



Nottingham City Council Planning Committee

Date: Wednesday, 22 July 2020

Time: 2.30 pm

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

Councillors are requested to attend the above meeting to transact the following business

Director for Legal and Governance

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

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes** 3 - 10
Of the meeting held 17 June 2020 (for confirmation)
- 4 Planning Applications : Reports of the Chief Planner**
 - a Land To South Of 106 Thoresby Road To 82 Appledore Avenue Nottingham** 11 - 44
 - b Wollaton House 43 Radford Bridge Road Nottingham NG8 1NB** 45 - 60
 - c Car Park South Side Traffic Street Nottingham** 61 - 84
- 5 Date of Next Meeting**
To note that the next meeting of the Planning Committee is proposed as 19 August 2020 and is likely to take place virtually, but this will be confirmed nearer the time.

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting

Citizens are advised that this meeting may be recorded by members of the public. Any recording or reporting on this meeting should take place in accordance with the Council's policy on recording and reporting on public meetings, which is available at www.nottinghamcity.gov.uk. Individuals intending to record the meeting are asked to notify the Governance Officer shown above in advance.

Nottingham City Council

Planning Committee

Minutes of the meeting held remotely via zoom and streamed to YouTube on 17 June 2020 from 2.34 pm - 4.02 pm

Membership

Present

Councillor Michael Edwards (Chair)
Councillor Graham Chapman (Vice Chair)
Councillor Leslie Ayoola (minutes 1-5)
Councillor Kevin Clarke
Councillor Maria Joannou
Councillor Gul Nawaz Khan
Councillor Pavlos Kotsonis
Councillor Sally Longford
Councillor Toby Neal
Councillor Lauren O`Grady
Councillor Ethan Radford
Councillor Mohammed Saghir (minutes 5-7)
Councillor Wendy Smith
Councillor Cate Woodward

Absent

Councillor AJ Matsiko
Councillor Audra Wynter

Colleagues, partners and others in attendance:

Paul Seddon	- Director of Planning and Regeneration
Rob Percival	- Area Planning Manager
Tamazin Wilson	- Solicitor
Nigel Turpin	- Heritage and Urban Design Manager
Lisa Guest	- Principal Officer, Highways
Catherine Ziane-Pryor	- Governance Officer

1 Apologies for Absence

Councillor Audra Wynter - other Council business
Councillor AJ Matsiko - work-related

2 Membership

Resolved to note that Councillor Maria Joannou has replaced Councillor Azad Choudhry.

3 Declarations of Interest

None.

4 Minutes

Minutes of the meeting held on 18 March 2020 were confirmed as a true record and will be signed by the Chair.

5 Planning Application - Land West of Arkwright Street. South of Crocus Street

Rob Percival, Area Planning Manager, introduced planning application number 19/02663/PFUL3, for planning permission for Cassidy Group (Arkwright Street) Limited and Sheriff Way Nottingham Limited to construct a Private Rented Sector (PRS) residential development consisting of 171 no. 1 bedroom units, 121 no. 2 bed units, and 27 studio units, with retail space, associated car parking, landscape, and associated infrastructure.

Planning permission was previously granted on the site by the Committee in January 2019 for a mixed residential development of student accommodation and PRS apartments. This is a new application for a wholly PRS apartment scheme submitted by a different developer. The applicant has responded to many of the points and concerns previously made and raised by the Committee.

Rob Percival delivered a presentation which included aerial plans, street level computer-generated images (CGIs) of each proposed elevation including the courtyard area, floor plans, massing model images and outline distance views of the scheme from different approaches and in context of existing historic assets and emerging landmarks. Comparison images were presented to illustrate how the current proposal compared to previously approved scheme and earlier versions of the application.

The following points were made by Rob Percival:

- a) the site is close to the railway station, tram stop, city bus services, and within easy walking distance of the City Centre. The development is in a regeneration area and promotes sustainable transport with the inclusion of electric vehicle charging points and cycle storage;
- b) consideration has been given to the impact on landmark historic assets and the relationship with new developments in the immediate area. The scale of the design is found to be appropriate;
- c) the addition of the tower and reduction in scale elsewhere is felt to be a positive design change when compared to the previous scheme and would provide an appropriately located landmark in the area;
- d) as set out in the update sheet, the discussion regarding Section 106 contribution is ongoing. The recommendation is amended to propose planning permission is granted subject to determination of the final details of the Planning Obligation being delegated to the Director of Planning Regeneration in consultation with the Chair, Vice-Chair, lead opposition member and ward Councillor AJ Matsiko. It is noted that an independent assessor has been engaged to assess the applicant's viability appraisal;
- e) details of heating/cooling and lighting for the proposed apartments is set out in the update sheet, which factor in the need to address predicted climate change;
- f) the Local Access Forum supports the improvements to cycle and pedestrian infrastructure within this area and for accessing the City Centre;
- g) if the scheme is approved, it will be subject to further discussion with the developers regarding design detail, the quality and colour of all building materials, including the

treatment of enclosures, landscaping and hard surfaced areas, as set out in the draft conditions, as amended in the update sheet. It is proposed that approval of the final details of the conditions be delegated to the Director of Planning and Regeneration.

The Chair emphasised the Council's determination to maximise the Planning Obligation contributions and supported strong negotiation in this regard.

Further comments and concerns from Committee members included:

- h) the provision of much needed Private Rented Sector accommodation is welcomed and the general principle of the building and overall design, including the mansards and amended detail to the corners and tower, is supported and generally considered to be an improvement on the previous scheme;
- i) ideally people should be encouraged to stay longer term in the City and not be transient so larger apartments will support this and appeal to longer term residency;
- j) the entrances need further enhancement, particularly on the corner of Arkwright Street ;
- k) clarity was sought on the maintenance responsibility for the public realm/landscaping facing the main entrance, along with the courtyard and landscaped frontages;
- l) care must be taken to ensure that the courtyard area is appropriately designed for long-term sustainability and use. Design details, including landscaping, are required for the courtyard and all external areas, including boundary treatments, and should incorporate elements of the City Council's environmental themes such as 'bee friendly' planting and suitable trees for shade and interest;
- m) the roof-top photovoltaic panels are welcomed but a commitment for this to be maximised is requested as this is a large area offering significant capacity;
- n) whilst the relatively low level car parking provision is welcomed, the proposal for only 9 electric vehicle charging points will not be adequate in the longer-term so it is requested that the infrastructure for an increased number of points is included in the initial build, enabling the number of charging points to be easily increased as necessary;
- o) appropriate cycle storage, including space for e-cycles (which are much larger than pedal bikes) with charging points, is required;
- p) the tower is an interesting form and improvements to its design, including a more regular fenestration pattern, is welcomed;
- q) improvements to the mansard roof are evident although it was questioned whether a further refinement could be made on the Arkwright Street frontage;
- r) the variegated nature of the bricks appears to be substantial in the presentation but members should be consulted with actual samples prior to determination, especially with regard to the potential for a lighter brick to be used within the courtyard;
- s) Committee members feel that the use of good quality and durable hard surfaced materials is vital and requires further discussion as part of a condition. There have been

issues on previous projects (unrelated to the applicants and not necessarily requiring planning permission) whereby paving has failed. Such issues must be avoided;

- t) the proposed boundary treatment is welcomed and confirmation that the illustrated design will be adopted would be welcomed, particularly as it prevents litter traps;
- u) with the expanse of large windows, concern was expressed that with differing interior design aspirations of tenants, without mirrored window glass, the occupied building may appear messy;
- v) it is a real concern that in a recent new development there are problems with too much heat on the top floor so further discussion on heating and cooling to ensure that the same or similar issues do not occur in this or future developments is necessary. It is important that heating and cooling management is appropriate, and excess heat doesn't enter the building in the first place as once the heat is in a building, it's difficult to extract, particularly for south facing apartments with no through-draft (there is reference to natural ventilation, but only marginal). Residents must be protected from excruciating summer heat and the open space provision must be appropriate as an area to escape to.

Rob Percival responded as follows:

- w) with regard to unit size and make up of units, all meet national space standards which have been re-enforced through the adoption of the Land and Planning Policy Document earlier in the year. The mix of 1 and 2 bedroom apartments is as expected for a development of this type and in this location. Developers have a good understanding of the market and maximising uptake. The smaller studio units are few in number and this has been negotiated down since the initial scheme. The size of these studio units is proportional to the size requirement of a 1 bedroom unit;
- x) as this is a private rented scheme, strong management control and maintenance of all communal areas is expected throughout the site, including the courtyard and external space at the west end of the site, part of which is currently public highway but will be incorporated within the development. Draft condition 17 requires confirmation of management and maintenance arrangements.
- y) the detail of the landscaping must be agreed by Planning Officers so can be closely scrutinised with regard to species, size and quality. The appropriate planting and maintenance of the courtyard and external areas can be dealt with under the currently suggested conditions. It is acknowledged that there are on-going issues with landscaping within the courtyards of another development within the locality, but aspirations for the landscaping in this development are high;
- z) the photovoltaic panel capacity of the roof is expected to be maximised and details must be provided for approval;
- aa) amendments to the design of the main entrances are already addressed within draft conditions 7 and 8 regarding materials and design detail, as outlined in the update sheet;

- bb) as this is a residential building the intention is to use normal, clear glazed windows. Mirrored glass is generally associated more with commercial buildings and would not be appropriate to the function or appearance of this building. Other similar schemes are generally well managed and have not presented any issues regarding the external impact of internal décor;
- cc) whilst there are 319 units within the development, there is capacity for 324 bicycles in the dedicated secure storage areas on the ground floor, so there is no need to store cycles in apartments. With regard to the provision of e-cycle secure storage, the suggestion is welcomed and conditions can be amended to include secure e-bike storage and charging point facilities. There is also scope within existing draft conditions to require capacity to expand the infrastructure for charging points when necessary.

Paul Seddon, Director of Planning and Regeneration, responded that the scheme meets the City Council's requirements as set out in the Council's Planning Policies. Learning is ongoing for all parties with regard to longer term sustainability and the aim for a Carbon Neutral Nottingham by 2028. This scheme has been progressing for quite a while and it is positive that the current developers are willing to exceed the required standards of building regulations. There is potential for a further condition to request detailed information on how the heat management of the building will be dealt with, but there are limitations within the Planning Policies as to what the Committee may feasibly require of the scheme.

With regard to the S106 Planning Obligation contribution, the councillor consultation meeting detailed in the amended recommendation will need to be held before the permission can be issued. Discussions with the developer regarding materials and design details will take place at a later stage so it is not feasible to request of the developers that consultation on both takes place at the same time.

Nigel Turpin, Heritage and Urban Design Manager, assured the Committee that regarding the quality of materials for the hard surface treatment within the public realm, the Street Scape Design Manual lists a pallet of materials for use in this location which will ensure that the appropriate quality is provided, with specific regard to the material, its colour, specification and the need to minimise any future maintenance issues. The scheme referred to where paving had failed was on private land and not subject to the same rigorous standards of durability set in the Street Scape Design Manual.

It is noted that as they were not in attendance for the whole item, Councillor Leslie Ayoola and Councillor Mohammed Saghir were not eligible to vote on this item.

Resolved

- 1) to grant planning permission subject to:**
 - (a) prior completion of a Section 106 Planning Obligation that may include Local Employment and Training opportunities and potentially financial contributions toward Public Open Space, Affordable Housing, Education and Local Employment and Training; and**
 - (b) conditions substantially in the form of those listed in the draft decision notice at the end of this report along with the amendments listed in the Planning Committee Update Sheet, further amendments to cover the**

infrastructure for additional EVCPs, facilities for E Bikes within the cycle stores and the detailing of the double height elements of the mansard roof, and an additional condition requiring the approval of the details of the heating and cooling management of the building;

- 2) to delegate the power to determine the final details of the conditions to the Director of Planning and Regeneration;**
- 3) to delegate the power to determine the final details and terms of the Planning Obligation (including whether all or just some of the financial contributions listed above should be sought and the quantum of the relevant contributions) to the Director of Planning and Regeneration, in consultation with the Chair, Vice Chair, Opposition Spokesperson and Councillor AJ Matsiko, and subject to him being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the Planning Obligation sought is (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.**

6 Applications Approved by Delegated Authority (for noting)

a Site Of 2, Queens Road, Nottingham

Due to the restrictions placed upon working arrangements as a result of the Covid-19 pandemic, it was not possible for the Planning Committee scheduled for 22 April 2020 to formally be held. However, there were applications that required determination by Planning Committee at that time so alternative arrangements were made to enable business to continue as usual. Following consultation with the members of the Planning Committee, the applications were referred to the Chief Executive for determination to be made as Urgent Non-Executive Decisions under Delegation 24 of the City Council's Scheme of Delegation and published to the City Council's website.

The application, reference 19/00936/PFUL3, regarding the site of 2 Queens Road Nottingham, sought planning permission from Core Architects on behalf of I. H. Moore and Company (Holdings) Ltd. for the erection of nine and six storey building to provide 39 no. apartments (C3) and 2 no. ancillary commercial units (A3 and / or B1), including formulation of new dropped kerb vehicular access from Queen's Road for servicing area and, associated hard and soft landscaping works.

Resolved to note that application 19/00936/PFUL3 was granted planning permission as an Urgent Non-Executive Decision taken by the Chief Executive under Delegation 24 of the City Council's scheme of Delegation on 29 April 2020.

b Lenton Boulevard Service Station, 199 Lenton Boulevard

Due to the restrictions placed upon working arrangements as a result of the Covid-19 pandemic, it was not possible for the Planning Committee scheduled for 22 April 2020 to formally be held. However, there were applications that required determination by Planning Committee at that time so alternative arrangements were made to enable business to continue as usual. Following consultation with the members of the Planning Committee, the applications were referred to the Chief Executive for determination to be made as Urgent Non-Executive Decisions under

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Delegation 24 of the City Council's Scheme of Delegation and published to the City Council's website.

The application reference 19/02869/PVAR3 regarding the site of Lenton Boulevard Service Station, 199 Lenton Boulevard , sought planning permission for Zenith Planning And Design on behalf of Fibreshore Ltd, for variation of condition 4 of planning permission reference 14/00287/PFUL3 to allow the petrol filling station and shop to operate 24/7, and to allow the operation of the automatic car wash to restricted hours and to allow the jet wash to operate at alternative hours to the 2014 permission without enclosure.

Resolved to note that application 19/02869/PVAR3 was granted planning permission as an Urgent Non-Executive Decision taken by the Chief Executive under Delegation 24 of the City Council's scheme of Delegation on 29 April 2020.

7 Future meeting dates

Resolved to note that the next Planning Committee will be held on 22 July 2020 and that further dates will be confirmed following a summer review of future meetings and how they are to be held.

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Wards Affected: Wollaton West (May 2019)

Item No:

**Planning Committee
22nd July 2020**

Report of Director of Planning and Regeneration

Land To South Of 106 Thoresby Road To 82, Appledore Avenue

1 Summary

Application No: 19/01564/PFUL3 for planning permission

Application by: Geoffrey Prince on behalf of Bramcote Unity Park (CIO)

Proposal: Construct 11 dwellings and provision of infrastructure works to facilitate the creation of a community park

The application is brought to Committee because it has generated a significant level of public interest.

The application is for a cross boundary development with Broxtowe Borough Council (planning application reference 19-00465-FUL), the larger part of the site is located within the Nottingham City Council's administrative area.

An extension of time to determine this application was agreed to the 29th May 2020, the determination date has been further extended to the 25th October 2020.

2 Recommendations

1. REFUSE PLANNING PERMISSION for the following reasons:

- i) The proposal, by virtue of the housing development element, would result in unacceptable harm to the Open Space Network (OSN), including a loss of part of the OSN and by having a detrimental impact on the quality of environment, landscape character and wildlife value of the Network. The benefits of the development would not outweigh the harm to the Open Space Network. The proposal is therefore contrary to Policies A, 2 and 16 of the ACS and Policies EN1 and EN7 of the LAPP.
- ii) The proposal, by virtue of the housing development element, would result in unacceptable harm to a Local Wildlife Site with no demonstration that the need for the development outweighs the need to safeguard the nature conservation value of the site. Additionally, it has not been demonstrated that the development would secure measurable net gains for biodiversity. The development is therefore contrary to Policy 17 of the ACS and Policy EN6 of the LAPP as well as the aims of the Biodiversity SPD and Section 15 of the NPPF.
- iii) The proposed housing development, by virtue of its layout and design, would be poorly related to its context and result in poor legibility, natural surveillance, community safety and ease of access for pedestrians, visitors, deliveries and waste collection. It would also be harmful to the local townscape and amenities

of neighbouring residents. The proposal is therefore contrary to policy 10 of the ACS, policies DE1 and DE2 of the LAPP and section 12 of the NPPF.

3 Background

- 3.1 The application relates to a site of approximately 4.7ha that lies within the administrative areas of both Nottingham City and Broxtowe. The majority of the site lies in Nottingham City, around 3.78 ha, with approximately 0.96 ha in Broxtowe.
- 3.2 The northern boundary of the site runs along gardens to properties on the cul-de-sacs of Maidstone Drive, Romney Avenue, Tonbridge Mount, Wadhurst Grove, Ashford Rise, Edenbridge Court, Hawkhurst Drive, Richmond Place and Kingsdown Mount, which are all located off Appledore Avenue. To the southern boundary of the site is the Sandy Lane Local Nature Reserve (LNR). The application site in its south eastern corner then wraps around 62 to 70 Sandy Lane. The Sandy Lane LNR and Sandy Lane properties are located within Broxtowe.
- 3.3 The application site in both Broxtowe and Nottingham City is undeveloped, greenfield land comprising woodland with areas of bracken, brambles and tall herbs. The Nottingham City part of the site is designated as Open Space Network (OSN) and is also designated as a Local Wildlife Site (LWS) in the LAPP. The south western edge of the site is designated as a Biological Site of Importance for Nature Conservation (a BSINC). The Broxtowe part of the site is designated as a Green Infrastructure Asset (Prominent Area for Special Protection), which is similar to the OSN designation, and is also a LWS within the Broxtowe Part 2 Local Plan.
- 3.4 The LWS designation in both the Nottingham City and Broxtowe areas forms part of a wider LWS that incorporates the Alexandrina Local Nature Reserve (LNR) to the west of Thoresby Road, and the Sandy Lane LNR; collectively these areas are known as LWS ref 2/314 Alexandrina Plantation.
- 3.5 The site is part of Bramcote Ridge, a tree lined high point locally which runs in an east/west direction and is part of a green corridor that incorporates the application site, the Sandy Lane LNR, Alexandria Plantation, Deddington Plantation and further to the west, Bramcote Hills Park. These LNRs/plantations are managed by Broxtowe Borough Council and the Nottingham Wildlife Trust as open space and have a number of public footpaths running through them that link into a wider public footpath network serving local residents in both Broxtowe and Nottingham City. There is a public footpath to the Sandy Lane LNR from Kingsdown Mount and access to the Alexandrina Plantation LNR from Brookside Avenue and Maidstone Drive, all of which are within Nottingham City. There are further publically accessible footpaths through the LNRs. The footpaths from Brookside Avenue/ Maidstone Drive and Kingsdown Mount run along the edge of the application site that lies within the Nottingham City area.
- 3.6 The applicant's claim that there is no authorised public access within the application site. A large area of Japanese Knot Weed (JKW) is present on the application site. The JKW is largely found to south and east of 70 and 72 Sandy Lane (Broxtowe) and extends northward towards the rear of properties on Wadhurst Grove (Nottingham City). JKW is an invasive non-native species which spreads rapidly and out-competes native species, overtime reducing the

biodiversity of flora and fauna. JKW is controlled through Environmental and Wildlife Legislation, which is separate to the planning system. Through these powers, and other powers such as potentially the Anti-social Behaviour, Crime and Policing Act 2014, enforcement action may be possible against a land owner that does not control JKW on their land or allows the encroachment of JKW onto adjoining land and properties.

- 3.7 The surrounding area to the north of the site (located in Nottingham City) is typified by a 1970s development of two storey and single storey detached housing built in a series of cul-de-sacs off Appledore Avenue. There is also a mix of terraced, semi-detached and detached properties to the southern side of the site, within Broxtowe, which vary in age from the interwar period to more recent additions such as 66 to 70 Sandy Lane. Numbers 68 and 74 straddle the boundary between both authorities. The residential properties on the Broxtowe side also vary in form.
- 3.8 There have been no previous planning permissions in relation to the application site within either Broxtowe or Nottingham City. However, planning permission was previously granted for residential development on the adjacent site at 68 and 70 Sandy Lane, which involved the subdivision of each plot and the erection of two further dwellings (Broxtowe planning applications references 06/00366/FUL (70 and 72) and 08/00820/FUL (68 and 74)). These permissions have been implemented.
- 3.9 The current planning application to Broxtowe Borough Council reference (19-00465-FUL) is due to be presented to its Planning Committee on the 22nd July 2020 (i.e. the same day as presentation to Nottingham City Council's Planning Committee). Given the Localism Act 2011 duty to cooperate, Planning Officers at both Councils have liaised in relation to the applications.

4 Details of the proposal

- 4.1 The application seeks planning permission for the erection of 11 dwellings and for the provision of infrastructure works to facilitate the creation of a community park. The applicant describes the scheme as involving the creation of a new community park comprising footpaths, the planting of 1072 new trees, the provision of recreation, education and biodiversity infrastructure and facilities, together with enabling works comprising 11 dwellings.
- 4.2 The dwellings would all be detached and two storeys in height, each having a garage with off street parking. 9 houses are proposed in the Nottingham City area and 2 dwellings within the Broxtowe area. The 9 dwellings on the Nottingham City side would be located to the northern side of the Bramcote Ridge, on sloping land that comprises woodland and open areas of bracken. The 9 houses would be built to the south side of a new access road proposed off Edenbridge Court; this access road would run east to west, near to the northern boundary of the site. The proposed residential development in the Nottingham City area would bound 31 properties located off 8 cul-de-sacs that are accessed from Appledore Avenue, from Kingsdown Mount in the east and Maidstone Drive in the west; a boundary length of nearly 500m. The 2 houses proposed in Broxtowe would be located to the south of 70 and 72 Sandy Lane, to the south west of the application site. These 2 dwellings would be accessed from the existing private drive serving 68, 70, 72 and 74, leading east from Sandy Lane.

- 4.3 On the Nottingham City side, the applicant (on drawing N1563 101 Q (June 2020)) has advised that the residential development including houses, gardens and the access road, would cover an area of approximately 0.84ha. There would be an area of about 0.32ha to the northern edge of the residential area that would be landscaped. The total area of residential development in Nottingham City would therefore be around 1.16ha. The latest site plan shows that the community park would infill spaces around the residential development in Nottingham.
- 4.4 In Broxtowe the applicant advises that the residential element would amount to a total area of around 0.46 ha.
- 4.5 The total residential element in both Broxtowe and Nottingham City would be approximately 1.62 ha (i.e. 1.16 ha + 0.46 ha).
- 4.6 On the remaining area of land is proposed a community park which would broadly sit between the two areas of residential development. The indicative park layout shows a series of footpaths which would provide an east to west link to the wider area and existing paths serving the two neighbouring Local Nature Reserves. Features such as gated entrances, an apiary, bird hide and viewing point, along with ponds benches and signage, are proposed within the community park. The applicant has indicated that they would also undertake tree planting as part of the proposal. An area of approximately 2.6ha is proposed for the community park within the Nottingham City area, and 0.42ha in Broxtowe, a total of 3.02ha.
- 4.7 Using the figures indicated on drawing N1563 101 Q, around 34% of the total application site would be associated with the residential element of the scheme and around 66% would be laid out as a community park. For the Nottingham City part of the site, around 30% would form part of the residential element and about 70% would form part of the community park.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

46 neighbouring properties on the following streets were notified of the application in writing, by Nottingham City, when it was initially publicised in August 2019:

Maidstone Drive
Romney Avenue
Tonbridge Mount
Wadhurst Grove
Ashford Drive
Edenbridge Drive
Hawkhurst Drive
Richborough Place
Kingsdown Mount

The application was also publicised through press and site notices.

As the site is designated as part of the Open Space Network (OSN) and is a Local Wildlife Site (LWS) within the LAPP, the application has been publicised as a departure to the Local Plan. Additionally, the application has been publicised as affecting public footpaths because designated public footpaths run near to the edge of the eastern edge and western tip of the site. There is also a current claim under

Schedule 14 of the Wildlife and Countryside Act 1981 for a public footpath running through the Nottingham City area of the site.

A further round of publicity was carried out in June of this year, to notify local residents of additional information that had been submitted to both Councils. This took the form of letters to those neighbouring properties that had been initially consulted, and also those who had made representations during the first consultation. Fresh site notices have also been displayed. This latest round of consultation expires on the 11th July 2020.

As a result of these two rounds of publicity, 105 representations have been received. These comprise 6 general comments, 18 of support and 81 objections. It is noted that some of the support and objection comes from varied postcodes beyond NG8 and NG9, that bound the site.

Two petitions, from the same source and objecting to the proposed development, were received in October 2019. There is an e-petition with the names and postcodes of 1,064 people, and a hand written petition with the names, addresses and signatures of 49 people. The same petitions were also received by Broxtowe Borough Council. It is noted that the e-petition was commenced prior to the planning applications being received and that some signatories live outside NG8 and NG9, although the vast majority are within.

Broxtowe Borough Council notified 39 properties within their area and also displayed site notices. They have received 81 responses; 57 objections, 3 observations and 21 representations in support.

The letters of objection received raise the following concerns:

- The residential development will result in a lengthy period of demolition and building creating a huge amount of noise and disruption
- The access road (Nottingham City side) would disrupt peace and privacy with vehicles, pedestrians and street lights
- The large executive houses would overlook the adjacent dwellings
- The development would make the rear of the existing properties easily accessible
- Shocked that the development is being considered for short term financial gain. The proposed park would not provide the naturally occurring dense trees and shrubs that currently exist, and even if new trees were to be planted, they would be a poor substitute for dozens of mature trees that have been growing for decades
- The development would lead to the destruction of natural habitats for birds, small mammals and insects
- The application states that only two trees would need to be felled which is incorrect
- Feel that the Bramcote Ridge area is an area of natural beauty and an essential habitat that should be preserved
- Lack of measurements on the plans to indicate proximity of development to existing property boundaries
- Noise and air pollution from the new road (City side)
- Increased traffic along Appledore Avenue (City side)
- Concerned that the development would reduce the efficiency of newly installed solar panels

- Green belt land is precious and should not be developed. No guarantee that the proposal has sufficient funding and monitoring procedures to ensure the developer will complete and improve the public areas for sustainable community use
- The proposed private dwellings including driveways would occupy a large proportion of the space instead of improving the community park environment, and a lot of open views would be lost
- The proposed dwellings (City side) would tower over and dominate the properties below. They would be more obtrusive in destroying the at present uniform tree line visible from much of Wollaton
- The hillside will have to be stripped of trees to make way for the road, houses, gardens and heavy earth removal and construction equipment
- Replanting of trees will only provide partial restoration after 20 years and residents and visitors will only see the product of a prominent building site in place of prime mixed woodland
- The damage to the local environment in order to add 11 dwellings seems unbalanced and unreasonable
- Local residents have good access to the naturally wooded area and make full use. The established green corridor provides a great habitat for wildlife and is completely irreplaceable. Even if the City side of the hill were to be fenced off, it would make little difference to the amenity value of the hillside
- The building of the estate (Appledore Avenue area, north of the site) was deliberately restricted in its progress up the hill and the dwellings at the top were less obtrusive bungalows. The building of large two storey houses would be to abandon the common sense approach of some years ago
- The development would result in a loss of sunlight to adjacent properties
- Have concerns in regard to the use of the park as a public open space, with lots of people, cars and social events in close proximity to the existing properties. Do not want a tourist attraction
- Current house values will decrease
- Loss of the green ridge
- The current Bramcote Ridge is already a natural park. The proposed development is embezzling the name of 'park' and a real park should have no houses. The main purpose of the development is to build 11 new expensive houses and as such it is a commercial residential building project
- The area is designated as an area of non-development in the Nottingham City Plan
- Hugely increased sense of enclosure as a result of proximity of dwellings
- Light pollution from the new access road (City side)
- The proposed provision of honey bee hive in no way compensates for loss of the bumble bee
- Access from Edenbridge Court (City) would lead to additional traffic on the adjacent suburban roads
- It would be better to have two accesses from the Appledore estate to the private drive as one access could lead to a bottle neck, particularly if the gates to the private road are to be on the boundary of Edenbridge, and this may restrict access to the existing houses
- The current wooded area is better than a community park as it is almost as nature intended, with paths
- The creation of a woodland adventure play area on the land off Kingsdown Mount close to the access would draw potential users to that end of the development, where there is no provision to park vehicles, leading to congestion, blocking of driveways and use of the turning head as a parking

area. The play area adds nothing, as there is an existing play area in the Sandy Lane LNR and also a proposed woodland play area by the Sandy Lane access, which is more accessible

- The play area would also attract anti-social behaviour particularly in the evenings / night-time
- What assessment has been made by the Highways Agency in regard to the increase in traffic?
- Have enjoyed walking on Bramcote Ridge for over 40 years and without feeling the need for the addition of more houses
- The proposed houses are unnecessary and will destroy the integrity of the open area as designated by both Broxtowe Borough Council and Nottingham City Council
- The claim by the developers that they are creating a park is disingenuous. The enhancements involve a few impractical or easily implemented items such as beehives or bird watching sheds which could be subject to vandalism and could, in any case, be done without the expenditure of '£1 million'
- The £1 million expenditure is not broken down but may include the purchase of part of the former golf course site on Thoresby Road, which does not form part of the application site
- The large plots would inevitably have high secure fences around them, and as a result what would be left would be a long narrow corridor that will only be a fraction of the space currently available to both citizens and wildlife
- There is no requirement for large executive homes in this area as there is no shortage of these, and would be the complete opposite of 'affordable' homes
- There was no pre-application meeting with either local authority
- There is no demonstrable support or evidence submitted as to the need for the community park
- The description of the development is misleading as the creation of the park (change of use), planting of trees and other minor enhancements would not require planning permission in themselves; the description should lead with 'the erection of 11 dwellings'
- The proposed residential development on the northern side of the ridge could not be regarded as small scale or having no significant impact on the open space.
- Concerned regarding the potential impact on the ridge, woodlands and the nature reserves. This land should be an area of protected open space
- Query as to whether the site notice has been up since 15th August as only just noticed it (in response – a photo was taken of the site notice as erected on this date and sent to the enquirer by the case officer)
- Query need for 11 houses as there is a house that has been empty for many years in close proximity to the site.

The letters of support received raise the following matters:

- Good way to improve the terrain, make the area more accessible, bring together local communities and allow the land to be used in perpetuity for leisure purposes
- Whilst it is disappointing that 11 houses will be built, this is the only way the project can come forward, and if it doesn't go ahead, would leave the land vulnerable to mass development in future years causing the land to be lost forever. The development offers a genuine opportunity for community engagement for many years to come

- The development will see the removal of the Japanese Knot Weed which is close to residential property and acknowledge that as the costs of removal are high, the removal would not be possible without the development of housing to fund it
- Pleased at how sympathetic the plans are to the area and that the remaining land will be managed, maintained and upgraded for the benefit of the local community
- Support the development provided that a line of trees is left along the boundary and there is no road or footpath proposed from Hawkhurst Drive (City)
- Considers that the development would potentially have benefits for the community, environment, and wildlife
- Would be good to have somewhere different with facilities to visit / walk dogs / use the space for training
- Rare opportunity for the local community to receive an additional 7 acres of parkland currently privately owned, and a generous financial investment
- The erection of 11 dwellings is a good amount, will not overcrowd the park or get in the way
- The provision of the community park would be a good way of improving mental health through getting outdoors
- Good that there will be a volunteer aspect as it would enable elderly or retired to join
- Positive that this would join up with other adjacent areas such as Deddington Plantation and Alexandrina Plantation
- Queried if a cycle lane can be included
- An addition to protected green space is a benefit to local wildlife and to the health of the local population, as green spaces are disappearing. To see a project aiming to do the opposite is refreshing
- As the developers are local to the area, they will have an interest in building a high quality development and the creation of a wonderful green space

The covering statement with the petitions raises the following matters:

- The development would see trees being cut down, leading to a tragic loss of habitat for birds and other wildlife – a loss of mature trees cannot be remedied
- The development would lead to increased noise and pollution, both whilst the dwellings are being constructed and once purchased
- The development would result in the loss of the beautiful, wild, natural green space forever

Comments have also been received from the following:

Open Spaces Forum: The Nottingham Open Spaces Forum has noted and considered the proposals for the Bramcote Unity Park development and whilst we understand that a full planning application is yet to be submitted we must make clear our position.

We consider this prospective development to be unacceptable and will strongly contest, and campaign against any continuation of such plans.

The area concerned falls within the City's designated Open Space Network and should therefore remain protected from any development in accordance with Policy EN1 of the Land and Local Planning Policies Part 2 Document.

The proposals for provision of a public park as part of the development do not meet any of the exclusion criteria identified above. The land already constitutes publicly accessible and ecologically valuable open space. We would highlight the fact that as all of the proposed housing falls within the City open space network there would inevitably be a net loss only to the City for which no compensation is possible under the proposals.

Local Access Forum: The forum is concerned about the loss of open space, which the development of housing on this site will cause. This is a local wildlife site and a prominent ridge, providing a landscape which is worthy of special protection. The gradual encroachment of housing threatens the integrity and value of this green infrastructure.

To ensure that public access to this area remains, if this application is approved, the forum request that a condition is imposed to ensure that footpaths are designated as public rights of way, rather than permissive paths.

The forum supports the creation of footpaths through the site so that it will be well connected to the surrounding areas and wider rights of way network. It notes that the declaration of Public Right of Way is proposed to be enacted after the clearance of the Japanese Knotweed. A clear and enforceable time commitment for this should be a condition of any approval.

The forum is concerned that there is no mention of cycling provision in the proposed community park. This contrasts with the nearby Alexandrina Plantation, Bramcote Hills Park and Wollaton Park, as well as the more recently created Gedling Country Park, which contain networks of shared paths, as shown on the Nottingham Cycle Map. The Sandy Lane bridleway is important in this respect and cycle access to it from Maidstone Drive, as well as Brookside should be established. Access from the bridleway to the park and its path network should be provided for cyclists, with suitably designed access points and paths, particularly the main one, which are suitable for shared use. Further access from the north should be provided by a bridleway from Edenbridge Court to the park.

Whilst welcoming the concept of a community park, this is conditional on detailed scrutiny being applied by officers to the developer's offer of protection to this open space. A planning condition or S106 clause should be imposed, requiring a legally binding agreement to protect the remaining open space, the details of which to be subject to agreement with the planning authority.

Technical Consultees

Original Submission:

The following responses were received as part of the initial consultation in August 2019:

Parks Services: Object to the proposal and raise the following concerns:

The land is protected Open Space Network in the Local Plan and the proposals are contrary to Policy EN1.

The land is part of a network of valuable green space which is a Local Wildlife Site and includes designated Local Nature Reserves and which forms one important

green ecological corridor. The areas to be built on have aesthetic and biodiversity value and also increase the variety of habitats found on the site as a whole.

Despite the applicant asserting that the land is not currently accessible and has no public value, it is clear that the land is well used with numerous routes through it and does have significant value to local people.

It is not considered that any of the information that has been provided demonstrates that the land is surplus to open space requirements.

The loss of land is excessive and would have a significant impact on the open space. Other figures re the balance of built form / private gardens are not considered applicable as these areas would be lost from the Open Space Network and any control over their biodiversity value also lost.

It is not considered that the development will enhance the Open Space Network; in particular, the treatment of the Japanese Knotweed is considered to be an existing responsibility of the landowner to prevent its spread into neighbouring land and would be required to enable the development; it should not, therefore, be considered to be a betterment to be delivered by the development.

Overall, it is considered that the loss of the Open Space Network will significantly outweigh the benefits delivered by the development.

The land is part of a designated Local Wildlife Site and the proposal is contrary to Policy EN6.

As per EN6 2b) it is not considered that the need for the development outweighs the nature conservation value of the site.

NPPF para 170 requires: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; This development would be contrary to this and be to the detriment of existing networks.

City Ecologist: Object to the proposal as the development would result in the loss of designated open space network and Local Wildlife Site. It is not felt from the information provided that there are overriding benefits to the habitats and species on site as part of the proposals and it has not been clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the nature conservation value of the site. The development would be contrary to Policy NE2 and R1 of the Saved Local Plan. In summary:

Removal of protected open space reduces the overall integrity and habitat functionality of the site and reduces the resilience of the habitats and species dependent upon them

The total loss of LWS (Local Wildlife Site) and OSN (Open Space Network) is calculated based only on the house footprint and doesn't take into account the garages, roadways, gardens and land taken during construction works. Permanent loss will be greater than 3,750sqm

The ecology report has made reference to the LWS designations, due to the extent of acid woodland (13 indicator plants recorded) and acid grassland (9 indicator

plants recorded). Both habitats are 'UK BAP Priority Habitats' and also Nottinghamshire Local BAP habitats. An assessment of whether these species will be lost hasn't been appropriately assessed in the report. Impacts on overall species assemblages, BAP Priority habitat and fauna species using the habitats and species on site are generally considered to be a constraint to development.

The northern 9 dwellings are described as being in areas of low nature conservation importance; this assessment is inaccurate as the habitats are part of the wider LWS network.

The 2 dwellings to the south are considered to be in habitats of low or no nature conservation importance. These proposals are not within the LWS boundary, but it is not felt that there is a sufficient level of detailed assessment of the habitats here to draw this conclusion.

The creation of a community park is fairly redundant, based on the existing community use of the site. The site should be managed as a woodland and acid grassland regardless of development proposals.

Japanese knotweed treatment should not be seen as a biodiversity gain or enhancement/benefit, but as a requirement by landowners as standard site maintenance and habitat management, regardless of proposals for development.

The ecologist has mentioned the presence of apples, as a sub-mature occasional tree along with other species. No further information is required for these specifically, but any removal of such trees should be considered in the overall loss of the open space network.

An assessment for impacts on bat foraging hasn't been made, presumably due to the time of year of the survey. Given the nature of the site such a survey should be requested, prior to the determination of the application.

The mapping of habitats is very poor. As a minimum the application should be accompanied by a Phase 1 habitat map, to an appropriate scale, which uses colours/ symbols to denote different habitat types with target notes added too.

There hasn't been an invertebrate survey of the site, which given the nature of the site should be requested, prior to the determination of the application.

It is noted that the Reptile Report did not provide any sightings for reptiles or amphibians, which is surprising given the habitat types found on site. Generally the survey covers standard methodology, but the times quoted for survey are late in the day to check for reptiles. Between April – May, checking the refugia should be done in the morning, whereas several of the checks have been done around midday and early afternoon. Fresh surveys should be undertaken at the appropriate time of year and day to provide sufficient base line data with which to properly assess impacts.

Overall it is felt that the information supplied is not sufficient to provide a confident assessment of the potential impacts and the recommendations for mitigation and compensation are inadequate.

Nottinghamshire Wildlife Trust (NWT): Objects to the proposal, as the ridge is irreplaceable. It is a valuable wildlife corridor, supporting remnant scarce habitats. For this reason, NWT have worked in partnership with Broxtowe Borough Council in

relation to management of 4 of the Local Nature Reserves on this prominent ridge, including Stapleford Hills Woodland (Hemlock Stone), Bramcote Hills Park Woodlands, Alexandrina Plantation and Sandy Lane LNRs.

The ecological survey reports, plans and other documentation supporting this application in NWT's view raise numerous concerns:

Damage to and loss of S41 NERC Act Priority Habitats and Local Wildlife Site, development encroachment onto the City Local Space Network.

Dispute the claim at paragraph 5 of the Ecological Appraisal that the development would only represent a small amount of loss to the LWS. They also disagree with the view of the appraisal that the development would not result in a severance of the habitats of Bramcote Ridge, and no area would be isolated or cut off as a result of the development. Of particular concern to the NWT is the narrowing of the wildlife corridor, in some places from 65m width to just over 30m, and do not accept that the development would enhance the Open Space Network by 'securing the park' because such a large area of existing open space will be impacted on by the proposals.

NWT disagree with the statement by the applicant at section 5 of the appraisal submitted that the proposal for the dwellings to the north would take place on areas of low nature conservation importance and as such there are no constraints to the development at these points from habitats, and that whilst an integral part of the LWS, the extent is small and the habitats to be developed on are not those for which the LWS was selected.

NWT note that even the applicants state that the habitats are an integral part of the LWS. NWT consider that the areas of bracken to be important as bracken and tall herbs are often present in a mosaic with acid grassland and woodland (the habitats claimed to be most important) and it is often difficult to establish boundaries as sometimes habitats will be an intermediary between the two. They also highlight that no detailed vegetation survey and habitat mapping has taken place. The habitat map at Appendix 3 does not contain sufficient detail. Such information is vital to assess the quality of the habitats proposed to be lost. It is the mosaic of habitats present that contribute to the site's value; the tall herb habitats will provide a useful resource for pollinating insects and bracken, which is a natural component of woodland and open ground on acid/ sandy soils, is also of value as a habitat itself. Whilst the bracken habitat is too small and too close to the city to be of value to ground nesting birds, it is likely to be important for invertebrates, especially moths. Once again, no specialist invertebrate surveys have been carried out to inform the application. The information submitted in their view also down plays the importance of the LWS in planning policy terms.

NWT strongly disagree with the view presented in the ecological appraisal that 'any development would not cause severance of the habitats of Bramcote Ridge, and no area would be isolated or cut off as a result of the development. There would still be a continuous connection of habitats from north to south and from east to west as now'.

Of particular concern is the narrowing of the wildlife corridor. Along the northern boundary, the proposed development area varies in width, removing between 15m and 45m of LWS. Due to the linear shape of the development area, this will maximise detrimental edge effects over approximately 430m. To the north of no. 74

Sandy Lane, the wildlife corridor is currently over 65m wide. It would be narrowed to just over 30m width.

For these reasons NWT do not accept that the development will enhance the Open Space Network by 'securing the park', because such a large area of the network would be lost.

No detailed Phase 2 Vegetation survey or historic mapping, in sufficient detail, has been submitted and this information is vital to assess the quality of the habitats proposed to be lost. Whilst the bracken habitat is too small or close to the city to be of value to ground nesting birds, it is likely to be important for invertebrates, especially moths. No specialist invertebrate study has been carried out to inform the application.

The Ecological Appraisal also fails to provide a detailed plant / NVC survey, to establish the extent of native Golden Rod, a rare county perennial plant found in woodland areas, and also fails to provide a breeding bird survey. NWT are surprised by the results of the survey in regard to badger activity in particular, since there are significant badger populations in the surrounding suburbs of Wollaton, Bramcote and Beeston. No bat activity surveys appear to have been carried out either.

They advise that the Greater Nottingham Aligned Core Strategy, Policy 17, is clear with regard to Local Wildlife Sites. Sub section 2 states: Designated international, national and local sites of biological or geological importance for nature conservation will be protected in line with the established hierarchy of designations.

Local Wildlife Sites receive policy protection under the Emerging Local Plan part 2, Policy EN6 states that Development proposals on, or affecting, locally designated sites, sites supporting priority habitats, or supporting priority species, will only be permitted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. LWS receive policy protection under Policy 31 Biodiversity Assets of the Broxtowe LPP2 (submission version July 2018). It states that Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation or geological value, together with species that are protected or under threat. The Ministry of Housing Communities and Local Government (MHCLG) published the revised natural environment national planning practice guidance (NPPG) recently, which can be found at: <https://www.gov.uk/guidance/natural-environment>. It includes new guidance on biodiversity net gain, Nature Recovery Networks and mapping Local Sites. Regarding Local Sites, it now makes it clear that these sites are of substantive nature conservation value that make an important contribution to ecological networks and nature's recovery; that they should be identified and mapped out and should be covered by policies that not only protect them from harm and loss but also enhance them and their connection to wider ecological networks; they should be selected using locally defined selection criteria with measurable thresholds - with all sites that meet the criteria (informed by detailed ecological surveys and expertise) then being selected. The NPPG also draws on the national framework of criteria that were set out in the archived Defra guidance on Local Sites.

NWT also have concerns in regard to the nature of the enhancements and the absence of a clear and simple delivery mechanism. Whilst some active management is likely to be beneficial, including removal of non-native woody

species, concerned regarding the potential scale of planting. No details of what the planting would comprise of and where the trees are to be planted have been submitted. The removal of the Knot Weed should not be viewed as an enhancement. No details have been submitted in regard to the other enhancements such as the new paths, car parking, bird and wildlife viewing platforms, community beehive, signage, sculptures etc, and as such the ecological impact of these cannot be assessed.

In summarising their concerns NWT have stated that they are concerned that over 1.8ha of Local Wildlife Site will be permanently destroyed and a very unique and valuable wildlife corridor significantly narrowed as a result of the proposals. The habitats throughout the wider site are present already and are of value given they qualify as LWS and formalising access arrangements will not alter this. NWT question the value of a substantial tree scheme on a site which shows strong evidence of natural regeneration and is important for its mix of open and woodland habitats. The ecological impacts of installing the proposed infrastructure have not been assessed and the level of ecological survey carried out is considered to be insufficient. It would be expected to see surveys in relation to bats, breeding birds, invertebrates and a detailed (phase 2) vegetation survey.

Tree Officer: Objects to the proposal, as it is difficult to assess the impacts without an Arboricultural Impacts Plan (AIP). It appears that a number of tree would be affected due to various pinch points along the site. The levels also appear to be of some concern and potentially level changes required on the site could also impact on trees.

The main block of woodland to the south of the housing development site should be plotted with an average offset root protection area should also be shown as a minimum.

Any trees currently identified in the existing survey and those surveyed to the south of the site with significantly greater Diameters at Breast Heights (DBH) should be surveyed and plotted individually and the offset extended in these locations.

Highways: No objections to the proposal, subject to conditions requiring precise details of the proposed road and pedestrian access.

Rights of Way Officer: On the 1st April 2019 the Council received an application made under Schedule 14 of the Wildlife and Countryside Act 1981. The applicant is claiming that a public footpath crosses the land between Kingsdown Mount and Sandy Lane and that the Council should make a modification order to add the claimed public footpath to its definitive map and statement of public rights of way. The claimed footpath runs east/west across the proposed development site. The applicant served a certificate of service of notice for the modification order on the Council which confirms that the applicant served the notice of application on the landowner (it is understood to be part of the Bramcote Unity Park Charitable Incorporated Organisation who is applying for planning permission). The Council has until 1st April 2020 to investigate the evidence in support of the application, and to determine whether or not a public right of way subsists over the land.

Regarding the planning application itself, it is requested that the applicant confirms the status of the proposed footpaths as part of the community park, and whether these will be designated as public or permissive rights of way. The authority's

rights of way officer should be contacted regarding the rights of way issues on the site.

Drainage: No objections subject to conditions securing a detailed drainage strategy together with details of infiltration rates for the site.

Environmental Health and Safer Places: No objections, but have requested that conditions be attached to secure details of a remediation strategy and its implementation, an electrical vehicle charging scheme, and a knotweed removal scheme.

Environment Agency: There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency. The Lead Local Flood Authority should be consulted on the proposals for their requirements regarding the disposal of surface water arising from the development as the site is situated in flood zone 1.

Additional Information:

The following additional comments were received as part of a second round of consultation with Technical Consultees (May- June 2020):

Parks Services: Still object to the proposal, and reiterates that:

The land is protected Open Space Network in the Local Plan and the proposals are contrary to Policy EN1.

The land is part of a network of valuable green space which is a Local Wildlife Site and includes designated Local Nature Reserves and which forms one important green ecological corridor. The areas to be built on have aesthetic and biodiversity value and also increase the variety of habitats found on the site as a whole.

Despite the applicant asserting that the land is not currently accessible and has no public value, it is clear that the land is well used with numerous routes through it and does have significant value to local people.

It is not considered that any of the information that has been provided demonstrates that the land is surplus to open space requirements.

The, Open Space Assessment dated Jan 2020 submitted by the applicant, indicates the loss of 1.82ha or 39% of the 4.65ha which is considered to be excessive and would have a significant impact on the open space. Other figures regarding the balance of built form / private gardens are not considered applicable as these areas would be lost from the Open Space Network and any control over their biodiversity value also lost.

It is not considered that the development will enhance the Open Space Network; in particular, the treatment of the Japanese Knotweed is considered to be an existing responsibility of the landowner to prevent its spread into neighbouring land and would be required to enable the development; it should not, therefore, be considered to be a betterment to be delivered by the development.

Overall, it is considered that the loss of the Open Space Network will significantly outweigh the benefits delivered by the development.

The land is part of a designated Local Wildlife Site and the proposal is contrary to Policy EN6.

As per EN6 2b) it is not considered that the need for the development outweighs the nature conservation value of the site.

The NPPF requires the minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; This development would be contrary to this and be to the detriment of existing networks.

Additionally they add that the proposals put forward for “improvement” of the open space appear to be unclear and unfounded. For example, there is no rationale as to why paths would be surfaced in “bark or rolled stone” (very different options), why this is required, or why 1,072 new trees are required on the site. The sum to be set aside for future maintenance does not appear to be based on any maintenance costs or calculations; there is also no proposal for how the land would be managed after this commuted sum has run out.

City Ecologist: Still objects to the scheme, as the information provided still doesn't justify the loss of a Local Wildlife Site and BAP habitat or address concerns previously raised (attached).

The '11683-Biodiversity Letter' and email from the Ecologist 'Tim Smith email 280220' explains why Japanese knotweed is an issue and that treatment is required. There is no dispute that the Japanese knotweed requires management and that if left unmanaged it is likely to spread within the woodland. The landowner has a responsibility to remove Japanese knotweed from their land, regardless of any development proposals and this should not be seen as any mitigation, enhancement or compensation as part of a development.

The LWS designation states that the area is a mixture of habitats with characteristic sandstone plant associations.

The development would result in significant loss of Open Space Network and Local Wildlife Site, and simply controlling Japanese knotweed is not sufficient enough to compensate for such loss. There has been no assessment of either related policy in the Local Plan EN1 or EN6.

Tree Officer: Still raises objections to the scheme, and advises that the information requested has still not been provided and as such it is still difficult to assess the impact of the scheme on trees.

Drainage: No additional comments to make.

Highways: No additional comments to make.

Environment Agency: No additional comments to make.

Rights of Way Officer: The Rights of Way Officer has advised that in regards to the an application made under Schedule 14 of the Wildlife and Countryside Act 1981, the applicant for this claim has granted the council an extension to the statutory deadline for determining the application, from 1st April to the 3rd August 2020.

6 Relevant policies and guidance

National Planning Policy Framework (NPPF) 2019:

The most relevant sections of the NPPF to this application are:

Section 2 – Achieving Sustainable Development.

Section 4 – Decision-making.

Section 8 – Promoting healthy and safe communities.

Section 12 – Achieving well-designed places.

Section 15 – Conserving and enhancing the natural environment

The NPPF (section 2) states, from paragraph 7, that a key purpose of the planning system is to achieve sustainable development. The environmental objective of sustainable development involves making effective use of land, improving biodiversity and using natural resources prudently. Paragraph 10 states that there is a presumption in favour of sustainable development.

Section 4, advises that planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 8, promotes health and safe communities, stating that decisions should promote social interaction, create safe and accessible places and support healthy lifestyles.

Section 12 - 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.

The NPPF (section 15) states, at Paragraph 170 that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175, states that when determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Aligned Core Strategies (ACS) (2014):

Policy A: Presumption in Favour of Sustainable Development

Policy 2: The Spatial Strategy

Policy 10: Design and Enhancing Local Identity

Policy 16: Green Infrastructure, Parks and Open Space

Policy 17: Biodiversity

Policy 19: Developer Contributions

Policy A- reiterates the presumption in favour of sustainable development and sets out the approach to determining planning applications.

Policy 2- sets out that sustainable development will be achieved through a strategy of urban concentration with regeneration. In its justification it highlights the necessity to ensure that allocated and brownfield sites are brought forward for development.

Policy 10- sets out the matters that should be considered when designing new developments, to ensure that it makes a positive contribution to the surrounding area and enhances local identity.

Policy 16- requires consideration to be given to whether new development has an adverse impact on Green Infrastructure corridors or assets. This policy also requires the need for and the benefit of the development to be weighed against the harm caused.

Policy 17- seeks to increase biodiversity over the plan period of the Aligned Core Strategies. It also states at part (3) that “development on or affecting other non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that the need for the development outweighs any harm caused by the development and that adequate mitigation measures are put in place”.

Policy 19 – sets out the framework within which planning obligations will be sought.

Land and Planning Policies (LAPP) (2020):

Policy EN1 – Development of Open Space

Policy EN6 – Biodiversity

Policy EN7 – Trees

Policy DE1 – Building Design and Use

Policy DE2 – Context and Place Making

Policy TR1- Parking and Travel Planning

Policy CC3 – Water

Policy IN2 – Land Contamination, Instability and Pollution
Policy IN4- Developer Contributions
Policy HO3 – Affordable Housing
Policy EN2 – Open Space in New Development

Policy EN1- does not allow development unless it is on land surplus to requirement or will enhance the OSN. In all cases though EN1 advises that development should be refused where development will have a detrimental effect on the open space, environmental, landscape character or wildlife value of the Network as a whole.

Policy EN6- seeks to increase biodiversity. In regard to development proposals affecting locally designated sites the policy only allows development to take place where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.

Policy EN7- seeks to protect existing trees, particularly those of high value. It does allow consideration to be given to the management and maintenance of retained trees and provision of new trees as part of the assessment of planning applications, and looks for mitigation for any losses.

Policy DE1 – requires new development to be designed to respect and enhance the street scape, local environment and character of the area. It also seeks to ensure that a satisfactory level of amenity should be provided for occupiers of the development and for occupants of neighbouring properties, and that the development promotes community safety.

Policy DE2 – seeks to ensure that the space within developments is well considered to provide schemes of high urban design quality with appropriate streets, landscaping and open spaces that are managed and promote safety, legibility and ease of access.

Policy TR1- seeks to ensure that an appropriate level of car parking is provided within developments. It also seeks to ensure that development does not affect the amenity of neighbouring properties and that development is not prejudicial to conditions of highway safety.

Policy CC3 -seeks to ensure that development does not adversely impact on water quality and does not increase the risk of flooding elsewhere.

Policy IN2- seeks to ensure that development does not cause pollution relating to land contamination, instability or pollution.

Policy IN4- sets out the approach to developer contributions and the types of obligations that will be sought. Policy HO3 provides more detail in regard to securing affordable housing and Policy EN2 outlines the approach to securing public open space within developments.

Biodiversity Supplementary Planning Document (February 2020)

The aim of the Biodiversity SPD is to ensure that development in Nottingham City not only avoids loss, but realises an ambition for a net gain of biodiversity. It sets out when an ecological assessment is required and sets out the approach that developers will be expected to follow to allow protection and enhancement measures to be proportional to the type and scale of development.

7 Planning Appraisal

The main issues to be considered in relation to the proposed development relate to:

- (i) **Principle of development and impact on the Open Space Network, ecology and the Local Wildlife Site, trees and local landscape character**
- (ii) **Design considerations, including impact on local townscape and residential amenity**
- (iii) **Other matters**

Issue (i) Principle of development and impact on the Open Space Network, ecology and the Local Wildlife Site, trees and local landscape character
(Policies A, 2, 16 and 17 of the ACS, Policies EN1, EN6 and EN7 of the ACS, Biodiversity SPD)

- 7.1 The area of the application site falling within the Nottingham City boundary is part of the designated Open Space Network (OSN) and a Local Wildlife Site (LWS) within the LAPP. To the south is a Biological Site of Importance for Nature Conservation (BSINC). The site in the Nottingham City area contains woodland, the northern fringe of which includes some more open areas of bracken amidst the trees.
- 7.2 The thrust of the relevant policies in the ACS towards green infrastructure and biodiversity is for a presumption in favour of their protection unless it can be demonstrated that the need for the development outweighs any harm caused, and that adequate mitigation measures are put in place. Policy 2 indicates that the key principle driving spatial planning with the ACS is a strategy of urban concentration that seeks to direct development to allocated sites and brownfield sites.
- 7.3 In the LAPP, policy EN1 states that development affecting the OSN will be refused unless, inter alia, the land can be shown to be surplus to the OSN, or the development would enhance or increase the area of OSN. It also has to be demonstrated that development would not have a detrimental impact on the open space, environmental, landscape character or wildlife value of the Network as a whole.
- 7.4 The proposal would not increase the area of OSN given that it is already within it; indeed the proposal involves the loss of part of the OSN. The proposition being put forward by the applicant is that the residential development would enable enhancement of the OSN.
- 7.5 Policy EN6 of the LAPP states that proposed development affecting locally designated sites will only be permitted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation of the site. In this instance there is no need for the development in terms of housing supply, so this consideration is limited to the very specific and local benefits of the proposed development, set out in further detail below.
- 7.6 Parks Services, the City Ecologist and NWT all object to the proposed scheme on the basis that the residential development would lead to the loss of land within the OSN and LWS. The total area lost to the residential elements in both Broxtowe and Nottingham City would be around 36% of the total application site. In the Nottingham City part of the application site, the amount of OSN and LWS lost would

be around 30%. The City Ecologist and NWT also raise concerns about the narrowing of the LWS in Nottingham City. Furthermore, the NWT suggest that the total LWS lost could lead to a severance of habitats in the area.

- 7.7 The residential development in Nottingham City would be located largely on areas of bracken/bramble, which the applicants suggest are of low nature conservation value and therefore capable of being lost.
- 7.8 The LWS designation for the site advises that it is a mixture of habitats with plants associated with sandstone based geology. The bracken and bramble are part of this habitat mix. NWT in their comments highlight that the bracken, brambles and tall herbs form a habitat mosaic with the acid grassland and woodland, and that it is often difficult to establish boundaries between them. It is the mosaic of different habitats that contribute to the total ecology value of this application site and wider area. NWT state that tall herb habitats in the Nottingham City area provide a useful resource for pollinating insects and the bracken, which is a natural component of woodland and open ground on acid/sandy soils, is likely to be an important habitat for invertebrates, especially moths.
- 7.9 As the site is a LWS with species recorded within the UK Biodiversity Action Plan (BAP) Priority Habitats, and also the Nottinghamshire Local BAP habitats, careful consideration is needed to ensure that the proposed infrastructure works for the community park and new tree planting would not in itself cause harm to the LWS. It is unclear whether such assessments have been made to inform the development of the community park and where tree planting should occur.
- 7.10 Both the NWT and City Ecologist highlight gaps in the information submitted with the application in relation to ecology, making it difficult to assess whether the scheme would lead to a net gain in biodiversity, or a net loss. Other than the community park proposals, which relate to land already within the OSN and LWS, there is no compensation proposed for the actual loss of OSN and LWS as a result of the residential element of the scheme, and no measurable net gain in biodiversity.
- 7.11 With regard to the impact of the residential development in Nottingham City on trees, the applicants estimate that the development would involve the removal of 25-30 trees; a combination of individual species (6) and trees within groups, of varying category/quality.
- 7.12 The application drawings and images show that a substantial amount of cut and fill would be required on this sloping site to accommodate the residential development, to create level areas for the road, the dwelling plots and also terracing within the garden areas. This would inevitably involve considerable vegetation strip and could result in additional tree loss, beyond that suggested by the applicant.
- 7.13 The northern side of Bramcote Ridge where the dwellings within Nottingham City are proposed is a prominent and attractive part of the landscape which provides a distinct landmark that is visible from across a large part of Wollaton. It appears that the immediately adjacent 1970's development to the north was carefully conceived in order to protect this landmark. The line of built development has been taken up to the edge of the woodland that sits atop the ridge, also retaining the more open areas at its fringe that are intrinsic to the character of the overall

woodland. Furthermore, there is a very distinct transition from two storey dwellings to bungalows as the development gets closer to the woodland.

- 7.14 The proposal comprises large two storey dwellings and the visual assessment submitted as part of the application demonstrates that these would, to a greater and lesser extent, be clearly visible above the long established line of existing built development, rather than being lost amidst the existing trees as is suggested. Although the applicants suggest that this would be further mitigated by additional planting to the northern edge of the site, the indicative planting shown on the site layout plan suggests that this would need to be substantial and in some stretches would appear very linear and have an artificial manner that in itself would be harmful to the less dense character of the woodland fringe. Indeed this would also be likely to create greater amenity issues for the dwellings that sit immediately to the north of this boundary line.
- 7.15 Should the residual element of the site be transferred to a community park, the residential development would also have a harmful impact upon the character of this remaining part of the OSN. Not only would this part of the OSN be significantly narrowed, as discussed elsewhere, clearly a robust boundary line would also be necessary for the proposed dwellings in terms of privacy and security. The site layout plan shows that this would closely hug the edge of the development, thereby creating a series of bulges in the fence line where this encloses the individual dwellings. The change in alignment is very dramatic and additionally would create small areas of the OSN, between the dwellings, that would be enclosed on three sides by fencing. Such a configuration would significantly compromise the quality and usability of this part of the OSN, with potentially further adverse implications for biodiversity and the LWS. They would also create blind spots and poorly surveyed areas with the potential for anti-social behaviour. In other areas the nearest footpath would be within a few metres of the fence line, harming both the character of the woodland path and also creating potential conflict between the use of park and the dwellings. Such issues do not arise with the current boundary line that exists between the existing housing and Bramcote Ridge, which is regular in alignment and creates a clearly defined edge to the OSN.
- 7.16 The applicant's proposition is that the proposed dwellings are enabling development, the proceeds from which would provide the following benefits:
- Removal of the Japanese Knot Weed (JKW). The applicants have advised that this would cost circa £400,000. In the applicant's view the JKW is a significant threat to the existing ecological value of the site.
 - The undeveloped part of the application site would become a community park, creating new publically accessible connections to the wider OSN and Local Nature Reserves (LNR's), thereby enhancing the OSN.
 - Within the community park, £200,000 is to be spent on infrastructure such as play areas, bird hides, an apiary, gateway access points, viewing points, benches, signage wetland areas and footpaths.
 - £200,000 would be put into a charitable trust to enable the long-term stewardship/maintenance of the community park for public benefit.

- 1072 trees would be planted.
- 7.17 JKW is an invasive non-native species to the UK. It is an offence under Environmental and Wildlife legislation to plant or otherwise cause this plant to grow in the wild, however, it is not an offence in itself for JKW to exist on someone's land and intervention only likely should it spread to third party land. In this instance the JKW is an existing liability to the landowner and a responsibility they have a duty to control. The removal of the JKW can be carried out independently of the planning process and the refusal or granting of permission is not a barrier to its removal. It is also worth noting that both the City Ecologist and NWT stress that the removal of JKW should not be viewed as any mitigation, enhancement or compensation as part of a development.
- 7.18 A key element of the scheme is the creation of a community park on the element of the site that would not see residential development. At present the entire site is indistinguishable from the wider Sandy Park/Alexandria Plantation LNRs. It is part of this wider woodland and accessed in the same way with no discernible demarcation between the two. As stated elsewhere, the land is however privately owned and the right for public access to it contested by the applicant. There is currently a claim to a public footpath over the land under the Wildlife and Countryside Act 1981, the process for which is on-going. The dedication of part of the site as a community park, thereby regularising the current situation, is recognised as a positive benefit of the scheme.
- 7.19 Should planning permission be refused, the owners would have the option of enclosing the site, although depending on its height, the erection of such an enclosure may in itself require planning permission. Clearly, this would be a loss to the public who currently access the land for leisure purposes. However, should this occur, it is considered that the site would still make a positive contribution to the OSN and LWS. Its value in ecological terms would be maintained and perhaps enhanced without public access, and its value as a natural landmark of the local landscape would remain, to be enjoyed and appreciated by the wider community. The desire expressed by the applicant to 'link up' the application site to the adjoining LNRs/LWSs is acknowledged, however access to these surrounding green spaces is already available and convenient for the public to use.
- 7.20 The proposal includes £200,000 towards capital infrastructure works for the community park. The application includes only limited information in relation to the detail of this infrastructure but reference is made to footpaths, wetland ponds, play areas, bird hides, an apiary, gateway accesses, benches and signage, the majority of which would be unlikely to require planning permission. It is recognised that such a programme of works would potentially be beneficial to what would be a community park, although as the current situation demonstrates, such features are not critical to the enjoyment of the land as a natural area of green space.
- 7.21 The financial contribution of £200,000 towards future management and maintenance of the community park is recognised as a positive benefit of the scheme. Parks Services have pointed out that this does not appear to be based on any maintenance costs or calculations and query the longer term financial implications for those to whom ownership of the land would pass.

- 7.22 The planting of 1072 trees is in itself recognised to be a positive although with no detailed landscaping plans to indicate the size, species and location of the trees, the benefit is difficult to assess. The NWT have commented that whilst some active management of the woodland is likely to be beneficial, they have expressed concern at the potential scale of planting and question the value of a substantial tree planting scheme on a site which shows strong evidence of natural regeneration and is important for its mix of open and woodland habitats. The open areas are an intrinsic part of the woodland, both ecologically and in terms of its aesthetic qualities. Excessive planting would not necessarily be beneficial to either of these. As mentioned above, as a measure to help screen the proposed residential development, the indicative site layout shows extensive tree planting in a very linear and artificial manner that in itself would be harmful to the less dense character of the woodland fringe.
- 7.23 A viability appraisal has been submitted in support of the application to demonstrate how the enabling development is necessary to facilitate the positive benefits of the scheme. This shows that the residential development also generates a developer profit above the costs associated with the community park and JKW. The applicants suggest that at 13.9% of gross development value (GDV), this is a low profit margin for a developer. However, even without scrutiny and challenge of the figures within the appraisal, this shows that beyond funding the positive benefits of the scheme the residential development would result in a profit of £918,000. Enabling development is generally necessary to cross-subsidise a less profitable or unprofitable element of a scheme, yet in this instance the residential development would appear to be delivering a notable level of return beyond the costs associated with the proposed community park and JKW.

Conclusion

- 7.24 In fully assessing this proposal it is necessary to balance the positive benefits against the negative impacts of the scheme, with reference to the relevant development plan policies and any other material considerations. These are summarised as follows:

Negative impacts

1. Loss of part of the OSN – The proposed residential development would result in a significant loss of part of the OSN. The land is not surplus nor would the development increase the OSN area. Should the land be enclosed and public access denied the site would still make a positive contribution to the OSN and LWS and its value as a natural landmark of the local landscape would remain.
2. Loss of part of the LWS – The proposed residential development would result in a significant loss of part of the LWS. It would also significantly reduce the width of this section of LWS/green space corridor. It is considered that there would be harm to the biodiversity of the site and that the proposal has not been able to demonstrate a measurable net gain.
3. Impact on local landscape character – The proposed residential development would involve:-

- significant vegetation strip and cut and fill
- the loss of 25-30 trees (as indicated by the applicant)
- the erection of 9 large two storey dwellings above the established building line of Bramcote Ridge, within the wooded extent of this prominent landscape feature
- extensive tree planting is proposed to help screen the dwellings, the dense and linear positioning of which would be detrimental to the character of the existing woodland fringe
- narrowing of the woodland and result in the enclosure of the residential development from the proposed community park, which would have harmful impact upon the character of this remaining part of the OSN

To conclude, it is considered that the residential development within Nottingham City would have a significantly harmful impact upon the landscape character of Bramcote Ridge and the wider area from which it is viewed.

Positive benefits

1. Dedication of part of the site as a community park, including a financial contribution to future management/maintenance – Regularising the current public access would be a positive benefit, but the quality of this would be significantly compromised by the reduction/narrowing of this part of OSN. The financial contribution towards future management and maintenance of the community park would be a positive benefit of the scheme, although longer term liability and financial implications for the future owners are less clear.
2. Infrastructure works within the community park – A scheme of enhancements would be a positive benefit of the scheme, although such features are not critical to the enjoyment of the land as an area of natural green space. The works in themselves are relatively minor and unlikely to require planning permission.
3. The removal of JKW – This would be a benefit of the scheme. There is separate legislation controlling JKW, which is an existing and longstanding responsibility for the landowner.
4. Planting 1072 trees. This would be a positive benefit of the scheme. However, it is unclear whether the amount of tree planting is realistic and appropriate to the management, biodiversity and character of the woodland

7.25 In balancing these matters, it is concluded that the benefits of the scheme do not outweigh the harm caused to the OSN, the LWS and biodiversity of the site, and the local landscape character of Bramcote Ridge. The proposal would conflict with the spatial strategy of the ACS and the presumption in favour of sustainable development. The proposal is therefore contrary to policies A, 2, 16 and 17 of the ACS, policies EN1 EN6 and EN7 of the LAPP, the Biodiversity SPD and section 15 of the NPPF.

Issue (ii) Design considerations, including impact on local townscape and residential amenity (Policy 10 of the ACS, and Policies DE1 and DE2 of the LAPP and section 12 of the NPPF)

- 7.26 The proposed housing development in Nottingham City is very linear in form with the 9 houses and associated access road and gardens spread out across a total length of approximately 500m on the slope that sits above the cul-de-sacs off Appledore Avenue. The site lies on the side of a prominent topographical feature that strongly defines the character of the locality.
- 7.27 The impact of the dwellings on the Bramcote Ridge as a landscape feature is discussed in the preceding section. It is concluded within this that the housing off Appledore Avenue already marks the appropriate building line to the northside of the Bramcote Ridge.
- 7.28 Visual images of the development indicate that the new dwellings would be seen above this established building line, the closest properties to which are bungalows. The proposed dwellings are all largely two storey with steep pitch roofs that create a vertical emphasis at odds with their context. They are to be finished in predominantly brickwork with elements of accent timber on feature gables, and grey tiled roofs. Each has a detached garage. Due to the sloping nature of the site, many are set into the slope so that to the rear, gardens are in part accessed from first floor level.
- 7.29 The design and scale of the new houses would be markedly different to the dwellings they would sit above and added to the elevated ground level, would draw the eye to their prominence. The result is a development that would jar with the immediate townscape. Tree planting is indicated to the northern edge of the site to help screen the dwellings but this brings with it further considerations, as discussed elsewhere in the report.
- 7.30 Changes have been made by the applicant to the siting of a number of the proposed dwellings in order to improve their relationship to existing neighbouring properties. Whilst the interface distances would range from 19m to 35m, the new properties would be set at a higher level and orientated to the south of the neighbouring dwellings. Although tree planting may provide some screening between the new and existing dwellings, this would inevitably be less evident during autumn and winter months and as such there could be issues of overlooking and the new houses appearing overly dominant to occupants of the existing properties. This would be particularly so for neighbouring residents in their currently private rear gardens, which would be closer to the new dwellings. Furthermore, the tree planting in itself could cause issues of overshadowing and nuisance for existing residents.
- 7.31 The access road would be a dominant feature at the end of Edenbridge Court, the gated entrance and road rising above having a localised impact on this street.

The gated nature of the development would not be conducive to legibility, permeability and community cohesion. The stretched, linear form of the layout, potential tree planting and large gaps between the properties would work against natural surveillance, community safety and ease of access for future occupants, visitors, deliveries and waste collection.

- 7.32 Overall, it is considered that the design and layout of the proposed development and its impact upon the local townscape and amenities of neighbouring residents, fails to satisfy policy 10 of the ACS, policies DE1 and DE2 of the LAPP and section 12 of the NPPF.

Issue (iii) Other Matters

Highways Issues (Policy TR1 of the LAPP)

- 7.33 With regard to highway safety and proposed car parking provision, Highways colleagues have raised no objections to the scheme. Precise details of the access road would be required and amendments necessary to better facilitate pedestrian access to the site, which is currently shown with gated vehicular access only.

Land Contamination, Instability and Pollution (Policies IN2 of the LAPP)

- 7.34 The information submitted in relation to land contamination, treatment of JKW and air quality is considered to be acceptable by Environmental Health and Safer Places. With the imposition of conditions the scheme would comply with policy IN2 of the LAPP.
- 7.35 Clarification has been sought from Drainage, Highways and Environmental Protection as to whether instability may be an issue in relation to the site. This would be a matter to address as the construction details are developed.

Flooding and Water Quality (Policy CC3 of the LAPP)

- 7.36 The Council's Drainage team have requested additional information in relation to the design of the drainage system and infiltration rates. They have not raised objection to the principle of the development and with these matters addressed by condition, the proposal would comply with policy CC3 of the LAPP.

Planning Obligations (Policy 19 of the ACS and Policies IN4, HO3 and EN2 of the LAPP)

- 7.37 As the development is for more than 10 units, the scheme triggers Nottingham City Council's thresholds for S106 contributions towards:
- Affordable Housing
 - Education
 - Public Open Space
 - Local Employment and Training
- 7.38 The City Council's Education Team have requested a contribution of £28,064 towards secondary places at The Fernwood Academy.
- 7.39 Given the conclusion that the proposed development is not acceptable in principle and additionally raises design and amenity concerns, negotiations to secure a S106 have not been progressed.

Other issues

- 7.40 The following comments are offered in relation to some of the matters raised within third party representations that have not been covered in the other sections of the

report:

- Concerns have been raised regarding noise and disturbance during construction of the development. This would not be a ground to refuse the application but noise nuisance is a matter controlled through other legislation. A note outlining acceptable hours of work is generally included on all decision notices.
- Security of existing properties has been raised as an objection. Details of site enclosure is a matter that could be addressed through planning condition.
- With regard to the impact of the development on existing solar panels, it is not considered that the siting of the new dwellings would significantly affect their efficiency to justify refusal or amendment of the scheme.
- The application site is not allocated as part of the Green Belt.
- House values and the effect of the development upon them is not a material planning consideration.
- Light pollution can be addressed through condition.
- Provided that the community park is designed to promote natural surveillance of areas to be used by the public (i.e. play areas, footpaths, benches etc), then it should not result in a significant increase in anti-social behaviour.

8 Sustainability / Biodiversity

The impact of the proposed development on the OSN, the LWS and biodiversity of the site are discussed in section 7(i) of the report.

9 Financial Implications

If the scheme had been recommended for approval, contributions relating to affordable housing, public open space, training and employment and education would have been sought and secured through S106.

10 Legal Implications

The issues raised in this report are primarily ones of planning judgement. The applicant's planning agent has raised concern with regard to the fact that Nottingham City Council and Broxtowe Borough Council are to determine their applications separately. However, as required by legislation the planning application has been submitted to both authorities; this process and the lack of alternative suggests that the intention is that each authority should make its own determination. Powers do exist to handle cross boundary applications through a joint process between the Council's, but this is discretionary.

Should any further legal considerations arise these will be addressed at the meeting.

11 Equality and Diversity Implications

None.

12 Risk Management Issues

None.

13 Strategic Priorities

Green Nottingham – ensuring that all planning decisions take account of environmental and sustainability considerations.

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: 19/01564/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PUKGP3LYL9800>

2. APPLICATION No. 19-00495-FUL (Broxtowe Borough Council)

17 Published documents referred to in compiling this report

Aligned Core Strategy (2014)

Land and Planning Policies Document (2020)

Biodiversity Supplementary Planning Document (2020)

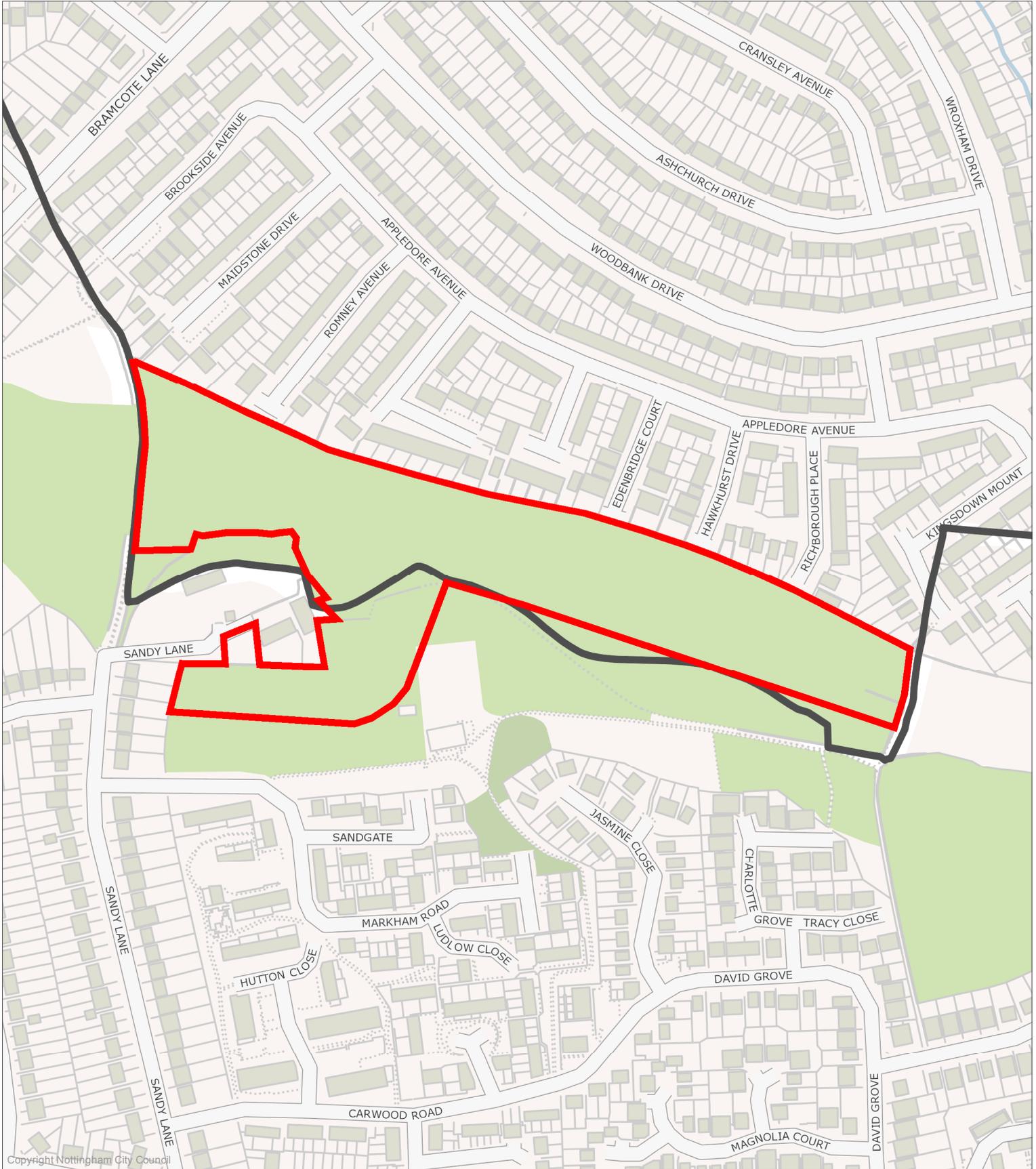
National Planning Policy Framework

Contact Officer:

Mrs Jennifer Curry, Case Officer, Development Management.

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NOMAD printed map



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Key

 City Boundary

Description

No description provided



My Ref: 19/01564/PFUL3 (PP-07977797)
Your Ref:
Contact: Mrs Jennifer Curry
Email: development.management@nottinghamcity.gov.uk



**Nottingham
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Date of decision:

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

Application No: 19/01564/PFUL3 (PP-07977797)
Application by: Bramcote Unity Park (CIO)
Location: Land To South Of 106 Thoresby Road To 82, Appledore Avenue, Nottingham
Proposal: Construct 11 dwellings and provision of infrastructure works to facilitate the creation of a community park

Nottingham City Council as Local Planning Authority hereby **REFUSES PLANNING PERMISSION** for the development described in the above application for the following reason(s):-

1. The proposal, by virtue of the housing development element, would result in unacceptable harm to the Open Space Network (OSN), including a loss of part of the OSN and by having a detrimental impact on the quality of environment, landscape character and wildlife value of the Network. The benefits of the development would not outweigh the harm to the Open Space Network. The proposal is therefore contrary to Policies A, 2 and 16 of the ACS and Policies EN1 and EN7 of the LAPP.
2. The proposal, by virtue of the housing development element, would result in unacceptable harm to a Local Wildlife Site with no demonstration that the need for the development outweighs the need to safeguard the nature conservation value of the site. Additionally, it has not been demonstrated that the development would secure measurable net gains for biodiversity. The development is therefore contrary to Policy 17 of the ACS and Policy EN6 of the LAPP as well as the aims of the Biodiversity SPD and Section 15 of the NPPF.
3. The proposed housing development, by virtue of its layout and design, would be poorly related to its context and result in poor legibility, natural surveillance, community safety and ease of access for pedestrians, visitors, deliveries and waste collection. It would also be harmful to the local townscape and amenities of neighbouring residents. The proposal is therefore contrary to policy 10 of the ACS, policies DE1 and DE2 of the LAPP and section 12 of the NPPF.

Notes



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Not for issue

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Continued...

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



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Continued...

RIGHTS OF APPEAL

Application No: 19/01564/PFUL3 (PP-07977797)

If the applicant is aggrieved by the decision of the City Council to refuse 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/pes.

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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Wards Affected: Wollaton West (May 2019)

Item No:

**Planning Committee
22nd July 2020**

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

Site and Surroundings

3.1 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.

3.2 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.

- 3.3 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

- 3.4 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.
- 3.5 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.
- 3.6 In July 2017 planning permission was granted (17/00982/PFUL3) for a single storey side extension, to provide ancillary residential accommodation.
- 3.7 In August 2017 planning permission was granted (17/01595/PFUL3) for the retention of a detached single storey outbuilding.
- 3.8 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.

16 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.

A petition has also been received signed by 72 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 31st 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 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)

7.16 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.

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 Telephone: 0115 8764041

NOMAD printed map



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Key
 City Boundary

Description
 No description provided

My Ref: 20/00563/PVAR3

Your Ref:

Contact: Mrs Jo Bates

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
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Mr Rehmat Khan
4 Ancaster Gardens
Wollaton
Nottingham
NG8 1FR

Date of decision:

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

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)

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.

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.

Pre-commencement conditions

(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.

Pre-occupation conditions

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

There are no conditions in this section.



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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 11:00pm 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. Within one calendar months of the date of this permission, a travel and car park management plan shall be submitted to and approved in writing by the Local Planning Authority. The travel and car park management plan shall detail initiatives for users of the centre to access the site by means other than the private car, including setting specific targets, set out procedures for managing the parking of vehicles associated with the centre and provide a strategy for monitoring and review.

The travel and car park management plan shall thereafter be implemented in accordance with the approved details.

Reason: To reduce reliance on the private car and on-street parking during peak periods, to manage car parking and in accordance with sustainable travel principles and the aims of Policies BE2, CE1 and T3 of the Local Plan.

4. 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.

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



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RIGHTS OF APPEAL

Application No: 20/00563/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/pes.

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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Wards Affected: Meadows (May 2019)

Item No:

**Planning Committee
15th July 2020**

Report of Director of Planning and Regeneration

Car Park South Side, Traffic Street

1 Summary

Application No: 20/00592/PFUL3 for planning permission

Application by: Planning And Design Group (UK) Ltd Mr Chris Jesson on behalf of Jensco (Nottingham) Limited Mr Bobroff

Proposal: Demolition of existing office building, erection of two part 3, part 5 and part 6 storey buildings comprising of student accommodation along with associated access, ancillary communal facilities and flexible cafe /event space (use class A3)

The application is brought to Committee because it is a major development on a prominent site with important design and regeneration considerations and where the Planning Obligation may include contributions less than required by planning policy.

To meet the Council's Performance Targets this application should have been determined by 22nd June 2020. An extension of time has been agreed in principle with the applicant.

2 Recommendations

2.1 **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and subject to:

- (a) The conclusion of an assessment on the viability of the proposed development, prior completion of a Section 106 Planning Obligation to secure Local Employment and Training opportunities, a student management plan and restrictions on car use, and which may include financial contributions towards Public Open Space and Local Employment and Training, the details of which will be provided for the consideration of Planning Committee; and
- (b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

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

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

3 Background

- 3.1 The site has historically been used for commercial uses, notably as a textile mill, warehouse, girder and timber yard and a car park. It is also understood that residential properties once occupied part of the site prior to this. The site was largely cleared of industrial buildings in approximately 2009, albeit part of an office building still remains in the north eastern corner of the site. The site is flat and partially covered in scrub vegetation with mesh fencing demarking the boundaries.
- 3.2 To the east of the site is the Church of God, a commercial art studio and Karlsruhe House with its associated car park. To the north side of Traffic Street are a number of commercial premises, notably Enterprise rent a car, ABB Furse Ltd and the Castle Rock brewery. To the east of the Enterprise premises, construction of 62 apartments has recently commenced on the former Hindle House site. To the west is the former Plumb Centre site, currently being developed for student accommodation (known as the Vantage). To the south is Waterway Street West, which contains bus stops for the No. 49 bus running from Boots to the city centre. Beyond this, on Meadows Way, is the tramline and further to the south residential properties on Kinglake Place within the Meadows.
- 3.3 The site is located within Flood Zone 2 in accordance with Environment Agency mapping and also within the Canal Quarter Regeneration Zone, as identified within the development plan.

4 Details of the proposal

- 4.1 Planning permission is sought for the construction of two part 3, 5 and 6 storey buildings to provide up to 522 student accommodation rooms. In addition communal, flexible café/event space is proposed within part of the ground floor area of both buildings.
- 4.2 The proposed buildings are largely rectangular in shape with central courtyard areas. A central landscaped plaza area runs between the buildings from Traffic Street through to Waterway Street West. The main entrance to the development would be on the north-eastern corner of block A (left building when viewed from the Meadows Way West), accessed from Traffic Street.
- 4.3 In terms of their design, the mass of the buildings has been broken down by recessing the ground and top floors, the introduction of texture and decoration within the brickwork, changes in brick colour and the use of an accent cladding material. Deep window reveals are incorporated throughout the development.
- 4.4 Given the location and nature of the proposal, no vehicle parking is proposed. An initial 132 secure cycle spaces were proposed, however this has been increased to a minimum of 235 spaces, also incorporating E-bike charging points.
- 4.5 The accommodation would be a mix of cluster flats and studios configured as follows:
- Block A (left building when viewed from the Meadows Way West): 288 bedrooms within 53 clusters and 47 studios
 - Block B: 71 bedrooms within 9 clusters and 116 studios.

- 4.6 All rooms would have en-suites and cluster flats would range from 4-7 rooms with a shared lounge/kitchen area. All cluster rooms would be approximately 11.5-12sqm and studios 17-24sqm.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

Neighbouring commercial premises have been notified by letter in addition to residential properties to the south, on Kinglake Place.

Multiple sites notices have been displayed in the vicinity of the site in addition to a press notice.

3 letters of representation have been received; 1 in support from a local business and 2 objecting (1 from the Nottingham Civic Society). The following comments have been made:

- The Civic Society is concerned regarding the wall of development that is separating the Meadows from its historical connection with the city.
- Whilst the scale and architecture of the proposed scheme could integrate with the new developments approved or under consideration to the west, and the scaled-down block next to the existing church building acknowledges its context, the dense, uniform building fronting the tram route would present a visually impenetrable screen to the city centre beyond.
- More permeability allowing views passed the building from the south is desirable.
- Consideration should also be given to the palette of materials with red brick more in keeping than the predominant greys currently seen.
- Unhindered access is required along Traffic Street during construction for deliveries.
- Our business works long hours and does create some noise and odour and this should be considered during determination of the application.
- This area of the Meadows traditionally consists of houses and bungalows, student accommodation would be unacceptably in contrast with other built form.
- The local infrastructure is not prepared or designed for this development, particularly when viewed in context with other nearby development.
- The development is likely to result in overcrowding, excessive traffic, noise, littering and anti-social behaviour. Other areas of the city are more suitable for this development.
- The proposed height would impact upon the skyline and views from gardens on Kinglake Place.
- The proposed walkway between the buildings will result in additional noise and traffic movements and the existing noise suppression fencing will not be sufficient.

- I would have no objection if the proposal was 3-4 storeys and not student accommodation.

Additional consultation letters sent to:

Environmental Health: No objection subject to imposition of conditions relating to noise, sound insulation, contaminated land and air quality.

Environment Agency: No objection subject to imposition of conditions relating to contaminated land to ensure groundwater is not contaminated. and development being undertaken in accordance with the submitted Flood Risk Assessment.

Drainage Officer: No objection subject to specific drainage details being secured by condition.

Biodiversity Officer: No objection, clarification is required to confirm if further bat surveys are required. Proposed landscaping should seek to provide biodiversity gain and should be controlled via condition.

Highways Officer: No objection subject to drop-off and collection arrangements being secured by condition, along with a construction traffic management plan. Cycle provision should be policy compliant.

Employment and Training Officer: No objection subject to applicant agreeing to an Employment Training Plan and provision of a contribution to facilitate this.

6 Relevant policies and guidance

Aligned Core Strategies (ACS) – Local Plan Part 1 (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 11: The Historic Environment
- Policy 14: Managing Travel Demand
- Policy 17: Biodiversity
- Policy 19: Developer Contributions

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

- Policy CC1: Sustainable Design and Construction
- Policy CC2: Decentralised Energy and Heat Networks
- Policy CC3: Water
- Policy DE1: Building Design and Use
- Policy DE2: Context and Place Making
- Policy EE3: Change of use to non-employment uses
- Policy EE4: Local Employment and Training
- Policy EN2: Open Space in New Development
- Policy EN6: Biodiversity
- Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets
- Policy HO4: Specialist and Adaptable Housing
- Policy HO5: Locations for purpose built student accommodation
- Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student

Accommodation
Policy IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions
Policy RE1: Facilitating Regeneration
Policy RE2: Canal Quarter
Policy TR1: Parking and Travel Planning

Nottingham Authority Monitoring Report (March 2019)

NPPF (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.

7. Appraisal of proposed development

Main Issues

- (i) Principle of Student Accommodation**
- (ii) Building design including impact on the character of the area**
- (iii) Impact on neighbours and future occupants**
- (iv) Other matters**

(i) Principle of Student Accommodation (Policies A and 8 of the ACS, Policies EE3, HO4, HO5, HO6, RE1 and RE2 of the LAPP).

- 7.1 The application site is located within the Canal Quarter Regeneration Zone as identified within LAPP. Within the Canal Quarter, policy RE2 of the LAPP supports amongst other things the provision of student accommodation, provided that it does not prejudice the activities of nearby uses. Policy EE3 (Change of use to non-employment uses) supports proposals which provide a comprehensive re-development to the benefit of the wider area. The site has been largely cleared for

a number of years and along with the neighbouring Vantage development and other schemes to the east, the proposal is part of the wider regeneration of the southern gateway area of the city that centres on Nottingham Railway Station.

- 7.2 The application site is on the southern fringe of the city centre which in general terms is considered to be an acceptable location for student accommodation. Notwithstanding current circumstances, it is recognised that the number of students within the city continues to grow and has done for many years. The Annual Monitoring Report (published in March 2019) reports that there are 22,000 purpose built student accommodation (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.
- 7.3 It is considered that the provision of further good quality PBSA could attract students that would otherwise occupy houses of multiple occupation outside of the city centre. The site within its mixed use environment and is sufficiently distant and separated from residential properties situated to the south within the Meadows.
- 7.4 The site is in a highly accessible location with good pedestrian, cycle and tram links to the city centre and both university campuses. Rooms proposed are of an appropriate size with cluster flats being approximately 12sqm with shared communal space. Studio flats range from approximately 17-23sqm which is not dissimilar to other schemes within the area. Generous shared communal multi-purpose space is proposed within the ground floor areas of both buildings. All floors of both buildings would be accessible to wheel chair users with ramped access provided from Traffic Street and lifts 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.
- 7.5 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.
- 7.6 It is considered that the principle of student accommodation is acceptable and the development would accord with policies A and 8 of the ACS and policies EE3, HO4, HO5, HO6, RE1 and RE2 of the LAPP.

(ii) Building Design including Impact on the Character of the Area (Policies 10 and 11 of the ACS, Policies DE1, DE2 and HE1 of the LAPP)

- 7.7 The application site is long and rectangular and sits on the relatively short and narrow Traffic Street, with the city centre to the north separated by the railway line and canal, and the Meadows to the south separated by the inner ring road (Waterway Street West) and tramline along Meadows Way. The City Centre Urban Design Guide identifies the site as falling within a 'Zone of Reinvention' where it is expected that a new urban form would emerge through the introduction of high quality gateway buildings. The scale and mass of the proposed scheme has been developed and revised with the benefit of the Council's 3D model of the city centre. At 3-6 stories the buildings are generally lower than the others that have already been approved within the southern gateway area, with taller developments both to the west and east of Traffic Street. However, this is purposefully so and intended to

avoid a 'wall' of larger development that sits in an east-west alignment across this regeneration zone, impacting upon longer views both to and from the city centre. As with the adjacent Vantage scheme, 5-6 stories (with the top floor recessed) is considered to be an appropriate scale fronting Waterway Street West, which then reduces to 3-5 stories fronting the much narrower Traffic Street. The massing of the buildings has been manipulated further with block B being a floor lower than block A fronting Waterway Street West. There is also a stepping back of floors as the height of both buildings increases, along with a reduction in scale at the eastern end of the site where the development meets the lower, neighbouring buildings.

- 7.8 There has also been much revision to the elevational treatment of the buildings with a focus on the detailing and materials proposed. Final details of the materials would be subject to condition, particularly the quality and colour of the bricks.
- 7.9 There are no heritage assets within the immediate vicinity of the site but as described above, careful consideration has been given to the impact of the proposed development in longer views of the city skyline, and the heritage assets that this comprises. It is concluded that less than substantial harm would arise in this regard and that this would then be outweighed by the public benefit arising from the regeneration and townscape enhancement of this 'Zone of Reinvention'.
- 7.10 The applicant has responded to requests throughout the negotiation process to incorporate planting within the scheme. Tree planting is proposed at the entrance to the site on Traffic Street, within the courtyards and the central plaza area between the two buildings. Planters with climbers are incorporated on the prominent corners fronting Waterway Street West. Opportunity has also been taken to provide greenery on upper levels, utilising the roofspace created by the stepping back of the upper floors, including within a small roof terrace that is proposed on block B. Details of this landscaping scheme would be secured by condition.
- 7.11 In conclusion, it is considered that the proposal would deliver a high quality development that would enhance the existing townscape and be part of wider regeneration in this area of the city. The proposal is therefore in compliance with policies 10 and 11 of the ACS and policies DE1, DE2 and HE1 of the LAPP.

(iii) Impact on neighbours and future occupants (Policy 10 of the ACS, Policies DE1, HO6 and IN2 of the LAPP)

- 7.12 The site resides within a mixed use area with commercial, industrial and residential uses in close proximity. As detailed above, the Vantage student development has commenced construction to the west of the site and the former Hindle House residential development is also on site immediately to the north.
- 7.13 The closest existing residential properties to the site are those on Kinglake Place and one response has been received expressing concern regarding the impact of the development on properties in terms of loss of privacy, outlook and potential noise and disturbance.
- 7.14 Properties on Kinglake Place have their rear gardens facing north towards the development site. The tramline runs immediately behind the rear gardens, beyond which is a 2m wide footpath and 1.8m fence separating Meadows Way from Waterway Street West, which takes the form of a dual carriageway at this point. The approximate window to window separation distance from rear facing windows on properties on Kinglake Place to the proposed development would be 40m.

- 7.15 The application is supported by a daylight/sunlight assessment which states that adjacent properties remain compliant with the Building Research Establishment's (BRE) recommended targets for the Vertical Sky Component test and that no significant material change in daylight levels would result. The survey concludes that given the location of the development due north from properties on Kinglake Place, the effects of the proposal would adhere to the BRE guidelines in terms of daylight.
- 7.16 As with the neighbouring Vantage scheme it is acknowledged that the scale of the buildings would result in the loss of some northward views towards the city centre, particularly for residents immediately to the south on Kinglake Place. However, private views are not a material planning consideration and the public benefits brought about through the regeneration of the site are considered to outweigh any concerns in this regard.
- 7.17 The comments from a neighbouring commercial unit relating to noise and odour are noted and the scheme has been reviewed by Environmental Health colleagues. No objection is raised subject to the imposition of noise assessment/sound insulation conditions to protect future residents of the scheme and to address potential noise disturbance arising from external mechanical plant.
- 7.18 The applicant's recognise that there is need for strong management arrangements with PBSA. Accordingly, a management plan is proposed as part of the S106 to negate issues regarding vehicle ownership and anti-social behaviour issues within the locality. 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.
- 7.19 A small roof terrace area is proposed on the third floor of block B fronting Traffic Street. The precise access arrangements to this area remain to be determined by the applicant however, is not considered that it would significantly impact upon neighbouring businesses/occupants.
- 7.20 No objection has been raised to the proposed development by Environmental Health colleagues and conditions are proposed to address ground contamination in the interests of the environment and future occupants of the site.
- 7.21 The proposal therefore complies with policy 10 of the ACS and policies DE1, HO6 and IN2 of the LAPP.

(iv) Other Matters

Flooding/Drainage (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 7.22 The site resides within Flood Zone 2 and has been supported with a site specific Flood Risk Assessment (FRA). No objection to the proposed development has been raised by the Environment Agency or Drainage colleagues subject to the imposition of conditions relating to the submission of a drainage management plan and the development being undertaken in accordance with the submitted FRA. The Finished Floor Level (FFL) of the building would be 25.72m AOD which would be approximately 300mm above predicted climate change levels and result in occupiers being safe from flooding. The proposal is therefore in accord with policy 1 of the ACS and policy CC3 of the LAPP.

Highways (Policy 14 of the ACS, Policy TR1 of the LAPP)

- 7.23 The site resides within a highly sustainable location, within short walking distance of bus/tram stops and the train station. No vehicle parking is proposed on the site and there would be a restriction within the Section 106 to prevent residents from keeping vehicles within the city. The applicant has confirmed that a minimum of 235 cycle parking spaces are to be provided, in accord with the standards set out within the recently adopted LAPP. Further information has been requested by Highway colleagues in relation to traffic management during construction and a scheme for pick up and drop offs for students, which can both be secured by condition. The development would accord with policy 14 of the ACS and policy TR1 of the LAPP.

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

- 7.24 A policy compliant S106 planning obligation for the proposed development would be expected to provide the following:
- Public Open Space – a financial contribution towards off-site provision (given the high density nature of the development and urban context, there is no ability to provide on-site public open space)
 - Local Employment and Training – both opportunities arising from the construction of the development, along with a financial contribution to help facilitate this
- 7.25 A student management scheme would also be secured within the S106 obligation.
- 7.26 Policy 19 of the ACS and Policy IN4 require consideration to be given to the viability of schemes when determining whether it would be reasonable to require contributions from developments. The applicant has submitted a viability appraisal with the application which is being independently reviewed by an assessor appointed by the Council. Discussions are still taking place with the applicant in this regard and an update will be provided in advance of Committee.

8. Sustainability (Policy 1 of the ACS, Policies CC1, CC2 and CC3 of the LAPP)

- 8.1 The buildings has been designed to follow the energy hierarchy; Be Lean, Be Clean and Be Green, in order to reduce their carbon footprint. The buildings incorporate a fabric first approach and would have U-Values and air tightness which would result in an 18% saving over current Building Regulations. The development proposes to utilise gas powered Combined Heat and Power (CHP) technology to provide electric, heating and hot water needs for the buildings. It is also proposed that solar PV panels would be installed on any available roof space that is not to be greened. The precise detail of the sustainability measures can be secured by condition.
- 8.2 Whilst no solar shading has been incorporated within the southern elevation of the buildings, the applicant's sustainability consultant has advised that the glass specified within the build is solar controlled and has a G-value of <0.4 which would block out heat gain from the sun, thus ensuring good thermal regulation of the building. Regarding the proposed use of gas fired CHP, they have commented as follows: *The big energy user within residential and student residential buildings is hot water demand from showers. With a constant thermal baseload (showers) and*

a large thermal store, CHP is the most efficient way to deliver large quantities of hot water using the thermal store to run the CHP to provide a constant background electrical generation whilst meeting the thermal needs of the building. Heating, because of the passive reduction due to the highly insulated thermal fabric, is actually a small % of the energy required from the development. It is therefore deemed that heating shall be met by electric radiators, which aligns with the future government strategy for domestic homes and SAP 10.

8.3 The proposal is considered to accord with policy 1 of the ACS and policies CC1, CC2 and CC3 of the LAPP.

9 Biodiversity (Policy 17 of the ACS, Policy EN6 of the LAPP)

The site is largely cleared with the exception of an existing office building in the north eastern corner. An ecology assessment has been submitted in support of the proposal. This has been reviewed by the Biodiversity Officer and further clarification sought regarding the bat roosting potential for the existing building. The applicant's ecologist is currently undertaking further dusk/dawn survey work and an update on this will be provided at committee. As detailed above, landscaping is being incorporated within the scheme where there is the opportunity to do so. A landscaping condition will secure the details of this and seek to provide biodiversity enhancement across the site with the focus on native species and planting suitable for pollinators. The proposal is considered to accord with policy 17 of the ACS and policy EN6 of the LAPP.

10 Financial Implications

As indicated above in relation to the S106 planning obligation, the applicant has submitted a viability appraisal that is currently being independently assessed. This process has the potential for S106 contributions to be reduced or waived, depending on the outcome of the assessment.

11 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.

12 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.

13 Risk Management Issues

None.

14 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a long term brownfield site with a high quality sustainable residential development as part of the wider regeneration of the southern gateway.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development.
Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

15 Crime and Disorder Act implications

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

16 Value for money

None.

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

1. Application No: 20/00592/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q74EA2LYHVF00>

18 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

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

Nottingham Authority Monitoring Report (March 2019)

NPPF (2019)

Open Space SPD 2019

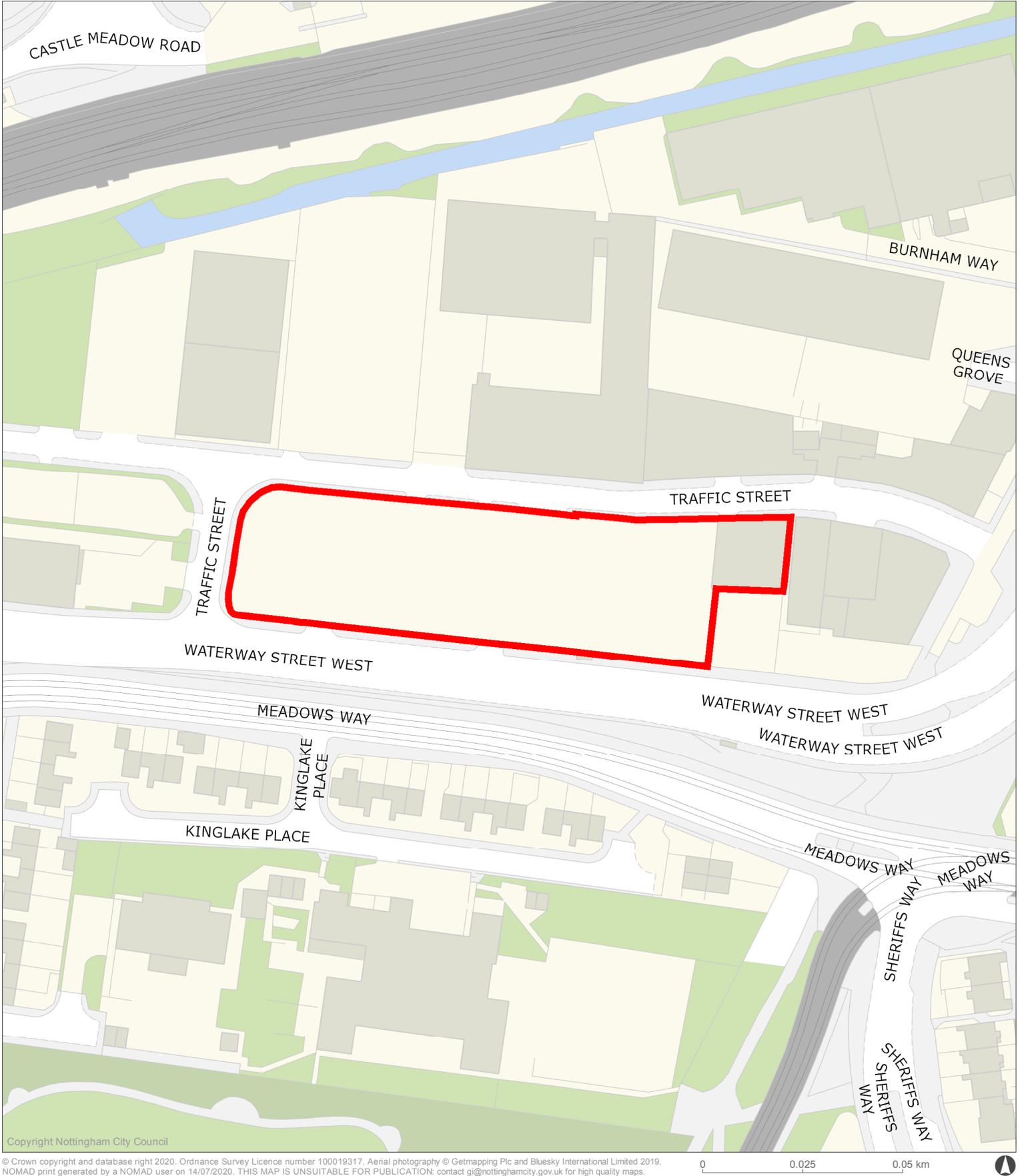
Nottingham City Centre Urban Design Guide (May 2009)

Contact Officer:

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764043

NOMAD printed map



Key



City Boundary

Description

No description provided



My Ref: 20/00592/PFUL3 (PP-08557596)
Your Ref:
Contact: Mr James Mountain
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Planning And Design Group (UK) Ltd Mr Chris Jesson
Planning and Design Group (UK) Ltd
Pure Offices, Lake View Drive
Sherwood Park
Nottingham
NG15 ODT

Date of decision:

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

Application No: 20/00592/PFUL3 (PP-08557596)
Application by: Jensco (Nottingham) Limited Mr Bobroff
Location: Car Park South Side, Traffic Street, Nottingham
Proposal: Demolition of existing office building, erection of two part 3, part 5 and part 6 storey buildings comprising of student accommodation along with associated access, ancillary communal facilities and flexible cafe /event space (use class A3)

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

Time limit

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

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

Pre-commencement conditions

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



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Not for issue

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Continued...

2. Prior to the commencement of the development, a Remediation Strategy that has regard to the Contaminated Land Phase 1 Desk Study by Arc Environmental dated 16/07/2019 and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

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

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

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

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

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy TR2 of the LAPP

4. The development shall not be commenced (excluding any relevant demolition) until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority, demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers and contamination of ground water.

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

Reason: Piling or any other foundation using penetrative methods can result in risks to groundwater supplies it therefore needs to be demonstrated that piling would not result in contamination of groundwater or impact on surrounding occupiers to accord with Policy IN1 of the LAPP.



5. Prior to the commencement of above ground development, (excluding any relevant demolition) the Noise Assessment by Encon dated 09/08/2019 Rev B shall be revised and submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise (including the Southern Relief Road proposals), noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not normally more than 45dB L_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

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

Reason: To ensure that future occupants of the building are not adversely affect by noise and to accord with policy DE1 of the LAPP.

6. Prior to the commencement of above ground development, (excluding any relevant demolition) an environmental noise assessment in accordance with BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the excess of the combined Noise Rating Level from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load, shall not exceed 0 dB above the background noise level (LA90), at the boundary of the site at any time during the relevant operational period of the development.

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

The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

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

Reason: To ensure that future occupants of the building are not adversely affect by noise and to accord with policy DE1 of the LAPP.

7. Prior to commencement of above ground development (excluding any relevant demolition) the proposed ventilation scheme shall be submitted to and be approved in writing by the Local Planning Authority

The approved ventilation scheme shall be fully implemented and fully operational prior to the first occupation of the accommodation and retained thereafter.

Reason: In the interests of amenity of future occupiers and to accord with policy DE1 of the LAPP

8. Prior to the commencement of above ground development (excluding any relevant demolition), the Air Quality Assessment by Encon dated August 2019 Rev B shall be revised to include the following components and be submitted to and be approved in writing by the Local Planning Authority:

A full air quality impact assessment of any heating and power generating proposals associated with the development and the concentrations of pollutants of concern at sensitive receptors
An assessment of the potential impact of the Southern Relief Road
Details of any additional abatement techniques and mitigation of potential impacts

The 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 the heating requirements of the building do not adversely affect air quality to accord with policy CC2 of the LAPP.

9. Prior to the commencement of above ground development (excluding any relevant demolition), precise details of the materials to be used externally within the development shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.

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

10. Prior to above ground development (excluding any relevant demolition), details of biodiversity measures to be incorporated within the fabric of the building 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 details.

Reason: In the interests of enhancing biodiversity and to accord with policy EN6 of the LAPP.

11. Prior to the commencement of above ground development, (excluding any relevant demolition) large scale sections of at least 1:20 shall be submitted to show:
- The placement and position of windows and doors
 - The depth of proposed reveals to windows and doorways.
 - Precise details relating to the means of enclosure of the central plaza area

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

Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS and policy DE1 of the LAPP.

12. Prior to the commencement of above ground development (excluding any relevant demolition) a drainage management plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall contain:
- Details of how the surface water run-off will be managed,
 - Drainage plan showing the layout of the proposed drainage (both foul and surface water),
 - Proposed Adoption of SuDS features (who will maintain the SuDS features)
 - Maintenance plan for the lifetime of the development (how will the SuDS features be maintained),
 - Relevant surface water calculations from licenced software (e.g. Microdrainage).

Reason: In the interests of managing and promoting sustainable drainage and to accord with policy CC3 of the LAPP

13. 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

Pre-occupation conditions

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

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

Reason: To avoid the prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety in accordance with policy TR2 of the LAPP

15. Prior to the first occupation bin storage facilities and collection arrangements shall be submitted to and agreed in writing by the Local Planning Authority.

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

16. Prior to first occupation of the development, verification that the measures in the approved Energy Statement by Couchperrywilkes dated February 2020 (Ref: 190593 P3) have been implemented and are fully operational, shall be submitted to and be approved in writing by the Local Planning Authority.

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

17. Prior to first occupation of the development, verification that the approved air quality management scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of residents and to accord with policy DE1 of the LAPP

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

Reason: In the interests of the amenity of residents and to accord with policy DE1 of the LAPP

19. 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 any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP

20. Prior to the first occupation of the development hereby approved a management plan for the 3rd floor roof terrace shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: in the interests of amenity and to accord with policy DE1 of the LAPP

21. Prior to the development first being occupied a landscaping scheme (hard and soft landscaping including surfacing and means of enclosure), in addition to details to enhance biodiversity including a management strategy relating landscape provision 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 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; and No part of the site included in the landscaping scheme shall be used for any other purpose without the prior written consent of the Local Planning Authority.

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

22. No part of the development hereby permitted shall be brought into use until existing redundant footway crossings on Traffic Street and Water Way Street West are reinstated as footways with full height kerbs in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policy 10 of the ACS

23. Prior to the first occupation of the proposed A3 element of the scheme, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the locations in the development where food is prepared / served shall



be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

Prior to first occupation of the proposed A3 element of the scheme, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to accord with policy DE1 of the LAPP.

Regulatory/ongoing conditions

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

24. Development shall be undertaken in accordance with the recommendations of the Flood Risk Assessment prepared by Encon Dated July 2019 Rev C unless otherwise agreed in writing with the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere and to ensure development is in accordance with Policy CC3 of the LAPP and Policy 1 of the ACS

25. 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.

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 23 March 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.

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. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/> They can also be contacted by email at: address.management@nottinghamcity.gov.uk or by phone on 0115 8765012.

4. The development is located within an Air Quality Management Area declared under the provisions of Part IV of the Environment Act 1995. Air Quality Management Areas are designated where the air quality objectives as set out in the Air Quality (England) Regulations 2000 (as amended) [the Regulations] are not being achieved.

In this context an area of poor air quality means that the air quality objectives for nitrogen dioxide, as set out in the Regulations, are not being met.

5. 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.

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.

7. The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (EMAQ, 2018).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf> .

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf> .

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

8. The approved ventilation scheme shall be maintained and serviced in accordance with manufacturer's recommendations while the development continues to be occupied.

9. The acceptable hours for demolition or construction work (including deliveries to & from the site) are detailed below; -

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)

Saturday: 0830-1700 (noisy operations restricted to 0900-1300)

Sunday: at no time

Bank Holidays: at no time

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

10. 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:

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

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

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

RIGHTS OF APPEAL

Application No: 20/00592/PFUL3 (PP-08557596)

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/pes.

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