maintain their opposition to the proposal.

A ward councillor for Lenton and Wollaton East has objected to the proposal on grounds of it being over intensive and this mitigating against balanced communities, community cohesion and evidence of this creating anti-social behaviour.

The University of Nottingham (UoN) have written in support of the principle of the mixed use development. The UoN is currently finalising its estates strategy and within this their plans for student accommodation, known as Project STAY, which are to deliver further PBSA over the medium/long term. They however recognise that in the short term there is still a need for more PBSA, which is properly managed. The development is seen as suitably located immediately adjacent to the Jubilee Campus and the general layout integrates well into the wider area and with adjacent projects. The UoN further states that the applicant has engaged with the University and their Student's Union for their input into the design. They are content with the scheme and if built out would meet the needs of their students through its range of cluster bed flats, the low proportion of studio flats and the high level of internal and external study space. The UoN also confirm that they are looking, subject to final agreement, to enter into a lease or partnership agreement for the Class F.1 and E space provided in the building fronting Derby Road. Whilst any use is yet to be determined they would be happy to work with the City Council as the project evolves.

The Local Access Forum welcomes the creation of new paths, open space throughout the development and alongside the River Leen. Details of the access routes should be conditioned to ensure appropriate landscape and width for use by pedestrians and cyclists. The provision of 315 cycle parking spaces for residents and visitors is also welcomed and should be conditioned. New access routes proposed to form public rights of way should be explicit. The Forum draw attention to the

importance of Gregory Street as a route for pedestrians and cyclists who will access Radmarsh Road across its junction with Derby Road. They request that a condition be attached requiring the assessment of the junction for capacity and suitability for use by cyclists and pedestrians, and that any shortcomings in the operation of the junction should be addressed by the developer prior to occupation of the development.

**Additional consultation letters sent to:**

**Environmental Health:** No objection subject to conditions relating to a contamination remediation strategy, implementation of the submitted sound insulation scheme for the buildings and associated mechanical services plant and equipment.

**Planning Policy and Research:** No objections. The provision of further good quality purpose-built accommodation in appropriate locations that is likely to attract students that would otherwise occupy houses of multiple occupation outside of the city centre, is strongly supported. This additional provision helps to address:

- a rising student population as the Universities continue to expand
- a shortfall between the increased number of students in recent years compared to new PBSA bedspaces
- the Council's long term ambition to provide an alternative choice to traditional on-street student accommodation and thereby help to re-balance communities in areas where there are high concentration of students

The application site is identified as an area appropriate for PBSA development, and where such development should be encouraged through Local Plan policies LS2 and HO5. In addition, the development will accord with the criteria set out in policy HO6, providing a high-quality and well-designed development with wider regenerative benefits that will maintain a sustainable community in the area. The scheme therefore follows an important element of the Council's housing policy and there are no principle policy objections to the proposed development in this location. There is recent planning history for a similar scheme which should also form a material consideration.

**Environment Agency (EA):** This development is located within a high flood risk zone (Flood Zone 3b, Functional Floodplain). The EA have identified the need for a wider flood risk mitigation scheme in this locality to reduce flood risk to a large area, which will need partnership funding. The applicant has agreed to make a contribution of £603,000 towards this wider scheme that would aim to reduce flood risk to third parties. This financial contribution would be secured as part of the S106 planning obligation.

The EA consider that the on-site flood mitigation measures proposed as part of the Flood Risk Assessment (FRA) would ensure that the development is safe for its lifetime, without the need for a wider flood risk management scheme to be constructed. The FRA has also demonstrated that there are no third party impacts to the wider area.

The EA conclude that if the City Council is minded to consider the development appropriate to the floodzone and that Emergency Planning arrangements are adequate, the proposed development would meet the NPPF's requirements in

relation to flood risk if their recommended conditions are included. These are set out in full in the accompanying draft decision notice.

**Drainage:** No objection to the proposal. Request details relating to the maintenance arrangements for the proposed drainage features.

**Highways:** No objection subject to conditions relating to: a construction management plan; details of access; any access gates being set back 5m; parking and servicing areas being provided; parking for 315 cycles (details to be agreed); redundant footway crossing and or altered areas of footway of highway to be reinstated; the provision of Electric Vehicle Charging Points; the investigation of an additional Traffic Road Order along Radmarsh Road and the provision of a student traffic management plan. A financial contribution has also been requested for improvements to the signalised junction between the A6200 Derby Road, Radmarsh Road and Gregory Street, for pedestrians and cyclists. The matter is currently under consideration, including whether its requirement will meet the CIL tests.

**City Archaeologist:** The archaeological Desk Based Assessment submitted with the application identified the potential for medieval and post-medieval archaeological remains. Conditions relating to a programme of archaeological works, initially consisting of an archaeological field evaluation, are recommended.

**Biodiversity:** No objection subject to biodiversity enhancement being provided in accordance with the recommendations of the submitted ecology report.

#### **Design Review Panel:**

- The panel commended the scheme with no major concerns on its design evolution.
- The buildings successfully address the different surrounding context settings and offers defined frontages, with distribution of height.
- The success of the scheme lies in its landscape design and how well the building integrates with the campus and riverside setting.
- Welcomed the dedicating of the building to the Derby Road frontage for non residential use. Considered the use as a university space would be a better fit in providing a shop window for the university. Its 3 storey height, differing architecture and set back with public realm to the front would provide a strong frontage and streetscene.
- The establishing of a residential character and scale to Radmarsh Road was to be the right approach, with the setting back of the building from back of pavement encouraged to allow for the incorporating of landscaping and making the space feel wider and more generous given the building's entrance is off Radmarsh Road.

## **6 Relevant policies and guidance**

### **National Planning Policy Framework (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.

### **Aligned Core Strategies (ACS) (2014)**

Policy A - Presumption in Favour of Sustainable Development

Policy 1 - Climate Change

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Policy 17- Biodiversity

Policy 19 - Developer Contributions

### **Land and Planning Policies (LAPP) (2020)**

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE3: Change of use to non-employment uses

Policy EE4: Local Employment and Training

Policy LS2: Supporting the Growth of Further Education Facilities

Policy RE1: Facilitation Regeneration

Policy HO1: Housing Mix

Policy HO4: 10% Adaptable Units

Policy HO5: Locations for Purpose Built Student Accommodation

Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy HE1: Proposals Affecting Designated and Non Designated Heritage Assets

Policy TR1: Parking and Travel Planning

Policy EN2: Open Space in New Development

Policy EN5: Development adjacent to Waterways

Policy EN6: Biodiversity  
Policy IN2: Land Contamination, Instability and Pollution  
Policy IN4: Developer Contributions

## **Supplementary Planning Documents (SPDs)**

Biodiversity (2020)

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

Jubilee Campus Development Brief (2004)

## **7. Appraisal of proposed development**

### **Main Issues**

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

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

- 7.1 The site has been used for commercial purposes by 3 car dealerships for many years, although it is not identified as being part of a Major Business Park/Industrial Estate. Policy EE3 of the 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 a sufficient supply of alternative employment land and premises, and also factor in the regeneration benefits of a particular scheme. The Jaguar car dealership has recently moved to Enterprise Way, ensuring that these jobs are retained in Nottingham. There are currently 60 full time jobs operating out of the site in the other two dealerships, of which 47 will be retained onsite with Toyota and Lexus moving into the former Jaguar dealership. The remaining 13 (in the aftersales facility) are being retained in Nottingham. The proposal would therefore result in no planned job losses as a result of the development. Furthermore, this mixed use scheme would deliver the comprehensive regeneration of a site that is allocated for redevelopment as part of the expansion of the Jubilee Campus. New job opportunities would be created through the construction, management, security and maintenance of the scheme, and additionally by the uses within the commercial building fronting Derby Road; the UoN have stated that they are in advanced discussions with the applicant to lease the building for their use.
- 7.2 The site falls within an area identified for the expansion of the Jubilee Campus, hence in this instance the change from the current to proposed uses is accepted in principle. Furthermore, a large part of the site is currently hardstanding for car parking so the proposed scheme, which incorporates a large proportion of green

space and would open up a significant length of the River Leen, would also be positive in physical regeneration terms.

- 7.3 Given the site's location within an allocated site for the expansion of the Campus and within Flood Zones 2 and 3b of the River Leen, its development for family housing or for non-education related purposes would not be possible.
- 7.4 The main concern of local resident groups and residents of Lenton relates to the inclusion of PBSA as a major part of the scheme, which would result in an additional 700 student bed spaces at the Lenton end of the Campus. The principle of the proposal of PBSA needs to be considered against policy 8 of the ACS and policies LS2, HO5 and HO6 of the LAPP.
- 7.5 As stated above, the site forms part of the allocated UoN Jubilee Campus as defined within the LAPP. Policy LS2 of the LAPP aims to support the future expansion and growth of further education facilities on the Jubilee Campus (and other university sites), to include development for Further and Higher Education, Research & Development, and Information & Communication Technology facilities required by the universities, along with ancillary uses such as PBSA and catering facilities for staff and students.
- 7.6 Policy HO5 of the LAPP States that PBSA of an appropriate scale and design will be encouraged, subject to developers demonstrating that there is a need for additional student accommodation. Acceptable locations are detailed as being, amongst others, on university campuses. The supporting text for policy HO5 states that encouragement for PBSA in appropriate locations, as an alternative to the general housing stock, continues to form an important element of the Council's housing policy framework and is consistent with the 'Quality Homes for All' - Nottingham's housing strategy 2018 - 2021, with benefits of reducing demand on the City's existing housing stock and the creation of sustainable communities.
- 7.7 The Jubilee Campus Development Brief (2004) identified the site as being within the extended campus boundary and within Quarter 4, which was designated for 'mixed use'. The brief states that uses within this area must be compatible with the objective of creating a high quality centre of learning and employment, with the anticipation of student accommodation at the eastern edge of the zone.
- 7.8 There are also a number of recent planning application decisions that carry significant weight when considering the current proposal, particularly regarding the principle of allowing PBSA. These are:
- 3 Triumph Road (18/01498/POUT) – outline application for PBSA (204 bed spaces). Appeal dismissed on a technicality associated with the S106, but the Inspector concluded that the development was otherwise acceptable
  - 3 Triumph Road (19/02581/POUT) – outline application for PBSA (204 bed spaces). Approved following judgement made on previous appeal
  - 3 Triumph Road (20/2228/PVAR3) – outline application for PBSA (270 bed spaces). Revisions to above scheme, approved at February 2021 Planning Committee
  - Site at the northern end of Radmarsh Road (19/02325/PFUL3) – detailed application by Omni Developments for PBSA (222 bed spaces). Approved at December 2019 Planning Committee

- 7.9 Of particular interest is the Inspector's conclusions in respect of the 3 Triumph Road. This clarified the principle of student accommodation being accepted within any part of the allocated area for the Jubilee Campus, in line with policies A and 8 of the ACS and policies LS2, HO1, HO5 and HO6 of the LAPP. Furthermore, the need for more student accommodation in the location of Jubilee Campus was acknowledged by the Inspector, who then went on to say that the pressure on existing housing stock in the Lenton Area was likely to result from an unmet need for PBSA in the locality.
- 7.10 Critical to the appeal decision was the clear instruction within the LAPP that the requirements of policy HO6 (which sets a presumption against new HMOs/PBSA where the existing concentration of students is significant, defined as above 10%) do not apply to PBSA permitted under policy HO5 (which lists the locations appropriate for PBSA, including within university campuses).
- 7.11 At a more strategic level 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) reports that there are 22,000 PBSA bed spaces within the city. Vacancy rates for the 2018-19 academic year were at 0.3%, in spite of a further 1,000 PBSA bed spaces being made available in comparison to the previous year. The vacancy rate seen in 2019 showed a reduction from the 1.2% identified in 2016-17 and 0.5% in 2017-18.
- 7.12 It is recognised that the PBSA element of the proposed development would increase the number of student bed spaces by a further 700 in addition to those existing and permitted in the Campus, as outlined above. Whilst acknowledging the concerns of local residents, it is considered that the provision of further good quality PBSA is an important part of the strategy for attracting students that would otherwise occupy HMOs in Lenton. The site forms a logical extension of existing development within the Jubilee Campus, as defined within the LAPP, and is sufficiently distant and separated from the nearest dwelling houses situated to the south of Derby Road. For the reasons set out above, the principle of PBSA is therefore considered to be acceptable for the application site.
- 7.13 The site is in a highly accessible location with good pedestrian, cycle and bus links to the city centre and university campuses. Rooms proposed are of an appropriate size; a range of cluster flats are proposed to attract individuals and friendship groups of varying size. The bedrooms within these are each approximately 11sqm, with occupants also benefitting from the flat's shared communal space. Studio flats range from approximately 22sqm, which is similar to other recent PBSA schemes. Generous, multi-purpose communal space is proposed within the ground floor areas of the northern building, together with approximately 30% of the site forming landscaped open space and public realm; approximately two thirds would be accessible to the general public, including the River Leen corridor. All floors of both buildings would be accessible to wheel chair users with ramped access provided from Radmarsh Road and lifts available at each stair core. The requirement for an element of 'Accessible and Adaptable' units in accordance with policy HO4 is to be addressed by condition.
- 7.14 In accordance with guidance contained within policy HO6, details have been provided to demonstrate that should in the future the demand for student accommodation dissipate, the proposed development would be capable of being re-configured to meet general housing needs.

- 7.15 In light of the above, the principle of the proposed scheme is considered to be acceptable in accord with policies A and 8 of the ACS, policies LS2, HO1,HO4, HO5 and HO6 of the LAPP and the Jubilee Campus Development Brief.

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

- 7.16 The development has been the subject of significant design amendment in terms of its scale, massing and architectural treatment, including the use of contextual 3D modelling, consultation with the local community and guidance from the Design Review Panel, both at the pre-application and post submission stages.
- 7.17 Great weight has been given to its relationship with the lower scale streetscape along Derby Road, with its finer urban grain of residential properties to the south and commercial uses to the north. There has been a desire to create strong new frontages to Derby Road, Radmarsh Road and the River Leen, and to integrate the development with the existing Jubilee Campus, with its larger 'iconic' buildings and impressive landscaping, and the forthcoming Omni PBSA development. The creation of a strong and integrated landscape setting for the buildings, the environmental improvements to and opening up of the River Leen corridor, and the enhancement of Radmarsh Road as a pedestrian/cycle route into the Campus, have also been fundamental considerations in the design development of the scheme.
- 7.18 A significant technical constraint has been the site's location within Flood Zone 2 and 3b of the River Leen.
- 7.19 The layout of the built development has been designed to define the edges of the site through the creation of perimeter of buildings with 'active frontages', set around a central hard and soft landscaped area. The separation of the blocks provides both a visual and accessible link through the site from Radmarsh Road to the River Leen. A hierarchy of frontages has been created that increase in height towards the northern end of the site.
- 7.20 The scale and mass of the buildings have been developed to reflect the differing context of the site. A strong frontage is presented to Derby Road but at 3 storeys this is commensurate with the general scale of buildings along the road. As the development moves back from Derby Road the scale increases to 5 storeys and then 6 storeys.
- 7.21 The development has been conceived in three architectural styles:- the commercial building fronting Derby Road; the range of buildings surrounding the central landscaped area and fronting Radmarsh Road and the River Leen; and the northern building that has a strong relationship with the new area of public open space.
- 7.22 The key design features of these three buildings typologies are:
1. Commercial Building:
    - The building is three storeys in height and designed to address both its function and prominent Derby Road frontage
    - It is set back from Derby Road behind a generous public realm forecourt that creates an appropriate setting for the building
    - The upper floor windows are set within double height vertical recesses



(topped with angled brick corbelling), divided further with narrow vertical channels to create a strong vertical pattern across the front elevation

- The base of the building is to be finished in a reconstituted stone, similar to Portland stone in colour, with a pale to medium buff brick for the upper floors. The accent metalwork has a golden hue

## 2. Radmarsh Road and River Leen Buildings:

- These buildings are five storeys in height, rising to six storeys alongside the River Leen and to address the Jubilee Campus beyond
- They have been designed to be more residential character, reflected in a domestic scale vertical grain, a strengthened ground floor plinth and top floor conceived as a roof with dormer windows
- The design language of the taller River Leen block changes to also incorporate so stronger vertical features, topped with gables
- Circulation cores are used to create further vertical breaks
- The buildings are to be finished in a medium red stock brick with accent elements in a dark grey, standing seam metal cladding that is also proposed for the roof

## 3. Northern Building:

- At six storeys in height this reflects the scale of the adjacent Omni scheme
- It sits as a distinct standalone building at the northern end of the site, seen within a setting of the public open space when viewed on approach from the Jubilee Campus
- A pale buff brick finish is proposed with metalwork in a golden hue, a palette similar to that proposed for the commercial building
- Brick corbelling to the upper floor, vertical channels between more horizontally proportioned openings and a more extensive use of accent metalwork are used to define the character of the elevations

7.23 A fundamental aim in the development of the scheme has been to set the buildings within the context of strong and high quality landscaping and public open space, with a focus on opening up and enhancing the setting of the River Leen. This comprises:

- New public realm to the Derby Road frontage
- A new 'street' within the scheme creating a link between Radmarsh Road and the River Leen
- A central hard and soft landscaped area, providing private amenity space for the occupants of the development
- A Riverside Walk from Derby Road that links to the Riverside Park and beyond to the Jubilee Campus and Omni scheme. The Riverside Walk and Park have also been designed to mitigate flood risk and create an easement for access by the Environment Agency
- Environmental enhancement of Radmarsh Road to create a high quality pedestrian and cycle route to the Jubilee Campus, whilst also improving vehicular access and the management of on-street parking
- Significant ecological enhancement associated with the soft landscaping and River Leen

- 7.24 Overall, it is considered that the proposed landscaping and public open space would provide a range of positive benefits that would represent a significant enhancement in comparison to the current site environment.
- 7.25 Subject to precise materials and landscaping details being secured via condition, it is considered that the development would be a positive addition to the site and wider townscape in accord with policy 10 of the ACS and policies DE1 and DE2 of the LAPP.

**(iii) Impact on the Amenity of Surrounding Residents** (Policy 10 of the ACS, Policies DE1 and IN2 of the LAPP)

- 7.26 The PBSA element of the scheme sits to the rear of the commercial building and is relatively well removed from existing residential properties on the opposite side of Derby Road.
- 7.27 A Shadow Analysis submitted in support of the application demonstrates that daylight and sunlight levels to residential properties to the south side of Derby Road would remain unaffected by the development. There is some impact on the existing PBSA on Radmarsh Road, also owned by the applicants, but the retained light levels would remain very good for an urban location such as this. In addition, the assessment illustrates that almost 90% of the landscaped areas of the site would achieve a minimum of 2-hours 'sun on ground' in March, well in excess of BRE target criteria.
- 7.28 The applicants are experienced in the management of PBSA and have made assurances that robust procedures would be put in place to negate issues regarding the behaviour of future residents. An integral part of the management plan would be a contact point for local residents to liaise directly with those responsible for the management of the accommodation. The management plan would be secured as part of the S106 Obligation.
- 7.29 Environmental Health colleagues have raised no objection to the proposed scheme but recommend noise assessment/sound insulation conditions to protect existing and future residents. These can be secured via condition.
- 7.30 In considering the amenities of future occupiers, room sizes are of an acceptable size and generous communal spaces provided throughout, including external amenity space.
- 7.31 On this basis, the proposal complies with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

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

- 7.32 The site is designated as being within Flood Zones 2 and 3b (functional flood plain) in accordance with Environment Agency mapping. In the latter there is a general presumption against new build development. The application has been supported by a detailed Flood Risk Assessment (FRA), flood modelling, a Flood Risk Management Plan and Surface Water Drainage Strategy, which have been the subject of significant discussion with the Environment Agency (EA), resulting in several iterations and the submission of additional information to the EA.
- 7.33 The development has been sequentially tested, which aims to steer new

development to areas with the lowest risk of flooding. The sequential test was carried out within an agreed 800m search zone surrounding the site. It looked at the availability of alternative sites within the short and medium term ie. deliverable in less than 5 years, including sites without planning permission. The sequential test failed to identify any preferable and available sites at a lower risk of flooding within the search area, and it is therefore concluded that the sequential test has been satisfied.

- 7.34 In relation to the exception test, it is necessary for the applicant to demonstrate that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development would be safe from flooding for its lifetime. This is a brownfield site which is designated as part of the Jubilee Campus. It is in a highly sustainable location and its development would facilitate the regeneration of the site, provide improvements to landscaping, biodiversity, drainage and improved access to the River Leen. It would also create direct and indirect employment opportunities and help to meet an identified need for PBSA. The proposed development incorporates a number of mitigation and flood plain compensation measures which would make the development safe from flooding and reduce the flood risk to other areas within the vicinity of the site. The proposal is therefore considered to pass the exception test.
- 7.35 The EA has worked with the City Council and applicant to consider the positive contribution to flood risk that this development can make to the wider catchment area. The EA have identified the need for a wider flood risk mitigation scheme in this locality to reduce flood risk to a large area, which will need partnership funding. A scheme of this nature would have the benefit of reducing flood risk to both this development and wider community. The applicant has agreed to a financial contribution of £603,000 to help fund these strategic flood mitigation works, which would be secured through the S106 obligation. The applicant has also confirmed that an area of land within the development would be available to Risk Management Authorities in the future for such a scheme.
- 7.36 The EA have stated that the final revised FRA has proposed on site mitigation that ensures that the development would be safe for its lifetime, without the need for a wider flood risk management scheme to be constructed. The FRA has also demonstrated that there are no third party impacts to the wider area. The FRA proposes a large amount of on-site flood mitigation to ensure that the development is safe and has explored a number of scenarios to minimise risk to others.
- 7.37 The EA support the on-site flood risk mitigation measures which include:
- Finished floor levels to be set no lower than 600mm above the 1% Annual Exceedance Probability event plus upper estimate for climate change
  - Compensatory flood mitigation forming an integral part of the landscape plans for the Riverside Park
  - Voids to be incorporated under the buildings to minimise the impact on flow routes and flood storage loss due to the buildings' footprint within the floodplain
  - An area within the site being reserved for a potential future flood alleviation scheme
  - Improved access to the River Leen for maintenance purposes
  - The de-culverting of a section of the River Leen through demolition of the existing building and slab covering part of the river channel
  - The inclusion of flood resilience measures

- 7.38 Subject to the conditions recommended by the EA and the proposed S106 contribution, it is considered that the development accords with local and national planning policy, would be safe for its lifetime from flooding and would not result in an increase in flooding elsewhere. The development would also result in regeneration of a site to the benefit of the wider area and result in the holistic improvement of the flood profile of the wider area. The proposal therefore accords with policy 1 of the ACS and policy CC3 of the LAPP.

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

- 7.39 The application is supported by a detailed Transport Statement which has been reviewed by Highways colleagues. Policy TR1 of the LAPP seeks to preclude development that would be detrimental to highway safety and to ensure that proposals include a sufficient package of measures to ensure that journeys by private car are minimised and journeys by sustainable modes of transport are supported, in line with the transport hierarchy within policy 14 of the ACS. Where necessary, planning obligations will be sought to support appropriate sustainable transport measures including walking and cycling. Policy TR1 highlights specialist residential accommodation such as PBSA as an appropriate form of low-car or car-free development.
- 7.40 Highways have recommended a financial contribution towards improvements for pedestrians and cyclists to the signalised junction between the A6200 Derby Road, Radmarsh Road and Gregory Street. On-going negotiations are taking place with the applicant and further consideration regarding the need for this financial contribution taking place. If agreed this would form part of the S106 obligation.
- 7.41 Car access into the site is limited. A controlled access route from Radmarsh Road to the River Leen would be managed on site from the north accommodation block. A second gated vehicular access is located to the south of the site along the Derby Road frontage. Both are for use by emergency services and access to the River Leen by the EA. Two off street parking spaces are provided next to the central entrance to the PBSA.
- 7.42 There is no student parking provision for this development and there would be a restriction within the student management plan to prevent residents from bringing vehicles to the development and surrounding area, which would be secured by condition. A condition is also recommended with regard to drop-off and pick-up arrangements. The concerns of local residents in respect of the impact at these periods of high traffic generation and potential congestion are acknowledged; the student traffic management plan would set out measures to mitigate such an impact, typically requiring students to book slots for dropping-off and picking-up. It is also felt that the nature of Radmarsh Road, which would merely serve PBSA, is well suited to make such arrangements and thereby avoid any significant impact on the wider network.
- 7.43 The scheme incorporates 315 spaces of secure and covered cycle parking, which is compliant with LAPP requirements. The site is very close to the Jubilee and Highfield Campuses, thereby encouraging the majority of occupiers to walk or cycle to the University. The site also benefits from close proximity to Derby Road as a main arterial bus route to/from the city centre.

- 7.44 Enhancements works to Radmarsh Road include the closure of the existing substandard turning head at its northern end and the creation of a new adopted turning head within the applicant's site. This would not only serve the development but also the adjacent Omni scheme and existing Unite accommodation. The details of these works would be secured by condition, together with the agreement of the applicant to seek to revise the Traffic Road Orders to restrict and manage parking along Radmarsh Road.
- 7.45 On this basis, Highways have raised no objection and subject to their recommended conditions, the development is considered to accord with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

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

- 7.46 In order to comply with development plan policy and the requirements of the relevant Supplementary Planning Guidance, planning obligations are necessary to make the development acceptable in planning terms, which are directly related to the development and fairly and reasonably related in scale and kind to the development. They would be secured within a S106 obligation and in this instance would include:
- A 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 financial contribution of £603,000 towards EA flood alleviation works along the River Leen corridor associated with the site and wider area;
  - A financial contribution of £373,230 towards off-site Public Open Space; and
  - Local employment and training opportunities during the construction and operational phases of development, together with a financial contribution of £108,976 to help facilitate these.
- 7.47 The public open space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance and in this instance is the balance above the on-site provision as part of the scheme.
- 7.48 A financial contribution has been requested for improvements for pedestrians and cyclists to the signalised junction between the A6200 Derby Road, Radmarsh Road and Gregory Street. This matter is currently under discussion with Highways and the applicant. The recommendation of this report seeks agreement to delegate this matter to the Director of Planning and Regeneration, along with the final details and terms of the S106 obligation.
- 7.49 The proposed obligations are considered to meet the requirements of Regulation 122(2) Community Infrastructure Levy Regulations 2010, in that they are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

## **Other matters**

### **Archaeology** (Policy HE1 of the LAPP)

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

### **Contamination** (Policy IN2 of the LAPP)

- 7.51 The condition relating to the remediation strategy, recommended by Environmental Health colleagues, would be secured by condition.

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

- 8.1 The site is sustainably located, only disabled parking spaces and those for student drop-off and pick-up are proposed, and the scheme incorporates numerous measures and new/enhanced routes for pedestrians and cyclists. A wide range of sustainable measures are also to be incorporated within the built development, including:
- Fabric first, high-performance façades
  - Energy efficiency to exceed Building Regulations by 15%
  - Air source heat pumps for heating and cooling
  - An all-electric building solution
  - A low energy ventilation strategy with heat recovery
  - Building management system (BMS) to optimise the building services and maintain internal environmental conditions efficiently
  - High efficiency fixtures and fittings
  - Advanced metering strategy
  - Occupancy based heating control ensuring minimum energy wastage
  - Incorporation of Sustainable Urban Drainage (SUDs) with terrace raingardens and attenuation tanks within the Pavilion Plaza
  - A comprehensive waste management strategy for the reuse and recycling of materials
  - Landscaping and building design adopt flood mitigation features
  - Ecological enhancements proposed to both the buildings and landscaping
- 8.2 It is advised that the proposed commercial building is to achieve a minimum BREEAM rating of 'Excellent'. On this basis, it is considered that the proposed development accords with policy 1 of the ACS and policies CC1, CC2 and CC3 of the LAPP, subject to a condition that requires the details of sustainability measures to reduce the developments carbon footprint being agreed.
- 8.3 The application has been supported with an ecological appraisal. The information submitted has been reviewed by the Biodiversity Officer who has raised no objection to the proposal subject to a condition relating to the provision of ecological enhancements such as bird and bat boxes within the fabric of the building and the

proposed landscaping scheme, together with the submission of a biodiversity enhancement plan adhering to the recommendations contained within the Biodiversity SPD. Subject to this condition it is considered that the development accords with policy 17 of the ACS and policy EN6 of the LAPP.

## **9 Financial Implications**

As detailed above a section 106 agreement would secure:

- A financial contribution of £373,230 towards off-site Public Open Space
- A financial contribution of £603,000 towards flood risk mitigation
- A financial contribution of £108,976 towards the delivery of local employment and training opportunities
- A possible financial contribution of up to £250,000 towards off-site highway works associated with the site and wider area

## **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 partially cleared brownfield site with a high quality, sustainable mixed use development. Providing on campus PBSA in support of developing balanced and sustainable communities

Safer Nottingham: The development incorporates actively surveyed new and enhanced routes that would contribute to a safer and more attractive neighbourhood

Ensuring Nottingham's workforce is skilled

## **14 Crime and Disorder Act implications**

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

## **15 Value for money**

None.

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

1. Application No: 20/00141/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q4KB7YLY0L500>

**17 Published documents referred to in compiling this report**

NPPF (2019)

Aligned Core Strategies – Local Plan Part 1 (2014)

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

Biodiversity (2020)

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

Jubilee Campus Development Brief (2004)

**Contact Officer:**

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# NOMAD printed map



Key

City Boundary

Description

No description provided

**My Ref:** 20/00141/PFUL3 (PP-08366620)  
**Your Ref:**  
**Contact:** Mrs Jo Bates  
**Email:** development.management@nottinghamcity.gov.uk

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

Rok Planning  
FAO: Mr Matthew Roe  
16 Upper Woburn Place  
London  
WC1H 0AF

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Date of decision:

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

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Application No: 20/00141/PFUL3 (PP-08366620)  
Application by: Unite Group Plc  
Location: 406 And 408 Derby Road And Northern Dairies LTD Radmarsh Road,  
Nottingham,  
Proposal: Retention of car showroom garage, demolition of remaining buildings, and  
redevelopment for managed student accommodation and a flexible floorspace  
building for Use Class F.1 (learning and non-residential institutions) and E  
(commercial business and service) fronting Derby Road, with associated cycle  
parking and landscaping.

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

<b>Time limit</b>
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>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



**DRAFT ONLY**  
**Not for issue**

2. The development, including all site preparation works, shall not be commenced until a Construction Management Plan detailing how the development works are to be carried out, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include as a minimum:
- Measures to be taken to reduce noise and disturbance to neighbouring properties;
  - Traffic Management requirements;
  - Arrangements for deliveries, loading and unloading. Vehicles delivering to the site cannot be permitted to wait/park on the highway;
  - Arrangements for contractor staff parking;
  - Measures to prevent the deposit of debris onto the highway.

The construction of the development shall take place in full accordance with the approved plan

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the ACS and Policies DE1, IN2 and TR1 of the LAPP.*

3. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Site Investigation, which continues the work of the 'Preliminary Ground Investigation Report' by Tier dated 14th Jan 2020 (ref TE1180GIR issue No. 1.4) and 'A Supplementary Ground Investigation Report Issue 1.2' by Tier dated 8th Sept 2020 (TE1180SGIR) including additional gas monitoring, and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan, based on the completed site investigation, 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). It must also include the design of the gas protection measures to be used at the development.

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 the proposed development poses no contamination risks to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.*

**DRAFT ONLY**  
**Not for issue**

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

The archaeological field evaluation should consist of two stages:

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

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

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

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

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

5. Prior to the commencement of the development (excluding any relevant demolition and site clearance), a scheme to ensure a structural survey, design of reinforcement and 'finishings' (e.g. cladding) of the River Leen flood defences, adjacent to the flood storage areas, and the section of culvert removal shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

*Reasons: To ensure there is no increase in flood risk as a result of flood defence failure in accordance with the aims of Policy 1 of the ACS and Policy CC3 of the LAPP.*

6. Prior to the commencement of above ground development, details of the proposed new vehicular accesses shall be submitted to and agreed in writing by the Local Planning Authority. Details shall be provided of the layout geometry, signing, lining, a swept path analysis and visibility splays.

The vehicular accesses shall be constructed in accordance with the approved details.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policies DE1, IN2 and TR1 of the LAPP.*

**DRAFT ONLY**

**Not for issue**

Page 26

7. Prior to installation of the plant and mechanical services to serve the development, an acoustic assessment, shall be submitted to and be approved in writing by the Local Planning Authority. The Assessment shall ensure that the plant and mechanical services to be installed meets the recommended noise parameters as detailed in the 'Acoustic Assessment Report' by RBA dated 9th Sept 2020 (ref:9539.RP01.AAR.Rev 2).

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

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

8. Prior to the commencement of above ground development, a scheme to ensure appropriate access for the future maintenance, operation, emergency access (removal of blockages), and future improvements shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include:

- The construction of no buildings or structures within 10 metres from the River Leen;
- The provision of 3 metre level access along the River Leen and its associated flood risk infrastructure (sheet piles/concrete channel); and
- A suitable access route within the site to allow appropriate size equipment to undertake the above,

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

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing by the Local Planning Authority.

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

9. Prior to the commencement of above ground development, a scheme to provide flood storage and conveyance on site and through the new structures, inclusive of an operation and maintenance plan for the flood compensation/conveyance scheme shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

*Reason: To ensure that the flood storage is available during all flood events and that there is no increase in flood risk to third parties and to ensure development is in accordance with Policy 1 of the ACS and Policy CC3 of the LAPP.*

**DRAFT ONLY**  
**Not for issue**

10. Prior to the commencement of above ground development, a large scale sample panel of all proposed materials to be used on the external elevations of the approved development shall be constructed on site and shall be 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 above ground development commences (excluding any relevant demolition).

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

*Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS*

11. Prior to the commencement of above ground development, large-scale elevation and section drawings (e.g. at a scale of 1:20/1:10) of the detailed design of the following elements of the development shall be submitted to and approved in writing by the Local Planning Authority:

a) Elevations: including window, glazing systems, reveals, window panels and entrances;

b) Roofs: including edges and parapets;

c) Plant: including external ventilation systems and other similar elements that are integral to the fabric of the building.

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

*Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the ACS and Policy DE1 of the LAPP.*

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

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

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

13. Prior to the commencement of above ground development, a scheme of ecological enhancement measures, including those integrated within the fabric of the building, shall have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: In the interests of ecological enhancement and in accordance with the Policy 17 of the ACS, Policies EN5 and EN6 of the LAPP and the Biodiversity SPD*

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**Not for issue**

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14. Prior to the commencement of above ground development, details of the proposed external lighting scheme shall be submitted to and approved by the Local Planning Authority.

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

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

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

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

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

**Pre-occupation conditions**

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

16. Prior to the first occupation of the development a scheme of public enhancement works to the frontage of Derby Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hard surfacing, street furniture, the type, height, species and location of the proposed street trees (along with details of the tree pits/trenches and aeration pipes), future maintenance arrangements and a timetable for their implementation.

The approved scheme of works shall be prior to the occupation of the development and completed in accordance with the approved timescales.

*Reason: In the interests of the appearance of the development and to avoid prejudice to traffic conditions within the vicinity of the site in accordance with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.*

17. Prior to the first occupation of the development a scheme of public enhancement works to Radmarsh Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hard surfacing, street furniture, the type, height, species and location of the proposed street trees (along with details of the tree pits/trenches and aeration pipes), future maintenance arrangements and a timetable for their implementation.

The approved scheme of works shall be prior to the occupation of the development and completed in accordance with the approved timescales.

*Reason: In the interests of the appearance of the development and to avoid prejudice to traffic conditions within the vicinity of the site in accordance with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.*

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**Not for issue**

18. Prior to first occupation of the approved development, details of a scheme for the on-going management and maintenance of the elements of highway and public realm that are included within the proposals (including surfacing, landscaping, lighting, and signage) shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in accordance with the approved scheme unless varied with the prior written consent of the Local Planning Authority.

*Reason: In order to ensure that appropriate measures are put in place for the on-going management and maintenance of these spaces in the interests of the amenity of occupants and users of the development in accordance with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.*

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

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

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

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

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

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

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

21. Prior to first occupation of the development, verification that the approved sound insulation scheme detailed in 'Acoustic Assessment Report' by RBA dated 9th Sept 2020 (ref:9539.RP01.AAR.Rev 2) 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 an appropriate noise environment for future occupants and to accord with Policies DE1 and IN2 of the LAPP and Policy 10 of the ACS.*

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

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

23. Prior to the first occupation of the development, any redundant footway crossings and/or damaged or altered areas of footway or other highway shall be reinstated in accordance with details that have first been approved in writing by the Local Planning Authority.

*Reason: To ensure that any redundant crossings or damaged crossings are reinstated appropriately to safeguard highway safety and to accord with Policy 10 of the ACS and Policy TR1 of the LAPP.*

24. The development shall not be occupied until details of a Traffic Management Plan for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term, has been submitted to and agreed in writing with the Local Planning Authority.

The Traffic Management Plan shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the ACS and Policy TR1 of the LAPP.*

25. Prior to first occupation of the development, an electric vehicle charging scheme shall have been installed in accordance with details that have first been submitted to and be approved in writing by the Local Planning Authority.

*Reason: To promote sustainable forms of travel to comply with Policies 1 and 14 of the ACS and Policies CC1 and TR1 of the LAPP.*

26. Prior to the first occupation of the development, draft designs for amendments to Traffic Regulation Orders in the area shall be submitted to and approved in writing by the Local Planning Authority.

The developer shall thereafter pursue an application for the proposed amendments, prior to first occupation of the dwellings.

*Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policy TR1 of the LAPP.*

27. Prior to first occupation of the development, secure cycle parking shall be provided for a minimum of 315 cycles.

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

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

28. Prior to the first occupation of the development, a Waste Management Plan shall be implemented in accordance with details that shall first have been submitted to and approved in

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writing by the Local Planning Authority. The submitted management plan shall include provisions for the management, storage and collection of waste arising from the development.

*Reason: To ensure waste arriving from the development is dealt with in an appropriate manner to safeguard the amenities of the future and neighbouring occupiers in accordance with Policy 10 of the ACS and Policy DE1 of the LAPP.*

**Regulatory/ongoing conditions**

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

29. The development shall be carried out in accordance with the submitted flood risk assessment (22nd December 2020, ref 863/FRA Version 1.13, compiled by Tier Consult) and Derby Road, Nottingham (UNITE) Predicted Flood Impacts Non-Technical Summary (December 2020 - Rev 04) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 600mm above the 1% Annual Exceedance Probability event plus upper estimate for climate change and as detailed in table 6.2.
- Compensatory storage shall be provided in accordance with Section 4 of the FRA.
- The proposed building is raised using voids under the building to minimise the impact on flow routes, and minimise the flood storage loss due to proposed building footprint within the floodplain as detailed on drawing no. 19-0008 C-D-009 in Appendix K.
- Improved access to the river will be provided within the site arrangement.
- An area within the site is reserved for potential future flood alleviation scheme, as shown in Figure 6.5 and Appendix M.
- De-culvert section of the River Leen through demolition of the existing building and slab spanning over part of the river channel.
- Inclusion of flood resilience measures detailed in section 6.7.

These 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, to prevent flooding elsewhere, to ensure no impediment to flood flow across the site, to ensure Risk Management Authorities/future users/owners of the site can access the watercourse, to enable future flood risk improvements in the area and to ensure development is in accordance with Policy 1 of the ACS and Policy CC3 of the LAPP.*

30. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

*Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.*

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<p>31. The commercial building fronting Derby shall be solely used for the purposes contained within the Use Classes F.1 and E without the prior express permission of the Local Planning Authority.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>32. Any gates to the proposed vehicular accesses shall be back a minimum of 5m from the back edge of the public highway.</p> <p><i>Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the ACS and Policy TR1 of the LAPP.</i></p>
<p><b>Standard condition- scope of permission</b></p>
<p>S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 21 January 2020.</p> <p><i>Reason: To determine the scope of this permission.</i></p>

### Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. Noise Control: hours of work and equipment during demolition/construction  
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)  
Saturday: 0830-1700 (noisy operations restricted to 0830-1300)  
Sunday: at no time  
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

#### Equipment

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

#### Dust/Grit and other fugitive emissions

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

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Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting  
Water sprays/damping down of spoil and demolition waste  
Wheel washing  
Periodic road cleaning

#### 4. 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 verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by 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.

#### 5. Environmental Noise Assessment

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The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

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

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

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

#### 6. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

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

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

#### 7. Highways:

Construction Management Plan:

Vehicles delivering to the site cannot be permitted to wait/park on the highway, in accordance with details to be submitted to and agreed in writing after consultation with the city council highway authority and planning authority. A Construction Traffic Management Plan will be required and this will also include a construction traffic routing agreement. This is in the interests of highway safety.

Mud on road:

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Network Management 0115 8765238.

Highway licences:

The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway may be occurring and licences may be required. Please contact [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk) 0115 8765238.

Traffic regulation Orders (TROs):

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**Not for issue**

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

Prior to occupation of the consented development, it is necessary to amend and introduce Traffic Regulation Orders. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed; please contact Highways Network Management on 0115 876 5293 to instigate the process. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

#### Car Parking:

Off road parking spaces shall have minimum dimensions of 2.4m x 5.5m (with additional 0.5m if adjacent to a hard boundary) with permeable bound surface construction. The spaces should be marked out in accordance with details which shall first have been agreed in writing with the local planning authority.

Disabled parking bay provision will need to be provided at the correct disabled bay dimensions with a minimum of two spaces for the site.

Disabled parking bay provision will need to be provided at the correct disabled bay dimensions with a minimum of two spaces for the site.

#### Cycle Parking:

For information on cycle parking including stands and cycle maps please contact the email address requesting support: [CyclingTeam@nottinghamcity.gov.uk](mailto:CyclingTeam@nottinghamcity.gov.uk)

#### Access and S278 Agreement:

Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

Details related to the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and stage I/II/III Safety Audit are to be submitted for the access proposals before changes to the highway are commenced.

#### Refuse collection:

The applicant is to ensure that bin storage suitable in size to accommodate all residents is placed adjacent to the adopted highway and to an access. This is to ensure refuse collection is from an adopted highway.

#### Stopping Up Orders:

An area of Radmarsh Road will need to be stopped up in order for the development to take place. The applicant is to apply for the land to be stopped up as adopted highway. As this order takes 4/5

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months to progress, depending on objections (and currently longer due to the COVID19 lockdown and restrictions on publishing statutory notices) it's advisable to commence the application process as soon as possible.

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

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

The applicant is to contact John Lee 0116 8765246 [john.lee@nottinghamcity.gov.uk](mailto:john.lee@nottinghamcity.gov.uk) to progress the stopping Up Order.

Highway licences:

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

EVCP (Electric Vehicle Charging Point):

EVCP or infrastructure is to be provided at the site.

To discuss electric vehicle charging points please contact Rasita Chudasama on 0115 8763938. The highway authority require a minimum of one space or 10% of overall parking space provision to have EVCP, whichever is the required amount.

Studnet Drop Off and Pick Up:

The applicant is to provide a plan to ensure that at the end and start of each term the arrangements for parents and for students with cars/taxis to park and drop off and pick up their belongings is organised. Radmarsh Road will be the main vehicular access for student activity and as there will be other halls of residence and student accommodation in the area the organisation for parked vehicles to carry out these activities needs to be considered.

The application for TROs will be required as well as the s278 agreement of the highway to provide for parking at certain times of the year. This will form part of the condition Travel Plan Statement that should outline student drop off and pick up management.

The student drop-off (enrolment) periods will be managed by the management company and the proposed seven (7) parking spaces are to accommodate booked appointments.

Sustainable Transport:

A Travel Plan statement is to be provided by the applicant alongside a plan for student pick up and drop off at the start and end of each term. To obtain further information on expectations please contact James Ashton 0115 8763093.

8. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

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Excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution. Treated materials can be transferred between sites as part of a hub and cluster project. Some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:  
The Position statement on the Definition of Waste: Development Industry Code of Practice and;  
The Environmental regulations page on GOV.UK

#### 9. Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river
- on or within 8 metres of a flood defence structure or culverted main river
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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

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

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## **RIGHTS OF APPEAL**

Application No: 20/00141/PFUL3 (PP-08366620)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

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**Not for issue**

## **Comments by the Nottingham Action Group on HMOs (NAG) on Planning Application 20/00141/PFUL3: 406 & 408 Derby Road, and Radmarsh Road**

This application by the Unite Group plc proposes to retain a car showroom garage ('Jaguar'), along with demolition of the remaining buildings ('Inchcape/Toyota') and subsequent redevelopment of the site for student accommodation (690 bed spaces) along with Use Classes B1 and D1 floor space fronting Derby Road.

### **The Principle of PBSA**

Although the NAG continues to support the principle of purpose built student accommodation (PBSA) as a part of the toolkit needed to address the widely and well-documented problems that result from studentification, we qualify that support by saying that PBSA is only one part of that toolkit, and is not a solution in itself. It is only a useful part of that toolkit if it can be shown that it not only provides student accommodation, but that it unequivocally satisfies a number of additional criteria (critically important when the site is in and/or adjacent to highly sensitive neighbourhoods viewed by landlords, agents and students themselves to be 'student areas'):

- 1.(a) The location and size of the site preclude its potential for uses other than PBSA.
- 1.(b) No other suitable locations available.
- 2.(a) The proposed PBSA must be demonstrated to protect further conversions of C3 dwellings into C4 and sui generis student accommodation in those neighbourhoods where student concentrations already exceed the threshold level/tipping point of 10% above which they are considered to be no longer balanced and sustainable, or are seen to be in danger of exceeding that threshold.
- 2.(b) The proposed PBSA must reduce the demand by students for accommodation in HMOs as evidenced by data showing that substantial numbers of student-occupied HMOs (C4 and sui generis) are returning to C3 use, i.e. that the PBSA is not merely providing accommodation for increasing numbers of first-year students. This is critical in neighbourhoods which fall into the category outlined in 2.(a).
3. It must not exacerbate problems associated with studentification in surrounding neighbourhoods.
4. The design, materials and massing of the PBSA must sympathetically reflect the design, materials and massing of buildings in the neighbourhood and be sensitive to the nature and strategic position of the site with respect to the local street scene.
5. In addition to Point 4, the design of the PBSA must reflect the need to enhance the 'student experience'. That is, it must not only provide communal space within each unit, but be designed to encourage individuals and different groups of students to socialise with a mix of students reading different subjects, from different socio-economic groups, different nationalities and cultures, etc. In other words, it is essential that the way in which the different elements of the PBSA are designed and constructed must (i) counter-act the danger of ghettoisation with the residents having little or no experience of the world outside the immediate interactions and requirements of the courses they are following; (ii) provide for the mental as well as physical welfare of the residents and broaden their experience of 'adult' life and responsibilities.
6. The design and construction of the PBSA must be versatile and be readily seen to be capable of conversion to another use which, dependent on the location, should aim to be in Use Class C3.

It is against these criteria that the NAG has considered the application by the Unite Group plc. and makes the following comments.

### **Analysis of the Unite Application**

The NAG considers that in the first instance it is essential to view this application in the context of the immediate area as a whole, by and large, identified in the Jubilee Campus Development Brief as Quarter 4 or the 'mixed use' area, and, in doing so, to examine existing development and that for which recent planning permission has been given, i.e.

- An existing Unite plc development providing student 484 bed spaces (Riverside Point);
- A Church Lukas/Omni (19/02325/PFUL3) development with planning permission for 222 student bed spaces;
- A site on Triumph Road, which, although not within the 'mixed use' area as such, but which is contiguous with it, and has outline planning permission for 204 student bed spaces (19/02581/POUT).

The in situ Unite development (Riverside Point) and the Church Lukas/Omni development are located on approximately one-third of the mixed-use area in a strip between Radmarsh Road and the railway line running from Derby Road to the River Leen/boundary of the Jubilee Campus. As delineated in the Unite Design & Access Statement, the entire application site occupies the remaining two-thirds of the 'mixed use' area, of which more than half is proposed by Unite for redevelopment as PBSA.

### **Location**

**A. The Application Site.** The site is in an area within easy reach of major employers, the city centre, social spaces, schools, and has good access to local and national transport facilities. Although the Unite application includes retention of the Jaguar dealership for use as a car showroom, the remaining (major) part of the site is in fact a good sized plot and, even though the River Leen and flood risk place restraints on its redevelopment potential, it is arguable that it has considerable potential for sensitive and imaginative redevelopment for uses other than as PBSA, having potential to provide greater possibilities for new, long-term permanent skilled employment and/or good quality accommodation for new full-time households including precisely the graduate starter families which Nottingham is eager to retain within the city's boundaries. This is in contrast to, for example, the Church Lukas/Omni site on Radmarsh Road which is heavily impacted on by its location at the end of Radmarsh Road (in effect a cul-de-sac) and physical (road, river, railway line, existing Unite development) as well as flood risk and other constraints.

**B. Alternative Sites.** Although, it can be argued that Nottingham University has, by and large, fulfilled a number of the aims of the Development Brief, the one area in which it has outstandingly and consistently failed to implement the Brief is the development of the north end of the Jubilee Campus as a 'student village', i.e. the Transco site, and that of the Imperial Tobacco Warehouse and its associated buildings. A recently approved application by Nottingham University (19/02650/PFUL3), in effect an extension of relatively small amount of existing student accommodation on the Jubilee Campus, will provide 280 bed spaces. However, by no stretch of the imagination does this development, welcome as it is, go more than a small way towards realising the potential of the northern end of the Jubilee Campus as the nucleus of a 'student village', with provision for a large amount of student accommodation and other ancillary facilities on land that is owned by Nottingham University, and in an area where the concentration of students in HMOs is significantly very much less than that in the neighbourhoods in Lenton, Dunkirk and Wollaton Park and Wollaton Park Estate.

The Unite application is clearly aimed at students attending Nottingham University and the proximity of the university to the application site makes it attractive to Unite to acquire and redevelop as PBSA. However, it is pertinent to point out that the university (and NTU whose students have an increasing presence in the Derby Road corridor in Lenton) is well connected to Nottingham's public transport system, and therefore sites along the NET route to Chilwell

can also be considered to be potential alternatives for this PBSA, as indeed can be sites in the city centre area itself.

### **Balance & Sustainability**

The detrimental impact on residents (home-owners and tenants) and their neighbourhoods of wholesale conversion of 'family' homes into HMOs resulting from the expansion of student numbers has been well-documented. Nottingham City Council, in responding to what is generally now called 'studentification' has planning policies which seek to: (i) Identify areas in danger of becoming imbalanced because of the over-concentration of student households, and through adoption of an Article 4 Direction removing permitted development rights for conversions to HMOs, resist further conversions in these areas; (ii) divert students into PBSA thereby reducing demand for accommodation in HMOs resulting in the return of C4 and sui generis dwellings into C3 use thereby retaining or restoring balance and sustainability.

**C. Contribution of the Proposed PBSA to Protection of Residential Neighbourhoods in its Locality.** An increasing number of Local Authorities have either introduced Article 4 Directions removing permitted development rights from conversions to HMOs, or are in the process of doing so (see for example the list produced by the Residential Landlords Association: <https://news.rla.org.uk/local-government/article-4/>). It is relatively safe to assume that LAs would not commit scarce resources to setting up and managing Article 4 Directions if these were not seen to be effective in controlling concentrations of HMOs. Therefore, it is reasonably safe to state that in Nottingham it is the Article 4 Direction which is the effective tool protecting 'studentified' neighbourhoods from further conversions of dwellings to C4 and sui generis use as student accommodation. This supposition is further supported by the fact that before the Article 4 Direction came into effect in 2012, and despite the existence of planning policies concerning concentrations of student HMOs (e.g. the BBC SPD and the identification of at risk neighbourhoods through the tipping point/threshold concentration), there was little evidence that Nottingham City Council was able to exert any genuine control over the creation of HMOs in studentified neighbourhoods such as those in Lenton and Wollaton Park which are clearly in the hinterland of the present Unite application. This is demonstrably no longer the case. It may also be worth pointing out that, as a result of pressure from conversions to HMOs, residents and their elected representatives in Beeston are actively following the Article 4 Direction tool with respect to HMOs.

As a consequence the NAG argues that it is in fact the Article 4 Direction rather than, as is claimed, Unite's proposal to insert another 690 students into the area, which is the significant tool when it comes to protection of residential neighbourhoods in its locality from further conversion of 'family' homes into (student) HMOs.

**D. Contribution to Reduction in Demand for HMOs and Returning HMOs to C3 Use.** It is accepted that hitherto the provision of PBSA has reduced the demand for HMO accommodation in those neighbourhoods in Nottingham which, for a number of different reasons, have not proved to have long-term appeal to students. It may be that this has lessened the pressure by landlords and developers to convert dwellings to specifically student occupied HMOs in these areas. However, in neighbourhoods which students have come to see as being 'student areas', this is sadly not the case.

There is little, if any, strong evidence that, for example, the substantial amount of PBSA in and around the immediate centre of Nottingham has in any way reduced the demand beyond the first year for HMO accommodation in neighbourhoods such as the Arboretum area, Cromwell Street/Portland Road, the 1970's 'townhouse' estate on North Sherwood Street (Clinton Court, Matlock Court, Bluecoat Close, etc.). In fact, recent feedback from residents living in these neighbourhoods, albeit that it is anecdotal, very clearly indicates that there is a paucity of evidence to support the claim that PBSA is reducing the demand for student-occupied HMOs, and certainly no evidence that existing student-occupied HMOs are being converted back to

'family' use. Although it is difficult to make direct comparisons between neighbourhoods and so there is some room for discussion as to the validity of a comparison between these neighbourhoods and those in the Lenton-Wollaton Park areas, despite many differences, in the context of this set of comments, they are very similar, for example: they are in close proximity to the main campuses of Nottingham's universities; they are perceived by students to be 'student areas' rather than being home to sustainable, inclusive and mixed use communities; they are areas where there is over-concentration of student-occupied HMOs. Consequently, the NAG believes that it is valid to use the one to assess the probability in the other that, as is being claimed, the proposed Unite development will reduce demand by students (particularly returning students) for accommodation in HMOs with the result that a significant number of HMOs will return to C3 use.

From the Design & Access Statement, as well as from pre-application discussions with Unite representatives and their colleagues, it is obvious that a major argument underpinning the application concerns the beneficial impact on residential neighbourhoods in Lenton and the Wollaton Park area. In particular the highly attractive, and much promulgated, point that the development, if approved, will reduce the demand by students for accommodation in HMOs in these neighbourhoods and lead to a significant number of HMOs being returned to 'family' use.

This claim has to be looked at in relation to the fact that:

(i) the application site is within an area where, at over 40%, the average concentration of student-occupied HMOs is significantly higher than the 10% tipping point mentioned in 2.(a). Indeed there are neighbourhoods within the area where the concentration of student-occupied HMOs is approaching, if not exceeding, 90%. Under these circumstances, there can be no doubt that an over-concentration of students is already in existence. Neither can there be any doubt that the recently approved applications will approximately double the number of student bed spaces in PBSA in the immediate area, i.e. from 484 to 910. If the Unite proposals are accepted, then the number of student bed spaces will rise to 1600, adding a significant number of extra student households to the area not only and exacerbating the acknowledged imbalance, but further entrenching the view that Lenton, in particular, is already an established 'student village';

(ii) if a university's first year intake increases by, say, 500, then over the period of a typical three-year undergraduate course, the additional requirements for bed spaces will be around 1500;

(iii) the continuing and substantial increase in student numbers in Nottingham, has been maintained, even against the background of a continuing trough in the 18-year old demographic in the country as a whole. If, the projected upturn in this demographic is factored in, then it is reasonable to anticipate that student numbers at both of Nottingham's universities will exceed the levels forecast in the Knight Frank Demand Study attached to this application.

Whilst the latter observation (iii) points to the need for more student accommodation in Nottingham (which can be taken to mean more PBSA) what must also be taken into account is the fact that, unless it is a requirement for students to remain in PBSA beyond their first year (which is not only unlikely, but morally and socially unacceptable in this country), then the established routine is for students to look for accommodation in HMOs, and, more often than not, in HMOs in close proximity to their first year accommodation, i.e. in neighbourhoods they see as being familiar, and, of course, neighbourhoods which they have come to see as 'student areas'. As long as students continue to form groups with friends with locational preferences, Lenton in particular, with its park, shops, bars, etc. will retain a strong magnet for students and their accommodation preferences.

As it stands, these considerations, when coupled to the paucity of evidence that, under more favourable circumstances, PBSA has reduced the demand for HMOs in 'hot spot' areas, mean that the NAG, very regrettable, has to state this much quoted aspect of the Unite

application, and add that to promote it to local residents, as has been done extensively, is at the very least misleading.

**E. Impact on Problems in Surrounding Neighbourhoods.** The concentration of students in neighbourhoods in and around the Derby Road corridor continues to have a detrimental, and well recorded and well-established impact on almost all aspects of the lives of residents living in them.

It is readily accepted that, provided the management regime established in a PBSA is fit for purpose and enforced, this type of student accommodation mitigates against some of the problems associated with HMOs, e.g. external and internal maintenance, refuse management and disposal, and, to great extent, noise from student activities in the curtilage of the PBSA. In this respect, the Unite proposal can be anticipated to have a beneficial effect on the residential neighbourhoods nearby, at least so far as exacerbating these problems is concerned. However, we need to highlight at least some of the problems that PBSA is not likely to ease.

- **Late night on-street noise.** It is evident that residents in PBSA, like their counterparts living in HMOs, are able to take advantage of Nottingham's vibrant entertainment venues. In the context of the Unite application site, there is more than ample evidence that students returning along the Derby Road corridor from the city centre to their accommodation late at night and into the early morning are responsible for a considerable amount of distress caused to residents and their families by disturbed sleep. So, it is reasonable to suppose that locating 690 more students on the Derby Road corridor will exacerbate this particular problem.
- **Over-crowded pavements.** One of the less commonly reported problems, but particularly pertinent to the Unite application, is connected to the sheer volume of students (pedestrians and, unfortunately, cyclists as well) and, for want of a better description, the competition, especially at specific times of the day, between them and other users, e.g. local residents and, in the vicinity of the QMC, patients and visitors. Local residents in this area report that they regularly encounter difficulty in walking along the pavements without being jostled and, on occasion, forced into the road by students in groups (who seem to adopt the principle that might is right) and on cycles. Again, it is not unreasonable to anticipate that locating 690 more students on the Derby Road corridor will aggravate an already existing situation. (Note: When this problem was fed back to Unite's representatives at pre-application meetings and the consultation event at the Scout Hut, the response given was that the pavements need to be widened!)
- **Parking & Traffic.** This is a particularly sensitive issue for local residents. Whilst the provision of parking spaces in PBSA is very limited, and whilst the managers of PBSA can require, as part of the tenancy agreement, that students do not bring cars with them, there continue to be concerns about how well these agreements are policed and, consequently, what the impact on the local area is likely to be. On-street parking restrictions are already in place in a good part of the general area where the Unite application site is located. In part these are in place to deal with the impact of limited parking facilities at the QMC, but also with that of students.

Especially concerning are the arrangements that PBSA managers put in place to deal with students' arrival at the beginning of an academic year and at the end. The Planning Statement prepared by ROK (Section 6.35 and amplified in Section 6.113) states that '... appropriate ... car drop off/pick up arrangements' will be provided. It has to be remembered that the number of students expected to arrive at the in situ PBSA and in that approved more recently, along with the project 690 in this application will total around 1600, and that they will arrive in within a very narrow time frame. In addition, Derby Road is a main arterial route in and out of the city centre. It is always extremely busy and traffic issues are commonplace: it does not

take very much deviation from the 'norm' to result in gridlock. This raises serious worries about the suitability of the location for PBSA as well as the actual number of bed spaces postulated in the application; worries which are not lessened by statements that show a distinct lack of familiarity with the area, e.g. that public car parks are available within five minutes of the site for longer-term parking post drop-off. This particular statement calls into question whether what Unite really means is that it is acceptable for students to bring cars so long as they park them somewhere that Unite does not have to deal with.

- **Retail and other community provision.** A consequence of a highly transient, socio-economically and demographically uniform dominant population, such as is evident in Lenton is that local facilities become skewed towards providing for the requirements and preferences of that population, i.e. in this instance, students. It is impossible to envisage that the addition of another 690 students in the area will do anything other than to further encourage this skewing to the detriment of residents and their families. There is already a concentration of take-aways in the vicinity of the application site and elsewhere in the Lenton area.

### **The Proposed Building**

Before we consider the design, materials and massing of presented in the application documentation we will make some comments on the community consultation aspect of the Statement of Community Engagement and the conclusions drawn from it.

**Consultation Event Area.** On p.7 the document states that invitations were sent to 2,410 nearby residents and businesses and shows the area covered by this exercise. It is interesting that, with the exception of the Jubilee Campus itself, the remainder of the area is precisely that in which there is an over-concentration of student-occupied HMOs. Therefore, there is a reasonable expectation that by far the largest number of invitations were delivered to student-occupied properties and, since students by and large do not involve themselves in consultations about local matters, were ignored. However, on p.16 of the document, the consultants conclude that: *'Only 3% of those addresses that received an invitation attended the consultation event. This figure suggests that local residents were broadly comfortable with the redevelopment of the site.'* A 3% attendance is not surprising, especially given what we have already said about the student concentration. However, what is surprising and completely invalid is the conclusion that this low attendance somehow provides tacit support for the proposals which have materialised in this application.

**Feedback & Conclusions:** It cannot be ignored that the validity of conclusions that are drawn from feedback to any consultation is highly dependent on the questions being asked, the way in which information is presented, the size of the sample: also important is the way in which the analysis of the results of the consultation are presented.

The four questions with straightforward yes/no/unsure answers were:

- Q.1 – In principle are you in favour of the principle of redeveloping this site?
- Q.2 – In principle are you in favour of providing greater access to (the) Jubilee Campus and creation of open space?
- Q.3 – Do you support the design principles?
- Q.4 – Are there any direct community needs for the civic building?

It would have been surprising to say the least if the answers to Q.1 and Q.2 had not resulted in strong support: as a rule people tend to favour redevelopment of a site if the alternative is a derelict building or piece of land; and if, as has been done here, the greater access to the Jubilee Campus is equated with the creation of open space, it is unlikely in the extreme that all but a minority of people will not support the notion. The response to Q.3 is of more interest since, according to the analysis, although just over half (54%) of the people who responded supported the design principles, the remainder were either opposed or were unsure. Similarly,

the feedback to Q.4 indicated that whereas 40% of respondents felt that there is a need for the 'civic' building, the remainder did not feel there was a need or were unsure. (Note: on p.14 the document states that *'A multi-use facility ... providing 1751 m<sup>2</sup> of flexible B1 and D1 floor space. The university has expressed an interest in the space (subject to governance), which would assist with the expansion of the Jubilee Campus and provide a range of opportunities.'* Since no clear ideas, let alone concrete proposals were forthcoming from Unite during the pre-application stage, and do not appear to be part of the full application, it is really difficult to do anything other than query what is meant by 'civic' building and to conclude that perhaps the term is merely in place to tick boxes and enhance the acceptability of the application.

The final part of the public consultation feedback (Q.5) asked for additional comments. Here, using the methodology apparently adopted by the consultants, 71% of respondents made negative comments about the proposals, the remainder either making positive or neutral comments/suggestions. Of the 71% negative comments, 52% highlighted that there are too many students in the area. The consultants concluded (on p.15) that: *'It is clear that some residents are worried that there are already too many students in Lenton and that the local community has changed. Unite is satisfying a need in the area for additional student accommodation, as identified in the Demand Assessment. It is unfortunate for those who feel this is detrimental to the area.'* That this comment is contained in a document which forms part of the Unite application, allied to the amateur nature of the consultant event, the bias displayed by the questions asked and in the analysis presented of the results, goes a long way towards negating the supposed open, informed and positive nature of the consultation, and clearly invalidates the whole exercise.

**F. Design, Materials and Massing.** We preface this section of the analysis of the Unite application first by saying that it is difficult for residents who have to rely on glossy presentations, overblown descriptions and, as in some instances associated with this application, pictorial representations of places with no relevance to the application site, to visualise the way in which a development will look. Second, the NAG accepts that the car showrooms do not contribute to the potential of this area with respect to its prominent position on Derby Road, in itself arguably the most attractive route into the centre of Nottingham, They do not dominate the residential homes opposite them. They do not dwarf other buildings which are so much an accepted part of the local street scene, and which, as acknowledge by the Jubilee Campus Brief, are sufficiently important architecturally and historically to be preserved intact: the Three Wheatsheaves Public House, Fanum House, the Woodsend Almshouses, the Rose & Crown Public House and Lenton Lodge. In other words. They unobtrusively serve the purpose for which they are being used.

Particularly relevant to the Unite application and its impact on the Derby Road street scene are the height, materials and massing of the buildings in the area. With the exception of the William Crane bungalows in the Wollaton Park Estate, these are predominantly two-storey, brick-built with pitched roofs, and, no doubt because the organic development of the area over a long period of time reflects different taste and styles, with not only a surprising variation in fenestration and design features, but also (with some exceptions) an open structure and grain more usually associated with suburban rather than urban/industrial locations. As such, they are very much in sympathy with the close proximity of Wollaton Park, Highfields Park, University Park and, of course, the post-industrial re-development of the Jubilee Campus with its very clear parkland emphasis.

The proposed design appears to have managed to avoid heavy reliance on cladding and, by using brick as its main material, does in fact go some way towards respecting the Derby Road street scene. However, it is singularly unfortunate that the part of the development fronting on to Derby Road (the so called 'civic building') and, as such, the part of the scheme that will have the most impact on the street scene, is, at three storeys, far too high, and is a boring, bulky block with no interesting fenestration, variation along its length and its skyline. Not what is hoped for in a building which is supposed to be an improvement on the one it is intended to



replace. Its dislocation from the local street scene is very clearly shown in the illustration on the front page of Part 1 of the Design and Access Statement. Unfortunately, that illustration also shows that the uninspiring and pedestrian nature of the design continues in the other blocks, where the massing merely accentuates the bulk and warehouse-like feel of the whole development. In fact, one of the most used comparisons made by residents is to a prison. ('Cell Block H' has been often referred to.)

Of particular concern is the height of the blocks. It is unfortunate that, as the NAG suspected, the six-storey Church Lukas/Omni development on Radmarsh Road, in effect has set a precedent which this application is using. We point out that there is a significant difference between the location of the two developments: the Church Lukas/Omni building basically lies alongside Radmarsh Road and, as such, will have little visual impact when viewed from Derby Road. This is certainly not the case with the present proposal: to varying degrees all the blocks in the Unite development will have a strong visual impact on the street scene on Derby Road, as well as on Radmarsh Road itself, and of course on the Jubilee Campus itself.

Of particular concern to the NAG is that the six storey height at the back of the development, rather than open up the Jubilee Campus and the River Leen and extend the parkland nature of the campus to Derby Road, produces a visual and physical barrier which keeps the Jubilee Campus very much at a distance. It will not encourage the general public to take advantage of the access along the western side of the development to the 'Riverside Walk' and the open areas shown on the Illustrative Masterplan. In fact, since the car showroom presently occupied by Jaguar will remain, and bearing in mind the height and proximity of the western side of the development, plus the high metal fencing and the gated entrance, there is very little to attract the public to use the access to the River Leen. In fact it seems relatively evident that there is little other than paper attention to the 'wider community', with a focus is very much on students and student access to these features.

As important as the materials and massing are, the planting in and around the site are also important as they should be designed to provide relief from the presence of accommodation blocks. There are some aspects of the planting typology which, if they are successfully implemented and maintained, will be a very welcome improvement on what is on the site now. Particularly welcome is the inclusion on the west side of the River Leen of an area of native shrub planting. However, and we do appreciate the horticultural challenges presented by the site, it is regrettable that so many of the trees, particularly those that will be visible from Derby Road, as fine as they undoubtedly will be, are not native to this country. Neither are they associated with attractive displays of blossom or (with the notable exception of the birches) the winter displays afforded by their bark. Although details are not given about the planting in the courtyards, it is to be hoped that, again, there will be emphasis on plants which are attractive to bees and other insects, as well as being capable of thriving in difficult locations. Some attention would also be welcome to attracting birds, and even bats, to the area with the provision of, for example, nesting boxes.

The final comment in this part of the NAG response to the application is that, as Unite and colleagues were told on more than one occasion, the design, materials and especially the massing would not be out of place in parts of the city centre and along the NET route, for example, but that they have no place whatsoever in a predominantly residential-cum-parkland setting. It is regrettable that the Design Review Panel has not recognised this and is, in effect, endorsing a development where the pedestrian design and the massing will be doing nothing to enhance the local identity, and are so obviously detrimental to the character and appearance of a significant location on a major and very attractive arterial route into Nottingham.

**G. The Student Experience.** Although there has been some consideration given to the provision of PBSA for postgraduate students (e.g. Graystacks/Castle Boulevard), the overwhelming demand for this type of accommodation is by UK domiciled full-time students

(predominantly first-year undergraduates), although PBSA is also attractive to overseas students. Section 4.2 of the Knight Frank Nottingham Demand Study presents an analysis of the satisfaction of students with PBSA and their preferences. The 2019 Knight Frank/UCAS Student Accommodation Survey shows that in Nottingham the level of satisfaction with PBSA is 89% compared to 87% for students living in the private rented sector. Also, the survey reports that when looking specifically at property types across the UK, those students living in cluster flats, or in shared houses (HMOs) reported that they were happier than those living in single-occupancy studio apartments, or alone.

It is worth commenting on these data at this point since they have a fundamental bearing on the validity of the argument put forward in the Unite application that the PBSA on Derby Road will reduce local demand for accommodation in HMOs, something that residents believe is crucial if there is any hope of realising the ambition to restore balance and sustainability and community cohesion to their neighbourhoods. The differences in the numbers highlighted are barely significant. Also, it is not surprising that, with some exceptions, students are happier in groups rather than living alone. What is not evident from the data is that students will willingly want to occupy PBSA beyond their first year, especially if the friends they have made in the first year, particularly those on the same study courses or who share similar interests, decide to move out of PBSA and into an HMO (with a lower rental and with what is perceived to be more freedom): in this instance more than likely an HMO in the immediate area, i.e. Lenton.

The Unite design is fundamentally identical to the majority of the PBSA that was already in place 20 years ago. There are improvements, but the question is whether they are significant enough to provide first-year UK students with an experience that overcomes the institutional nature of PBSA, the substantial rental differences, and the appeal of the 'freedom' of living in HMOs. On the ground experience shows that, by and large, returning students have a clear social and financial preference for living in groups in student 'homes' as opposed to cluster flats or Halls of Residence. Therefore, as long as there is an increasing supply of first year undergraduate students (which is likely if only because we are now at the beginning of a demographic upturn in that cohort) and as long as there is no requirement for them to remain in PBSA/Halls of Residence when they return at the beginning of their second and subsequent years, the PBSA proposed in the Unite application will of course contribute towards the requirement for first-year undergraduate accommodation.

Whether its design will fulfil the conditions the NAG put forward in its initial Point 5 (i.e. encourage individuals and different groups of students to socialise with a mix of students reading different subjects, from different socio-economic groups, different nationalities and cultures, etc. In other words (i) counter-act the danger of ghettoisation with the residents having little or no experience of the world outside the immediate interactions and requirements of the courses they are following; (ii) provide for the mental as well as physical welfare of the residents and broaden their experience of 'adult' life and responsibilities) is debatable.

**H. Adaptability.** Although the application claims that the design means that the buildings can be rejigged to provide apartments for non-student residents, it is difficult to visualise this

### Further Remarks

We begin by referring to the comments made by Council David Trimble when the Planning Committee discussed the Church Lukas/Omni application (19/02325/PFUL3) since they are even more relevant now. We support them, we reiterate them:

(i) The student population in the City is concentrated heavily in the Lenton area, and this leads to significant issues for the local communities. Students can create a great deal of noise and disruption late at night and early in the morning. The Council's Anti-Social Behaviour team is in the area frequently and 1353 Community Protection Notices were issued in the last year,

with 1124 street alcohol confiscations carried out – with most incidents occurring in a very narrow period of time;

(ii) In addition to problems in the street, anti-social student behaviour can also lead to problems on the buses [and on the NET system], and night-time disturbance for local pupils at the neighbourhood schools – particularly during examination periods. Increasing student numbers exacerbates the existing shortage of street parking for other residents – although students are not allowed to bring private cars to their accommodation, they do so and there is nothing to prevent them;

(iii) The student population in Lenton is already high, but more developments are in the pipeline for further student accommodation in the area. The existing level has already created a significant community imbalance and is detrimental to local residential communities, who oppose the construction of additional student accommodation in their area.

We also remark that this application on this site has highlighted a contradiction between different, but relevant, Nottingham City Council planning policies. Policy HO6 states that in assessing the impact of a development on local objectives to create or maintain sustainable, inclusive and mixed communities, regard will be given to the existing proportion of HMOs and/or other student households and whether the proportion of existing and proposed development amounts to a significant concentration. However, it qualifies this by excluding from the assessment PBSA in areas identified in Policy HO5, which include university campuses. In this case, the proposed development will undermine the local objectives to create or maintain sustainable, inclusive and mixed communities even though it is technically (since it is not owned by Nottingham University) within the area which the Jubilee Campus Development Brief identifies as being within the extended campus boundary.

In addition, we express concerns about the Council's strategic approach to provision of student accommodation in the city. There is no argument that the trend for both universities to increase their student intakes has continued to grow and that the provision of new PBSA (predominantly by private developers and investors) has barely kept up with the demand, predominantly by first year students and some overseas student. So, it would be foolish to say that there is no need for more PBSA. However, what has to be questioned is whether this strategic approach is viable in a set of circumstances where, regardless of the location of the PBSA, additional supply of bed spaces is continually negated by the increase in student population, bearing in mind the rule of thumb calculation that every additional first year undergraduate student will mean that over the period of their degree course they will require the provision of three bed spaces. It does very much appear that the Council's primary concern is to provide ever increasing amounts of student accommodation in PBSA, even if that accommodation, when unsuitably located, further exacerbates existing over-concentrations of students, reinforces imbalance, loss of community facilities, loss of community cohesion in areas like Lenton, and does nothing to return HMOs to family use.

We note that, although a recent Planning Appeal decision at 3 Triumph Road casts doubt on the designation in the Development Brief of the application site for 'mixed use', and clearly Inspectorate decisions carry significant weight, it is a well-established fact that these decisions do vary and that, in addition, the decision on 3 Triumph Road was made before the Planning Committee approved the Church Lukas/Omni development, and before the Unite application was submitted.

Unfortunately, we also feel that we must draw attention to the background to this application.

Unipol and the NAG facilitated a U-NAG open meeting on 21 February 2019, the notes of which are available on request and also on the NAG website (<http://www.nottinghamaction.org.uk>). At that meeting Paul Seddon, Nottingham City Council Director of Planning & Regeneration, responding to questions about purpose built accommodation suggested, for the first time, that, in relation to Lenton, there was a case for

locating purpose built student accommodation (PBSA) [in Lenton] in order for it to be attractive to Nottingham University students, with clear reference to the site on Derby Road designated as part of a 'mixed use' area in the Jubilee Campus Development Brief of 2004. At the same time it was pointed out that, because of excellent public transport links, the area around Nottingham Station [and along the NET Line 2 via the QMC to Beeston and Chilwell] was a possible/preferable location.

According to documentation submitted by Unite as part of this application, representatives from Unite had met with Nottingham City Council's planning officers shortly before the meeting to discuss a proposal to locate PBSA on the site. It needs to be pointed out that, prior to the U-NAG meeting, no mention had been made to representatives of the NAG, or indeed any of the local residents' associations despite relatively regular contact between these groups and Nottingham City Council's Planning Department, of any intention to develop PBSA on this site. The first intimation of Unite's intentions was contained in an e-mail dated 7 July 2019 seeking a meeting with local 'key stakeholders' on 31 July 2019. On 12 August 2019. The Nottingham Post reported on plans by Unite to build a new 620-bed development of land on Derby Road occupied by the Jaguar-Lexus/Toyota car showrooms.

We cannot emphasise enough that was made abundantly and unequivocally clear to Unite's representatives at pre-application meetings with representatives from local residents' associations and the NAG, and during Unite's consultation drop-in that this application is not supported by far and away the majority of residents. This has also been made abundantly clear to Nottingham City Council's Planning Department, which was represented at the pre-application meetings mentioned above, as well as at a public meeting in February 2020 arranged by Lenton & Wollaton East Ward councillors. It is also abundantly clear from the documentation presented with the application that Unite has fundamentally ignored the concerns of residents both in respect of the principle of what is being proposed, and in the design, massing and materials put forward. In other words, the 'consultation' process has been merely yet another box-ticking exercise and, therefore, a sham – and a shame.

**[Note:** The measures introduced by the Covid-19 pandemic prevented a further residents' meeting, facilitated by the NAG, the Lenton Drives & Neighbours RA and the Wollaton Park RA, from taking place in March 2020, meaning that residents have not be able to discuss in detail the specifics of the Unite application, the questionable validity of the basis on which the application is founded, and its potential implications for residents living in neighbourhoods in Lenton & Wollaton East Ward.]

## **Conclusion**

We reiterate that the NAG continues to support the principle of purpose built student accommodation as a part of the toolkit needed to address the problems that result from studentification. But, PBSA is only a part of that toolkit and, as long as Nottingham's universities continue to expand their student numbers and continue to rely on Nottingham to supply more and more accommodation for those students, PBSA can never be a solution in itself.

That having been said, we are mindful of, and do not contest, the benefits that the universities bring to Nottingham. However, these must always be weighed against their negative impact on the neighbourhoods which host their students, their role in the continuing loss of good quality family housing, the demands put on increasingly limited Council and Police resources, the loss of Council Tax revenue, as well as on the wisdom of the increasing reliance of the city on the universities, their business and their spin-offs.

In dealing with this application, the NAG has sought to analyse some 70+ documents and to distil their contents in such a way that we are able to at least try and come to a sensible and logical conclusion.

We have measured the application against the six criteria listed at the beginning of this document and we have concluded that the application fails to satisfy even one of them. Therefore, we have no hesitation in opposing this application in its entirety, and in the belief that, in doing so, we reflect the views of the overwhelming majority of residents who live in Lenton and in the Wollaton Park/Wollaton Park Estate area.

We urge Nottingham City Council to dismiss this application in its entirety.

**Nottingham Action Group on HMOs**

**8 April 2020**

## **Additional Comments by the Nottingham Action Group on HMOs (NAG)**

### **Subsequent to Revisions to Planning Application 20/00141/PFUL3:**

#### **406 & 408 Derby Road & Radmarsh Road**

The NAG has already made substantial and substantive comments about this application. In order to ensure that these, earlier, comments are not overlooked, and because they remain as valid now as they were when first submitted, if not more so, they have been included as an appendix to this representation. Therefore, the aim of these additional comments is to reinforce and update those observations made earlier in the appendix.

**1. Balance & Sustainability.** The NAG notes that the revised application includes an increase in the number of bed spaces from the 620 mentioned in an article in the Nottingham Post (12 August 2019), via the 690 bed spaces in the previous iteration of this application, to the 700 bed spaces in this current iteration of the scheme.

This ‘creep’ in the number of bed spaces must be viewed alongside the other, existing, 484 bed Unite development on Radmarsh Road, the approved, subject to a Section 106 Agreement, 222-bed PBSA on Radmarsh Road (19/02325/PFUL3), and the approved outline application at 3 Triumph Road (19/02581/POUT), initially for 204 student bed spaces, but then increased to 220 bed spaces. This latter application is also subject to bed space creep with a current application (20/02228/PVAR3) including another proposed increase in bed spaces to 270. Assuming there is no further ‘creep’, the projected number of new student bed spaces envisaged for this small area is 1,192, well on the way to three times the number of bed spaces in the in situ Unite development.

Of interest is the reference in the revised planning statement (Sections 3.4 and 3.6) to planning permission given for an application ‘located in close proximity to the site’ (19/01998/PFUL3) for a 703 bed space PBSA at Deakins Place off Ilkeston Road. First is the fact that the Deakins Place application site is not in ‘close proximity’ to the Unite application site, and at a location that is totally different in context and surroundings from that of the Derby Road site. Therefore, it is dubious, to say the least, whether the granting of planning permission at the Deakins Place site can be used, as the planning statement infers, as support for the Unite application. Indeed, we consider it has no relevance whatsoever to the present discussions and shows, if anything, how remote, uninformed and lacking in any on-the-ground knowledge and appreciation of the locality Unite and its agents are.

Returning to the question of the impact of this application on the balance and sustainability of this application, we emphasise again the imbalance in the local communities – very heavily weighted towards transient (non-Council Tax paying) student-occupation and with a range of amenities equally heavily weighted towards the student population – features which are well documented as being detrimental to the well-being of the long-term resident population and inimical to its future survival, let alone its future growth and development.

In particular, we draw attention to the many occasions, both public and private, that Nottingham City Council has stated that the prime objective behind the development of PBSA is to return to C3 (family homes) use properties which have been converted into student occupied C4 and sui generis use. Unfortunately, there is no substantive evidence for this despite the amount of PBSA that the Council has and continues to encourage. Instead, what has happened is that the increasing amount of PBSA has merely provided accommodation for an every-increasing expansion in student numbers by both universities with scant, if any genuine, concern for the impact on the local populations. In

the case of Nottingham University this is emphasised by the fact that the university has written to support the Unite application whilst continuing to ignore pressing need for it to begin the development of substantial student accommodation on its own land on the Jubilee Campus on the former tobacco warehouse site alongside Ilkeston Road and definitely in close proximity to existing PBSA as well as the Deakins Place development and student amenities. In this respect, the Council's policies with respect to student accommodation, well intentioned as they originally were, have failed and continue to fail and, in doing so, fail the established, long-term residential populations which support so much of the social fabric of the neighbourhoods in which they exist, as well as continuing to provide fiscal support to the city itself.

For this reason alone, the Unite application must be considered in more than its immediate context and in the light of the precedent that it is more than likely to set, especially when the future of that part of the site which remains as a car dealership is examined, or indeed that of the remaining industrial/business units on the north side of the River Leen. All are clearly potential targets for future re-development as yet more PBSA.

**2. Design, Massing & Other Considerations.** The major part of the changes made by the applicants to the original proposal are an attempt to address technical problems associated with the difficulties that arise from the siting of the proposed building on the River Leen's flood plain and flood risk and to satisfy Environment Agency considerations with respect to this. The NAG, although it does not have the necessary expertise to be able to make informed comments on this, notes that the changes proposed by the applicants largely mimic those outlined in an application on Radmarsh Road for a 222-bed purpose built student accommodation (PBSA) development (19/02325/PFUL3) which received approval (subject to a Section 106 Agreement) in December 2019.

Other changes are largely cosmetic in nature and in practice do little or nothing to address the concerns the NAG expressed previously about the pedestrian and uninspiring design, the materials and, especially, the massing of the proposed development and its clear lack of respect for the immediate, Derby Road, local street scene.

This latter is exemplified by the fact that the applicants continue to refer to the predominantly residential area along Derby Road south of the site as consisting of 'a number of semidetached and terraced residential properties'. In fact, the area bounded by Derby Road, Gregory Street and the Lenton Gardens Estate/Arnesby Road includes a significant number of detached, as well as semi-detached properties, and the only 'terraced' properties are in fact a small group of townhouses immediately opposite the Three Wheatsheaves public house. The applicants have also, conveniently, ignored the William Woodsend Homes next to Fanum House on the corner of Triumph Road and Derby Road (though they do refer to Fanum House itself, as well as Lenton Lodge – both, along with the Three Wheatsheaves, the William Woodsend Homes and the Rose & Crown public house considered by Nottingham City Council to be sufficiently important parts of the local street scene to be protected as part of the Jubilee Campus Master Plan – elsewhere in their application) and to the substantial residential properties located on Hillside and on both sides of Derby Road from Hillside to the QMC roundabout.

It remains our contention that, as it stands, the design, and the massing, especially the extension of the frontage well beyond that of the existing building at the corner of Radmarsh Road and Derby Road, continue to be unsympathetic to the street scene on Derby Road, and therefore, since Derby Road is a major route into and out of the city centre, do not enhance the positive impact that should be present on this gateway into Nottingham. Probably the most succinct and highly relevant response to the design was that of local residents who labelled the development as 'another Cell

Block H'. Therefore, the question Nottingham City Council needs to ask itself is whether it is content to endorse this Cell Block H development or whether it is prepared to insist on a design which is sympathetic to the local street scene, exhibits a standard of design that adds value, and provides a significant and lasting contribution to its predominantly residential and parkland surrounds?

An additional point to make is the fact that not only does the Unite application do little more than pay lip service to the 'mixed-use' designation of that site, but it has nothing within its design to provide the flexibility of long-term use which might have enabled it to respond in a useful manner to future changing needs.

In summary, the Unite application is an 'oven ready' proposal designed to exploit a ready market in an area which does not need more student accommodation to exacerbate the already substantial over-concentration of students and the stress this has placed on local permanent residents and their amenity and social needs. With little or no likelihood that it will lessen pressure on local 'family housing' and enable, let alone hasten, the return of HMOs (C4 and sui generis) in the locality to C3 use, it furthermore does nothing to remedy Nottingham's need to provide good quality housing which will help to retain the educated workforce that the city looks to the universities to provide it with. As we did previously, the Nottingham Action Group on HMOs urges Nottingham City Council to reject this application outright.

Nottingham Action Group on HMOs



**Wards Affected:** Wollaton West (May 2019)

**Item No:**

**Planning Committee  
17 March 2021**

## **Report of Director of Planning and Regeneration**

**Wollaton House, 43 Radford Bridge Road**

### **1 Summary**

Application No: 20/00563/PVAR3

Application by: Mr Rehmat Khan

Proposal: Variation of condition 2 of planning permission reference 12/01800/PVAR3. Variations of Hours of Use to 6:30 to 23:00 (subject to seasonal variation) and 09:00 to 21:00 hours daily, excluding Ramadan (with 6:30 to 09:00am and 21:00 to 23:00 being for prayer only)

The application is brought to due to the significant level of public interest.

To meet the Council's Performance Targets this application should have been determined by 29th June 2020

### **2 Recommendations**

(a) **GRANT A TEMPORARY ONE YEAR PLANNING PERMISSION** subject to the conditions listed in the draft decision notice at the end of this report.

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

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

### **3 Background**

- 3.1 This application was reported to the 22<sup>nd</sup> July 2020 Planning Committee meeting where members resolved to defer consideration of the application pending resolution of issues relating to the use of an extension at the property and the approval of a travel and car park management plan.
- 3.2 A site visit by officers has confirmed its use solely for storage purposes. The matter is now considered to be resolved.
- 3.3 The applicant has submitted a revised travel plan which Highways consider to be acceptable. Condition 1 of the original consent (12/01800/PVAR3) has therefore been discharged.
- 3.4 The current application is therefore brought back to Committee for determination.

## **Site and Surroundings**

- 3.5 Wollaton House is a large two storey property that has a central glazed link joining what were originally two separate buildings. The property, formerly a Council owned children's home, is residential in appearance with the front elevation being brick at ground floor and white render at first floor. To the front of the building, accessed off Radford Bridge Road is a car park containing approximately 20 marked out spaces. The building has been used as learning and prayer centre since approximately March 2012.
- 3.6 The surrounding area is primarily residential although there are some industrial premises to the south and the Crown Public House is situated adjacent to the junction with Radford Bridge Road and Wollaton Road (Crown Island). To the north west of the site is a playground which is accessed via a footpath that connects with Radford Bridge Road to the immediate north of the application site and links through to Seaford Avenue.
- 3.7 Radford Bridge Road is the sole vehicular access serving Charlbury Road, Peppercorn Gardens, Marsant Close, Lambie Close, the Westhay Court residential complex and the Loach Court industrial units.

## **Recent Planning History**

- 3.8 In June 2011 planning permission (11/00083/PFUL3) was granted to use the site as a learning and prayer centre on a temporary basis expiring on 30 June 2012. The condition restricting the permission to one year only was imposed to allow an opportunity to observe the operations of the centre and to assess the impact in highway terms and on residential amenity. Conditions were also imposed restricting hours of operation (09.00-21.00 Monday-Friday & 10.00-20.00 Saturday & Sunday) and requiring that the site shall be used solely as a learning and prayer centre with ancillary accommodation, to prevent a permitted development change to other uses within Use Class D1. Further conditions relating to landscaping/boundary treatment and the provision of parking spaces were also imposed.
- 3.9 In May 2013 planning permission was granted (12/01800/PVAR3) to remove condition 1 of the previous planning permission allow permanent use of the site as a learning and prayer centre. The condition restricting hours of operation on the original permission was replaced with a condition that exempted the Ramadan period from restriction and also brings the hours of use at the weekend in line with the hours permitted during the week, namely 09.00-21.00. A travel and car park management plan was also conditioned that sets out the management procedures for car parking, including the use of parking marshals. Finally monies were secured, through the completion of a Section 106 Agreement, to cover the cost of a Traffic Regulation Order to increase the extent of the double yellow lines to improve the flow of traffic at the junction of Radford Bridge Road with the Crown Island.
- 3.10 In July 2017 planning permission was granted (17/00982/PFUL3) for a single storey side extension, to provide ancillary residential accommodation.
- 3.11 In August 2017 planning permission was granted (17/01595/PFUL3) for the retention of a detached single storey outbuilding.
- 3.12 In 2018 a planning application (18/02406/PVAR3) was submitted to extend the hours of opening from 4:00am (subject to seasonal variation) to 11pm daily, with

the exception of the Ramadan period. This application was subsequently withdrawn.

#### **4 Details of the proposal**

- 4.1 The application seeks to vary condition 2 of planning permission ref: 12/01800/PVAR3 relating the opening hours of the Centre, which are currently as follows:

“With the exception of the Ramadan period the learning and prayer centre use hereby permitted shall not be open to the public outside the hours of 09.00 hours - 21.00 hours on any day.”

- 4.2 The Centre is seeking to extend the hours of opening from 6:30am to 11pm daily (subject to seasonal variation), with the exception of the Ramadan period.
- 4.3 The extended opening hours would allow the Centre to open for morning prayer during the winter months only, which is one of the five obligatory daily prayers for the Muslim faith. Morning Prayer has to be prayed 15 minutes before sunrise and lasts half an hour. As the time for sunrise changes throughout the year so does the timing of the morning prayer. As a general guide, the seasonal timings for prayer would be as follows:

January	7.00am – 9:00pm
February	6.30am – 9:00pm
March	9.00am – 11.00pm
April	9.00am – 11.00pm
May	9.00am – 11.00pm
June	9.00am – 11.00pm
July	9.00am – 11.00pm
August	9.00am – 11.00pm
September	9.00am – 11.00pm
October	6.30am – 11.00pm
November	6.30am – 9:00pm
December	7.00am – 9:00pm

At the earliest the Centre would open in the mornings at 6.30am in February, October and November, and at 7.00am in January and December for early prayer. The Centre have made the decision not to seek extended hours to open for morning prayer during the summer months, which would have involved a 4.00am opening to correspond to morning prayer. The Centre would open 15 minutes before prayer and then close afterwards, re-opening for general use at at 9am. The number of people attending morning prayer is not expected to exceed 7/8 people.

- 4.4 The last prayer of the day takes place 2 hours after sunset. For four months of the year when daylight hours are shorter the last prayer would take place before 9pm, the current closing time of the Centre. However, for the remaining 8 months of the year (March to October) the closing time of the Centre is proposed to be extended until 11pm, to allow the last prayer to take place. During this 8 month period a further prayer would take place at 9.30pm, followed by the final prayer at 10:30pm. The Centre would stay open between the two prayers to allow people to stay, attend both prayers and to engage in private study or prayer. The number of people to attend the two final prayers is not expected to exceed 12 people.

## 5 Consultations and observations of other officers

### Adjoining occupiers consulted:

104 neighbouring properties have been individually notified including residents on Radford Bridge Road, Seaford Avenue and Westhay Court.

25 objections have been received from local residents. The following concerns are summarised below:

- Many residents have confirmed that their objections have not changed since the 2018 application (which was withdrawn not refused) to extend the opening hours of the Centre. The Covid 19 lockdown period, when the Centre has been closed, has confirmed the impact the footfall, noise and parking has on local residents lives.
- Residents have stated that the Centre have never complied with the approved opening times. This has resulted in several issues including noise from loud prayers, due to the windows being left open, car engines, slamming car doors, people holding conversations on the street and in the car park (especially late at night), traffic, on street parking, air pollution and health impact on the nearest neighbours. The Centre's breaches in their opening times have been reported to both the Planning Department and EHSP for the last 8 years since planning permission was granted and residents are concerned that no action has been taken. They consider that enforcement action should have been taken rather than allowing them to submit a further application to extend their opening times.
- There are concerns that the extension of the Centre's opening time would lead to increased noise disturbance resulting from cars dropping off/picking up and parking, together with general noise disturbance from people entering and leaving the Centre and holding conversations in the car park or on the street. This would take place at what are seen as unsociable hours in the early morning and late evening, leading to unreasonable disturbance to local residents on the surrounding streets and would impact on resident's health due to disrupted sleep. This already takes place during the Ramadan period.
- Residents are sceptical about the estimated number of people attending the morning and late prayers and that the proposed opening times would be respected given lack of compliance with current opening times since the Centre opened. One resident states that in July 2019, 18 cars were parked in the car park at 8:45pm and some of them were still there after 10:30pm with the drivers holding a conversation in the car park. A further photograph taken at 9:14 pm in August 2019 shows more than 12 people in the car park and exiting the building.
- Residents have further highlighted that the last planning permission for the storage building have not been complied with. They state that the building was constructed without planning permission and was physically attached to the main building. The planning permission required the building to be converted to a detached building. This has not occurred.
- The Centre attracts large numbers of people by car but is considered by residents to have inadequate parking facilities. This has resulted in the surrounding residential streets being used for parking, including Seaford Avenue (located on the opposite side of the park to the rear of the Centre). They state that on street parking has blocked residents drives, cars are parked on the pavement and double parking has restricted access along

surrounding narrow streets. The number of people attending the Centre also causes congestion problems at the junction of Radford Bridge Road onto the Crown island. There is concern that any further extension of the opening times of the Centre would exacerbate existing parking and traffic problems on surrounding streets. Traffic congestion and parking problems are considered to be particularly bad for the Friday lunchtime prayer and during Ramadan.

- Some residents have stated that monitoring of the current parking issues has not taken place.
- One resident has stated that as with any community centre, hours of opening should be controlled so as not to disturb residents. The centre was granted planning permission despite large numbers of objections from local residents who raised concerns about levels of activity and noise, conditions regarding its hours of use were accepted as part of that approval. They state that there has been consistent problems with noise and activity from this centre since it opened which the management seem unable to control. Noise notices outside the centre's entrance, where people congregate are an indicator of on-going noise problems, they feel that this is not satisfactory and an extension of operating times to late evenings and early mornings would only cause further problems. They are concerned that the Centre's informal commitments and management of noise and traffic issues cannot be guaranteed and only planning conditions, limiting hours of use, are able to balance the issue of protecting nearby residents amenity.
- One local resident suffers from light pollution caused by the Centre's security light. Any extension of hours of use would exacerbate its use.
- Concern that a ward councillor and a councillor who sits on Planning Committee are connected to the Centre, a clear conflict of interest, in their opinion.
- 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.

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

- Increased traffic and problems entering and leaving Radford Bridge Road.
- Increased noise disturbance to local residents from cars and people entering and leaving the car park and locking/unlocking the main entrance gate at

unsociable hours. Residents mention the parking problems experienced on Friday lunch times when the main prayer takes places.

- Noise disturbance from the Muslim centre itself, due to windows being left open.
- Poorly parked cars obstructing Radford Bridge Road, making access to properties, customers visiting businesses and emergency services more difficult.
- Increased litter.
- Increased air pollution.
- The impact increased noise disturbance at unsociable hours would have on families and the elderly in the area.

In addition to a petition of support, 24 letters of support for the Centre to incorporate early morning and evening prayer have been received. The applicant has requested that a petition of support submitted with the 2018 also be taken into account. They are local residents who regularly attend the Centre and consider it to be a valuable community asset. One resident points out that the Crown Public House at the end of Radford Bridge Road is open past 11 pm and has a greater impact on noise and general disturbance than the Centre. Another resident states that the restriction in the number of prayers being offered has a negative impact on the local Muslim Community. To their knowledge no other mosque in Nottingham has restricted opening times. Reference is made to the problems associated with the previous use of Wollaton House as a children's home and it is their opinion that the current Centre causes less disruption and problems to the local community.

#### **Additional consultation letters sent to:**

**Environmental Health and Safer Places (EHSP):** Objection. EHSP have recommended that the application be refused. Radford Bridge Road is considered to be a residential street with residential properties surrounding it. They consider that the use of the Centre outside the currently permitted opening time would give rise to noise nuisance from people coming and going. EHSP has received historic complaints relating to the use of the Centre outside the permitted opening times during the Ramadan period. They consider that such disturbances would be more frequent if the requested extension of opening times be permitted. They consider that the current operating times of 9am to 9pm already represent a reasonable compromise between the interests of the applicant and the other residents, especially when the concession of extended opening times during Ramadan is considered.

**Highways:** No objections.

## **6 Relevant policies and guidance**

### **National Planning Policy Framework (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.

Criteria f of Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of

crime, do not undermine the quality of life or community cohesion and resilience.

### **Aligned Core Strategies (ACS) (September 2014)**

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

### **Land and Planning Policies (LAPP) (January 2020)**

Policy DE1: Building Design and Use

Policy IN2: Land Contamination, Instability and Pollution

Policy TR1: Parking and Travel Planning

## **7. Appraisal of proposed development**

### **Main Issues**

- i) Impact on Residential Amenity**
- ii) Highway Considerations**

- 7.1 The principle of the prayer and learning centre has been established by the previous planning permission, which at the time considered the issues of its impact on residential amenity and traffic/parking. The current proposal is seeking to extend the opening hours of the Centre for prayer only and the main issue to be considered concerns the impact the extension of opening hours would have on the local community in terms of noise and disturbance and potential traffic/parking issues.

### **i) Impact on Residential Amenity (Policy 10 of the ACS, Policies DE1 and IN2 of the LAPP)**

- 7.2 Policies 10 of the ACS and DE1 of the LAPP both seek to ensure that development would provide a satisfactory level of amenity for occupiers of neighbouring properties. In assessing this, consideration will be given to issues (amongst others) of noise, disturbance and nuisance. Policy IN1 of the Local Plan also seeks to resist development where air, noise or light pollution would cause significant detriment to users of the development or adjoining land, and seeks to ensure that the effects of pollution are minimised to an acceptable level, to avoid an adverse impact on health or quality of life.
- 7.3 In this instance the Centre is located within an area which is predominantly residential in character and is surrounded by residential properties. There are other businesses located further to the south on Radford Bridge Road but the immediate context of the Centre is a typical suburban street. In such a residential context the type of low level noise and disturbance associated with the operation of the Centre has the potential to have a detrimental impact on immediate residents in the early morning, late evening and at weekends, when back ground noise levels and traffic are largely at their lowest.
- 7.4 In this instance the religious needs of the local Muslim community need to be balanced against potential impact on the amenities of neighbouring residents.



- 7.5 It is evident that the Centre continues to cause problems for neighbours in terms of noise, parking and general disturbance from people entering and leaving the centre by car and on foot. Of particular concern to residents has been the opening of the Centre outside of its permitted opening times and the resulting impact on their amenities, health and quality of life. Some of the concerns of neighbours cannot be controlled by the planning system (in particular noise/disturbance from the street) but are a consequence of the Centre.
- 7.6 The Planning Enforcement Team and Environmental Health and Safer Places (EHSP) have periodically received complaints regarding the Centre since the original permission in 2012. Complaints from residents have related to the following:
- the Centre being open as late as 11pm for prayer.
  - noise disturbance resulting from the use of an amplified sound system for prayers and the windows being open, sometimes late in the evening and as a result of late prayers during the Ramadan period.
  - Noise and general disturbance from use of the car park ie. car engines running and car doors opening/closing and from people entering and leaving the Centre and loudly talking in the car park and on the street.
- 7.7 Enforcement investigations and several meetings have been held with representatives of the Centre, firstly to require the Centre not to open outside its permitted opening times and also concerning their request to seek planning permission for extended opening times. The previous 2018 application was withdrawn as a result of these discussions.
- 7.8 EHSP as a statutory consultee have recommended refusal of the current application to extend the opening times of the Centre. This is not only based on historic allegations of noise and general disturbance at the Centre, but is also based on their professional experience of dealing with all complaints relating to noise as a statutory nuisance. The EHSP team has a strategic approach aimed at protecting the amenity of residential areas and preventing nuisance at the planning application stage, as attempting to respond to complaints afterwards can be problematic.
- 7.9 The previous 2012 planning permission was granted against a background of considerable local concern about the impact of the Centre on traffic and noise. The approved opening times of 9am to 9pm, with the concession of the Ramadan period, were considered by EHSP to be a reasonable compromise whilst protecting the amenities of surrounding residents.
- 7.10 In light of continuing complaints from local residents and the objections raised by EHSP, the previous 2018 planning application to extend the hours of opening to between 4:00am and 11pm was withdrawn by the applicant, due to concerns relating to the impact on the amenities of local residents, particularly at the early hour of 4.00am in the morning.
- 7.11 The current application seeks permission for the Centre to operate from 6.30am to 11pm (with seasonal variation), but for prayer only outside of the core hours of 9am to 9pm. In light of previous concerns the Centre are only seeking permission to open for the early prayer during the winter months of October to February, when sunrise is later. They do not now seek to open in the more contentious summer months when sunrise is at 4:00am. As with the previous 2018 application they still

wish to extend evening opening times to allow worshippers to attend the last prayer at sunset, which would result in the Centre being open for prayer up to 11.00pm for 8 months of the year between March and October. The last prayer is for 15 minutes and would be concluded at 10:45pm. The extension to 11:00pm would allow worshippers to vacate the Centre.

- 7.12 It is acknowledged that the Centre has responded to concerns regarding their previously proposed opening hours and despite residents' concerns, the number of people likely to attend the early and late prayers would be relatively low, as suggested, with greater attendance and activity during the core hours of 9am to 9pm. At these earlier times worshipper's vehicles would also be accommodated within the Centre's car park. It is also recognised that the proposed extended hours would not be all year round, with seasonal variation dictating that the earlier opening for prayer would only be during the winter months, with the exception of Ramadan. The proposed extended hours would generally reflect those of other non-residential uses located within primarily residential areas throughout the city.
- 7.13 The history of the Centre breaching its hours of use and the noise complaints received from local residents must however also be acknowledged and given weight.
- 7.14 It is therefore recommended that the Centre be granted a temporary one year planning permission for the proposed extended hours of opening, expiring on the 31<sup>st</sup> July 2021. This would give the Centre an opportunity to demonstrate that they can manage the comings and goings of worshippers and other attendees to the hours proposed, but also give the City Council and residents the opportunity to monitor the situation.
- 7.15 It is not proposed to restrict the numbers of people attending early and evening. 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.
- 7.16 On balance and subject to the above restrictive condition for a temporary one year period, it is considered that the proposal would accord with Policy 10 of the Aligned Core Strategy and Policies DE1 and IN2 of the Local Plan.

**ii) Highways Considerations (Policy 14 of the Aligned Core Strategy, and Policy TR1 of the Local Plan)**

- 7.17 Problems concerning traffic congestion and on-street parking during assessment of the 2011 and 2012 planning applications were largely related to the comparatively short period of time associated with Friday afternoon prayer. Whilst this continues to generate a significant number of cars and brings the potential for periodic conflict, the applicant had taken steps to manage the situation during peak usage. Given the low level of activity associated with the proposed extension to the opening hours, it is not considered that this would have any material impact on the matters of traffic congestion and on-street parking. Highways have raised no objections to the extended opening times of the Centre on the grounds of highway safety.

## **Other matters**

7.18 A response to the comments from local residents, not covered in the main appraisal section of this reports are set out below:

- 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 E has been removed (see condition 4 of the draft decision notice).
- 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.

## **8. Sustainability / Biodiversity**

None.

## **9 Financial Implications**

None.

## **10 Legal Implications**

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

## **11 Equality and Diversity Implications**

The religious needs of the local Muslim community needs to be balanced against potential impact on the amenities of neighbouring residents.

## **12 Risk Management Issues**

None.

## **13 Strategic Priorities**

None.

**14 Crime and Disorder Act implications**

None.

**15 Value for money**

None.

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

1. Application No: 20/00563/PVAR3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6ZL2LLY01B00>

**17 Published documents referred to in compiling this report**

Aligned Core Strategies (2014)

Land and Planning Policies (2020)


**Contact Officer:**

Mrs Jo Bates, Case Officer, Development Management.

Email: [joanna.briggs@nottinghamcity.gov.uk](mailto:joanna.briggs@nottinghamcity.gov.uk). Telephone: 0115 8764041



Key

 City Boundary

Description

No description provided

**My Ref:** 20/00563/PVAR3  
**Your Ref:**  
**Contact:** Mrs Jo Bates  
**Email:** development.management@nottinghamcity.gov.uk

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

Mr Rehmat Khan  
4 Ancaster Gardens  
Wollaton  
Nottingham  
NG8 1FR

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Date of decision:

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

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Application No: 20/00563/PVAR3  
Application by: Mr Rehmat Khan  
Location: Wollaton House, 43 Radford Bridge Road, Nottingham  
Proposal: Variation of condition 2 of planning permission reference 12/01800/PVAR3.  
Variations of Hours of Use to 6:30 to 23:00 (subject to seasonal variation) and  
09:00 to 21:00 hours daily, excluding Ramadan (with 6:30 to 0 9:00am and  
21:00 to 23:00 being for prayer only)

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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 hours of opening set out in condition 2 shall cease on or before 31st July 2021 and opening hours shall thereafter return to the hours of opening approved under planning reference 12/01800/PVAR3 unless upon subsequent application the Local Planning Authority grants a further permission.  <i>Reason: To allow further assessment of the impact of the extended hours of opening on the amenities of neighbouring residential properties and highway safety and in accordance with ACS Policies 10 and 14 of the Aligned Core Strategy and Policies DE1, IN2 and TR1 of the Nottingham Local Plan.</i>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
There are no conditions in this section.
<b>Pre-occupation conditions</b> (The conditions in this section must be complied with before the development is occupied)
There are no conditions in this section.



**DRAFT ONLY**  
**Not for issue**  
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**Regulatory/ongoing conditions**

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

2. With the exception of the period of Ramadan, the Learning and Prayer Centre shall not be open to the public outside the following hours:

January	7.00am - 9:00pm
February	6.30am - 9:00pm
March	9.00am - 11.00pm
April	9.00am - 11.00pm
May	9.00am - 11.00pm
June	9.00am - 11.00pm
July	9.00am - 11.00pm
August	9.00am - 11.00pm
September	9.00am - 11.00pm
October	6.30am - 11.00pm
November	6.30am - 9:00pm
December	7.00am - 9:00pm

Between the hours of 06:30am to 09:00am and 9:00pm and 11:30pm the Learning and Prayer Centre shall only be used for the purposes of prayer.

*Reason: To protect the residential amenities of the occupiers of surrounding properties in accordance with Policies DE1 and IN2 of the Nottingham Local Plan.*

3. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to "permitted development", the site shall not be used for any purpose other than as a learning and prayer centre with ancillary residential accommodation as described in the application, without the prior express permission of the Local Planning Authority.

*Reason: To protect the residential amenities of the occupiers of surrounding properties in accordance with Policies BE3 and H7 of the Nottingham 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 forms, drawings and other documents comprising the application as validated by the council on 4 May 2020.

*Reason: To determine the scope of this permission.*

**Informatives**

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

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

**DRAFT ONLY**  
**Not for issue**

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

**DRAFT ONLY**  
**Not for issue**

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## **RIGHTS OF APPEAL**

Application No: 20/00563/PVAR3

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

**DRAFT ONLY**  
**Not for issue**

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