

Nottingham City Council

Planning Committee

Minutes of the meeting held remotely via Zoom -
<https://www.youtube.com/user/NottCityCouncil> on 17 March 2021 from 2.33 pm
- 5.00 pm

Membership

Present

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

Absent

Councillor Audra Wynter

Colleagues, partners and others in attendance:

Peter McEvoy	- Environmental Health Officer
Rob Percival	- Area Planning Manager
Martin Poole	- Area Planning Manager
Paul Seddon	- Director of Planning and Regeneration
Scott Talbot-Hartshorn	- Service Manager - Road Safety
Nigel Turpin	- Team Leader, Planning Services
Tamazin Wilson	- Solicitor
Kate Morris	- Governance Officer

54 Apologies for Absence

Councillor Audra Wynter – Council Business

55 Declarations of Interests

Councillor Mohammed Saghir initially declared an interest in item 4a 406 and 408 Derby Road and Northern Dairies LTD, Radmarsh Road Nottingham but it became apparent that there was no interest to declare.

56 Minutes

The minutes of the meeting held on 17 February 2021 were confirmed as a true record and were signed by the Chair.

57 Wollaton House, 43 Radford Bridge Road

Prior to the Committee's consideration of this item, and with the permission of the Chair, Councillor Steve Battlemuch addressed the Committee in his role as a Ward Councillor for Wollaton West and made the following points:

- (a) The predominant issue for residents is around parking, and particularly on Friday afternoons, this is not uncommon for Mosques across the city, and is not an uncommon issue for Churches in residential areas on Sundays. The particular parking issues for this Mosque are being addressed, by the Mosque, Community Protection Officers and the Council;
- (b) The Mosque has had a longstanding desire to extend their hours to cover all five prayer times, as they currently only cover three, there has been discussion with the applicants to establish hours for the variation that balance the needs of the Centre and the local area;
- (c) A one year trial of extended opening hours does feel reasonable on balance as long as proper monitoring is in place so that after the trial, proper consideration can be given to facts rather than perception of disturbance. The year trial will give a realistic picture of any impact the extended opening hours may have on residents;

Rob Percival, Area Planning Manager, introduced application number 20/00563/PVAR3 for planning permission by Rehmat Khan for 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 06:30 to 09:00 and 21:00 to 23:00 being for prayer only). The application is brought to Committee due to the significant level of public interest

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

Additional information, amendments and changes to the item since the publication of the agenda were included in an update sheet, which was appended to the agenda published online. It included additional representations from residents objecting to the proposed recommendations.

The following points were discussed.

- (d) The application is for variation of opening hours for the Prayer and Learning Centre at 43 Radford Bridge Road. The application originally came to the July 2020 meeting of this committee and was deferred for a number of reasons, including the need for the Travel and Parking Management plan to be amended and refreshed. Initial temporary planning permission for the Centre was granted in 2011, and in 2013 planning permission was granted to allow permanent use of the site as a learning and prayer centre with restrictions on the hours of use other than during the Ramadan period;
- (e) One of the main issues to address is that of parking. Friday afternoon prayer is a peak of activity for the centre and car parking is an issue at this time. The

centre have staff on hand to help manage the parking and the car park is used to full capacity with “double stacking” of vehicles to reduce impact on the surrounding area;

- (f) The current hours are 09:00 – 21:00. The proposal is to extend these to cover the early and late prayers with the new hours running from 06.30 – 23:00. There is seasonal variation, and the hours will differ month to month. 06.30 – 23:00 is the maximum. There are times in the year when the hours will be less than this;
- (g) To observe sunrise prayers through the summer months the centre would need to be opened around 04:00, however following negotiations the applicant accepts that it is not possible to accommodate the early prayer. The core hours for the Centre’s activities for education run from 09:00 – 21:00. The additional hours, 06:30 – 09:00 and 21:00 – 23:00 would be for prayer only with relatively low anticipated numbers of attendees. These hours include opening up and closing down times;
- (h) Anticipated numbers of attendees for the early prayer (06:30 – 09:00) is around 8 or 9 and late evening (21:00 – 23:00) is 10 to 12 and therefore it is not likely that this number will impact on the traffic concerns. In terms of management there is the Travel and Parking Management plan that will monitor the numbers. The Plan also requires a Steering Group in order to monitor the situation. The Steering group will meet throughout the year, involving representatives from the Centre, the local community, Police and Community Liaison and local Councillors
- (i) There have been a number of representations received in relation to this application, both for, and against the variation of hours. Since the Centre began to operate there have been breaches of the permitted hours reported to both Planning and Environmental Health Officers. However, these have been infrequent and with insufficient evidence to pursue enforcement action. Work has taken place with the Centre staff to improve and resolve these issues and efforts and improvements have been made by the Centre;
- (j) Traffic and parking are another issue raised. There are spikes in numbers of vehicles, primarily Friday afternoon prayer. There are also busy times when children attend for additional education sessions, usually early evening time, outside these times there is little traffic impact. When planning permission was granted in 2013 there was a requirement on the applicants to provide a travel and parking management plan. Efforts were made to resolve this matter at the time, however revisions were required but were not finalised. This is one of the reasons that a deferral was made from the July 2020 Committee to require the applicant to address this and refresh the plan.
- (k) An updated Travel and Parking Management plan has now been submitted with a number of changes and revisions following input from the Highways Team and the plan has now been signed off and accepted by Planning Officers. Another issue to be resolved was around a large storage building at the back of the premises and ambiguity around its use. This is now resolved and Planning Officers have confirmed that it is a storage building;

- (l) Committee members agreed that proper monitoring of the trial period was important to allow them to make a final decision at the end of the 12 months. The monitoring of the trial period needs to be effective, not just anecdotal, and breaches reported in order to allow the Committee to make a final decision with as much information as possible. If granted the temporary permission will run until the end of March 2022;
- (m) The Mosque is situated in a diverse community. Many local people use the centre for prayer, and many members of the community attend the community days and other open days they run. It is a local facility for local families. Many local residents walk to the Mosque and do not access it by car;
- (n) Environmental Health objected to the application on the grounds that the extended hours may cause noise disturbance on a residential street as a result of slamming car doors, conversations and general coming and going from the Centre. Out of hours monitoring of this would prove difficult as any disturbance would likely be unpredictable and occasional, 24hr noise monitoring is not possible;
- (o) Options for monitoring could include a register from the Centre which users are asked to complete when attending including dates and times of their visits, with residents also keeping a record. Officers may also undertake periodic monitoring but this will be limited by resources and will only capture snapshots in time. Ward Councillors will also be contacted around how data can be captured;
- (p) Committee members asked if a specific limit on numbers attending the extended hours could be put in place to manage the impact on residents in order to limit disturbance. The enforcement of a limit on numbers would be difficult and numbers in the extended hours are expected to be low. Suggested numbers for a limit were 06:30 – 09:00 up to 10 people and 21:00 – 23:00 up to 15 people;
- (q) A number of residents have received misinformation around opening times for the centre so it is important that the extended hours are clearly communicated to ensure any breaches can be recognised and reported accurately if necessary;
- (r) As with the current permission, the hours of use do not apply to Ramadhan. The period of Ramadhan is an exception to the hours of control relating to the Centre. However, committee members would like to explore whether a maximum number of people attending the Centre outside of the standard opening hours of operation during the Ramadan period could be identified. Committee voted in favour of delegating to Officers the negotiation with the Centre of a possible number limit outside of the standard opening hours for the Ramadhan period;

Resolved to

- (1) Grant a temporary one year planning permission subject to:**

- i. **the conditions listed in the draft decision notice at the end of the published report for the extended hours as corrected within the published update sheet with an additional condition to control number of attendees between the hours of 06:30 – 09:00 and 21:00 – 23:00 during the non Ramadhan period.**
- ii. **The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report**

(2) Delegate authority to the Director of Planning and Regeneration to determine the final details of the conditions, including the negotiations with the Centre with a view of exploring whether an appropriate number limit could be identified for the period of Ramadhan when the Centre is open outside of the standard hours of operation.

The meeting was adjourned at 15:51 to allow a comfort break and reconvened at 16:01

58 406 and 408 Derby Road and Northern Dairies LTD, Radmarch Road, Nottingham

Rob Percival, Area Planning Manager, introduced application number 20/00141PFUL3 for planning permission by Rok Planning on behalf of Unite Group Plc for retention of car showroom garage, demolition of remaining buildings, and redevelopment for managed student accommodation and a flexible floor-space building for Use Class F.1 (learning and non-residential institutions) and E (commercial business and service) fronting Derby Road, with associated cycle parking and landscaping. The application is brought to Committee at the request of a Ward Councillor who has raised valid planning considerations and because it is a major application on a prominent site, where there are important land use design considerations.

To meet the Council's Performance Targets this application should have been determined by 21 April 2020. An extension of time has been agreed with the applicant until 16 April 2021

Additional information, amendments and changes to the item since the publication of the agenda were included in an update sheet, which was appended to the agenda published online. It included additional representations, further details on a revised Energy Statement, Waste Management, and the Student Management Plan.

The following points were discussed:

- (a) This is a mixed use development, predominantly for student accommodation, but with an element of commercial floor-space. The site currently comprises of a number of car dealerships at the junction of Derby Road and Radmarsh Road and is bisected by the River Leen, The site sits to the south-east corner of the Jubilee campus, an area designated for the expansion of the campus. The site is neighboured by an existing student accommodation scheme on Radmarsh Road and a site with permission for another such development. An existing footbridge links the top of Radmarsh Road into the Jubilee Campus.
- (b) The proposed scheme comprises 3 separate elements, 2 accommodating a total of 700 bed spaces, with a mix of cluster flats and studios. The cluster flats

range from 5 bed to 10 bed units. The ground floor of the northern most building provides amenities for residents and communal space. The development includes a cycle parking for up to 315 bikes.

- (c) The commercial building that fronts onto Derby Road is three-storey and to have a flexible use; Nottingham University are in negotiation with the developers to lease the building. The existing large tree on Derby Road will be retained and further enhancement to the public realm is proposed;
- (d) The development includes a good amount of open space with the northern part of site, including the part of the site on the opposite side of the River Leen, being public open space accessible by all. There is also a new public footpath/cycle route planned alongside the River Leen onto Derby Road;
- (e) Part of the site fronting onto Radmarsh Road will be used to widen the footpath on that side of the Road to improve pedestrian movement but also the appearance of the street, incorporating landscaping on both sides of the road;
- (f) The outdoor space in the central part of the development is landscaped and includes an internal street linking access to the new footpath alongside the River Leen;
- (g) The different elements within the development have been given individuality but are clearly linked architecturally with elements of the detailing on the Derby Road building being echoed in the building at the north end of Radmarsh Road;
- (h) There have been a number of representations from local residents and action groups mainly focused on the large number of additional students that the development will bring to the area. Council Policy does focus on creating balanced communities, but this has to work alongside the need to accommodate the increasing student population. The Council prefers to provide this within purpose built accommodation rather than pushing students towards HMO's and the local plan identifies university campuses as one of the locations appropriate for purpose built accommodation;
- (i) For developments that include purpose built student accommodation the developer has to be able to demonstrate need for the accommodation. Monitoring, with a focus on vacancy rates within existing purpose built accommodation indicates that demand is still outstripping supply ;
- (j) A significant amount of work has taken place to negotiate the scheme as it appears today. The development of the extensive amount of open space would improve the area considerably, and is positive in terms of biodiversity. Cycle and pedestrian paths will integrate into the Jubilee Campus and the buildings are considered to be appropriate in scale, increasing in height further back into the site. Earlier iterations of the scheme had up to 800 bed spaces so the density has reduced through negotiations;
- (k) Flood risk has been a significant issue to resolve and addressed following extensive negotiation. Part of the open space to the north of the site acts as a

space with water holding potential designed to accommodate flood waters in extreme events, without them impacting other areas. The Environment Agency are satisfied with the scheme and the flood mitigations incorporated into the scheme. There is also a significant s106 contribution by the developer towards broader more strategic flood mitigation measures, to reduce risk across a wider area and to residential properties in the locality;

- (l) The scheme is policy compliant in terms of s106 contributions including contributions to flood mitigation and off-site public open space. A potential contribution towards off-site highway works contributions is still under consideration;
- (m) The Committee was pleased with the commitment to sustainability. The scheme aims to be substantially better than Building Regulation requirements and is to be powered entirely by electric. The commercial building aims to achieve a rating of BREEAM excellent.. Alternatives such as ground source heat pumps have been explored and there is also a desire to use the roof space for photo-voltaic solar panels. The developers have indicated that the accommodation will be naturally ventilated;
- (n) There is a management plan for pick-ups and drop-offs around term start and end times. A waste management plan has been developed and there has been confirmation that the development will be managed 24 hours a day, along with appointed of a community liaison rep;
- (o) Some committee members shared the concerns of residents around the density of students in this area and the large number that will be accommodated in this development. Concerns were raised around the potential for issues around community cohesion, higher footfall in an already busy area, and increased potential for anti-social behaviour;
- (p) The design of the accommodation has a focus on cluster flats rather than studio units. Cluster flats encourage groups of students away from traditional HMOs. The wide range of cluster flat sizes are designed to target second and third years as well as first years and the developers expect to accommodate returning students within the scheme. A sufficient supply of purpose built accommodation will help to reduce pressure on the demand for HMOs;
- (q) Surface materials for the internal street and courtyard space have not yet been finalised however, this will be determined within the details required to be approved by condition. Committee members asked that porous materials be considered to further mitigate risk of flooding;
- (r) Committee members welcomed the number of trees and public open green space within the scheme and questioned if there was the opportunity to develop wild flower areas to improve biodiversity. Landscaping will be maintained by an onsite management company but this can be raised with the developers;
- (s) There were differences of opinion over the roofing detail of the building fronting Radmarsh Road and the effectiveness of the the faux mansard roof

with dormers, however most committee members welcomed the other architectural details, and the overall improvement the scheme will bring to the site and its surroundings ;

- (t) A committee member questioned the purpose and appearance of the canopy within the private courtyard space and the ongoing cost for maintenance of the structure;
- (u) There has been progress throughout negotiations with the developers around the energy efficiency of the development, and committee members were pleased with the progress, not only from a climate change perspective but also in terms of reducing running costs for the building and the residents;

The Committee asked that the use of porous surface materials for the internal street and courtyard space , and the consideration of space for wild flowers within the landscaping, be addressed with the developer prior to the relevant conditions being determined by the Director of Planning and Regeneration.

Resolved to

(1) Grant planning permission subject to:

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

- (i) An off-site Public Open Space financial contribution of £373,230 towards enhancement in the surrounding area;**
 - (ii) A student management plan, to include restrictions on car use;**
 - (iii) Local employment and training benefits including opportunities in the construction and operational phases of development together with payment of a financial contribution of £108,976 towards employment and training;**
 - (iv) A financial contribution of £603,000 towards Environment Agency flood alleviation works along the River Leen corridor associated with the site and wider area;**
- and potentially:**
- (v) A financial contribution towards off-site highway works associated with the site and wider area.**

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

(2) To delegate power to the Director of Planning and Regeneration to determine the final details and terms of the Planning Obligation (including whether a financial contribution towards off-site highways works provision be sought and if so as to the quantum of that contribution), subject to him being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:

- (i) necessary to make the development acceptable in planning terms;**
- (ii) directly related to the development;**
- (iii) fairly and reasonably related in scale and kind to the development.**

(3) Delegate authority to the Director of Planning and Regeneration to determine the final details of the conditions of planning permission.

