

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Loxley House on 19 JUNE 2013 from 2.30pm to 3.58pm

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

- ✓ Councillor Toby Neal (substitute for Councillor Chapman)

- ✓ indicates present at meeting

Colleagues, partners and others in attendance

Andrew Gregory - Head of Development Management)
and Regeneration)

Joanna Briggs - Principal Planning Officer)
Laura Cleal - Development Control Support)
Traffic Management)

Rob Percival - Area Planning Manager) Development
Nic Thomas - Area Planning Manager)
Richard Taylor - Pollution Control)
Nigel Turpin - Heritage and Urban Design Manager)

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

13 APOLOGIES FOR ABSENCE

Councillor Graham Chapman - Other Council business
Councillor Ginny Klein - Annual leave
Councillor Ian Malcolm - Annual leave

Councillor Roger Steel - Other Council business

14 DECLARATIONS OF INTERESTS

Councillor Gibson advised the Committee that he had an interest in agenda item 4(c) (6 Lime Tree Avenue) as he knew the family who lived at 8 Lime Tree Avenue. Councillor Gibson considered that such an interest would not prevent him from keeping an open mind when determining the application.

15 MINUTES

The Committee confirmed the minutes of the meeting held on 22 May 2013 as a correct record and they were signed by the Chair.

16 PLANNING APPLICATION – FORMER BLENHEIM GARDENS ALLOTMENTS, BLENHEIM LANE

Nic Thomas, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/00757PMFUL3 submitted by Amberley Consulting Ltd on behalf of Chinook Sciences Ltd for a manufacturing, research and development facility, with energy generation demonstrator and associated offices.

Mr Thomas reported the following information changes since the publication of the agenda:

1. The Nottingham Local Plan identifies the site as being located within a designated Major Industrial Estate. On this basis, the saved policy E3 of the Local Plan is applicable. Policy E3 states that within major business parks, such as Blenheim Industrial Estate, employment sites or employment premises will not be granted planning permission for uses other than employment uses, except for ancillary development necessary to serve the development.

It is therefore recommended that the development is assessed against policy E3 of the Local Plan and is included as a reason for conditions where relevant. The primary use of the development is as a manufacturing and research and development facility for the production and technology advancement of the applicant's RODECS plant. The proposed energy demonstration plant is an important but ancillary element of the main use of the site for employment purposes.

2. Broxtowe Borough Council has written stating that they have no comments to make.

3. Following further discussions with the applicant, the Health and Safety Executive has stated that the proposed development would not require Hazardous Substance Consent.

4. The two bat activity surveys (dawn and dusk) have now been carried out and the applicant has submitted a report of their findings and recommendations. No bats were recorded emerging or returning roost within trees located in the perimeter hedgerow and as such none of the trees were considered to be used as a bat roost. The dawn swarming survey recorded three bats commuting along the Blenheim Lane hedgerow

and the evening emergence survey recorded bats regularly and evenly foraging along the hedgerow during the survey. In conclusion the Blenheim Lane hedgerow is considered to provide a good commuting route and foraging habitat for bats. The reports recommend that the hedgerow be retained and lighting along the boundary be limited and if required the proposed lighting scheme should require lighting to be orientated away from the hedgerow and be designed to be 'bat friendly'.

The Council's ecologist has confirmed that the bat survey and its findings are satisfactory subject to its recommendations being secured by condition.

In response, it is noted that the existing perimeter hedgerows are proposed to be retained and condition 17 of the draft decision notice requires a lighting scheme to be submitted which should include details of light spillage and take account of potential bat foraging routes along perimeter hedgerows.

5. The applicant has submitted additional information in respect of noise and air emissions and visual impact to address comments raised by Muse Development in respect to redevelopment proposals for the Rolls Royce site, Hucknall.

6. Ashfield District Council (Ashfield) has written raising objections to the development, but primarily the energy demonstration plant. They consider that the information submitted is insufficient, with a disregard for the potential delivery of the adjacent Rolls Royce site by virtue of the lack of evidence to show both the visual impact and air quality impact upon the future development of the strategically important site at Rolls Royce for economic and housing growth. In their opinion this has the potential to stall the delivery of this site and could create detrimental economic impacts for the wider area of Hucknall given that the housing delivery on the Rolls Royce site is tied to cross-subsidising the delivery of the employment land and up to 2000 jobs as detailed in the current undetermined application.

Ashfield has stated that the proposals in their current form will harm the character and appearance of the area with unknown wider air quality (environmental) impacts and as such is contrary to The Waste Framework Directive, Environmental Impact Assessment Regulations, Directive 2008/98/EC of the European Parliament PPS10 and the Ashfield District Council Emerging Local Plan.

Ashfield consider that the Localism Act 2011 requires Local Planning Authorities to have a duty to co-operate in relation to the planning of sustainable development. In this case a disregard for the impacts upon a strategic site within the Ashfield District Council area would be contrary to the objectives of the Act. They state that this issue could be addressed with the submission and subsequent appraisal of further survey work as detailed in the appended report, particularly relating to air quality and visual impact.

Ashfield has stated that if the City Council is minded to grant planning permission, the following conditions should be imposed to protect the local environment and neighbouring residents:

- If the scheme is promoted as a recovery of energy, rather than a disposal facility, a condition to ensure that this remains the case.
- Conditions would be necessary to safeguard air quality and amenity and the use of sustainable drainage.

- The lighting scheme to include a baseline night-time assessment.
- To identify the types of waste to be accepted.
- The maximum total tonnage of waste imported on to the site in any calendar year to not exceed 30,000 tonnes.
- Storage of all waste to be undercover.
- No incineration of waste to take place until a grid connection has been installed and is capable of transmitting electricity generated by the Energy from Waste. No waste may then be incinerated unless electricity is also being generated and is being transmitted to the national grid.
- Provision for off-site landscaping to soften the appearance of the lower areas of the proposed development.

In response, it is considered that the additional information submitted in relation to the Rolls Royce development together with the details of the revised Environmental Statement, which has been outlined in the appraisal section of the main report, have demonstrated that the environmental impacts of the development with particular respect to air and noise emissions and the visual impact of built development, have been addressed. Where required, conditions outlined in the draft committee report have been recommended to be imposed to mitigate the potential environmental impacts of the development. The environmental impacts of the development would be fully addressed by the complimentary Environmental Permit which is regulated by the Environment Agency.

7. The applicant has provided additional sun path analysis plans for the months of March, April and May to allow further assessment of the impact of the development on allotment plots which immediately adjoin the site.

8. The Council's Allotment Officer has commented on the additional sun path analysis. He considers that there would be some shading of adjacent of adjoining plots in the mornings in early spring however he also recognises that there is already a degree of early morning shadow to the closest plots caused by the existing hedge. It is recommended that consideration be given to alterations of the layout to reduce the impact. He also suggested using surface water run off for the allotments.

In response, it is noted that the submitted sun path analysis shows that due to the height and position of proposed buildings, there would be some shading to the allotment plots immediately adjoining the western boundary of the site and to parts of the golf course to the north in the morning and early afternoon in early spring. However, the affected allotment plots are already compromised by shadowing due to the existing boundary hedge. Given the regeneration benefits of the scheme, it is considered that this impact would not be sufficient to warrant refusal of the application.

9. The applicant has submitted a detailed statement on the proposed use of timber cladding as one of the cladding materials to give assurances about its physical and visual durability.

In response, it is noted that the timber cladding statement satisfactorily demonstrates that, with the correct detailing and quality of timber, concerns regarding its long term visual appearance can be overcome. To ensure that the details of the proposed timber cladding are carried out in line with the statement it is recommended that the following condition be imposed:

‘The development shall be carried out in accordance with the details contained in the Timber Cladding Statement, prepared by Studio E and received on 11 June 2013’.

Reason: To minimise the visual impact of the development and to ensure that the appearance of the development is satisfactory to comply with Policies BE3 of the Nottingham Local Plan (2005); Policy W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WSC12 and WCS14 of the Nottinghamshire and Nottingham Waste Core Strategy.’

9. Mr Thomas also advised that condition 24 needed amendment to make clear that servicing times are restricted for both the importing and exporting of waste, and that the recommendation required typographical amendment in relation to the content of the Environmental Information to remove erroneous references to changes to the scheme.

The Committee raised the following points in discussion:

- (a) there should be an additional condition, in line with a suggestion from Ashfield District Council, to ensure that all waste is stored undercover;
- (b) several councillors commented that the proposals for timber cladding were unsympathetic, favouring a green stain. In response, Mr Thomas advised that the intention of the timber cladding is to break up the building with natural, low-maintenance material;
- (c) additional landscaping would be explored along the golf club boundary. Mr Thomas confirmed that this will be explored with Parks and Open Spaces colleagues;
- (d) the use of photo-voltaic solar panels and natural light for the building was welcomed, but it was disappointing that an opportunity to fully embrace green energy had been missed;
- (e) that areas of landscaping within the scheme would be made as attractive as possible for employees and visitors.

RESOLVED

- (1) to confirm that the requirements of Part II of Schedule 4 to the Environmental Impact Assessment Regulations 2011 are satisfied by reason of the Environmental Statement including at least the following information:**
 - a) a description of the development comprising information on the site, design and size of the development;**
 - b) a description of the measures envisaged in order to avoid, reduce and, if possible remedy significant adverse effects;**
 - c) the data required to identify and assess the main effects which the proposed scheme is likely to have on the environment;**

- d) **an outline of the main alternatives studied by the applicant and an indication of the main reasons for these, taking into account the environmental effects;**
 - e) **a non-technical summary of the information provided under (a) to (d) above.**
- (2) to confirm that the implications of the development addressed in the Environmental Statement, subject to the mitigation measures proposed, do not amount to adverse effects or main effects;**
 - (3) to record that, in making the decision on this application, the Committee has taken into account the environmental information, the environmental information being the Environmental Statement and that this material meets the minimum requirements of Part II of Schedule 4 to the Environmental Impact Assessment Regulations 2011, and is sufficient having regard to Part 1 of Schedule 4 to those Regulations;**
 - (4) to agree to comply with Regulation 24(1) of the Environment Impact Assessment Regulations 2011 as soon as reasonably practical, and to delegate authority to the Head of Development Management and Regeneration be to undertake the necessary requirements, namely notifying the Secretary of State of the decision, newspaper notification of the decision and placing on deposit for public inspection a statement containing the content of the decision, the main reasons and consideration on which the decision is based and a description, where necessary, of the main measures to avoid, reduce and, if possible offset the major adverse effects of the development;**
 - (5) to grant planning permission, subject to:**
 - (a) the conditions, substantially in the form of those listed in the draft decision notice, including a revision to condition 24 to ensure that servicing times are restricted for both the importing and exporting of waste;**
 - (b) an additional condition to ensure that all waste on site is stored under cover;**
 - (c) the additional condition noted above concerning the specification for the timber cladding;**
 - (6) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.**

17 PLANNING APPLICATION – CAR PARK EAST OF 171A CASTLE BOULEVARD

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/00865/PFUL3 submitted by Omni Developments for a new development of 7 Homes in Multiple Occupancy student dwellings.

Mr Percival reported the following information changes since the publication of the agenda:

1. The Canal and River Trust confirms that it has no objections to the application subject to the imposition of conditions covering investigation of the structural integrity of the Canal Wall to establish whether any strengthening work was required, the implementation of any such works, the approval of the foundation details for the development and a landscaping scheme. The consultation response acknowledges that discussions have commenced between the applicant and the Trust over the use of the Trust's land as part of this development.

In response, the conditions relating to the canal wall as recommended by the Canal and River Trust are considered reasonable subject to some minor changes to the wording and form part of the recommendation. There is already a requirement for a landscaping scheme as part of the recommendation (condition 8). However, in light of the comments from the Canal and River Trust and to ensure biodiversity enhancement is secured, it is proposed to amend this condition.

Additional recommended condition:

'No development shall commence until a scheme of measures to ensure the stability of the adjacent canal wall has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- A survey of the structural condition of the wall;
- Details of the proposed foundation design of the building;
- Structural calculations to demonstrate the extent of any additional loading on the wall;
- Details of any rebuilding or strengthening work necessary to the canal wall, including a timetable for implementation.

The development shall thereafter be carried out in strict accordance with the agreed scheme'.

Reason: To ensure that the development does not adversely affect the adjacent Nottingham & Beeston Canal by weakening the offside wall of the canal adjacent to the application site and to accord with the advice and guidance relating to land stability contained in Paragraphs 120 and 121 of the NPPF and the aims of Policy R4 of the Local Plan.

Amended condition 8: 'Prior to the commencement of development, a detailed landscaping and biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the location, size, species and densities of any planting, any areas to be grassed, the treatment of any hard surfaced areas, a landscape management plan, biodiversity enhancement proposals and a timetable for implementation.

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

Reason: To ensure that the proposed development contributes to the preservation and enhancement of the local character and distinctiveness of the adjacent Nottingham &

Beeston Canal and to accord with Policies R4 and BE5 of the Local Plan November 2005.'

2. Urban Design has commented that the building is well thought out in terms of its elevational treatment, massing and its sustainable credentials. It will make a very welcome and positive contribution to the streetscene and view from the canal, particularly when compared to the current (car park) use. Views and the relationship with the Canal will be maximised through the use of large window openings avoiding the use of balconies which would affect the integrity of the building shape and detract from its simple lines. The high quality materials are welcomed, as are the well thought out tones and textures.

3. The applicant has provided additional information on the environmental credentials of the development, specifically:

- the entire internal structure is made from large laminated wood panels rather than concrete. This achieves a negative carbon structure through a 300% reduction in the carbon required to produce the building (based on current building regulations). This will be the first cellular negative carbon building in the UK and the second in the world;
- the air tightness will be 10 times better than current building regulations;
- the thermal efficiency (thermal bridging) will be 5 times better than required by Building Regulations;
- as a comparable, the building will achieve the fabric performance of a code level 6 home;
- this Technology was exhibited through a full-scale prototype at the UK Passivhaus conference in November 2012. The sustainability features have been incorporated under the auspices of The University of Nottingham and The Timber Research and Development Association (TRADA). The building will under go a post occupancy analysis and the results will be published to the British Research Establishment (BRE).

In response, it is noted that the additional information provided by the applicant reinforces both the ambition and environmental capabilities of the proposed development, emphasised by a fabric first approach which will achieve sustainable code level 6. It is considered that this should be given significant weight in the decision making process.

The Committee raised the following points in discussion:

- (a) It considered the location to be appropriate for purpose-built student accommodation, and that the design was aesthetically pleasing, innovative and sustainable;
- (b) questions were raised regarding the amount of open space provided as part of the development, and arrangements for its landscaping and maintenance, and the availability of outside space for occupants. Mr Percival clarified the outside areas that would be accessible to occupants, confirmed that the planted areas would be limited, and that a single overarching maintenance company will be responsible for the building and its immediate surrounding area;
- (c) councillors welcomed the environmental credentials of the building;

- (d) In response to councillor questions, Mr Percival confirmed that the levels of disabled access exceeded statutory requirements, and that one house had been specifically designed for disabled occupation incorporating a lift;
- (e) arrangements for drop off and pick up of students were queried given the site's constraints. Mr Percival confirmed that this will be controlled by condition.

RESOLVED

(1) to grant planning permission, subject to:

(a) prior completion of a Section 106 Planning Obligation, to include:

- (i) a financial contribution for the provision or improvement of open space or realm;
- (ii) a student management agreement including a restriction on car ownership;

(b) the conditions, substantially in the form of those listed in the draft decision notice, and the additional condition noted above;

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

(3) to confirm that the Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the Planning Obligation sought is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

18 PLANNING APPLICATION – 6 LIME TREE AVENUE

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/00345/PFUL3 submitted by Mr Alan Goodwin on behalf of Mr S Jacques for a first floor side extension, single storey rear extension, two storey rear extension and porch to front.

Mr Percival reported the following information changes since the publication of the agenda:

1. Highways has commented on the amended plans and confirm that there are no highways objections to the proposal, subject to a condition requiring the garage to be retained as a garage;

2. Having reviewed the committee report, the owners of No. 8 Lime Tree Avenue have pointed out that the side boundary between their property and the application site is not a 'shared boundary', as described in the report, but is in fact in the ownership of No.8.

The Committee approved the report recommendations without discussion.

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