

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES

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

Loxley House from 2.30 pm to 4.30 pm

- ✓ Councillor Gibson (Chair)
 - ✓ Councillor Malcolm (Vice-Chair)
 - ✓ Councillor Ali (for minutes 105 to 112 inclusive and 114)
 - ✓ Councillor Arnold
 - ✓ Councillor Chapman
 - ✓ Councillor Choudhry
 - ✓ Councillor Clark
 - Councillor Dewinton
 - Councillor Edwards
 - ✓ Councillor Khan
 - ✓ Councillor Klein
 - ✓ Councillor Longford
 - Councillor Morley
 - ✓ Councillor Steel
 - ✓ Councillor Wood
- ✓ indicates present at meeting

106 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dewinton, Edwards and Morley.

107 DECLARATIONS OF INTERESTS

Councillor Clark advised the Committee that he had an interest in agenda item 4(b) (Site of Wray Close, Flewitt Gardens and Garages North and 76 Jersey Gardens) by reason of his position as a Nottingham City Council City appointed director of EnviroEnergy. Councillor Clark considered that such an interest would not prevent him from keeping an open mind when determining the application.

Councillor Chapman advised the Committee that he had an interest in agenda item 4(b) (Site of Wray Close, Flewitt Gardens and Garages North and 76 Jersey Gardens) by reason of his position as a Nottingham City Council City appointed director of EnviroEnergy. Councillor Chapman considered that such an interest would not prevent him from keeping an open mind when determining the application.

Councillor Ali advised the Committee that he had an interest in agenda item 4(e) (The Old Peacock, Ilkeston Road) by reason of his being related to the applicant. Councillor Ali 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.

Councillors Choudhry and Gibson asked that it be recorded that they had received contact from Councillor Mellen on agenda item 4(d) (16-18 Sneinton Dale) prior to the meeting. Councillors Choudhry and Gibson considered that this would not prevent them from keeping an open mind when determining the application.

108 MINUTES

RESOLVED that the minutes of the Planning Committee meeting held on 20 February 2013, copies of which had been circulated, be confirmed and signed by the Chair.

109 PLANNING APPLICATION – MINERVA HOUSE, SPANIEL ROW, NOTTINGHAM

Consideration was given to a report of the Head of Development Management on application 12/03487/PFUL3 submitted by Fortis Developments Ltd/DMS 3 (Group 1) Ltd, for planning permission for the proposed conversion to student accommodation and external alterations. The proposal had been brought to Committee because it was a major student development and involved a Section 106 Agreement.

Since the preparation of his report, the Head of Development Management reported the following additional representation, information and alterations to the proposed conditions:

- Heritage and Urban Design welcomed 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 would significantly improve the elevation along Spaniel Row and the alterations to the Hounds Gate elevation would enhance the heritage asset within the Old Market Square conservation area;
- Amended plans had been received incorporating the existing nightclub area into the development by proposing that this be replaced with four additional studios at ground floor level and storage at basement level. The amended plans providing four additional studios was 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 would activate the frontage and would bring about positive amendments to the Hounds Gate elevation with the reintroduction of windows replacing the currently blocked up window openings.

The following amendment was made to recommended 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).

- As new windows were proposed in the historic part of the building, amendments to the conditions were proposed to ensure that these are of appropriate design as follows:

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.

- As a result of the additional studios at ground floor, pedestrian access was proposed directly off Hounds Gate. The following additional condition was therefore proposed to ensure that this was managed in an appropriate way:

'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.'

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

The Committee supported the proposal unanimously, and those members who spoke expressed a preference for use of the cladding with mixed tones.

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;**
 - (c) restriction on occupation of development until cessation of use as nightclub.**

Planning permission be granted subject to the indicative conditions listed in the draft decision notice appended to the report and the amended conditions and additional condition above;

- (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.

110 PLANNING APPLICATION – SITE OF WRAY CLOSE, FLEWITT GARDENS AND GARAGES NORTH 76 JERSEY GARDENS

Consideration was given to a report of the Head of Development Management on application 12/03501/PFUL3 submitted by BM3 Architecture on behalf of Keepmoat Homes Ltd for the erection of 111 new dwellings as part of the Stonebridge Park regeneration project.

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

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

It was proposed to 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.

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

The submitted details were considered to be acceptable, subject to some minor variations to the boundary treatment plan. It was 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 was 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.

To avoid unnecessary delays, it was 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.

It was proposed to amend recommended condition 9 as follows:

‘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.

The Committee was supportive of the proposals and the quality of the layout. Several councillors were critical of the appearance of the window profiles/surrounds, and raised concerns that they may reduce the amount of natural light entering the dwellings. In response, it was explained that while those features had been provided to provide interest to the elevations, it would be possible to reduce the heaviness of those features. In response to comments questioning the inclusion of balconies, it was explained that very few of the dwellings had balconies, and that they had been provided to allow views out over Stonebridge Park.

RESOLVED

- (1) that planning permission be granted subject to the indicative conditions listed in the draft decision notice attached to the report and the amended conditions noted above;**
- (2) that power to determine the final details of the conditions be delegated to the Head of Development Management;**

- (3) that power to renegotiate the design of the boxed window surrounds be delegated to the Head of Development Management, following consultation with the Chair, Vice Chair and Opposition Spokesperson.**

111 PLANNING APPLICATION – HARVEY HADDEN SPORTS CENTRE, WIGMAN ROAD, NOTTINGHAM NG8 4PB

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on application 12/00085/PFUL submitted by Carillion Building Ltd, for the extension and refurbishment of the existing leisure centre, providing a new 50 metre swimming pool and associated facilities.

Since preparation of his report, the Head of Development Management reported the following additional information:

- The applicant had advised the General Manager of the Harvey Hadden Leisure Centre would 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 was being held the centre had 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 would enable sufficient capacity to cater for larger events on the Harvey Hadden site. The details of this and other parking management proposals would be secured through condition 10, as set out in the draft decision notice.

- Sport England had 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 had concerns about the business case and evidence of need for a 50 metre pool. The Head of Development Management considered that a case for need had been sufficiently demonstrated within the committee report.

The ASA (the governing body for swimming in England) had raised a number of detailed internal design issues, but supported the development of a 50m pool in Nottingham. This was because the main pool for competition, Beechdale, had reached the end of its operable life. They also commended the ability to split the pool into 2 x 25 metre pools, stating that it was a very flexible and attractive community pool. While the ASA raised some detailed questions regarding seating capacity and the requirement to ensure adequate accessibility for disabled users, overall, they commented that the proposed pool was of a good layout and an exciting prospect to bring a much needed pool of this stature to Nottingham and Nottinghamshire.

- The Council's Tree Officer confirmed that the tree protection provision was acceptable and that new planting should be secured through the landscaping condition.

The Committee strongly supported the proposal to build a 50 metre pool on the site, and the chosen design. The flexibility of being able to have two 25 metre pools at some

times and one 50 metre pool at others was especially welcomed. Assurances about parking management and evidence of need were also provided.

RESOLVED that planning permission be granted, subject to:

- (a) the conditions listed in the draft decision notice at the end of this report;**
- (b) power to determine the final details of the conditions of the planning permission being delegated to the Head of Development Management.**

112 PLANNING APPLICATION – 16-18 SNEINTON DALE, NOTTINGHAM NG2 4HA

Consideration was given to a report of the Head of Development Management on application 12/03117/PFUL, submitted by Dar Us Salaam on behalf of Mr Aurangzeb Khan for the erection of a religious and community centre following the demolition of the existing garage.

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

Whilst a travel plan had been submitted with the application, the detail was 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 was 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.

A further representation had 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 had taken place with the applicant with a view to addressing local residents' concerns about parking and traffic. The measures and additional information that have 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 were maximums and the applicant envisaged these to be much lower. The applicant was 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, needed 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 would take place outside of peak traffic times to reduce the potential for congestion.

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

The residents' association had suggested that the applicant was unlawfully using a residential property as a place of worship. While the premises referred to had not been stated, it was assumed that this related to the use of 41 Sneinton Dale. There was no suggestion that 41 Sneinton Dale was being used unlawfully as it had been operating lawfully for many years. The applicant had agreed to enter into a S106 agreement to cease the use of that property as a place of worship as that would be no longer required when this new facility was constructed. This commitment would ensure that the premises were 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 was recommended, limiting the numbers of people who could 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 was recommended that the final wording of this condition be delegated to officers.

Following approval by the Chair, a presentation was made to the Committee by Councillor Mellen, in his capacity as a ward councillor. He presented the following reasons to the Committee objecting to the proposal.

The key points were:

- the proposal would adversely impact parking in an area already affected by commuter parking;
- there was little off-road parking for residents, so cars were often part-parked on pavements;
- the site was on a bus route and increased parking would have a detrimental effect on public transport performance;
- even a 120 person maximum would be detrimental, so the application should be refused and a smaller development pursued.

In response, the Head of Development Management proposed a further additional condition to introduce a Car Parking Management Strategy, setting out measures for the management of the car park during religious festivals, Friday prayers and other large events, alongside measures to discourage off-road parking nearby. It was recommended that the final wording of this condition be delegated to officers.

While sympathising with and expressing some support for the concerns raised, the Committee was not persuaded by the arguments made to refuse the application. All parties had worked hard to reach a reasonable compromise and that, with a robust travel plan and effective car parking management and enforcement, the issues of parking and congestion arising from the application could be properly addressed.

RESOLVED

- (1) that, subject to prior completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, to cease the use of 41 Sneinton Dale as a place of worship, planning permission be granted, subject to the conditions listed in the draft decision notice appended to the report and the additional conditions above;**
- (2) that power to determine the final details of both the terms of the 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 is:**
 - (a) necessary to make the development acceptable in planning terms;**
 - (b) directly related to the development; and**
 - (c) fairly and reasonably related in scale and kind to the development.**

113 PLANNING APPLICATION – THE OLD PEACOCK, ILKESTON ROAD, NOTTINGHAM NG7 3HB

Consideration was given to a report of the Head of Development Management on application 12/00430/PFUL, submitted by Zenith Planning and Design on behalf of Mr Habib Ali for the conversion of and extensions to the former Old Peacock Public House, Ilkeston Road, to create student accommodation with 45 bed spaces.

Since preparation of his report, the Head of Development Management reported the following representations and proposed additional conditions and information:

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

The Application site was in a sustainable location well served by public transport. Recommendation that there should be 11 cycle parking spaces for a development of this size and welcomed 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 was suggested that the proposed arrangements whereby the management were responsible for "ensuring that the bins are wheeled to a suitable collection point and returned after being emptied" were practiced with the collection point outside Unit 1. All gates should 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. The student management plan which would control car ownership was welcomed.

For a scheme of this scale in this location it was not considered that a construction management plan was required and it was not proposed that an additional condition be imposed requiring this. The other matters identified in the Highway observations were 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.

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

The issues had been considered as part of the revised planning application and were addressed in paragraphs 7.14 and 7.15 of the committee report.

The Committee was broadly supportive of the proposal subject to some minor design changes that they wished to be delegated to officers in consultation with the Chair, Vice Chair, and Opposition Spokesperson. The changes were required to:

- Reduce the depth of the projecting windows, to make them appear less heavy;
- Make stronger the break between the existing plinth and proposed plinth extension to the Ilkeston Road frontage;
- Review and perhaps reconsider an alternative material for the elements of feature mixed brickwork.

RESOLVED

(1) that, subject to no material issues arising from the consultation responses being received by 27th March 2013, planning permission be granted, subject to 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 some minor detail changes which shall be delegated to officers in consultation with the Chair, Vice Chair and Opposition Spokesperson, and the conditions listed in the draft decision notice appended to the report and the additional conditions above;

(2) that power to determine the final details of both the terms of the Planning Obligation and conditions of the planning permission be delegated to the Head of Development Management, following consultation with the Chair, Vice Chair and Opposition Spokesperson;

(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; and

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

114 PLANNING APPLICATION – THE PICTURE WORKS, 42 QUEEN’S ROAD

Consideration was given to a report of the Head of Development Management on application 13/00248/VS106A, submitted by BNP Paribas on behalf of Joseph Antony Pitt and Benedict Nicholas Moon, proposing a variation to a Section 106 agreement dated 3 October 2006 to remove a requirement to pay £130,000 financial contribution.

RESOLVED that, subject to no contrary observations being received by 25 March 2013, the Section 106 Agreement dated 3 October 2006 between Lace Market Properties, Lloyds Bank Plc and Nottingham City Council be varied to discharge the obligation to pay the Financial Contribution.