



Nottingham City Council Planning Committee

Date: Wednesday, 20 April 2022

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

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 Interests**
- 3 Minutes** 3 - 8
Of the meeting held on 23 March 2022, for confirmation.
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
 - a Site Of Former Padstow Secondary School South Of Eastglade Road, Gainsford Crescent** 9 - 38
 - b Wollaton House , 43 Radford Bridge Road** 39 - 54
 - c Burrows Court, Windmill Lane, Nottingham** 55 - 70

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

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Nottingham City Council

Planning Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 23 March 2022 from 14.31 pm – 15:11 pm

Membership

Present

Councillor Graham Chapman (Vice-Chair)
Councillor Angela Kandola
Councillor Gul Nawaz Khan
Councillor Pavlos Kotsonis
Councillor AJ Matsiko
Councillor Toby Neal
Councillor Ethan Radford
Councillor Wendy Smith
Councillor Cate Woodward

Absent

Councillor Leslie Ayoola
Councillor Azad Choudhry
Councillor Kevin Clarke
Councillor Michael Edwards (Chair)
Councillor Sally Longford
Councillor Mohammed Saghir

Colleagues, partners and others in attendance:

Paul Seddon - Chief Planner
Rob Percival - Area Planning Manager
Karen Shaw - Local Plans Manager
Tamazin Wilson - Solicitor
Catherine Zine-Pryor - Governance Officer

53 Chair

In the absence of the Chair, Councillor Michael Edwards, the Vice-Chair Councillor Graham Chapman chaired the meeting.

54 Apologies for Absence

Councillor Michael Edwards - council business
Councillor Sally Longford – leave
Councillor Kevin Clarke - work commitments

55 Declarations of Interests

Councillor Pavlos Kotsonis declared a non-pecuniary interest in agenda item 4a, 235 Derby Road Nottingham NG7 1QN, (minute 57), insofar as he has been in contact with the groups raising objections, and declared his intention to withdraw during the consideration of this item.

No other declarations were made.

56 Minutes

The minutes of the meeting held on 22 December 2021 were confirmed as a true record and signed by the Chair.

57 235 Derby Road Nottingham NG7 1QN

Prior to consideration of this item Councillor Pavlos Kotsonis withdrew from the meeting and did not return to the room until the item had concluded.

Rob Percival, Area Planning Manager, presented application 21/02177/PFUL3 (PP-09897082), by Mr Umar Asghar, for a change of use from existing offices/bank into restaurant with open shisha area to the site frontage, erection of single storey rear extension for use as additional restaurant seating area and alterations to the front elevation of 235 Derby Road, Nottingham, NG7 1QN.

Rob Percival delivered a brief overview presentation which included a street map, street views, the current footprint and proposed extension, along with graphics illustrating current, street facing appearance of the building and the proposed changes.

The following points were highlighted:

- a) the building is a former bank, situated next to the Savoy Cinema on Derby Road, and has been vacant for some time;
- b) the applicant intends to open a restaurant with an extension to the rear, enclosure of the existing car park and external seating area on the clearly defined private forecourt of the site are proposed;
- c) changes are proposed to the front elevation of the building, which is currently predominantly glass, with metal panelling and signage added;
- d) 2 neighbouring property consultations have been held, from which petitions were submitted from residents of Palmer Court (an independent living complex) who objected to the proposal, although several of the concerns raised may be considered as a reflection of unauthorised unruly parties held on the site prior to the current tenants/applicant's involvement, and for which they are not responsible;
- e) other concerns raised in objection, including from the Nottingham Action Group, involved parking capacity, the re-enforcement of a student focused environment in a family housing area, including student based associated anti-social behaviour (ASB);
- f) whilst only the erection of the proposed extension is subject to Planning Permission as the existing and proposed uses both now fall within the new 'Use Class E', the applicants have agreed to conditions to help avoid ASB and reassure residents that the business will not be of detriment to the area. These have included an hours of use restriction, no amplified or non-amplified outdoor music, forecourt seating not to be used after 10pm, and not to use the car park for additional seating.

Comments from committee members and responses to members' questions

included:

- g) although Planning Permission conditions, such as opening hours, are binding, they are separate from licensing requirements and conditions, all of which must be complied with;
- h) as the applicants have agreed conditions which are considerate to the concerns of residents, and there are no formal grounds to refuse the application, it is supported;
- i) whilst concerns may have been raised around the potential for residential disturbance from early morning refuse collection from the business, this is not something that can be reasonably conditioned or controlled through the planning process;
- j) the Civic Society has acknowledged that building is not of any significant architectural importance and planning officers have no objection to the proposed design amendments which are in line with the proposed use;
- k) details of the rear boundary treatment and car park containment are not yet available but if the application is approved, the details of these will be conditioned and require prior approval by planning officers;
- l) Highway colleagues have been consulted regarding resident's concerns around a potential impact on parking availability, and have responded that the level of parking provided by the premises is acceptable and no additional requirements are necessary;
- m) the update sheet, circulated on the day of the meeting, also references Highway colleague's suggestion that all construction related parking should be accommodated on the site during the construction;
- n) signage in the car park asking patrons to be considerate of noise affecting neighbouring residents would be welcomed.

Resolved

- 1) to grant planning permission subject to the conditions listed in the draft decision notice at the end of the report;**
- 2) for the power to determine the final details of the conditions to be delegated to Director of Planning and Regeneration.**

58 Nottinghamshire and Nottingham Draft Joint Waste Local Plan

Karen Shaw, Local Plans Manager, presented the Draft Nottinghamshire and Nottingham Waste Local Plan which has already been presented to Executive Board and since 7 February 2022 is open for consultation until 4 April 2022;

The following points were highlighted:

- a) the document has been jointly prepared between Nottinghamshire County Council and Nottingham City Council;
- b) following the consultation closure, the responses will be assessed and amendments made before it is submitted for consideration by a Central Government-appointed Planning Inspector in Spring 2023. If approved it can be adopted by both Councils in Autumn 2023;
- c) the sections of Plan include:
 - i. the scope;
 - ii. context for waste planning;
 - iii. plan area;
 - iv. vision and strategic objectives;
 - v. strategic priorities;
 - vi. development management policies;
 - vii. monitoring and implementation;

Committee members' comments and responses to their questions included:

- d) the draft Plan seeks to guide future development rather than allocating land. During the initial early consultation with industry, there was a call for potential sites, but as none were put forward, criteria based policies have been developed, which are founded on sustainability principles to ensure that settlement size and geography focus sites where they are most needed;
- e) the Waste Needs Assessment (which is the evidence base which underpins the Plan) demonstrates that there is no immediate urgency to identify future potential sites;
- f) the City and County Councils have exhausted land fill capacity and do not propose to allocate any further landfill, but instead look to how waste recycling and refuse can be collected. It is anticipated that recycling rates will increase;
- g) the Plan can only take into account currently operating waste sites and not those which are proposed, even if planning applications have been approved;
- h) it is surprising that the plan is not more ambitious about greenhouse gases given the City Council's aspiration to become a carbon neutral city by 2028. Such significant elements should be strengthened in the plan, with a stronger emphasis on how treatment location can impact on air quality and water efficiency;
- i) this is a broad plan considering a high-level waste strategy, but the Municipal Waste Strategy is due to be launched for consultation in September this year and focuses on local waste services. Any comments or suggestions regarding municipal waste collection and

management would be welcomed as part of that consultation. It should be noted that both documents are being prepared to complement one another.

Resolved to note the Draft Nottinghamshire and Nottingham Waste Local Plan (as appended to the report) and for members to submit any further comments through the consultation.

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Wards Affected: Bestwood (May 2019)

Item No:

**Planning Committee
20th April 2022**

Report of Director of Planning and Regeneration

Site Of Former Padstow Secondary School South Of Eastglade Road, Gainsford Crescent

1 Summary

Application No: 21/02506/PFUL3 for planning permission

Application by: Countryside Properties (UK) Limited

Proposal: Erection of 291 dwellings, associated works including engineering works and drainage, demolition of part of the existing school, new roads, landscaping, and public open space. Diversion of public rights of way at Land at Former Padstow School, Eastglade Road, Bestwood, Nottingham.

The application is brought to Committee because it is a major application with important land use considerations

To meet the Council's Performance Targets this application should have been determined by 21st February 2022, an extension of time has been agreed in principle with the applicant.

2 To 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) Prior completion of an agreement under s111 of the Local Government Act 1972 to secure a Section 106 Planning Obligation in respect of:

(i) A financial contribution of £1,911,255 towards new and enhanced primary and secondary education facilities

(ii) A financial contribution of £85,764 towards employment and training and provision of employment opportunities during construction works

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

(c) Power to determine the final details of both the terms of the Section 111 Agreement, Planning Obligation and the conditions of planning permission to be delegated to the Director for Planning and Regeneration.

2.2 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 was historically occupied by Padstow School and forms partially cleared areas of buildings and former playing fields. The site is located within an established residential area where properties are a mix of semi-detached and terraced and largely constructed from brick and tile. The site is bounded by Eastglade Road to the north, Stevenholme Crescent to the east, Ellsworth Rise to the west and Gainsford Crescent to the south. Henry Whipple primary school is situated on the south western boundary and Bestwood Community Centre alongside the new access road proposed from Gainsford Crescent.
- 3.2 The site slopes gently down from north to south, with flatter areas once occupied by buildings, playing fields and other areas relating to the former school use, with the exception of the final approximate 150m which slopes steeply towards Gainsford Crescent. The site is generally grassed and contains a number of footpaths across it largely linking north and south together. A belt of poplar trees and scrub vegetation are located approximately within the centre of the site, with other largely self-set trees dotted around the site. Beyond the south eastern boundary is a small area known as Sunrise Hill, which is designated as a Local Nature Reserve.
- 3.3 To the north of the primary school is a brick tower with telecoms mast atop, which the developer is understood to be in process of negotiating the removal of. Annex buildings associated with the school on the eastern side of the school site are proposed to be demolished as part of this application.
- 3.4 The site is served by bus stops located to the north on Southglade Road and to the south on Gainsford Crescent. The site is allocated within the Local Plan as SR08 – Eastglade Road - Former Padstow school site.

4 Details of the proposal

- 4.1 The proposal is for the construction of 291 residential dwellings. The development would provide a mix of 1, 2, 3 and 4 bed properties. 75 (25%) of the proposed dwellings would be affordable units which would be transferred to Nottingham City Homes on completion. Affordable units would largely be located on the western side of the site and be a mix of detached, semi-detached and terraces to match the wider site mix.
- 4.2 Properties would with the exception of 3 units all be two storey in height and constructed from brick and tile. Twelve varying property styles are proposed, all of which include window headers, cills and brick string courses. Dwellings would be enclosed with a mix of brick walls and hedging with railings behind. Following discussions with the applicant the number of units has reduced from the initially submitted 294 to 291 to improve the site layout.
- 4.3 All parking areas within the curtilage of dwellings would be provided with Electric Vehicle Charging Points (EVCPs). Additional visitor parking is provided within on street build outs. Provision has been made for bin storage within rear garden areas and an outbuilding would be provided for bike storage.
- 4.4 The centre of the site would be retained and improved as a green park area with a play area also provided. A 5m wide green corridor is proposed running north to south through the site which would be planted with trees and vegetation.

- 4.5 Three drainage attenuation basins are proposed as part of the proposed development one at the northern end and two at the southern. The southern approximate 100m of the site towards Gainsford Crescent would be planted and footpaths connecting the site provided.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

183 properties consulted on Ellsworth Rise, Stevenholme Crescent, Peary Close, Padstow Road, Raymeade Drive and Eastglade Road.

Press & site notices displayed.

Nine letters of representation received to the initial submission raising the following points:

Nottingham Local Access Forum

Our objection to this application is consistent with our objection to the draft Section 251 (Town and Country Planning Act) Order, that seeks to stop up all existing rights of way that may exist on the site and which is referred to in the application.

NLAF wishes to be assured that the application secures access via active travel means across the site, and to the retained open space within it. The inference is that such access will be available and we broadly welcome the proposed road hierarchy, together with the pathways in the areas of open space, that should permit active travel within and across the site. We can however find no commitment to the roads being adopted as highways, nor to the dedication as rights of way of the pathways, both being required to guarantee public access. We suggest that planning conditions should be applied to secure both.

Selected lengths of the pathways should incorporate segregated facilities designed in accordance with LTN 1/20 for use by cycles/scooters, in particular the links to and from Padstow Road, Stevenholme Crescent and Barent Walk. Such facilities will support the objectives of the Travel Plan and the work of the Travel Plan Coordinator, when appointed. Planning conditions should be applied to secure these segregated rights of way, and the future maintenance regime for all the pathways.

We are aware that enjoyment of the open space afforded by the existing access and rights of way is greatly enhanced by the spectacular views available from the site that are currently available. Cross sections additional to those provided in the application should be required of the applicant in order to illustrate the extent to which these views are retained. These should be taken on an approximately north/south axis (at right angles to the line of retained poplar trees) through both areas of retained open space, extending through the houses between them and through the existing houses south of the site.

Planning conditions that govern finished ground floor levels in buildings and road levels, together with building heights by location may be appropriate to secure that the views are retained. NLAF welcomes the inclusion of externally accessed cycle storage for all properties. Planning conditions should be applied to ensure that

these are delivered, and require that storage units are well designed, secure, internally lit and provided with power supply to permit charging of e-bikes. The size of each cycle store should be commensurate with the number of bedrooms in the property it serves

Friends of Sunrise Hill

I am writing to object to the current plans for the housing development. We appreciate that there is a need for appropriate housing, but we feel that the plans as they currently stand do not do enough to consider environmental needs. We are extremely concerned about the impact on the wildlife and biodiversity on the site, and also the negative impact on the wildlife in Sunrise Hill – a designated LNR.

We are extremely concerned that the disturbance caused by the building work will have a detrimental impact on this important habitat and the wildlife within it. Sunrise Hill was referenced in the Preliminary Ecological Appraisal, and yet we note that the Application in section 12 ticks 'no' next to 'Designated sites, important habitats or other biodiversity features'. This is very concerning, and needs to be amended.

The council requires a biodiversity net gain (see the Biodiversity Supplementary Planning Document (SPD)). It is not apparent from these plans how this is going to be achieved – opportunities will be missed without a clearly thought out and documented approach to meeting this net gain obligation.

The council's SPD states that green corridors should be maintained and, where possible, improved (Stage 2: Design, and Mitigation Hierarchy 5.10, 5.12). We have stated at every consultation opportunity that the proposed 'green corridors' do not fit any description of a green corridor that most would recognise. They appear to be just clusters of trees alongside roads – not a practical solution to allow wildlife to travel freely and safely from Sunrise Hill, across the site and towards Southglade Park, as it can at present. Green corridors are used to provide wildlife with safe access, when their habitat is interrupted by structures such as roads, so these tree lined roads on the plans can never be considered green corridors, and will result in increased fragmentation of species and habitat – another blow for biodiversity and endangered species, and almost certainly having a negative impact on Sunrise Hill.

There is no reference in the documentation to hedgehogs being seen on the site – as local residents, we can confirm that there are hedgehogs in the area. We have seen them in Sunrise Hill, on Kinlet Road and on Stevenholme Crescent – which backs onto the site. It's therefore essential that the plans take into account the requirements of this critically endangered species.

The Preliminary Ecological Appraisal Report noted house sparrows (a red listed bird) using the site. There is a sizable group of house sparrows that use Sunrise Hill daily, so we are concerned about the impact of the building work on this group. Steps must be taken to preserve and enhance their habitats on the site.

Finally, as a local resident, I am very concerned about the impact on the physical and mental wellbeing of the community – the Friends of Sunrise Hill group has received plenty of feedback about this. I use this site every day and it is never empty – on weekdays, it is the commute to school for many families and commute to work for many people. It's used by dog walkers, joggers, and at weekends and evenings, by many people for recreation – to enjoy the open space, the views of the city, to watch fireworks, to go sledging in the snow, to fly kites and have picnics.

The loss of open space, and particularly green space containing flora and fauna, will have a detrimental impact on the wellbeing of many.

The LAPP states that allocated sites SR03, 05, 06, 08 & 09 open space requirements will be coordinated with appropriate mitigation provided which result in an overall increase in the quality & ecological value of open space in the area. This Application falls short of the mitigation measures listed above, and therefore Friends of Sunrise Hill must object.

Nottingham Open Space Forum

The area concerned is an important open green space and is part of a wider network in that area much of which is also designated for development. Whilst acknowledging that the land in question is legitimately designated for housing we must object to this application as we believe it does not adequately reflect the needs of the local community and of enhancement of the natural environment.

The Green corridors indicated on the application plans are incomplete, are not true nature friendly green corridors and do not enable green connectivity which would benefit the local community

We would welcome this both for SUDS purposes and for potential biodiversity enhancements. We do not feel that future management and protection is adequately detailed. We also note that some diagrams show a 3rd pond – are two or three proposed?

In reality tree planting is scattered street trees and not a green corridor.

No detail of enhancement measures are set out. Promises were made, for example, at one consultation session for hedgehog friendly fencing on all properties but this is not stated.

We acknowledge that the provision of open space is adequate, but Council guidance is that Biodiversity & Open Space SPDs are to be taken together and call for connectivity. Such connectivity is not in place.

This application should be refused in its current form on the basis that it does not adequately reflect the Councils declaration of ecological and climate emergency and the policies set out to address that. We believe that Section 40 of the Natural Environment and Rural Communities (NERC) Act placing a duty on public authorities to have regard to the purpose of conserving biodiversity also applies.

Nottingham Wildlife Trust:

We believe that the PEAR is inadequate as it does not provide the detail needed for such an application.

An impact assessment on the local hedgehog population does not appear to have been included within the PEAR. Hedgehogs are secretive in nature and often go unnoticed and as a consequence are significantly unrecorded. The lack of records on site, therefore, does not indicate an absence of the species. Given the habitats on site and the adjacent residential gardens, the presence of hedgehogs within the area is considered likely. As a consequence, Reasonable Avoidance Measures

(RAMs) and appropriate mitigation should be implemented.

Any garden fence, or other non-permeable structure, should be provided with a small hole (130mm x 130mm) to allow a continuous pathway in which hedgehogs can move through the developed residential site.

This site lies directly adjacent to Sunrise Hill LNR/LWS which contains an area of acid grassland; a Priority habitat. We are concerned that these proposals will result in the fragmentation of this habitat, as well as the potential for degradation as a result of increases in recreational disturbance. Further assessment is therefore needed to determine the level of potential impacts including fragmentation, increased footfall (disturbance element & soil compaction), noise, vibration, dust during the construction period, insensitive lighting, spray drift from domestic herbicide / pesticide usage and potentially unwanted garden escapees / invasive species. Avoidance measure must be implemented, with mitigation / buffer planting considered as a last resort.

There appears to be some inconsistencies between the PEAR and Bat Survey Report in regard to the assessment / further bat surveys for the buildings. Neither the PEAR nor the Bat Survey Report appears to have assessed the site as a whole for foraging / commuting bats.

A potential badger sett was recorded on site, should monitoring confirm an active badger sett, an assessment of the impacts from the development will be required, as a licence application to Natural England may be required.

To facilitate the retention of the ecological corridor the masterplan will need to be re-designed; this will require the exclusion of houses 93 to 118. This area should be enhanced, under the advice of the ecologist, by restoring / creating further (appropriate habitat) and managed for biodiversity not amenity.

Attenuation Features / Sustainable drainage systems (SuDS) – it is important that these are retained / managed as permanent waterbodies and designed for biodiversity.

During the survey, the ecologist noted the presence of dunnock and house sparrow on site. Both species have undergone significant declines and are therefore red listed Birds of Conservation Concern, therefore every effort must be made to retain and enhance the habitats on site to retain and bolster the populations. Appropriately sited sparrow boxes should be incorporated into the buildings (under guidance from the ecologist) and hedgerow / scrub habitats created to facilitate both species. Additional boxes should also be incorporated into each of the dwellings to provide further habitat for other urban bird species (integrated swift boxes can facilitate a range of bird species). Bat bricks / boxes and insect bricks should also be included.

All future development proposals should apply the mitigation hierarchy to help deliver biodiversity net gain and reduce, as far as possible, negative effects on biodiversity. The mitigation hierarchy requires that in the first instance impacts are avoided, if they cannot be avoided then they should be mitigated for and only as a last resort should impacts be compensated. Enhancement and delivery of biodiversity net gain i.e. an approach that leaves biodiversity in a better state than before should be part of all development proposals, in line with the Environment Bill.

Based on the available information, we consider that this application fails to demonstrate that the proposed development will not result in an adverse impact on UK and Nottinghamshire Priority habitats and Priority species, as well as the fragmentation of a key wildlife corridor and ecological network. In the absence of demonstration that such impacts can be avoided; mitigated or adequately compensated, we believe this application should be refused.

How will the schools cope with the additional children?

Health facilities in the area are already stretched

How will the police cope with the additional

Where are the leisure facilities for an additional 1000 people?

To approve this plan without any consideration for the current community or provision of extra schooling and leisure services is completely unacceptable.

Surrounding roads are not suitable for heavy traffic and this proposal will bring another 500 cars to the roads.

We are concerned about traffic onto Gainsford Crescent and the positioning of the bus stop

The access onto Arnold Road also requires consideration

There is a danger that the road through the site will be used as a rat run and with schools at both ends this could be dangerous

For an already densely populated area it doesn't make sense to add more dwellings and remove green space

The development will not benefit the local economy

Provision of affordable homes is not sufficient justification for the disruption that this development will bring to existing residents

The loss of the green space will mean less places for dog walking and a need to travel by car to places further away

Four letters of representation received following further consultation:

Some areas of this site become water logged through the autumn/ winter season. I have noted that attenuation basins have been included in the plans, but I am concerned that displacement of water upon development will lead to flooding or increased surface water to the current neighbouring properties, and associated possible risk of subsidence.

Has this land ever been considered for use as a natural habitat, possibly as a LNR , connecting to the LNR Sunrise Hill which is already established? I appreciate that ecological surveys have been undertaken, but they do only provide a snapshot of that point in time. Since the demolition of the Padstow school buildings I have observed wildlife using this site on a daily basis

I know mitigation plans are in place to attempt to reduce impact to bats amongst and other animals but nevertheless, an impact will be made. The loss of green space and the introduction of street lighting to what is currently a relatively dark area will undoubtedly have a negative impact.

The Nottingham Biodiversity Action Plan speaks of the importance of identifying

species and habitats important to the local area and reflecting values of the people locally, to ensure opportunities for conservation enhancement of biodiversity resources, and to limit the impact on any existing conservation areas (Sunrise Hill will likely be negatively impacted by the proposed housing development). With all this in mind, why not consider this site for conservation enhancement? Plant more trees and shrubs, create wildflower meadows, allow more and more wildlife to return to the area.

I believe that local people would wholeheartedly embrace this idea. At a time when we need more trees and more greenspace, when DEFRA and the Forestry Commission are offering to pay landowners to plant trees (Plant the Future), when we need natural resources to act as a barrier to urban pollution, absorbing airborne particles and pollutants from this already too built up an area, we should consider keeping Padstow a greenspace. We should consider making it a better greenspace, encouraging more wildlife and connecting the areas of Sunrise Hill to Southglade Park, allowing a wildlife corridor.

To build 291 dwellings on this land, along with the associated highways, will lead to a permanent loss of grassland, and species habitation. The biodiversity which I have witnessed increasing over the years will be severely impacted and some even lost.

I do also feel that the infrastructure of the area will struggle. School crowding, increased traffic, noise and pollution and strain on Doctor and Dentist provision.

Friends of Sunrise Hill

Our objection as the Friends of Sunrise Hill and local residents remains. The plans do not do enough to consider environmental needs, a critical concern given the climate emergency. We are concerned regarding the impact on wildlife and biodiversity on the site and negative impact on Sunrise Hill LNR.

We have consistently requested for plans to include appropriate wildlife corridors to enable species to travel through from Sunrise Hill across into Southglade Park. We are disappointed this has been missed from plans completely.

We note from the preliminary ecological appraisal that a construction environmental management plan and ecological mitigation strategy are recommended for the site and our hope is that these will help mitigate some of the damage being done

Nottingham Open Spaces Forum

I write on behalf of the Nottingham Open Spaces Forum and we maintain our previous objection. We note some amendments to the original plans which move towards improvements regarding our ecological and open and green space concerns. We find however that these revisions do not sufficiently address the major flaws which relate to the lack of ecologically sound green connectivity as required in the biodiversity SPD or as detailed in the site allocation description contained within the LAPP

We note that the updated ecological survey recommends the following: "Ecological Mitigation Strategy should be produced for the site detailing how the development will maximise potential opportunities for biodiversity within the hard and soft landscaping and protect notable species during and post development." The report

further recommends assessment specific to the adjacent Sunrise Hill LNR. Until we are able to assess such documents we remain opposed to this development in its current form.

I was hoping to see a reduction in the number of dwellings proposed, plans for leisure facilities, explanation as to how 500 children are going to be educated, increase in availability of medical facilities, plans for improvement of road safety in the surrounding area.

There is nothing like that - seems to be the same plans re-drawn slightly. If the proposal is to be reassessed, shouldn't people in the community be notified correctly and given the opportunity to object?

My objections to this development remain as they were previously and as detailed above.

Any further letters received will be reported as late items

Additional consultation letters sent to:

Pollution Control: Details of contaminated land remediation, noise and insulation and electric vehicle charging points should be secured via condition

Environment Agency: The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site

Lead Local Flood Authority: No objection surface water management details should be secured via condition

Carbon Neutral Team: The scheme overall appears to show good thought in relation to ecological mitigation. However, to reduce the carbon impact of the proposed development, it is recommended in particular that: - There is a consideration of the energy performance of the proposed dwellings, including measures to reduce energy use, and use of renewable and low carbon forms of energy. Further consideration of water efficiency measures in the proposed dwellings could be included, as well as rainwater butts in gardens. - The number of car parking spaces provided is reduced. This space could instead be used for natural/open space.

Biodiversity Officer: No objection subject to conditions relating to design amendments to attenuation ponds to provide standing water habitats. Hedgehog friendly fencing, submission of an ecological mitigation strategy, provision of a lighting strategy, landscaping details and a construction environmental management plan

Education: A contribution towards the provision of additional Primary and secondary school places is requested.

Highways Officer: Further clarification required relating to road safety and a number of technical aspects namely; traffic calming, transitions, tracking, access and visibility; details shall be secured via condition

Rights of Way Officer:

Has the application been advertised based on the proposal resulting in footpath diversions?

Although the applicant refers to the diversion, the plan attached to their application says “extinguishment”, which, legally, is a stopping up with no new PROW being created. It can’t be both.

No clear plan has been provided showing the diverted PROW

Pedestrian links should be designed to accommodate cyclists as well (sufficient width, signing and no physical motorcycle barriers)

NUH NHS Trust: A contribution is requested towards health care provision.

6 Relevant policies and guidance

National Planning Policy Framework (2021):

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 126 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 130 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

Local Plan Part 2 - Land and Planning Policies (January 2020)

Policy CC1 - Sustainable Design and Construction
Policy CC3 - Water
Policy HO1 - Housing Mix
Policy HO3 - Affordable Housing
Policy DE1 - Building Design and Use
Policy DE2 - Context and Place Making
Policy EN2 - Open Space in New Development
Policy EN6 - Biodiversity
Policy EN7 - Trees
Policy IN2 - Land Contamination, Instability and Pollution
Policy IN4 - Developer Contributions
Policy SA1 - Site Allocations
Policy TR1: Parking and Travel Planning

7. Appraisal of proposed development

Main Issues

- (i) Principle of the Development.
- (ii) Design and Impact on the Streetscene.
- (iii) Biodiversity and Green Space
- (iv) Impact on Residential Amenity
- (v) Planning Obligations
- (vi) Other Matters

(i) Principle of the Development (ACS Policy 8 and LAPP Policies HO1 and SA1)

- 7.1 The site is identified in the Local Plan Part 2 as Site Allocation SR08 – Eastglade Road - Former Padstow school site. The proposed use is “residential (C3, predominantly family housing) with a proportion of the site retained as open space”. Having regard to this allocation the principle of residential development of the site, with areas of public open space, is considered to be acceptable.
- 7.2 The proposed development would offer a mix of tenures notably private sale, private rent, affordable rent and shared ownership. The proposal would offer a good mix of house types and sizes with the predominant sway towards family housing. 25% of the total housing numbers are proposed as affordable units. Given the allocated nature of the site and the proposal for residential development the proposal is acceptable in principle and accords with Policy 8 of the Aligned Core Strategies and Policies HO1 and SA1 of the Local Plan Part 2.

(ii) Design and Impact on the Streetscene (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.3 The scheme has been the subject of protracted discussions to inform the site layout. A design code was produced by Urban Design colleagues as part of the tendering process to set out the aspirations of the City. Fundamental to the success of the scheme is the creation of a tree lined avenue providing a green corridor linking the north to the south. Streets located off the avenue are part of a clear hierarchy and generally reduce in scale to help with placemaking. Properties fronting the avenue have been set back to assist with the creation of a green

corridor which will be planted with trees and other appropriate planting to encourage biodiversity, with the precise finish to be secured via condition.

- 7.4 Twelve varying property types are proposed to provide interest in the street scene with properties generally proposed as semi-detached and terraces of 3 dwellings. Indicative materials are bricks and tiles with the suggested use of three varying brick colours with the precise finish to be secured via condition. Houses would all contain a degree of architectural interest notably brick headers, cills, brick string courses and a mix of porch details. Properties located on corners have been designed to ensure they 'turn the corner' and don't provide blank elevations.
- 7.5 Detailed discussions have been had relating to boundary treatments with frontages typically treated with a mix of estate railings with hedging and brick walls. Close boarded fencing is proposed but restricted to rear garden areas. Parking would be a mix of frontage and side on bays finished largely in block work.
- 7.6 Streets would be a mix of tarmac, blockwork and setts to provide variety and interest and a number of the smaller, minor side roads are proposed as shared surfaces. Subject to conditions to clarify and secure design details the proposal is considered to be acceptable and in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

(iii) Biodiversity and Green Space (ACS policy 17 and LAPP Policies EN2, EN6 & EN7)

- 7.7 The proposal has been supported by an initial preliminary ecological appraisal which has been updated during the lifetime of the application, in addition to a bat roost survey. The site is largely maintained grassland with tree cover largely situated in the centre of the site and proposed to be retained. Initial concerns have been raised by biodiversity colleagues and local interest groups in relation to the proposal not providing sufficient linkage and connectivity for biodiversity on the site and the development not promoting net gain.
- 7.8 Revisions have been made to the initially submitted layout and a 5m wide green corridor, which would be maintained by the applicant, introduced running north to south through the site. Green space would also be provided at the northern end of the site, the existing central tree belt retained and strengthened, an existing area of scrub vegetation retained on the western boundary and approximately 100m x 150m banked area retained towards Gainsford Crescent. The applicant has indicated that of the total site area approximately 25% (2.65ha) would be retained as open space. A landscape masterplan has been provided showing the extent of planting proposed and whilst the detail contained within the plan is positive, more precise details shall be secured via condition. The concerns raised by both the Friends of Sunrise Hill and Nottingham Wildlife Trust (NWT) in relation to the proposed development impacting on the neighbouring Local Wildlife Site (LWS); Sunrise Hill are again noted and the site has been redesigned with 2 properties removed that previously were proposed to back onto the LWS. The biodiversity officer has reviewed the revised preliminary ecological appraisal and no objection has been raised to the proposed development and no follow-on comments have been received from NWT. The initial concerns relating to the need for bat activity surveys are considered to have been resolved, on the basis that scrub habitat on the western boundary is being retained and that generally the mown nature of the site results in it being of largely limited ecological interest.

- 7.9 The comments received from local interest bodies are again noted, however based on the revisions to site layout and mitigation contained within the revised ecological appraisal the proposal is on balance considered to be acceptable. The follow-on comments from the open spaces forum relating to review of further supporting information are noted, however in this instance biodiversity colleagues are satisfied that the detailed ecological mitigation and management plan can be secured via condition.
- 7.10 Third party comments received in relation to the site being retained and the potential to expand it as a large LWS alongside Sunrise Hill are noted, however as detailed above the site is well established for housing development and allocated as such in the Local Plan. Therefore, subject to a number of conditions being secured in relation to: revisions to the attenuation pond designs to provide standing water habitats, provision of hedgehog friendly boundary fencing, provision of an ecological mitigation strategy, lighting details being secured and the submission of a construction ecological management plan the proposal is considered to be acceptable and would accord with ACS policy 17 and LAPP policies EN2, EN6 & EN7.

(iv) Impact on Residential Amenity (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.11 The proposed residential layout has been designed to ensure a good standard of outlook for future occupiers and separation from existing neighbouring built form. The minimum separation between existing and proposed built form would be approximately 20m. Discussions have been had with the applicant in relation to the properties on Ellsworth Rise in relation to levels and a number of sections have been provided to clarify how any potential overlooking would be negated. In tandem with the separation at approximately 20m the proposed relationship is considered to be acceptable.
- 7.12 Having regard to the layout of the development and the relationship with the site boundaries and neighbouring residential properties, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. Sufficient parking is provided both on plot and within road build outs for future occupiers and visitors. The comments received from the Environmental Health Officer are noted and shall be secured via suitably worded conditions. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

(v) Planning Obligations (ACS Policies 8 and 19 and LAPP Policies EN2, HO3 and IN4)

- 7.13 The site is owned by the Council with the sale of the land pending. As the Council (as land owner) cannot enter into a s106 agreement with itself an agreement will be required with the developer under s111 of the Local Government Act 1972 to require them to enter into a s106 Agreement in respect of the appropriate planning obligations on transfer of ownership.

Contributions to be secured are as follows:

- Education - £1,911,255
- Employment and Training - £85,764

The proposed obligations accord with planning policy and are therefore reasonable, meeting the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

- 7.14 As part of the arrangements for the disposal of the site, in excess of the policy compliant 20% affordable properties are being provided on site which are being transferred to Nottingham City Homes on completion. There is no requirement to secure the exact make up of this affordable provision as part of this grant of planning permission with details secured via the sale of the land.
- 7.15 A request for a contribution of £329,853 has also been received from the NUH NHS Trust in relation to the provision of health care provision. Officers have reviewed the request and discussed with the applicant. It is accepted that health care provision is a material planning consideration that is referenced in chapter 8 of the NPPF (Promoting Healthy & Safe Communities) and Policy IN4 of the LAPP. However, it is considered that the case put forward by the NUH NHS Trust does not demonstrate why it is necessary for the shortfall of provision that has been identified in the Trust's submissions to be met by a contribution from the developers, as opposed to through other funding mechanisms available to them. The case for the Trust is essentially that it is not possible to plan for increased demands that will be placed on services arising from population increase because it is not possible to predict when planning applications for development will come forward. However, given that there is a significant lead time between planning applications being submitted and developments being constructed and occupied, it is not understood why this additional demand cannot be planned and accounted for in the allocation of resources. It is noted that funding from the CCG changes over time to take into account population change.
- 7.16 A number of further queries and issues arise from the request, in particular that the contribution sought relates solely to secondary/acute care rather than wider healthcare infrastructure, particularly primary care (GP provision). There are also queries regarding the basis of the calculation being used to arrive at the figure requested and reassurances required that any monies sought would be spent on healthcare provision reasonably and directly related to occupants of this development. In the absence of these matters being satisfactorily resolved, is not therefore considered that the requested NUH NHS Trust contribution should be sought in this case.

(vi) Other Matters (Policy 10 of the ACS and policies CC3 and TR1 of the LAPP)

Highways

- 7.17 The development has been the subject of numerous discussions in relation to ensuring the layout is appropriate from a highways perspective. Discussions have been had relating to road widths, surfacing, refuse collection and storage, accessibility and vehicle parking. Parking has generally been proposed on a basis of 1 ½ spaces per dwelling; smaller dwellings having 1 on plot space and larger 2 spaces. Space has been allowed for on road for visitor parking and to account for the potential for school drop off parking to the south west of the site, given the proximity of Henry Whipple School. Further detailed plans are required in relation

to a number of road safety aspects namely: traffic calming (street tree buildouts), surface transitions, vehicle tracking (to ensure no over runs), access and visibility which shall be secured via condition.

- 7.18 The comments regarding access and rights of way are noted; the majority of proposed roads are proposed to be adopted by highways and it is understood that an application has been made to divert existing footpaths with provision made within the site to connect through to Henry Whipple, retained landscaping on the western boundary would connect through to Barent Walk and access and connectivity would be provided to the retained 'southern meadow' at the southern edge of the site. The diversion/ stopping up of any rights of way is subject to a separate statutory process – a Diversion or stopping up order under the Town and Country Planning Act 1990. This enables a right of way to be diverted or stopped up permanently if the local planning authority is satisfied that an order is necessary to enable development to take place, for which planning permission has been granted or applied for. An order under this Act may provide for a creation of an alternative highway in replacement for the right of way that is to be either stopped up or diverted.

Drainage

- 7.19 Site drainage strategies have been reviewed by the Lead Local Flood Authority and further information requested particularly in relation to attenuation basin design and ensuring drainage during construction is appropriately managed. No objection is raised by the LLFA or the EA to the proposed development subject to precise drainage information being secured via condition. The comments received relating to site waterlogging and run off are noted and this should be addressed as part of surface water management arrangements.

Other matters

- 7.20 Comments received relating to lack of local services to serve the development are noted. As detailed above a significant contribution is being sought by the education department towards school enhancement and to accommodate additional provision. As the site has long being allocated for housing development it is considered that other local leisure facilities are sufficient to accommodate the proposed level of additional development, and indeed could be supported by additional demand arising from the development. Overall it is considered that the development is acceptable and in accordance with Policy 10 of the ACS and Policies CC3 and TR1 of the LAPP.

8. Sustainability

- 8.1 The application is supported by a sustainability statement which details that properties would follow a fabric first approach with 'Modern Methods of Construction' (MMC) utilised. MMC Properties are proposed to be of timber frame construction with modules mass produced in a factory environment ensuring consistency of manufacture and increased speed of delivery. The applicant has stated that the use of timber framed dwellings ensures that carbon savings are 'locked in' for the lifetime of the development, as opposed to a relatively short period, circa 25 years that technologies such as solar PV deliver savings for.
- 8.2 All properties would comply with Part L of Building regulations and it is considered that the development would satisfy the requirements of policy 1 of the ACS and

policy CC1 of the LAPP. Contaminated land assessments have been submitted and reviewed by pollution control colleagues. Subject to a remediation strategy being secured via condition the proposal would comply with Policy IN2 of the LAPP.

- 8.3 The applicant has indicated that all on plot parking would be provided with electric vehicle charging points, with precise details to be secured via condition.

9 Financial Implications

As noted above, the development will provide policy-compliant Section 106 contributions of:

- Education - £1,911,255
- Employment and Training - £85,764.

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

None

12 Risk Management Issues

None.

13 Strategic Priorities

Contribution towards the provision of family housing, encouraging families to stay within the boundaries of the city.

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: 21/02506/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R2UZHDLYG1J00>

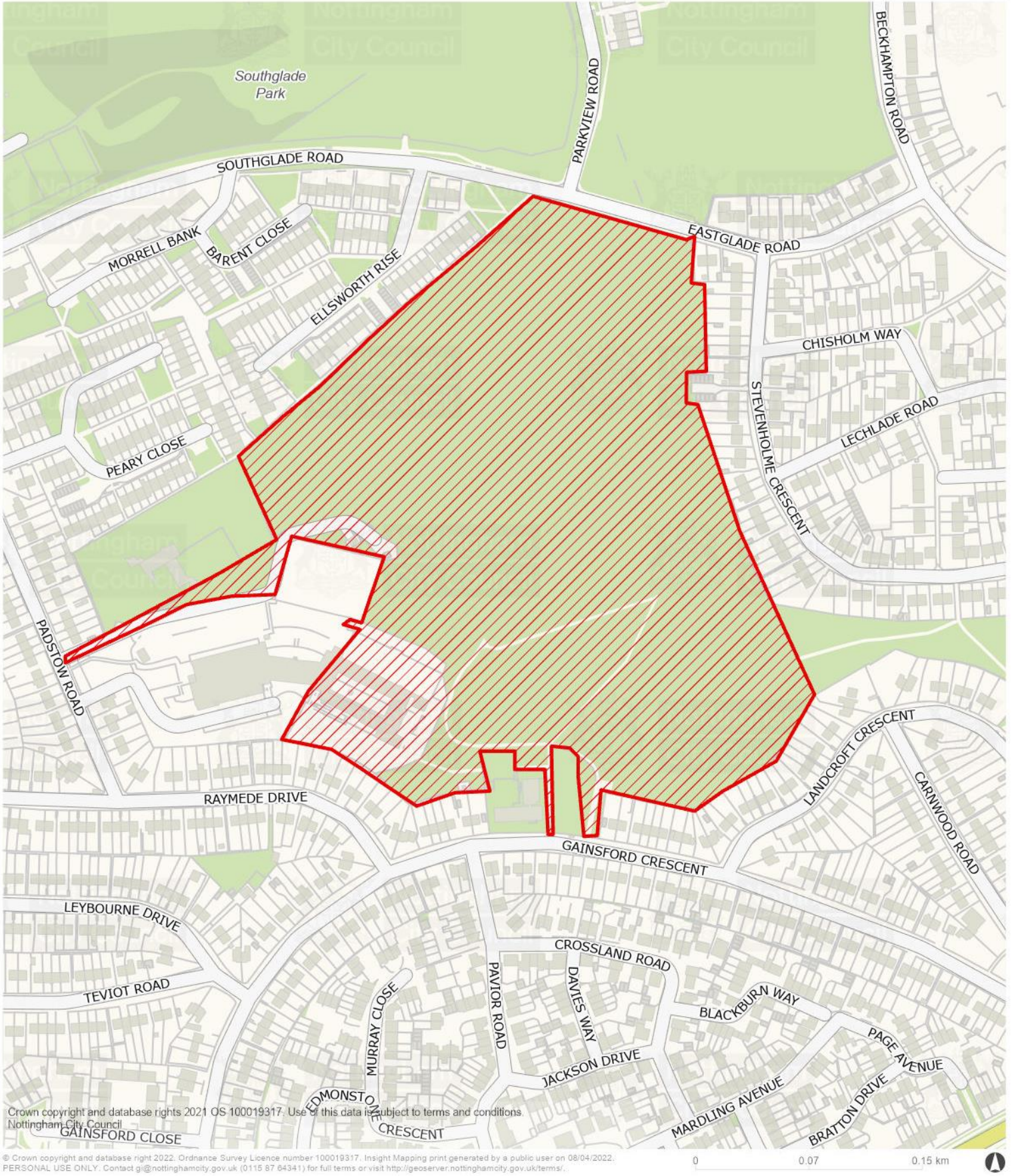
17 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2021)

Contact Officer:

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764065



- Key
-  City Boundary
 -  Planning Applications - Polygons

Description
Former Padstow School

My Ref: 21/02506/PFUL3 (PP-10339311)

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
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Countryside Properties (UK) Limited
1 Penman Way
Penman House
Grove Park
Leicester
LE19 1SY
United Kingdom

Date of decision:

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

Application No: 21/02506/PFUL3 (PP-10339311)
Application by: Countryside Properties (UK) Limited
Location: Site Of Former Padstow Secondary School South Of Eastglade Road, Gainsford Crescent, Nottingham
Proposal: Erection of 291 dwellings, associated works including engineering works and drainage, demolition of part of the existing school, new roads, landscaping, and public open space. Diversion of public rights of way at Land at Former Padstow School, Eastglade Road, Bestwood, Nottingham.

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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DRAFT ONLY
Not for issue

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Continued...

2. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) 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).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) 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: In the interests of amenity and to accord with policy IN2 of the LAPP

3. Prior to the commencement of development, a Construction Ecological Management Plan (CEMP) following the guidance contained within R1 of the Preliminary Ecological Appraisal undertaken by Middlemarch Environmental Ltd dated March 2022 shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall ensure the habitats on site and within the neighbouring LWS are protected from impacts such as damage by construction traffic, pollution including run off and increased noise and lighting levels.

Any environmentally hazardous material used should be kept in dedicated stores and any storage tanks should have appropriate bunding.

Development shall be undertaken in accordance with the approved scheme.

Reason: In the interests of biodiversity and in accordance with policy EN6 & EN7 of the LAPP

4. Prior to the commencement of development an ecological mitigation strategy in accordance with section 7 of the revised preliminary ecological appraisal undertaken by Middlemarch Environmental Ltd dated March 2022 shall be submitted to and agreed in writing with the Local Planning Authority.

The development shall thereafter be carried out in strict accordance with the strategy, unless otherwise agreed in writing.

Reason: In the interests of protecting and promoting biodiversity and to accord with policies EN6 and EN7 of the LAPP

5. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase and to accord with policy CC3 of the LAPP

6. Prior to the commencement of the construction of the dwellings, details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment shall be provided to the Local Planning Authority.

Where a sustainable drainage scheme is to be provided the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface sewers;
- ii) Include a timetable for its implementation; and
- iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure operation of the scheme throughout its lifetime. Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development and to accord with policy CC3 of the LAPP

7. Prior to the commencement of the development, an environmental noise assessment and sound insulation and ventilation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, 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 particular the Henry Whipple Primary School, Padstow Road). In addition, it shall include predicted noise levels for any [relevant premises which may not currently be operating, and] plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas, commercial / residential separation).

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

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

8. Notwithstanding the plans hereby approved, prior to the commencement of development further detailed drawings and sections in relation to the below road safety aspects shall be submitted to and agreed in writing with the Local Planning Authority:

Traffic calming measures, including the provision of build outs with street trees;
Transitions from one side only footpaths to shared surface carriageways and crossings;
Vehicle tracking, ensuring no footway over runs;
Pedestrian bellmouth treatments; and
Junction visibility.

The approved details shall be fully implemented prior to first occupation of any dwellings in the road served by the related highway and footpath, unless otherwise agreed in writing with the Local Planning Authority.

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

9. Prior to any demolition works relating to Henry Whipple School, the proposed elevational treatment of the exposed elevations of the part of the building to be retained shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of the character of the area and to accord with policy DE1 of the LAPP



10. Notwithstanding the details submitted, prior to commencement of above ground development, full details of the specification of the play area and associated equipment, and a timetable for its implementation and completion, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policies DE1 & DE2 of the Nottingham Local Plan.

11. No above ground development shall be commenced until details or representative samples of the bricks and tiles to be used in the development have been submitted to and agreed in writing by the Local Planning Authority.

Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the character of the development and in accordance with policies DE1 & DE2 of the LAPP

12. Prior to the commencement of above ground development a lighting plan in accordance with point R6 of the Preliminary Ecological Appraisal undertaken by Middlemarch Environmental Ltd dated March 2022 shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of mitigating impact on biodiversity and to accord with policy EN6 of the LAPP

13. Prior to the commencement of development, a construction management plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall provide details of how the Public will still be able to cross the site during construction of the development hereby approved.

Reason: In the interests maintaining access to the site and ensuring run off does not occur and and to accord with policy 10 of the ACS

14. Prior to the commencement of above ground development, notwithstanding the details submitted with the application, details of all boundary treatments around individual plots, including hedgehog friendly timber fencing to be installed along the side and rear boundaries of rear gardens (where appropriate), 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: To ensure that the layout and appearance of the development is satisfactory and to improve habitats for hedgehogs in accordance with policy 10 of the Aligned Core Strategies and Policy EN6 of the Nottingham Local Plan.

Pre-occupation conditions

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

15. Prior to first occupation of the development, verification that the approved sound insulation and ventilation 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 amenity and to accord with policy DE1 of the LAPP



16. Prior to first occupation of any dwelling, the details of the electric vehicle charging point serving that dwelling shall be submitted and agreed in writing. Provision shall be made for 1 charging point per domestic unit with dedicated off street parking.

Verification shall be provided prior to the occupation of each dwelling that the charging point relating to that dwelling has been implemented and is operational.

Reason: In the interests of sustainability and to accord with policy TR1 of the LAPP

17. The cycle stores as detailed in Dwg No. NSD1010 shall be provided prior to the occupation of each individual unit.

Reason: In the interests of promoting sustainable transport and to accord with policy TR1 of the LAPP

18. Prior to the occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

Reason: To ensure the Drainage system is constructed to the National Non-Statutory Technical Standards for SuDS and to accord with policy CC3 of the LAPP.

19. No dwelling shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall also include:

Surfacing and on-going maintenance/management details of all proposed all proposed areas of land that are not within adopted highway or individual plots, including all paths not being formally adopted and contained within the boundaries of the site.

The approved landscaping scheme (hard and soft) shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.

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

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

b) A Verification Report, which shall include the data referred to in the Verification Plan, to



demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: In the interests of amenity and to accord with policy IN2 of the LAPP

Regulatory/ongoing conditions

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

There are no conditions in this section.

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 22 November 2021.

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. Contaminated Land, Ground Gas & Groundwater
The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:
'Cut and fill' operations on site
How trees retained on site will be dealt with
How gas precautions including any radon gas precautions will be verified
How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved

Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

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

6. Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (email: pollution.control@nottinghamcity.gov.uk) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday: 07.30 hrs - 18.00 hrs (noisy operations restricted to 08.00 hrs -18.00 hrs)

Saturday: 08.30 hrs - 17.00 hrs (noisy operations restricted to 09.00 hrs - 13.00 hrs)

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)

Equipment

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

Dust/Grit and Other Fugitive Emissions

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

Contractors are expected to use appropriate guidance and methods (eg Guidance on the Assessment of Dust from Demolition and Construction v1.1, IAQM, 2016) to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.

Appropriate measures include;-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning

7. National Planning Policy Framework When determining planning applications, the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific Flood Risk Assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance.

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: 21/02506/PFUL3 (PP-10339311)

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

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

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.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible,

quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

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Wards Affected: Wollaton West (May 2019)

Item No:

**Planning Committee
20th April 2022**

Report of Director of Planning and Regeneration

Wollaton House , 43 Radford Bridge Road

1 Summary

Application No: 22/00055/PVAR3

Application by: Mr Rehmat Khan

Proposal: Permanent variation of condition 2 of planning permission reference 12/01800/PVAR3. Variation of Hours of Use to 06:30 to 23:00 daily (subject to seasonal variation and core hours between 09:00 to 21:00), 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 8th March 2022. An Extension of Time has been agreed up to the 30th April 2022.

2 Recommendation

GRANT PLANNING PERMISSION subject to the conditions 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 to 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 brought the hours of use at the weekend in line with the hours permitted during the week, namely 09.00-21.00.
- 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. A site visit in 2020 by officers confirmed its use solely for storage.
- 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.
- 3.9 In 2021 the applicant submitted a revised Travel Plan which Highways considered to be acceptable. Condition 1 of the original consent (12/01800/PVAR3) was subsequently discharged in February 2021.
- 3.10 In April 2021 planning permission was granted for a temporary one year period (20/00563/PVAR3) to vary condition 2 of planning permission ref: 12/01800/PVAR3 extending the hours of opening from 6:30am to 11pm daily (subject to seasonal variation). This temporary planning permission expires on 11th May 2021. An additional condition was added at the request of Planning Committee to control the number of attendees for the extended hours, which read as follows:

“The number of attendees to the Learning and Prayer Centre during the period to which this temporary permission relates, with the exception of Ramadan, shall be limited as follows, unless otherwise first agreed in writing by the Local Planning Authority:

06:30am to 09:00am - up to 10 attendees

09:00pm to 11:00pm - up to 15 attendees”

- 3.11 At the request of Planning Committee further discussion took place with the Centre with a view of exploring whether an appropriate limit on the number of attendees could be applied for the period of Ramadan. However, it was concluded by officer that this would be neither practical nor enforceable.

4 Details of the proposal

- 4.1 The application seeks to permanently vary condition 2 of planning permission ref: 12/01800/PVAR3 relating to 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 continue 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 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 9am.

- 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 attend both prayers and to engage in private study or prayer.

- 4.5 In support of the planning application the applicant has submitted attendance sheets for Fajir (the Morning Prayer) for October, November, December, January and February 2022, which illustrates that at most 5 people attended this prayer. Details of a neighbour consultation exercise concerning parking management, which included a consultation event and a letter to local residents along with a form for them to complete and return (carried out as part of the approved Travel Plan) have also be submitted.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

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

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

- Concern regarding noise disturbance and light intrusion from cars arriving and leaving the Centre late at night and early in the morning.
- Information on the application and its supporting documents are misleading. For example, the applicant calls the place Wollaton House instead of the Muslim Cultural Centre. So many residents who have received the notification letters may not even know what it concerns. The application description with seasonal variation and Ramadan is also confusing.
- The neighbour notification letter from the Planning Department requested feedback by email or online portal only. They consider this to be discrimination against many residents who are not using the email or internet.
- The Centre applied for the permanent extension of the operating hours on 10 January 2022. This was 4 months before the end of their temporary planning permission on the 11 May 2021. Yet, it is claimed they met all conditions and managed traffic/parking and noise during the trial period, so they should be allowed to extend the hours permanently. The resident believes this is untrue, and residents stand witness that there are continuous problems. They believe that this application should not have been validated until after the trial period.
- Planning Committee approved a temporary trial extension of the operating hours, but they required 12 months of detailed monitoring of the impact on the neighbours. A resident believes that no one carried out detailed monitoring despite the requirements described in the minutes from the Planning Committee meeting (17 March 2021). A 12 month period has also not taken place due to the Covid lockdown. Committee can therefore not take an informed decision.
- One resident comments that neighbours have noticed the use of the Centre out of hours and numbers in excess of the condition. The Centre have recorded only an alleged number of attendees, and for some months only but not the exact times they come and leave.

- Concern that the numbers of attendees during the Ramadan period were not restricted as part of the temporary planning permission, which has continued unrestricted with over 200 attendees at peak times.
- One resident objects to the bad precedent this would set allowing opening time during unsociable hours. They request if the Council is minded to grant approval that conditions be attached as per the 2021 temporary permission, but should also be extended to include Ramadan.
- Since the beginning of the Centre's operation in 2011/12, our problems have been ongoing and have caused major problems for the residents nearby, especially to residents on Radford Bridge Road. These include traffic/parking issues, noise from car engines and slamming doors, noise from gatherings in the Centre's car park but also in the streets, loud prayers as well as antisocial and intimidating behaviour from the Centre users as well as some staff. If approved it would exacerbate an already difficult situation leading to further upset of neighbours and is not good for community cohesion.
- The Travel Plan is not being followed and at least double the number of cars they declared in the supplementary information have been parked both in the car park and on the street. Since last year the double yellow lines on Radford Bridge Road have not stopped attendees from parking on them and causing dangerous conditions and congestion. This is at various times, including afternoons and evenings, when parents bring and collect their children. The supplementary information submitted with the application does not support the case that the traffic and parking are being managed by the Centre and is considered misleading.
- One resident refers to the neighbour consultation survey carried out by the Centre as part of its Travel Plan. They state they were not contacted.
- This is an unsuitable location for the Muslim Centre and there is no obligatory requirement for early and late prayers to take place at the Centre.
- Lack of transparency.
- When the property was originally up for sale residents were not consulted on what they would like the building to be used for.

A petition has also been received signed by 71 local residents. Their comments are summarised below:

1. The neighbour notification letter from the Planning Department requested feedback by email or online portal only. They consider this to be discrimination against many residents who are not using the email or internet. Some of the immediate neighbours are the Westhay Court pensioners, where there are 54 flats.
2. Those who object have a number of issues with the centre's activity, including ongoing problems with noise, traffic/parking and antisocial behaviour, particularly at unsociable hours in the evening.
4. Information on the application and its supporting documents is misleading. For example, the address of the property is stated to be Wollaton House, instead of the Muslim Cultural Centre. Many residents who have received the notification letters may not know what it concerns. The application description with seasonal variation and Ramadan is also considered to be confusing.
5. The consultation period should be extended as the trial of the extended hours finishes at the end of April 2022, and Ramadan is about to start; hence many neighbours will have a lot of observations by the end of April.
6. Concerns relating to inappropriate behaviour experienced by some neighbours when trying to monitor and gather evidence of ongoing traffic/parking problems.

Other individual comments in addition to those stated above refer to the travel plan not being adhered to; the Centre not serving the community as originally proposed; dangerous and obstructing parking on the pavement; car engines left running during pick up; car parking obstructing access to the adjacent elderly persons complex (Westhay Court); the impact of car lights at night; and the extended hours not being suitable for the Centre's location next to Westhay Court.

7 representations have been received expressing support for the Centre to permanently incorporate early morning and evening prayer. One local resident considers the extended hours to be acceptable, subject to noise levels being kept low during the extended hours. Previously this was not the case.

One resident has commented that in the past they have raised serious concerns about traffic and noise nuisance caused by attendees to the centre that have affected residents on Seaford Avenue. The close had basically been used as an overflow car park for the centre causing access and other problems. They consider that the Council has taken these problems seriously and has worked with Wollaton House to control traffic and noise to a much greater degree. As a result over the past year or so the situation has been much improved, with far fewer visitors parking on Seaford Avenue and a much lower disruption as a result. In relation to the permanent application, their only concern is whether things could return to how they were before ie. will there still be some monitoring or assurances that the improved situation will continue? If so, then they would not raise any objections. They would like to thank the Centre and the Council for all the improvements made, which have improved their quality of life on Seaford Avenue.

Environmental Health and Safer Places (EHSP): Further to the history of complaints and planning issues at this location, EHSP have made the following comment on the application:

- a) **Complaints:** During 2021 the Environmental Health and Safer Places team received two emails, from a local resident, alleging noise disturbance from Mosque users approaching or leaving the Mosque, on 14 April and 6 May 2021. These alleged incidents were during the Ramadan period which was outside the scope of this particular application.
- b) **Monitoring Attempts:** In response to the Committees decision, EHSP contacted the principal complainant and offered the use of the Council's calibrated noise recording equipment in order to substantiate any concerns about noise arising from the change in hours of use. The equipment was offered for either their use or any of their neighbours, for up to three periods, each of up to a two week period. These installations would be at times of their choosing over the next year prior to the reconsideration of the planning permission.

One date for this monitoring to commence was arranged but was cancelled at the request of the complainant. No other dates have been requested. Furthermore, at the request of the principal complainant EHSP contacted another neighbour who is known to have concerns about disturbance from the Centre and offered them the noise recorder. They refused to use the equipment and said it was unlikely to catch a problem within the timescale it would be present in their property.

- c) **Altered Hours of Operation:** Following the two complaints mentioned above EHSP has received no additional complaints of noise disturbance from any

resident or requests for their noise monitoring equipment relating to the periods during which the altered hours have been operating.

In the light of this lack of evidence EHSP do not feel that they can sustain the objection made to the original application 20/00563/PVAR3.

Highways: No objections. At the end of 2021 parking restrictions were introduced along Radford Bridge Road to formalise parking for residents in the area. Since the introduction of the traffic scheme there has been no recorded complainants. Highways therefore conclude that the proposal is unlikely to be detrimental to the public highway. They acknowledge this was during the Covid lockdown period and may not be a true reflection of the use of the Centre and its traffic/parking generation.

6 Relevant policies and guidance

National Planning Policy Framework (2021)

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 previous planning permission 12/01800/PVAR3, which at the time considered its impact on residential amenity and traffic/parking. The current proposal is seeking to extend the opening hours of the Centre for prayer only so consideration is required as to the impact that this will have on residential amenity and traffic/parking issues during

the extended opening hours only.

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 LAPP 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 case, the religious needs of the local Muslim community need to be balanced against potential impact on the amenities of neighbouring residents.
- 7.5 For this reason the previous 2021 planning permission was granted for a temporary one year period and was subject to conditions which limited the number of attendees and restricted the extended hours for prayer only.
- 7.6 It is evident that the Centre has historically caused problems for neighbours in terms of noise, parking and general disturbance from people entering and leaving the centre by car and on foot. These have resulted in periodic complaints to Planning and EHSP. 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.
- 7.7 The current application seeks permanent 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 seek to open in the summer months when sunrise is at 4:00am. Evening opening times seek 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, then allowing worshippers to vacate the Centre by 11pm.
- 7.8 Based on historic allegations and general disturbance from the Centre, EHSP recommended refusal of the 2021 planning application, which was subsequently granted permission for a temporary one year period. In responding to the current planning application EHSP now do not feel that they can sustain their objection.

This is based on a minimal number of complaints of noise disturbance from residents and the lack of take-up for noise monitoring equipment from May 2021 to March 2022.

- 7.9 The applicant has submitted attendance sheets for Fajir (Morning Prayer) for October, November and December 2021, and January and February 2022, which indicate that at most 5 people attended morning prayer. Attendance sheets have not been submitted for evening prayer as during this period sunset was before 9pm and within the approved hours of opening for the Centre.
- 7.10 Officers have also carried out some limited monitoring and in both the early morning and late evening periods before Ramadan, no attendees were recorded visiting the Centre. In April 2022 two visits took place during Ramadan where it was observed that in the early morning the number of attendees was low. All parking was contained within the car park and all attendees had left the Centre by 6:30am. As to be expected during Ramadan, the number of attendees for the last evening prayer was much greater with the car being fully occupied and on street parking within the vicinity of the Centre extensive. The Centre's car park assistant was present and successfully managed the arrival and departure of attendees, who began to leave at 10:30pm and had all departed by 10:45pm.
- 7.11 Whilst it is recognised that the 12 month monitoring period will to an extent have been affected by Covid infections and restrictions, the Centre has been open for a large amount of this period and both the Planning and EHSP departments have had no contact from residents or received any complaints. Furthermore, the extensive neighbour consultation exercise has not resulted in reference to any specific incidents or evidence from residents of noise disturbance, or a breach of the conditions during this period.
- 7.12 Having balanced the interests of residents and attendees of the Centre against the evidence gathered throughout the 12 month period of the permission, and having regard to the nature and volume of representations received, it is concluded, on balance, that it would not be justified in planning terms to refuse permission for the extended hours or to impose a further temporary permission. To do the latter would likely result in a 'temporary permission' condition that may not satisfy the legal test under the Act and relevant guidance on planning conditions.
- 7.13 It is therefore recommended that the Centre be granted permanent permission for the proposed extended hours of opening (with seasonal variation), subject to the extended hours being for prayer only. It is considered that the proposal accords with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

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

- 7.14 Residents continued concerns regarding traffic congestion and on-street parking relate to use of the Centre during its core hours of opening and specifically to the comparatively short period of time associated with Friday afternoon prayer, the dropping off and picking up of children for religious education and during the Ramadan period. 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 with the implementation of its approved Travel Plan. The new parking restrictions along Radford Bridge Road have further contributed towards the easing of parking problems along the street. This has been reflected in

some positive comments from local residents and the lack of complaints to Highways since parking restrictions were introduced.

- 7.15 Given the low level of vehicular activity associated specifically with the extended opening hours, it is not considered that the proposal would have any material impact on traffic congestion or on-street parking during these periods. Highways have also raised no objection to the extended opening times on grounds of highway safety.

8. Sustainability / Biodiversity

None.

9 Financial Implications

None.

10 Legal Implications

In April 2021 planning permission was granted for a temporary one year period (20/00563/PVAR3) to vary condition 2 of planning permission ref: 12/01800/PVAR3 extending the hours of opening from 6:30am to 11pm daily (subject to seasonal variation). A temporary permission is permitted under s 72(1)(b) of the TCP Act 1990 and can be used where there has been strong objection to a proposed development and the temporary permission enables the proposed development to be tested, so that it becomes clear during the life of the permission whether or not the impact of the development is acceptable in planning terms. If not, then at the end of the term, another planning permission without a similar condition can be granted.

It will rarely be justifiable to grant a second temporary permission except in cases where changing circumstances provide a clear rationale.

Section 73 of the TCPA 1990 enables an applicant to apply to the Local Planning Authority (LPA) to vary a condition attached to an earlier planning permission, as the applicant has done here. In such cases the LPA can only consider matters relevant to the varied condition, rather than revisit other considerations associated with the original permission. The current proposal is seeking to extend the opening hours of the Centre for prayer only so consideration is required to be limited solely to the impact that this will have on residential amenity and traffic/parking issues during the extended opening hours only. It should be noted that a successful application under section 73 results in a new stand-alone planning permission, sitting alongside the original permission, which remains intact and un-amended.

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: 22/00055/PVAR3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R5JA4DLYFON00>

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



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- Key**
-  City Boundary
 -  Planning Applications - Polygons

Description
Wollaton House

My Ref: 22/00055/PVAR3 (PP-08540319)
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
www.nottinghamcity.gov.uk

Mr Rehmat Khan
4
Ancaster Gardens
Nottingham
NG8 1FR

Date of decision:

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

Application No: 22/00055/PVAR3 (PP-08540319)
Application by: Mr Rehmat Khan
Location: Wollaton House , 43 Radford Bridge Road, Nottingham
Proposal: Permanent variation of condition 2 of planning permission reference 12/01800/PVAR3. Variation of Hours of Use to 06:30 to 23:00 daily (subject to seasonal variation and core hours between 09:00 to 21:00), excluding Ramadan (with 6:30 to 09:00am 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
. There are no conditions in this section.
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.
Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)

1. 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 to 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 Policy 10 of the ACS and Policies DE1, LS5 and IN2 of the LAPP.

2. 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, 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 Policy 10 of the ACS and Policies DE1, LS5 and 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 11 January 2022.

Reason: To determine the scope of this permission.

Informatives

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: 22/00055/PVAR3 (PP-08540319)

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

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

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: St Anns

Item No:

Planning Committee

Report of Director of Planning and Regeneration

Burrows Court, Windmill Lane, Nottingham

1 Summary

Application No: 17/00648/PFUL3 for planning permission

Application by: CPMG Architects on behalf of Landmark Capital Investment

Proposal: Residential development comprising fifteen houses; apartment block containing forty-one flats. Associated roads, parking and landscaping.

The application is brought to Committee because is recommended for approval with reduced policy compliant planning obligations for viability reasons

To meet the Council's Performance Targets this application should be determined by 22 April 2022.

2 Recommendation

2.1 To 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.

- (a) Prior completion of a Section 106 Planning Obligation which shall include:
 - (i) A financial contribution of £491,422 towards affordable housing
 - (ii) A financial contribution of £97,564 towards open space improvement

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

(c) 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.

2.2 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 This is the site around Burrows Court, a nineteen-storey tower block built in 1967. The Burrows Court tower block comprises 130 flats, which are occupied; the

application site which is the subject of this report surrounds the block. The site slopes generally up from Windmill Lane to the Burrows Court tower and then descends more rapidly to its southern boundary with Rossington Road. The site is accessed by vehicle from Windmill Lane, the access road leading to Burrows Court itself and to a contemporaneous, two-storey car park located to the north of the tower. A public right of way runs through the site from northwest to southeast, connecting Windmill Lane to Rossington Road, a cul-de-sac which in turn leads to the Sneinton Dale local shopping centre. At the southern end of the site, due to the substantial change in level, the route is formed by steps and a ramp which descends to Rossington Road. To the north, west and south the site is bounded by housing, primarily terraces and semi-detached. To the southeast are playing fields associated with the college on Carlton Road and to the northeast is a small industrial estate on Hooton Street.

- 3.2 Planning permission was granted in 2010 for 'Refurbishment of existing residential tower block and car parking with six new apartments and eighteen new houses' (ref. 10/00420/PFUL3). This was not implemented. Planning permission was granted in 2013 for 'External alterations to residential tower block' (ref. 13/02373/PFUL3). This permission has been implemented and the block refurbished. The current application was submitted in 2017 and has been through a number of iterations and some periods of dormancy. The applicants have now indicated that they wish to move forward and have submitted revised drawings, CGI images, a viability report and fresh ecological surveys.

4 Details of the proposal

- 4.1 Planning permission is sought for residential development comprising fifteen houses, an apartment block containing forty-one flats, associated roads, parking and landscaping.
- 4.2 Thirteen of the proposed houses either face Windmill Lane or are accessed from a shared driveway off that road. Two further houses would be located in the southwest part of the site, accessed from the existing access road leading to the tower block. Nine houses facing Windmill Lane would be three storey at the front and (due to changes in level) two storey at the rear. These houses would be three bed, with lounge, kitchen and bathrooms. Six of the houses would be two storey with two bedrooms. All houses would have one off-street parking space to the front and would have rear gardens. Materials are red brick and dark grey roof tiles.
- 4.3 The existing two storey car park would be retained, containing 107 spaces for use of the flats. The new three storey block of flats would be built on top of the car park and would contain 41 flats, twelve being two bed and twenty-nine being one bed. The building would be flat roofed and constructed of a mix of red and black brick.
- 4.4 The existing, well landscaped areas around the tower block, along the southwest boundary (apart from the two new houses) and in the southeast part of the site are to be retained. These latter areas contain identified badger areas and the applicant has commissioned and submitted badger surveys and mitigation proposals, most recently in September 2021.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

Forty-seven adjoining occupiers on Windmill Lane, Rossington Road, Anstey Rise, Elford Rise, Devon Street, Hooton Street were notified of the application on 13.04.2018, 06.06.2019 and 21.09.2020. A site notice was posted on 06.06.2019 and a press advert published on 18.04.2018 and 12.06.2019.

Sneinton Neighbourhood Forum (although no longer in existence) welcomed the scheme generally expressed concern about the lack of landscaped front gardens for the new houses on Windmill Lane and request that additional planting is introduced. Also that the northeast houses on Windmill Lane present a gable wall and a garden fence to the street, which is not a successful layout. The Nottingham Open Spaces Forum objected to the proposal on grounds of encroachment on to the designated open space network (which is not the case, as the site is adjacent to but not within the open Space Network). Two consultees raised concern about the welfare of badgers on the site. One consultee objects on grounds of increased on-street parking. Two consultees welcomed the proposals as bringing the area back to life.

Additional consultation letters sent to:

Highways: No objection subject to conditions regarding construction traffic management plan, provision of cycle parking and electric vehicle charging scheme.

Lead Local Flood Authority: Sustainable drainage strategy required.

Environmental Health and Safer Places: No objection subject to conditions regarding ground, groundwater and ground gas contamination, environmental noise assessment, sound insulation scheme and electric vehicle charging scheme.

School Organisation Team: No contribution towards education provision is required.

Biodiversity Officer: satisfied that the Badger Mitigation Strategy and Badger Protection Construction Method Statement (BPCMS; CGO Ecology 30th Sept 2021) are sufficient to inform mitigation on the site, subject to appropriate conditions.

6 Relevant policies and guidance

National Planning Policy Framework (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 126 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 130 of the NPPF states that planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (2014):

- Policy 1 - Climate Change
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 17 - Biodiversity
- Policy 19 – Developer Contributions

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

- Policy CC1 - Sustainable Design and Construction
- Policy CC3 - Water
- Policy HO1 - Housing Mix
- Policy HO3 - Affordable Housing
- Policy DE1 - Building Design and Use
- Policy DE2 - Context and Place Making
- Policy EN2 - Open Space in New Development
- Policy EN6 - Biodiversity
- Policy IN4 - Developer Contributions

7. Appraisal of proposed development

Main Issues

- (i) Principle of the Development.
- (ii) Design and Impact on the Streetscene.
- (iii) Amenity Considerations.
- (iv) Planning Obligations.

Issue (i) Principle of the Development (ACS Policy 8 and LAPP Policy HO1)

- 7.1 Policy 8 of the ACS states that new residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities, and supports the provision of family housing in Nottingham. This policy is reinforced by LAPP Policy HO1, which seeks the provision of family housing in the city where practicable. A recent Housing Market Assessment has been carried out in Nottingham and has confirmed the need for more housing types, of all tenures, in almost all wards in Nottingham. The site is in a relatively sustainable location, particularly accessible to the tram network. The proposal would provide fifteen family houses, twenty-nine 1-bed flats and twelve 2-bed flats which is considered to be an acceptable mix given the site, the viability of the scheme and current policy considerations. The proposal would accord with ACS Policy 8 and LAPP Policy HO1.

Issue (ii) Design and Impact on the Streetscene (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.3 The layout of the development responds well to the site, providing a frontage to Windmill Lane, utilising the existing two storey car park and retaining the well landscaped areas of the site. The combination of proposed dwelling types and detailing will provide an appropriate quality of built finish to the development and the development will have its own identity within the area. The scale of the proposed development is considered to be in keeping with the area
- 7.4 The new houses are to a common architecture, constructed in red brick with well-proportioned openings, bays, juliet balconies, good quality detailing and features. Revisions to the scheme have ensured that the parking spaces and access to the front of the Windmill Lane will be surfaced with varied materials and that there is clear landscaping between each plot. The northeastern house on Windmill Lane has been provided with a brick boundary wall and a bay to the side to provide interest and casual surveillance of the street. Planning conditions proposed would ensure that all these features are sufficiently detailed and of quality.
- 7.5 The three storey flats building would be constructed on the existing, dated car park, improving the overall appearance of the site. The building is considered to have sufficient quality in terms of its varied elevations, red and black brick, juliet balconies and window pattern. Cladding of the car park walls, including green walls, will again improve the overall appearance. The northeastern elevation of the flats building faces an adjacent industrial estate but its elevation renders that relationship acceptable.
- 7.6 In terms of design and impact on the streetscene, the proposal would accord with ACS Policy 10 and LAPP Policies DE1 and DE2.

Issue (iii) Amenity Considerations (ACS Policy 10 and LAPP Policy DE1)

- 7.4 The houses and apartments would provide a good standard of occupation for occupiers and the accommodation complies with the Nationally Described Space Standards. The nature of the area has been considered and the relationship that the development would have with adjacent properties is considered to be acceptable. The proposal accords with ACS Policy 10 and LAPP Policy DE1.

Issue (iv) Planning Obligations (ACS Policies 8, 16 and 19 and LAPP Policies EN2, HO3 and IN4)

- 7.5 A policy compliant planning obligation for the proposed development would be expected to provide a total contribution of £592,916 comprising affordable housing (£491,422), open space enhancement (£97,564) and employment and training (£3,930).

The applicants have submitted a viability appraisal which has been independently appraised by CP Viability on the Council's behalf. CP Viability conclude that the development is technically unviable and that it is justifiable to reduce the contributions to allow the development to be delivered. Therefore a contribution of £167,300 comprising affordable housing (£136,234), open space enhancement (£27,136) and employment and training (£3,930) has been sought via a section106 agreement. The proposal is considered to accord with ACS Policies 8 and 19 and LAPP Policies EN2 and IN4. The proposed obligations accord with planning policy and are therefore reasonable, meeting the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

8. Sustainability / Biodiversity

- 8.1 Whilst the development does not incorporate on site renewable energy generation, the dwellings will comply with the building regulations in relation to energy efficiency and performance. Electric vehicle charging points are to be secured by condition, and cycle storage is to be provided, and a travel plan is also sought by condition to promote more sustainable travel choices. These measures are considered sufficient to satisfy the requirements of Policy 1 of the ACS and Policy CC1 of the LAPP.
- 8.2 The application includes measures for the enhancement of biodiversity, including additional planting of native species, protection of existing areas which provide wildlife habitats and provision of twenty bird boxes and twenty bat boxes. The ecological appraisals submitted with the application note that further bat survey will need to be carried out between May and August. These measures can be achieved by the suggested conditions and the proposal is therefore in accordance with Policy 17 of the ACS and Policy EN4 of the LAPP.

9 Financial Implications

As noted above, a policy compliant planning obligation for the proposed development would be expected to provide a contribution of £592,916 in lieu of on-site provision of affordable housing, enhancement of existing areas of open space, and towards facilitating local employment and training. A viability appraisal has concluded that it is justifiable for a reduced contribution to be made.

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

None.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Providing a high quality and sustainable development.

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: 17/00648/PFUL3- link to online case file:

<https://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

17 Published documents referred to in compiling this report

Nottingham Local Plan (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2021)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076



- Key
-  City Boundary
 -  Planning Applications - Polygons

Description
Burrows Court

My Ref: 17/00648/PFUL3 (PP-05602317)
Your Ref:
Contact: Mr Phil Shaw
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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CPMG Architects
FAO: Mr Ashley Stanworth
11-23 Warser Gate
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NG1 1NU

Date of decision:

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

Application No: 17/00648/PFUL3 (PP-05602317)
Application by: Mr Nicholas Murphy
Location: Burrows Court , Windmill Lane, Nottingham
Proposal: Residential development comprising fifteen houses; apartment block containing forty-one flats. Associated roads, parking and landscaping.

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. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. The development shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority (relating to design and appearance):
- a) the external materials of all new buildings, retaining walls, steps and ramps;
 - b) the external materials for the cladding and green walling of the existing car park;
 - c) hard surfacing;
 - d) enclosure and gates;
 - e) design, appearance and materials of bin stores.

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

Reason: To ensure that the appearance of the development is satisfactory, in the interests of the living conditions of future and neighbouring occupiers and in the interests of sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies DE1, DE2, CC1 and CC3 of the Local Plan Part 2.

3. The development shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority (relating to highway and transport):
- a) a Construction Traffic Management Plan including a construction traffic routing agreement;
 - b) methods to be undertaken during the construction period to prevent the deposit of mud and other similar debris on the adjacent public highway;
 - c) for the new private vehicular access off Windmill Lane serving four dwellings details related to the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis' and visibility splays;
 - d) an electric vehicle charging scheme at 100% per parking space for individual dwellings and 10% per parking space for flats;
 - e) a Travel Plan for flats development, including travel packs for each of the new residents of the apartments and a noticeboard in the apartment communal area detailing information on cycle parking for residents, nearest bus stops, services and provisions as well as other sustainable transport information.

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

Reason: In the interests of highway safety, the living conditions of future and neighbouring occupiers and sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies DE1, DE2, and CC1 of the Local Plan Part 2.

4. The development shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority (relating to drainage):

A drainage strategy to include;

- 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.

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

Reason: In the interests of sustainable development in accordance with Policy 1 of the Aligned Core Strategies and Policy CC3 of the Local Plan Part 2.

5. The development shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority (relating to biodiversity):

a) landscaping and planting scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators and including a native species-rich hedgerow along the badger security fence line,;

b) the provision of a minimum of twenty bat and twenty bird boxes, appropriately spread throughout the development;

c) the design and appearance of the green wall on the existing car park, including a planting plan (utilising native species and those otherwise of an accepted value for wildlife such as suitable for pollinators, seed, nut and berry producing species) and a future management plan;

d) a lighting plan for the development (there is a need to avoid external lighting along the eastern aspect of the Phase 1 tower block, or where this is unavoidable, to include only low level bollard lighting);

e) an updated walkover survey to ensure that there have been no significant changes to the sett (such as new entrances or tunnels) that may need to be reflected in an updated Badger Protection Construction Method Statement;

f) three dusk emergence and dawn re-entry bat surveys will be necessary in the May-Aug period (Apr-Sep if mild weather allows), in accordance with the Updated Preliminary Ecological Appraisal (CGO Ecology Ltd, July 2019).

g) an Arboricultural Method Statement which shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

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

Reason: In the interests of biodiversity and sustainable development in accordance with Policies 1 and 17 of the Aligned Core Strategies and Policies DE1 and EN6 of the Local Plan Part 2.

6. The development shall be carried out in accordance with the details in Section 3 (Construction Method Statement) of the Badger Protection Construction Method Statement (CGO Ecology Ltd, Sept. 2021).

Reason: In the interests of biodiversity in accordance with Policy 17 of the Aligned Core Strategies and Policy EN6 of the Local Plan Part 2.

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

7. No dwelling unit shall be occupied until the following have been carried out in accordance with the approved details:

- a) the vehicle and cycle parking spaces have been provided;
- b) bin storage has been provided;
- c) the bat and bird boxes have been provided;
- d) the scheme of sustainable drainage has been implemented;
- e) the electric vehicle charging scheme has been implemented;
- f) the existing car park walls have been clad and green walled.

Reason: In the interests of the living conditions of future and neighbouring occupiers, in the interests of biodiversity and in the interests of sustainable development in accordance with Policies 1, 10 and 17 of the Aligned Core Strategies and Policies DE2, EN6, CC1 and CC3 of the Local Plan Part 2.

8. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.

Regulatory/ongoing conditions
 (Conditions relating to the subsequent use of the development and other regulatory matters)

There are no conditions in this section.

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 8 July 2019.

Reason: To determine the scope of this permission.

Informatives

1. 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



DRAFT ONLY
Not for issue

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.

2. 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.

3. Highways

1. CTMP and mud on road

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Highway Network Management highway.management@nottinghamcity.gov.uk 0115 8765293. A Construction Traffic Management Plan will be required. All associated costs will be the responsibility of the developer.

2. Highway licences

The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact highway.management@nottinghamcity.gov.uk 0115 8765293. All costs shall be borne by the applicant.

3. S278

Planning consent is not consent to work on the highway. To carry out off-site works associated with the submission, approval must first be obtained from the Highway Authority. Approval will take the form of a Section 278 Agreement. All associated costs will be borne by the developer. Please contact Highways Network Management highway.management@nottinghamcity.gov.uk 0115 8765293.

4. Commuted sums

The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 8765293.

5. Cycle Parking

For information on cycle parking including stands and cycle maps please CyclingTeam@nottinghamcity.gov.uk

6. Traffic Regulation Orders (TROs)

Prior to occupation of the consented development, it is necessary to amend and introduce Traffic Regulation Orders. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed; please contact Highways Network Management on 0115 8765293 to instigate the process. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245. TRO assessments are required to support the development. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

7. Electric Vehicle Charging points (EVCPs)

Please contact Rasita Chudasama 0115 8763938 Rasita.Chudasama@nottinghamcity.gov.uk to seek advice on the electric vehicle charging points (EVCP).

8. Sustainable Transport

The applicant is to provide sustainable travel packs to promote the use of cycling, walking and public transport use.

Advice and information as to what the Travel Packs need to contain as well as the notice board information, the

applicant should contact James Ashton on 0115 8763093 or James.Ashton@nottinghamcity.gov.uk

4. Drainage

All developments must consider the use of Sustainable Drainage Systems (SuDS) within their application, and should prioritise incorporating rainwater re-use. For water that cannot be reused, the building regulations hierarchy for the disposal of surface water must be followed. If the proposals do not include SuDS, then we require robust evidence for the justification to do so. We will require a minimum of a 30% betterment on the surface-water discharge rate, compared to the site's previous use. This must be supported by the relevant calculations and drainage strategy, and if infiltration is deemed a feasible method for this site, we will need to see evidence of the appropriate infiltration testing (BRE365). There are some surface water issues in the area. The applicant needs to demonstrate that this site will be safe and mitigates surface water risk to the site and third parties.

5. Nottingham City Council Energy Services can offer support to help your business move to a more sustainable low carbon future, for more information please visit: <https://www.energyservices-ncc.co.uk/> or email energyservices@nottinghamcity.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: 17/00648/PFUL3 (PP-05602317)

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

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

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.

STREET NAMING AND NUMBERING

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Continued...



DRAFT ONLY

Not for Issue

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Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible, quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.