

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Loxley House on 22 MAY 2013 from 2.30pm to 4.38pm

- ✓ Councillor Chris Gibson (Chair)
- ✓ Councillor Liaqat Ali
- ✓ Councillor Cat Arnold
- ✓ Councillor Graham Chapman
- ✓ Councillor Azad Choudhry
- ✓ Councillor Alan Clark
- ✓ Councillor Emma Dewinton
- ✓ Councillor Michael Edwards
- ✓ Councillor Gul Khan
- ✓ Councillor Ginny Klein (minutes 1-11)
- ✓ Councillor Sally Longford (minutes 7 to 12)
- ✓ Councillor Ian Malcolm
- ✓ Councillor Eileen Morley
- ✓ Councillor Roger Steel
- ✓ Councillor Malcolm Wood

✓ indicates present at meeting

Colleagues, partners and others in attendance

Andrew Gregory	-	Head of Development Management and Regeneration)	
Robert Percival	-	Area Planning Manager) Development
Nic Thomas	-	Area Planning Manager)
Nigel Turpin	-	Heritage and Urban Design Manager)
Laura Cleal	-	Development Control Support	Traffic
Management			

Noel McMenamin	-	Constitutional Services Officer) Resources
Karen Mutton	-	Solicitor)

1 APPOINTMENT OF VICE-CHAIR

RESOLVED to appoint Councillor Gul Khan as Vice-Chair for the municipal year 2013/14.

2 APOLOGIES FOR ABSENCE

Councillor Longford late – other Council business

3 DECLARATIONS OF INTERESTS

None.

Note: when the item on Unit 1A and 1B Castle Retail Park, Radford Boulevard, NG7 5QJ was discussed, Councillor Liaqat Ali declared an interest as a resident of Churchfield Lane. Councillor Ali considered that such an interest would not prevent him from keeping an open mind when determining the application.

4 MINUTES

The Committee confirmed the minutes of the meetings held on 20 March and 17 April 2013 as a correct record and they were signed by the Chair.

5 PLANNING APPLICATION – SITE AT PARK STREET AND LOMBARD CLOSE, NOTTINGHAM

The Committee considered a report of the Head of Development Management and Regeneration on application 13/00792/PFUL3 submitted by WYG Planning and Environment on behalf of Nottingham City Homes.

The Head of Development Management and Regeneration reported the following information changes since publication of the agenda:

The description of the application should read 'Redevelop the site to provide 145 affordable homes, comprising 57 flats for independent living, 16 bungalows, 62 2- and 3-bedroom houses and 10 1-and 2-bedroom apartments with associated on-site ancillary community facilities, parking and landscaping.'

It was recommended that Condition 18 be amended to include reference to Use Class D1. This widened the scope of potential uses for the non residential ground floorspace in the gateway units. The condition would now be:

'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or any re-enactment thereof, the units shall not be used other than for purposes defined in Classes A1, A3, B1 and D1 of the Town and Country Planning (Use Classes) Order 1987, as amended or any re-enactment thereof.'

It was recommended that condition 5 be amended to read as follows:

'The development shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved by the Local Planning Authority. The proposals should seek to demonstrate a 30% reduction in peak run-off rate. 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 in the interest of sustainable development in accordance with Policy NE10 of the Nottingham Local Plan.

The pre-commencement and pre-occupation conditions were proposed to be amended to reflect the phasing of the development. The development was to be constructed in two phases, commencing with the independent living unit followed by the family housing and the gateway units.

Further responses from consultees:

Noise and Pollution Control: In response to the Investigation report and the Environmental Noise Assessment report, raise no objections subject to conditions.

Additional recommended conditions to be imposed:

A detailed scheme for dealing with the gaseous emissions on the site which shall include:-

- i) details of an investigation and assessment of the gaseous emissions on the site;
- ii) proposals for ensuring the safe removal of gas;
- iii) proposals for preventing the lateral migration of gas; and
- iv) any other remedial measures shown in the assessment to be necessary.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

No building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used unless the approved remedial, preventive or precautionary measures for removing the gaseous emissions on the site have been implemented, and the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

No part of the development shall be occupied until the glazing and ventilation recommendations set out in the Environmental Noise Assessment have been implemented for that part of the development.

Reason: To ensure that the occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Local Plan.

Highways: No objection subject to conditions and directives intended to cover a range of detailed issues.

The points raised were covered by the conditions already set out in the draft decision notice.

An independent Building for Life assessment had now been undertaken. This had been undertaken using the Building for Life 12 and had resulted in 10 out of the 12 questions being assessed as “green” (in some instances this is qualified by the need to ensure robust implementation) and the remaining 2 as “amber”.

The issues identified were mainly minor in nature and would be addressed through the recommended conditions. The main exception queries the relationship between an existing 5 storey building on the east side of Park Street and those two storey dwellings proposed west of Park Street, which will also be exaggerated by the difference in levels. This change in scale is acknowledged but as a major objective of the scheme is to achieve family housing, this is

difficult to reconcile and it is considered that the relationship will be acceptable.

(Additional background papers: Highway observations dated 16/5/13, Email from Noise and Pollution Control, Building for Life assessment)

Councillors discussed the design of the development and supported the proposal, a number suggested that the curved corner of the independent living block should be finished in render. It was agreed that this matter be conditioned for further consideration. A councillor suggested that the proposal should include parking spaces for Savoy Cinema customers, but a majority of councillors did not support this view.

RESOLVED

(1) to grant planning permission, subject to:

- (a) the conditions substantially in the form of those listed in the draft decision notice and those additional conditions noted above;**
- (b) an additional condition 'Notwithstanding the approved drawings, the development shall not be commenced until details of the elevational treatment of the Independent Living Block have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details'. Approval of these details shall be delegated to the Head of Development Management and Regeneration following consultation with the Chair, Vice-Chair and opposition spokesperson;**

(2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.

6 PLANNING APPLICATION – SITE OF HIGHCROSS COURT AND CLIFFORD COURT, CLIFFORD STREET, NOTTINGHAM

The Committee considered a report of the Head of Development Management and Regeneration on application 13/00793/PFUL3 submitted by WYG Planning and Environment on behalf of Nottingham City Homes. The application was to redevelop the site to provide 38 affordable homes comprising 2, 3 and 4 bedroom houses with associated on-site parking and landscaping.

The Head of Development Management and Regeneration reported the following information changes since publication of the agenda:

1. Further responses from consultees:

Noise and Pollution Control: The noise assessment reports in principle are satisfactory. The condition relating to noise may be discharged provided works are carried as recommended in the noise assessment report. An additional condition is recommended.

Additional recommended condition to be imposed:

No part of the development shall be occupied until the glazing and ventilation recommendations set out in the Environmental Noise Assessment have been

implemented for that part of the development.

Reason: To ensure that the occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Local Plan.

Environment Agency: Object to the application and recommend refusal on the basis that it does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA fails to provide sufficient detail as to how the surface water run-off from the proposed development will be treated. The surface water drainage scheme for the site should be based on sustainable drainage principles.

The site falls within flood zone 1 (ie the zone where there is no risk of flooding from a watercourse) and the issue of concern to the Environment Agency is the control of surface water from the site in order to reduce downstream flooding. In this case it is considered that this can be appropriately dealt with by condition and by including the Environment Agency's requirements as an informative. Condition 4 already addresses this issue but it is recommended that it be amended to read as follows:

The development shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved by the Local Planning Authority. The proposals should seek to demonstrate a 30% reduction in peak run-off rate. 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 in the interest of sustainable development in accordance with Policy NE10 of the Nottingham Local Plan.

Highways: No objections subject to conditions and directives intended to cover a range of detailed issues.

The points raised are covered by the conditions already set out in the draft decision notice.

2. An independent Building for Life assessment has now been undertaken. This has been undertaken using the 'Building for Life 12' and has resulted in 10 out of the 12 questions being assessed as "green" (in some instances this is qualified by the need to ensure robust implementation) and the remaining 2 as "amber".

The main concern highlighted in the assessment relates to car parking, particularly on plots 4-8 which front on to Clifford Street. It is agreed that the car parking could dominate this street frontage and the opportunity should be taken to re-assess this and explore any options for a different parking arrangement. It is therefore recommended that the following additional condition be imposed enable the review of this area to be undertaken, in consultation with Highways:

Notwithstanding the details shown on the submitted drawings, details of the proposed parking arrangement for Plots 4-8 on the Clifford Street frontage shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the appearance and the layout of the development will be

satisfactory in accordance with Policies BE2, BE3 and T3.

(Additional background papers: Email received 21/5/13 from Noise and Pollution Control, Letter dated 17.05.2013 from Environment Agency, Highway observations dated 15/5/13, Building for Life assessment)

Councillors supported the proposal, welcoming the family housing and community safety benefits to the area. They briefly discussed how the projecting first floor windows might block light to ground floor windows, but did not raise major issues or concerns. A councillor commented that Nottingham City Homes should be innovative and varied in its future design proposals.

RESOLVED to grant planning permission, subject to the conditions substantially in the form of those listed in the draft decision notice and those additional conditions noted above, and to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.

8 PLANNING APPLICATION – UNIT 1A AND 1B CASTLE RETAIL PARK, RADFORD BOULEVARD NOTTINGHAM NG7 5QJ

The Committee considered a report of the Head of Development Management and Regeneration on application 13/00242/PFUL3 submitted by UBS Global Asset Management (UK) Limited for the amalgamation of Units 1A and 1B and change of use of Unit 1B to create a new food retail store (Class A1), external alterations, installation of sprinkler tank and alterations to car park layout. This was a resubmission of planning application reference 12/03177/PFUL3.

The Head of Development Management and Regeneration reported the following information changes since publication of the agenda:

The Council issued a certificate of lawfulness for proposed use (ref:13/00956/PCLO) on 10 May 2013. This confirms that the amalgamation of Units 1A and 1B to form a single retail unit would be considered lawful on the proviso that operations within the floorspace of the current unit 1B do not contravene the requirements of condition 5 on planning permission 12/00073/PFUL3, which restricts the types of goods that can be sold from that area.

The agent for the application has provided a letter from a potential occupier of the unit, Morrisons' (who are not the applicant), which submits that the configuration of the store comprising the fallback position is both realistic and commercially viable. In particular the letter states that the size of the unit both in terms of gross and retail floor space is sufficient for a mid-range store and the regular shaped sales area enables an internal layout that would allow that company to meet customer expectations and maximise sales densities. Morrisons' advise that sufficient checkouts could be provided for the size of store and that the servicing arrangements are both acceptable and similar to other stores. A drawing is provided to demonstrate the tracking of a standard HGV reversing to the loading bay and then egressing from the site onto Churchfield Lane. The letter concludes by highlighting that the application includes a commitment to employment and training opportunities and a transport contribution.

The agent in a covering email to the letter from Morrisons' reaffirms the view that the

fallback position is realistic. He comments that the store would benefit from glazing and an entrance feature fronting the customer car park which is of paramount importance to operators as the majority of customers visit such stores by car. The visibility of the store would primarily be secured through new signage which would be the subject of a separate application for advertisement consent. Furthermore he states that if additional glazing was desired, an application could be submitted and could not realistically be refused by the LPA. The agent submits that the provision of a café within a retail warehouse is considered ancillary and does not require planning permission. The sale of food and drink from a cafe would not breach the condition which limits the retail use of the floor space. Should the LPA disagree, Condition 5 attached to Planning Permission: 12/00073/FUL includes provision for up to 15% or 3,000 sq. ft to be used for the sale of ancillary goods in any event. The agent therefore considers that the café is deliverable as part of the fallback configuration.

The agent also remarks that Morrisons' have demonstrated that the servicing arrangements are acceptable and the checkout provision is adequate and in fact allows more checkouts than the 'proposed' layout submitted with the planning application. Finally, the agent advises that if permission is refused the applicant will appeal and that due to the issues involved this would need to be a public inquiry. Given the previous recommendation and the evidence submitted with the application (including a QC Opinion and the correspondence from Morrisons), the applicant would seek to make a costs application with any appeal.

The agent has provided a 'briefing note' received 20/5/13 which he advises has been circulated to committee members in advance of the meeting. In summary the briefing note states that the development will enhance the retail offer in the local area, reducing the requirement for people to travel for day to day goods, and will have a significant economic boost in terms of job creation and earnings. The note states that the applicant has demonstrated conclusively that the store created under the 'fallback position' would be lawful and meet the requirements of the Company, or any other national grocer (in terms of sales floorspace, staff and customer facilities and servicing). It considers that the reason for refusal is not justified and that the LPA has failed to give the appropriate level of weight to the fallback position and therefore will be open to challenge. The note further re-iterates the benefits of the development and the intention to appeal the decision if refused and to apply for costs. Finally it is advised that if the applicant is unable to gain planning permission for the scheme as proposed by March 2014, the proposed operator will occupy the unit under the fallback position.

The agent has submitted an amended layout plan which annotates the size of the mezzanine floors proposed (347m² and 161m²) within the development. No change to the proposal has occurred here, the annotation is just for clarity.

The certificate issued by the Council confirms that the amalgamated units could be legally occupied by a single operator without planning permission, and subject to a particular configuration referred to throughout the application as the 'fallback' position could be used for the retail sale of food. The certificate of lawfulness is an interpretation of facts and therefore does not provide any evidence as to the likelihood of the amalgamated unit being occupied under the fallback position. Whether this fallback position is realistic is the key consideration in this application.

The size of the store, in terms of both gross and net floor space under the fallback position is very similar to that under the proposed store. It is however considered that the lack of visibility into the store and amount of daylight that it would receive would not be attractive to an operator and whilst Morrisons' letter makes no reference this, is considered a flaw in the fallback position. The tracking drawing provided demonstrates that a vehicle could undertake the manoeuvres required to service the store. Nevertheless this still involves a comparatively long distance reversing manoeuvre which is not considered desirable, and was particularly highlighted in the objection from GL Hearn as rendering the fallback position unrealistic.

The agent submits that the café, which would be located in the former Unit 1B floorspace, is an ancillary function of the retail operation. However, it is considered that the café use would contravene planning condition 5 imposed by permission 12/00073/PFUL3 as it would involve the sale of goods outside of those listed as permitted. Condition 5 reads:

'If the Unit is used within Class A1, no goods may be sold from Unit 1B other than:

- a)**
- (i) building and DIY materials and tools;**
- (ii) motor parts and spares; cycles;**
- (iii) caravans, camping equipment and boats;**
- (iv) furniture and carpets;**
- (v) large electrical 'white' goods;**

- (b)**
- (i) goods which are ancillary or directly associated with the above items (i) – (v), to a limit of 15% net sales area or each retail unit or 3,000 sq ft, whichever is the lower figure.'**

This condition replicates the condition imposed on the original grant of consent for the retail park (with the exception that the 2012 condition does not permit food retail), hence the reference to 'each retail unit' in (b). However, it is considered that this condition wholly governs the items which may be sold from 1B; it does not admit the sales of food as ancillary to retail sales as a general class, on the basis that such sales could not be considered ancillary or directly associated with the items listed in (a) as required by (b).

It is therefore not considered that the café can be provided in the location proposed as part of the fallback proposal.

The comments of the agent and submission by Morrisons' are noted but it is considered that there remain several deficiencies in the fallback position from a commercial viewpoint. Whilst finely balanced and involving an element of planning judgement it remains the conclusion that the fallback position is not sufficiently realistic to be implemented. It is also noted that the applicant is likely to appeal and will make an application for costs as part of this process. The briefing note repeats arguments that have been submitted and appraised in both the committee report and the analysis of Morrisons' and Savills' representations

of 10 and 13 May respectively, within this update sheet. The sizes of the proposed mezzanine floors are noted. These are stated as 344m² and 161m² within the committee report.

(Additional background papers: Letter from Morrisons dated 10/5/13, Email from Savills dated 13/5/13, 'Briefing Note for Members' from Savills dated 20 /5/13)

The Committee discussion covered the following points and issues:

Several councillors spoke supporting the recommendation to refuse planning permission because the difficult service arrangements and increased demand /car-parking arrangements would cause further traffic problems in the wider area.

One councillor expressed the view that it was the applicant's role to assess whether the 'fallback' position was commercially viable, not the Committee's. He was concerned that the applicant could proceed on the basis of the 'fall back' position in any event, and that the Council was exposing itself to legal challenge and costs if it refused to grant planning permission.

The Chair reminded the Committee that the question to be addressed was whether there was a real prospect that the 'fallback' scheme would be implemented, acknowledging that it was a finely balanced decision, but that the Committee must act reasonably in determining the application.

When put to the vote, the Committee supported the recommendation to refuse planning permission by 9 votes to 1, with 4 abstentions.

RESOLVED to refuse planning permission for the reason set out below:

The development proposed exceeds the floor space threshold for requiring a Retail Impact Assessment, Sequential Test Assessment and Transport Assessment, none of which are provided with the application. The Local Planning Authority is not satisfied that the 'fall back' position promoted by the applicant is sufficiently realistic to justify omitting these documents from the application. Accordingly the Local Planning Authority is unable to consider the retail impact of the proposal on town centre vitality and viability, contrary to paragraphs 24 and 26 of the NPPF, Policy S5 of the Nottingham Local Plan (2005) and the Nottingham City Council Interim Retail Planning Guidance (2010). Furthermore the absence of a Transport Assessment is contrary to paragraph 32 of the NPPF and does not permit proper consideration of the requirements of Policies ST1, S5, T1, T2 and BE2 of the Nottingham Local Plan (2005).

9 PLANNING APPLICATION – 198 SNEINTON DALE, NOTTINGHAM NG2 4HJ

The Committee considered a report of the Head of Development Management and Regeneration on application 13/00800/PFUL3 submitted by Zenith Planning and Design on behalf of Mr M Nawaz for 7 retail units with 7 dwellings above.

The Head of Development Management and Regeneration reported the following information changes since publication of the agenda:

Sneinton Alchemy Community Group submitted the following comments:

1. The addition of small shop units was welcome.
2. The small size of the units was important because there were enough large stores in the area.
3. The community did not want more takeaways or fast food premises.
4. Moving the building line forward reduced pavement space available.
5. There was very little scope for planting within the application.
6. There was no provision for parking for people using the shops.
7. There was no provision for cycle parking.
8. The use of yellow brick and red wall tiles was not a high quality, appropriate finish.
9. The angled windows were neither a traditional nor quality modern design feature.

Councillors welcomed the addition of small shop units in Sneinton Dale. However, they raised the following issues:

- alterations needed to be made to the design of the front of the building to provide greater visual interest;
- the potential for units to be amalgamated, creating fewer, larger units, which could affect the function of the Local Shopping Centre should be addressed;
- concerns about the potential for units to be used as hot food take-aways and whether any such proposal would be reported to Planning Committee;
- the proposals for enclosing the rear bin storage area needed further consideration to ensure this detail does not appear unsightly.

In response, the Head of Development Management and Regeneration acknowledged that improvements could be made to the frontage of the building and suggested that additional design features could be incorporated such as lintels and cills and a brick stall riser at ground floor. It was explained that the windows would have deep reveals and that a good quality brick would be used.

In relation to the concerns raised about the potential amalgamation of the ground floor retail units, the Head of Development Management and Regeneration confirmed that it would be reasonable to apply a condition to prevent this.

The Head of Development Management and Regeneration confirmed that there was no proposal to use any of the units as a hot food take-away and it is likely that concerns would be raised if an application were to be received.

It was confirmed by the Head of Development Management and Regeneration that further consideration could be given to the design of the rear bin enclosure environment to be secured by condition.

RESOLVED

(1) to grant planning permission, subject to:

- (a) the conditions substantially in the form of those listed in the draft decision notice;**

- (b) **modifications being secured to the frontage of the building to provide greater visual interest.. Details of these revisions to be agreed in consultation with the Chair, Vice Chair and Opposition Spokesperson.**
- (c) **An additional planning condition to prevent the amalgamation of any of the ground retail units.**
- (d) **Modifications being secured to the rear bin store enclosure to ensure that this detail does not appear unsightly,. Details of these revisions to be agreed in consultation with the Chair, Vice Chair and Opposition Spokesperson.**

(2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions

10 PLANNING APPLICATION – GEORGE GREEN LIBRARY, UNIVERSITY OF NOTTINGHAM, UNIVERSITY BOULEVARD, NOTTINGHAM NG7 2RD

The Committee considered a report of the Head of Development Management and Regeneration on application 13/00552/PFUL3 submitted by Hopkins Architects Partnership LLP on behalf of the University of Nottingham for a refurbishment and extension to create a new Engineering and Science Library.

The Head of Development Management and Regeneration reported the following information changes since publication of the agenda:

Amend recommendation to add the following additional condition requiring a Construction Parking Management Plan to be submitted and approved:
The development shall not be commenced until such time that a Construction Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall set the proposed parking arrangements for all construction related staff including any sub contractors. The plan shall be implemented at all times whilst construction is underway unless agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policies BE2 and NE9 of the Local Plan.

The Committee supported the proposal without further comment.

RESOLVED to grant planning permission, subject to the conditions substantially in the form of those listed in the draft decision notice and the additional condition noted above, and to delegate power to the Head of Development Management to determine the final details of the conditions.

11 PLANNING APPLICATION – WESTMINSTER ABBEY, 387 ST ANNS WELL ROAD NOTTINGHAM

The Committee considered a report of the Head of Development Management and Regeneration on application 13/00655/PFUL3 submitted by White Design UK on behalf

of Resilienti for extensions and alterations to facilitate the conversion of the ground floor to two retail units (Use Classes 1 and 2) and conversion of first floor to two self-contained apartments.

The Head of Development Management and Regeneration reported the following information changes since publication of the agenda:

Paragraph 7.10 of the Committee report states that the second, smaller retail unit would be occupied by Financial and Professional services (Use Class A2). However, there was some concern about the potential uses which could fall within this use class and following discussions, the applicant has removed the class A2 element from the scheme.

An additional condition has been recommended to ensure that both units are only permitted to be occupied for retail purposes (use class A1).

Additional recommended condition to be imposed:

Notwithstanding the provisions of the Town and Country Planning Town and Country Planning (General Permitted Development) Order 1995, as amended, the two ground floor units shall not be used other than for purposes falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended.

Reason: To determine the scope of this permission, and to ensure that alternative uses, which may be inappropriate in this location, can be subject to a full assessment of their impact.

An email has been received from the Police Architectural Liaison Officer which confirms that the Police have no objections to the proposals.

(Additional background paper: Email from Police ALO dated 21/5/13)

The Committee supported the proposal without further discussion.

RESOLVED to grant planning permission, subject to the conditions substantially in the form of those listed in the draft decision notice, and the additional condition listed above, and to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.

12 PLANNING APPLICATION – PARK HOUSE NURSING HOME, CINDERHILL ROAD, NOTTINGHAM NG6 8SB

Further to minute 119 dated 17 April 2013, the Committee considered a report of the Head of Development Management and Regeneration on application 13/00098/PFUL3 submitted by Henry Mein Partnership on behalf of Eastgate Limited for a two-storey extension to create a new entrance area, dayroom, 14 bedrooms and ancillary accommodation.

Councillor Klein, who had previously made a presentation to the Committee in her capacity as a ward councillor, withdrew from the meeting.

The Head of Development Management and Regeneration reported the following changes since publication of the agenda:

Following the Committee site visit on 3rd May 2013, the applicant has agreed to amend the scheme to seek to address concerns about overlooking towards Bagnall Cottages. The design of the first floor bedroom windows on the southern elevation of the extension has been revised to incorporate a 350mm deep band of obscure glazing. Plans have been submitted to illustrate how this obscures the view towards the gardens of Bagnall Cottages. An additional condition is recommended to ensure that this detail is provided in perpetuity.

A minor change has been made to the boundary treatment along the southern elevation. The timber fence that was originally proposed has now been removed due to concerns about the structure's appearance from the gardens of Bagnall Cottages. Revised plans have been submitted to illustrate additional planting instead. Full details will be secured by condition 8.

Additional recommended Condition to be imposed:

First floor bedrooms labelled as 50-54 inclusive of the proposed extension shall not be occupied until such time as a band of permanent etched glazing has been installed within the south facing windows, in accordance with the details as illustrated on drawing 6950.P.19A (Proposed Etched Glazing Detail) dated 15 May 2013. The glazing shall thereafter remain in place in perpetuity.

Reason: In the interests of protecting the amenity of local residents, in accordance with policy BE3 of the Local Plan.

The Committee welcomed the proposed amendments to the boundary treatment as beneficial to the users of the cottages' gardens. Councillors did not support including the additional recommended condition because the band of permanent etched glazing could impact the quality of life of the nursing home's residents.

RESOLVED to grant planning permission, subject to the conditions substantially in the form of those listed in the draft decision notice, but not including the additional recommended condition that proposed a band of permanent etched glazing to the upper floor windows facing Bagnall Cottages, and to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.