

## **NOTTINGHAM CITY COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES**

of meeting held on **20 FEBRUARY 2013** at

Loxley House from 2.30 pm to 4.16 pm

- ✓ Councillor Gibson (Chair)
  - ✓ Councillor Malcolm (Vice-Chair) (for minutes 98 to 100 inclusive and 102 to 104 inclusive)
  - ✓ Councillor Ali
  - ✓ Councillor Arnold
  - ✓ Councillor Chapman (for minutes 98 to 103 inclusive)
  - Councillor Choudhry
  - ✓ Councillor Clark (for minutes 98 to 103 inclusive)
  - ✓ Councillor Dewinton (for minutes 98 to 102 inclusive and 104)
  - ✓ Councillor Edwards
  - ✓ Councillor Khan
  - ✓ Councillor Klein
  - ✓ Councillor Longford (for minutes 98 to 103 inclusive)
  - ✓ Councillor Morley
  - ✓ Councillor Steel
  - ✓ Councillor Wood
- ✓ indicates present at meeting

#### **98 APOLOGY FOR ABSENCE**

An apology for absence was received from Councillor Choudhry.

#### **99 DECLARATIONS OF INTERESTS**

Councillor Arnold advised the Committee that she had an interest in agenda item 4(d) (Former Turkish Baths, Victoria Leisure Centre) by reason of her position as City Heritage Champion for Nottingham through which she had received hospitality. Councillor Arnold considered that such an interest would not prevent her from keeping an open mind when determining the application.

Councillor Clark also advised the Committee that he had an interest in agenda item 4(d) (Former Turkish Baths, Victoria Leisure Centre) by reason of his position as Nottingham City Council's sole representative on Nottingham Regeneration Ltd and in light of the Council's position as applicant in relation to the item, Councillor Clark considered such an interest sufficient to prevent his participating in the debate or voting

on the decision(s) regarding the matter. He left the Committee room during consideration of the item.

Councillor Malcolm also advised the Committee that he had an interest in agenda item 4(a) (University of Nottingham, Grove Farm Sports Ground, Lenton Lane) by reason of the potential intrusion caused by similar proposals in the past and likely proximity to his property. He considered such interest sufficient to prevent his participating in the debate or voting on the decision(s) regarding the matter. He left the Committee room during consideration of the item.

Councillor Gibson also advised the Committee that he had an interest in agenda items 4(a) (University of Nottingham, Grove Farm Sports Ground, Lenton Lane) and 4(d) (Former Turkish Baths, Victoria Leisure Centre) having been the recipient of hospitality from English Heritage. Councillor Gibson considered that such an interest would not prevent him from keeping an open mind when determining the applications.

### **100 MINUTES**

**RESOLVED that the minutes of the Planning Committee meeting held on 20 February 2013, copies of which had been circulated, subject to Councillor Watson's attendance noted as a substitute, be confirmed and signed by the Chair.**

### **101 PLANNING APPLICATION – UNIVERSITY OF NOTTINGAM, GROVE FARM SPORTS GROUND, LENTON LANE**

Consideration was given to a report of the Head of Development Management on application 11/02419/PFUL3 submitted by AECOM, on behalf of the University of Nottingham (UoN) for planning permission for the erection of 2 wind turbines with a height of 126.5m to the tip of the rotating blade and a maximum hub height of 80m. The proposals included supporting ancillary structures and the creation of new access roads.

Since the preparation of his report, the Head of Development Management reported that a further letter of representation had been received objecting to the proposal which raised the following issues:

- there was no evidence of proper consideration by the University of Nottingham of alternative means of meeting its CO2 reduction targets;
- the £12 million that this proposal would cost would finance a huge amount of purpose built student accommodation that would negate the need for urban sprawl by building houses on the Green Belt. The off-setting CO2 savings for this course of action would be huge and very much welcomed by local communities.

In response to queries raised by members at the pre-agenda meeting the Head of Development Management reported the following information:

- pylons in the UK range in height between 15 and 55 metres. From the site visit on 18 Feb 2013 it was considered that the pylons in the immediate area of the

application site ranged in height from 15-25 metres (on the sports field) to approx. 40-50 metres (by the Clifton Bridge);

- a blimp was flown to a height of 80 metres which would be the hub height and not the maximum height of the blade tips;
- the wind turbine approved at The Embankment had a 50 metre hub height and is 66.5 metres to blade tip. The wind turbines at the Airport were 45 metres to blade tip. There were no objections from East Midlands Airport (EMA) to the turbine on The Embankment due to its height. 90 metres appeared to be a critical height for interference with radar systems;
- the photomontages which showed the proposed turbines were created by the superimposition of a rendered, photorealistic, computer generated model of a structure on to a baseline photograph. The photomontages that formed part of this application had been presented with a viewing distance of 300mm minimum and an angle of view between 75 and 120 degrees to conform to best practice;
- an image from the A52 Nottingham Knight roundabout had been produced by the UoN at the pre-application stage, however the accuracy of this was not known and this viewpoint did not form part of the Landscape and Visual Impact Assessment (part of the Environmental Statement) that had accompanied the planning application. An additional visual from Wilford Hill/Loughborough Road had been included in the presentation;
- Sport England had not been consulted on the application for a wind turbine at The Embankment as it was not to be located within the actual pitches;
- officers were advised that the maintenance of air safety had been acknowledged, through appeal case law, to be an important public interest and a material planning consideration. At appeal this issue would be decided on the balance of air safety evidence presented by the relevant aviation authority and the appellant;
- EMA's main concern was that wind turbines can look like aircraft on radar and whilst one turbine would appear as a 'blip' which would be stationary, more than one would appear as movement which would be a risk to safety as it could be read as a turbine, but also a light aircraft or glider. In addition to this the proposed turbines would be in a very busy area for aircraft approaching EMA from the north, along with a lot of light aircraft coming from Tollerton;
- the Civil Aviation Authority delegated consultation on turbine applications to the relevant airport, which in this case was EMA;
- consideration of residential amenity was a requirement of policies BE3 and NE14 of the Local Plan and paragraph 98 of the National Planning Policy Framework (NPPF). Officers had referred to a number of appeal cases in order to establish a reasonable separation distance between turbines and residential properties, particularly when there were open views of proposed turbines. It was the view of many planning inspectors who had provided a judgement on this matter that a distance of at least 650m could provide a sufficient degree of separation for turbines of this scale not to appear oppressive. Such a distance

would allow for wider views from a residential property rather than merely being able to see part of a turbine, which was generally considered to be harmful;

It was reported that, for the avoidance of doubt, the distances from the hub of the turbines to the nearest properties would be:

- Turbine 1 (BBC) 480m to the rear boundaries of properties on Fabis Drive. 520m to the rear boundaries of properties on Wichnor Close;
- Turbine 2 (NCC) 450m to the rear boundaries of properties on Wichnor Close. 290m to the area proposed for residential development on the Boots site;
- Turbine 3 (NCC) 690m to the rear boundaries of properties on Wichnor Close. 500m to the area proposed for residential development on the Boots site.

The Head of Development Management reported that the number of letters supporting the proposals was 207 and the number supporting the principal of renewable energy was 207.

The UoN had been asked if they would consider smaller turbines on the site but they had maintained the desire to have the 126.5 metre high turbines as proposed. On that basis no discussion with the airport regarding the acceptability of lower turbines had been undertaken.

The wording on the Sport England letter of objection was as follows:

“If your authority is minded not to refuse the application without the removal of the holding objection then the decision should be referred to the National Planning Casework Unit.”

Referral would therefore only apply if the Committee were minded to approve the application.”

Although some members expressed support for renewable sources of energy and indeed the principle of a wind turbine scheme in this location, all four reasons for refusal were recognised as being valid reasons to resist the application in this instance.

**RESOLVED that planning permission be refused for the reasons set out in the draft decision notice.**

## **102 PLANNING APPLICATION – 1 MAIDEN LANE**

Consideration was given to a report of the Head of Development Management on application 12/03334/PFUL3 submitted by Walker & Sons (Hauliers) Ltd for planning permission for the erection of student accommodation comprising of 82 studios and 10 cluster flats.

The Head of Development Management reported the following, received since preparation of his report:

Amended drawings had been received. The drawings corrected a minor discrepancy between plans with regards to window sizes and had no impact on the detailed consideration of the application.

The following amendment was made to recommended condition S1 which included the latest drawings:

“Unless otherwise agreed in writing by the Local Planning Authority or modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:

Planning Layout reference 010 revision A, received 4 February 2013

Planning Layout reference 011 revision A, received 4 February 2013

Elevations reference 401 revision A, received 4 February 2013

Elevations reference 402 revision A, received 4 February 2013

Elevations reference 403 revision B, received 4 February 2013

Elevations reference 406 revision B, received 4 February 2013

Elevations reference 407 revision A, received 4 February 2013.”

Although supportive of the development, the Committee felt that the proposal should be in keeping with the tone of neighbouring developments. It was proposed that approval of the final details of the external materials, to be submitted under the relevant condition, be exercised by the Head of Development Management after consultation with the Chair, Vice Chair and Opposition Spokesperson.

## **RESOLVED**

**(1) that subject to the prior completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, to include:**

**(a) a financial contribution for the provision or improvement of open space or public realm;**

**(b) a student management agreement including a restriction on car ownership.**

**Planning permission be granted subject to the indicative conditions listed in the draft decision notice appended to the report;**

**(2) that power to determine the final details of the Section 106 Planning Obligation and conditions of the planning permission be delegated to the Head of Development Management;**

**(3) that Regulation 122(2) Community Infrastructure Levy Regulations 2010 were complied with, in that the planning obligation sought was:**

**(a) necessary to make the development acceptable in planning terms;**

**(b) directly related to the development;**

**(c) fairly and reasonably related in scale and kind to the development.**

- (4) **that, where conditions referred to the approval of the materials used or elements of design of the rear elevation, this should be by the Head of Development, after consulting the Chair, Vice Chair and Opposition Spokesperson.**

**103 PLANNING APPLICATION – YEATES BUS AND COACH LTD, BEECHDALE ROAD**

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on application 13/00002/PRES4 submitted by Carlton Design Architecture Ltd, on behalf of Oakdale Homes Ltd, for approval of reserved matters in relation to application 11/00785/POUT. The current application was for the approval of outstanding reserved matters relating to appearance and landscaping.

In response to comments, the Head of Development Management reported that access for construction would be off Beechdale Road. Assurance was also sought regarding the quality of the means of enclosure and materials.

**RESOLVED that reserved matters be approved subject to the indicative conditions listed in the draft decision notice attached to the report and that power to determine the final details of the conditions be delegated to the Head of Development Management.**

**104 PLANNING APPLICATION – FORMER TURKISH BATHS, VICTORIA LEISURE CENTRE, GEDLING STREET**

Consideration was given to a report of the Head of Development Management on application 13/00021/LNCAC, submitted by NRL on behalf of Nottingham City Council for Conservation Area Consent for the demolition of the former Turkish Baths building.

The Head of Development Management reported the following, received since circulation of the report:

English Heritage had raised an objection to the proposal. They considered that the demolition of the Turkish Baths would be harmful to the character and appearance of the conservation area and the setting of listed buildings. In the absence of a planning application for redevelopment, they did not consider there was a clear and convincing justification for the demolition. Whilst the building was not of the highest quality architecturally and was in need of repair, it provided a good frontage and scale to the street and its use of traditional materials with some architectural detail provided character and interest to this part of the conservation area.

English Heritage added that the demolition of the Turkish Baths would harm and further erode the character and significance of the conservation area, which was not preservation. They added that without a planning application for new development, the current application was also unable to demonstrate enhancement. English Heritage recommended that proper consideration was given to the retention and re-use of the Turkish baths, with options focusing on the Bath Street frontage with potential for redevelopment/adaptation to the rear. They added that there was no evidence submitted to suggest the site was not viable and that the building could not be re-used. English Heritage concluded that they did not consider that there was a clear and

convincing justification for the demolition, and accordingly, did not support the application.

Nottingham Civic Society had also raised an objection to the proposal. They stated that the building was a simple dignified example of interwar classicism, which at present filled the link between the retained clock tower and the listed and monumental Park View flats. They stated that it was difficult to see how a new road would help traffic management and it seemed quite inappropriate. They stated that should new buildings appear in the gap between the leisure centre and the flats, it was essential that their height did not go above the base of the clocktower so that views of this well conserved building were not compromised. Above all, Nottingham Civic Society added that it was essential that no demolition of the Turkish Baths building should take place before a clear planning application had been determined for their site.

In response to both English Heritage and Nottingham Civic Society the Head of Development Management recognised in the report that it had been anticipated that a scheme for the redevelopment of the building would have been brought forward prior to this submission for its demolition. On balance, it has been considered that the demolition of the buildings and implementation of the link road, using public funds, would improve the viability and prospect of redevelopment taking place. It was considered that redevelopment would not be viable without the support of these works. Therefore, it was recommended that further information relating to the public benefit that would be derived from demolition and implementation of the link road be provided to the Secretary of State for consideration as part of his decision.

The Committee felt that the building had little architectural significance and felt that this would facilitate regeneration in the area.

**RESOLVED that the Council be minded to grant Conservation Area Consent and that the application be referred to the Secretary of State for a decision, with the following recommended conditions;**

- (1) the works hereby authorised shall be begun before the expiration of three years from the date of the consent. Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;**
- (2) notwithstanding the indicative details of the proposed hoarding treatment for the Bath Street boundary of the site, no demolition shall commence until revised details of the realignment of this hoarding to match the alignment of the Bath Street elevation of the existing building, and further details of the finish of the hoarding including proposals for the use of any art or images, have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented immediately upon the completion of the demolition of the existing building. Reason: In the interest of ensuring the provision of an appropriate boundary treatment to the site, and to preserve the character of the Sneinton Market Conservation Area in accordance with Policy BE13 of the Nottingham Local Plan.**