

# PLANNING COMMITTEE

## UPDATE SHEET

(List of additional information, amendments and changes to items since publication of the agenda)

20 March 2013

### 4(a) MINERVA HOUSE SPANIEL ROW

1. Heritage and Urban Design welcome the reuse of this building. The revised internal layout creates a much improved environment for the future occupiers. The new cladding to the more recently developed part of the building will significantly improve the elevation along Spaniel Row and the alterations to the Hounds Gate elevation will enhance the heritage asset within the Old Market Square conservation area.

2. Amended plans have been received incorporating the existing nightclub area into the development by proposing that this is replaced with four additional studios at ground floor level and storage at basement level.

The amended plans providing four additional studios is a positive amendment to the scheme as the requirement to cease the use of the nightclub would see this space redundant. The provision of further accommodation will activate the frontage and will bring about positive amendments to the Hounds Gate elevation with the re-introduction of windows replacing the currently blocked up window openings.

***Amend condition 'S1' establishing the scope of permission to include the following drawings:***

***994\_301E (received 7 March 2013)***

***994\_308 (received 13 March 2013)***

***994\_510B (received 13 March 2013)***

3. As new windows are proposed in the historic part of the building, amendments to the conditions are proposed to ensure that these are of appropriate design.

***Delete part 'd' of condition 7 and replace with a new separate condition stating:***

***The development shall not be occupied until the new and altered windows on all elevations have been installed in accordance with the details first submitted to and approved in writing by the Local Planning Authority. The details shall include large scale vertical cross sections (at a scale of 1:5 or 1:10).***

***Reason: To ensure that the appearance of the development will be satisfactory in the interests of the character and appearance of the Old Market Square Conservation Area in accordance with Policies BE12 of the Local Plan.***

4. As a result of the additional studios at ground floor, pedestrian access is proposed directly off Hounds Gate. A condition is therefore proposed to ensure that this is managed in an appropriate way.

***Additional recommended condition:***

***Prior to the first occupation of the development, a scheme to ensure secure access to the building from Hounds Gate shall be implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority.***

***In the interests of amenity and security and in accordance with the aims of Policy BE3 of the Local Plan.***

5. The public open space contribution to be secured through Section 106 obligation has been increased to a total of £62,410.75 as a result of the four additional studios.

(Additional background paper: Heritage and Urban Design comments dated 19/3/13)

**4(b) SITE OF WRAY CLOSE, FLEWITT GARDENS AND GARAGES NORTH 76  
JERSEY GARDENS**

1. Further comments received from the Environment Agency, raising no objection subject to a condition to ensure adequate and sustainable surface water drainage.

***Amend recommended condition 6 to read as follows:***

***Development shall not begin on the site (other than site clearance, preparation and remediation works) until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:***

- ***The utilisation of holding sustainable drainage techniques;***
- ***The limitation of surface water run-off to a betterment of current brownfield rates;***
- ***The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;***
- ***Responsibility for the future maintenance of drainage features;***
- ***Water quality enhancements via sustainable drainage techniques to all surface water prior to exit from the site with the exception of drainage from the existing road system which is to remain unaltered.***

***Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.***

2. Full details of all external materials, hard surfacing and boundary treatments have been submitted.

***The submitted details are considered to be acceptable, subject to some minor variations to the boundary treatment plan. It is recommended that the decision notice be amended to delete the pre-conditions relating to these elements, and***

***the remaining conditions be amended to ensure that the development is carried out in accordance with these additional details. It is recommended that the final wording of the conditions, and any consequential changes to the decision notice, be delegated to officers subject to final confirmation of the boundary treatments.***

3. To avoid unnecessary delays, it is recommended that the requirement of condition 9 to submit a scheme of bird and bat boxes for approval prior to commencement be amended to allow the scheme to be submitted, agreed and implemented prior to occupation.

***Amend recommended condition 9:***

***No part of the development shall be occupied until details of a scheme for the inclusion of bird and bat boxes within the development has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of the type, number and position of the bird and bat boxes.***

***The development shall then be carried out in accordance with the approved scheme.***

***Reason: In the interests of nature conservation in accordance with Policies NE3 of the Local Plan.***

(Additional background papers: Comments from the Environment Agency dated 19/3/13)

#### **4(c) HARVEY HADDEN SPORTS CENTRE WIGMAN ROAD**

1. The applicant has advised the General Manager of the Harvey Hadden Leisure Centre will control bookings of all events to prevent the potential of two large events being staged at the same time. On occasions where more than one event is being held the centre has the potential to use parking at the nearby school sites which provide the following additional spaces:

Oakfield: 115 spaces  
Hadden Park High: 80 Spaces  
Glenbrook: 40 spaces

***The ability to use nearby schools for 'overflow' parking will enable sufficient capacity to cater for larger events on the Harvey Hadden site. The details of this and other parking management proposals will be secured through condition 10, as set out in the draft decision notice.***

2. Sport England have submitted a further email confirming that they would not have a statutory objection to the application with regard to impact on playing fields. However, they have the following concerns:

- The need for a 50m pool in this location has not been provided.
- A business case would be useful which deals with the sustainability of the proposed facility in this location and supports the issue of need.
- The ASA (the governing body for swimming in England) has raised a number of detailed internal design issues.

***It is considered that a case for need has been sufficiently demonstrated within the committee report.***

3. The ASA is supportive of the development of a 50m pool in Nottingham stating that currently the main pool for competition, Beechdale, has reached the end of its operable life. The ASA also commend the ability to split the pool into 2 x 25m pools stating that it is a very flexible and attractive community pool. The ASA raise some detailed questions regarding seating capacity and the requirement to ensure adequate accessibility for disabled users. Overall they comment that the proposed pool is of a good layout and an exciting prospect to bring a much needed pool of this stature to Nottingham and Nottinghamshire.

4. The Council's Tree Officer confirms that the tree protection provision is acceptable and that new planting should be secured through the landscaping condition.

(Additional background paper: Email from Sport England dated 19/3/13)

#### **4(d) 16-18 SNEINTON DALE**

1. Whilst a travel plan has been submitted with the application, the detail is not sufficient to enable a full assessment of travel patterns. A condition requiring the submission of a full travel plan within 3 months of occupation and the submission of an annual review for a period of 5 years thereafter is recommended.

***Additional recommended condition:***

***Notwithstanding the details submitted with the application, a full Travel Plan containing recent staff and visitor travel data should be submitted to and agreed in writing by the local planning authority. The Travel Plan shall be submitted no later than 3 months following initial occupation. The Travel Plan shall set out measures designed to minimise the overall number of vehicles used in connection with the use of the premises, as well as measures to manage travel and parking associated with the use. Actions contained within the agreed Travel Plan must be undertaken and an annual review of measures including staff and visitor travel surveys to be submitted to local planning authority on an annual basis from submission of first update for a period not less than 5 years.***

***Reason: to safeguard the amenities of nearby residents, and to ensure that the impact of the development on the local highway network is satisfactory, in accordance with Policies BE3 and T3 of the Local Plan.***

2. A further representation has been received from Sneinton Tenants and Residents Association (STARA), in which the following comments are raised;

- The initial concerns raised by STARA have not been addressed in the amendments to the scheme;
- The proposed reduction in capacity (from 210 to 165 people) is still unlikely to be adequately serviced by 20 parking bays;
- The proposal to stagger prayer times is unlikely to reduce pressure on parking spaces due to crossover of prayer times;
- The applicant's commitment to promoting public transport is unlikely to be successful due to the convenience of car transport, particularly for families;

- The increased pressure on traffic will result in regular congestion, increased safety risk to pedestrians, emergency vehicles and other road users;
- An additional mosque further along Sneinton Dale will further increase traffic flow at prayer times and this has not been taken into account;
- The traffic problems encountered at an existing education facility on Thurgaton Street, is an example of what is likely to happen in this location, if permission is granted;
- There are already notable parking issues in the area with spaces outside the nearby convenience store being used by non-customers;
- STARA have significant concerns in relation to a place of worship being operated by the applicant, from a residential address. This causes parking problems in the area and raises questions over the applicant's commitment to public transport initiatives;
- The existing place of worship does not have planning permission and this raises concerns about the likelihood of the applicant adhering to his stated intentions for the proposed establishment.

***Detailed discussions have taken place with the applicant with a view to addressing local residents' concerns about parking and traffic. The measures and additional information that has been provided are set out in the officer's report.***

***The maximum numbers of people who may attend the premises at any one time during religious festivals would only take place on two occasions each year. The numbers stated are maximums and the applicant envisages these to be much lower. The applicant is happy to commit to planning obligations to restrict numbers and ensure that the local authority retains control. The increased provision of parking spaces, from 14 to 20, needs to be taken in conjunction with the applicant's commitment to discourage travel by private car and to manage the use of the car park to reduce the potential for congestion. Busier prayer times will take place outside of peak traffic times to reduce the potential for congestion.***

***The applicant has confirmed that religious festivals are unlikely to take place on the same day as all the other places of worship in the area as the set dates are subject to different criteria.***

***The residents' association has suggested that the applicant is unlawfully using a residential property as a place of worship. While the premises referred to has not been stated, it is assumed that this relates to the use of 41 Sneinton Dale. There is no suggestion that 41 Sneinton Dale is being used unlawfully as it has been operating lawfully for many years. The applicant has agreed to enter into a S106 agreement to cease the use of that property as a place of worship as that will be no longer required when this new facility is constructed. This commitment will ensure that the premises are not brought back into use for community purposes as on-street parking could cause additional problems for local residents.***

***In light of concerns being raised by local residents in relation to highway and car parking matters, an additional condition is recommended, limiting the numbers of people who can use the premises during peak religious festivals and during Friday prayers. This would limit the number of people using the centre to a maximum of 165 people at any one time during each of the two***

***religious festivals, and to a maximum of 100 people for Friday prayers. It is recommended that the final wording of this condition be delegated to officers.***

(Additional background paper: Letter dated 20/3/13 from STARA)

#### **4(e) THE OLD PEACOCK, ILKESTON ROAD**

1. Observations from Highway Management- No objections subject to conditions and notes relating to surface water drainage, provision of disabled parking space, gates shall open inwards and details shall be approved, cycle parking should be provided, the redundant vehicular access on Blooms Grove Street shall be re-instated and the submission and approval of a construction plan.

Application site is in a sustainable location well served by public transport. Recommends that there should be 11 cycle parking spaces for a development of this size and welcomes the provision of one disabled parking space within the courtyard area. A refuse vehicle would be unable to exit Blooms Grove Street in a forward gear and it is suggested that the proposed arrangements whereby the management are responsible for "ensuring that the bins are wheeled to a suitable collection point and returned after being emptied" are practiced with the collection point outside Unit 1. All gates shall open inwards only and in the case of the Ilkeston Road access should be set back 5 metres to ensure the public highway is not obstructed in any way.

Welcomes the student management plan which will control car ownership.

***For a scheme of this scale in this location it is not considered that a construction management plan is required and it is not proposed that an additional condition be imposed requiring this. The other matters identified in the Highway observations are already covered by recommended conditions forming part of the committee report.***

***The following additional conditions and informatives are recommended to address the Highway Management observations:***

***Additional recommended conditions:***

***1. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority.***

***Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.***

***Reason: To reduce the risk of flooding and to improve and protect water quality in accordance with Policies NE10 and BE4 of the Nottingham Local Plan.***

***2. The development shall not be occupied until the courtyard area has been laid out and the disabled parking space marked out in accordance with the approved details.***

***Reason: To ensure that the layout and appearance of the courtyard is satisfactory in accordance with Policy BE3 of the Local Plan.***

**3. The development shall not be occupied until the existing vehicular access on Blooms Grove Street which will be redundant is permanently closed and the access crossing reinstated as footway in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE3 of the Local Plan.**

**Additional informatives:**

**1. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If your construction works will have any effect on the footway, road or paved area next to your site you must contact the Council's Highways Team before you start. You can contact the Highways Hotline on 0115 915 2161 (Answerphone outside office hours) or Fax on 0115 915 2103 (anytime).**

**2. The development makes it necessary to reinstate a footway which is a part of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are therefore required to contact Mike Tellman of the City Council's Highway Network Management Team on 01158765238 to arrange for these works to be carried out. All costs shall be borne by the applicant.**

2. Comments from the Garden Street Contact Centre- A letter expressing concerns about the scheme which was submitted in response to the withdrawn planning application has been re-submitted in response to the consultation on the current planning application. This refers to the sensitive nature of the use as a contact centre and expresses concern about overlooking which could compromise privacy and the impact of noise, disturbance and loss of light.

**The issues have been considered as part of the revised planning application and are addressed in paras 7.14 and 7.15 of the committee report.**

(Additional background papers: Memo from Highway Management dated 14/3/13, Letter from Manager of Garden Street Contact Centre dated 23/1/13 received on 19/3/13)