

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Loxley House on 21 AUGUST 2013 from 2.30pm to 4.45pm

- 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

✓ indicates present at meeting

Colleagues, partners and others in attendance

Andrew Gregory	- Head of Development Management and Regeneration)
Mark Bassett	- Senior Principal Planning Officer)
Laura Cleal	- Development Control Support Traffic Management) Development
Nic Thomas	- Area Planning Manager)
Ann Barrett	- Senior Solicitor) Resources
Noel McMenamain	- Constitutional Services Officer)

26 APOLOGIES FOR ABSENCE

Councillor Liaqat Ali – leave
Councillor Azad Choudhry – leave
Councillor Michael Edwards – other Council business
Councillor Chris Gibson – leave
Councillor Ginny Klein - leave

In Councillor Chris Gibson's absence, the Chair was taken by Councillor Gul Khan, the Vice-Chair.

27 DECLARATIONS OF INTERESTS

Councillor Malcolm Wood advised the Committee that he had an interest in agenda item 4(a) (Dunkirk Fire Station, Abbey Street) as he is a member of Nottinghamshire and City of Nottingham Fire and Rescue Authority. Councillor Wood considered that such an interest would not prevent him from keeping an open mind when determining the application.

28 MINUTES

The Committee confirmed the minutes of the meeting held on 17 July 2013 as a correct record and they were signed by the Chair presiding this meeting.

29 PLANNING APPLICATION – FORMER DUNKIRK FIRE STATION, ABBEY STREET, NOTTINGHAM

Mark Bassett, Senior Principal Planning Officer, introduced a report of the Head of Development Management and Regeneration on application 13/01312/PFUL3 submitted by Define on behalf of the University of Nottingham Academy of Science and Technology (NUAST) for the construction of a 3-storey building for education use (Use Class D1) and associated infrastructure and landscaping.

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

1. The Planning Service received the following consultation responses following the receipt of a Transport Assessment, a Framework Travel Plan and a Car Park Management & Servicing Plan which superseded the Transport Statement originally submitted:

1a. Highways Agency: The direction requiring that planning permission is not granted for a specified period had been removed. The direction was now that conditions requiring the following be attached to any planning permission:

(i). Prior to any pupil starting at NUAST a Travel Plan must be established and agreed by the Local Planning Authority;

(ii). There should be binding agreements in place with the land owners for the use of the drop-off points identified in the Transport Assessment be attached to any planning permission.

In response, the Planning Service advised that the conditions required by the Highways Agency were covered by additional proposed conditions. With specific reference to the binding agreements to be in place with the land owners for the use of the drop-off points as identified in the Transport Assessment, this would be covered by the additional condition requiring the submission of an updated Framework Travel Plan.

1b. Nottingham City Council Highways: 'No objection. The critical issue is how the children and staff will travel to and from the academy and it was considered that the Framework Travel Plan provided more detailed information on how the students and

staff will travel to and from the academy although this does require more detailed work. It was noteworthy that the Academy had been firming up their negotiations with nearby occupiers to provide suitable satellite pick up and drop off points for students. It was noted that City Council are funding a new toucan crossing across Abbey Street to replace the unsignalised pedestrian crossing on the northern arm of the roundabout junction with the A52. The crossing will be installed no later than the end of this financial year i.e. end of March 2014, so will be in place for the start of the 2014/2015 academic year and the intended opening date of the Academy. Note a concern about the lack of information on the construction process and request the submission of a comprehensive Construction Management Plan. Overall, there was no highway objection subject to conditions requiring surface water drainage; the submission of a Construction Management Plan; updated travel plan; parking, turning and servicing areas provided; existing site access re-instated; cycle parking provided.

Following the receipt of an additional report entitled "Proposed Scope of Further Works" Conditions 3 and 4 can be amended to omit 3(i) and 4(i)'.

In response, the Planning Service advised that the conditions as set out in the report already required the submission of a construction management plan, details of surface water drainage, details of hard surfacing, the provision of the parking etc areas and the cycle parking. The cycle parking condition 20 required minor amendment to read as follows:

'No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the parking of 44 cycles. The cycle stands shall be secure, lit and undercover. Thereafter additional provision will be provided prior to the commencement of each academic year as detailed in the revised Framework Travel Plan to be submitted and approved in writing by the Local Planning Authority.'

2. Following on from the receipt of comments from both the Highways Agency and Nottingham City Council Highway Management the following 4 additional conditions are also required:

'The development shall not be occupied until a revised Framework Travel Plan and Car Park Management and Servicing Plan have been submitted to and approved in writing by the Local Planning Authority. The Plans shall thereafter be implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.'

Reason: In the interests of highway safety and in accordance with Policies BE2 and T5 of the Local Plan.

'The developer will be responsible for appointing a Travel Plan Coordinator (TPC) no later than one month prior to first occupation. The developer must notify the Local Planning Authority (LPA) of this appointment, provide their contact details and will be responsible for ensuring that all schemes detailed within the revised framework travel plan are delivered including the production and dissemination of welcome travel packs to all new learners and employees. Travel surveys must be undertaken and all results shall be incorporated into an updated travel plan to be submitted to the Local Planning Authority for written approval no later than 1 March 2014, and thereafter on an annual basis. Should the annual residential survey results demonstrate that single occupancy

vehicle trips are exceeding the targets contained with the approved travel plan then the developer will be responsible for introducing additional travel planning measures at its own cost and with written agreement from the Local Planning Authority'.

Reason: In the interests of sustainable travel and in accordance with Policy T4 of the Local Plan.

'No part of the development hereby permitted shall be brought into use until the existing site access on the A6005 Abbey Street roundabout that has been made redundant as a consequence of this planning permission is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to, and approved in writing by the Local Planning Authority.'

Reason: In the interests of highway and pedestrian safety and in accordance with Policies B3 and T3 of the Local Plan.

'No part of the development hereby permitted shall be brought into use until a heavy duty dropped vehicular footway crossing is available for use, constructed in accordance with the Highway Authority specification in accordance with details to be submitted to and approved in writing by the Local Planning Authority.'

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

The Committee supported the application and raised the following points in discussion:

- (a) several councillors expressed strong support for the application's innovative design, and were content to delegate details on final choice of materials to the Head of Development Management and Regeneration;
- (b) councillors asked whether the impact of the new building on traffic had been assessed. Laura Cleal of Development Control Support Traffic Management confirmed that full road safety assessments had been carried out, that the proposed pedestrian crossing would be established by the end of the 2013/14 financial year and that 4 additional drop-off sites would be provided;
- (c) several councillors said that the cycle path near to the site at the Queen's Medical Centre (QMC) was narrow and dangerous. Mr Bassett explained that cycle lane improvement around the QMC did not form part of the application before the Committee.

RESOLVED

- (1) to grant planning permission, subject to conditions substantially in the form of those listed in the draft decision notice and to the additional conditions indicated above;**
- (2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.**

30 PLANNING AND LISTED BUILDING CONSENT APPLICATIONS – INTU, VICTORIA CENTRE

Nic Thomas, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on applications 13/01589/PFUL3 for planning permission and 13/01590/LLIS1 for listed building consent, submitted by Nathaniel Litchfield & Partners on behalf of Intu Properties PLC (Intu) for external alterations to the clock tower entrance to the Victoria Centre, the change of use of existing floorspace to provide new food and drink units (Classes A3 and A5), provision of external seating areas, creation of a new fire escape stairwell, provision of new plant enclosure and associated work.

Mr Thomas reported the applicant had requested that the following information be brought to the Committee's attention:

1. All external seating is on land within Intu's control. The pavement to the front of the seating area is 3.75m, which exceeds the 2m minimum distance required by most highway authorities. There are some Council owned bike stands in this area which reduces this area to 2.3m at its narrowest point. This still exceeds the 2m minimum distance.
2. The thresholds at the entrance to the centre will provide level access.
3. There is a typo in paragraph 7.6 of the report. The reference to unit R2 should be unit R6.
4. The daytime CGI image was produced at short notice, at the Council's request.
5. The development relates to all elevations and units that Intu has control of and is designed to significantly enhance the appearance of the elevation while respecting the listed clock tower.
6. The proposals will screen the stained, dirty and unsympathetic concrete structure.
7. The external seating shown on the daytime CGI will be enhanced by tenant features such as landscaping and umbrellas.

In response, the Planning Service advised that the issues raised by the applicant in relation to the design of the building are addressed within the report. The narrowing of the public walkway to the front of unit R1 will be works on land within the applicant's ownership. While the public currently have access to this land, this is not public highway and could be prevented by Intu at any time. The pavement width is not proposed to be reduced and the width of the pavement in this area is considered to be sufficient. The reference to unit R2 paragraph 7.6 in the report is incorrect and should read as Unit R6.

The Committee supported the application, and raised the following points in discussion:

- (a) a councillor asked about whether air quality and pollution checks had been carried out for the proposed exterior seating/dining areas, as the area often experienced

heavy traffic. Mr Thomas responded that Pollution Control colleagues had raised no objections, but that the Planning Service would pass the councillor's comments to Environmental Health colleagues;

- (b) Mr Thomas explained that Intu had not submitted detailed hours of operation, but it was expected that the food and drink uses would operate late into the evening. Pedestrian access into the shopping mall during evening hours would be controlled by the applicant;
- (c) Mr Thomas also explained that the adjoining office space in Victoria House was not part of this application, and that any plans to convert this space or change use should they arise would need to be considered separately.

RESOLVED

- (1) to grant planning permission, subject to conditions substantially in the form of those listed in the draft decision notice;**
- (2) to grant listed building consent, subject to conditions substantially in the form of those listed in the draft decision notice;**
- (3) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.**

31 PLANNING APPLICATION – SITE OF FORMER THE KINGS SCHOOL, 51 GREEN STREET

Mark Bassett, Senior Principal Planning Officer, introduced a report of the Head of Development Management and Regeneration on application 13/01436/PFUL3 submitted by Marsh:Grochowski on behalf of Blueprint (General Partner) Ltd for 21 new dwellings and associated works.

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

1. Final Highway comments received supported connection between Hunter Street and the proposed new development for the following reasons:
 - Shorter routes can be utilised to cover an area;
 - Reversing can be avoided;
 - Land take can be minimised as the need to design a turning head is avoided;
 - It encourages more people to walk and cycle, which improves their health whilst reducing traffic, energy use and pollution;
 - Increased personal security and road safety as there are more people utilising a street;
 - Assists utility companies and highway maintenance as traffic can be rerouted.
 - Manual for Streets and the 6Cs Design Guide advocate that where a cul-de-sac is more than 25 metres long, a turning head should be provided to avoid lengthy reversing and hazards to highway safety. The 'cul-de-sac' in the new development would be 30 metres long so would need a turning head in front of Plots 7, 8, 9 & 10 which would be impractical.

No objection to the proposals subject to conditions being imposed regarding:

- disposal of surface water;
- submission of a construction plan;
- details of accesses on to Green Street and Hunter Street;
- details of construction of new roads;
- garages to have roller shutter doors and to be used for vehicle parking;
- details of highway works to Green Street to provide parking bays.

In response, the Planning Service noted Highways comments regarding connection between Hunter Street and the proposed new development and additional recommended conditions were incorporated into the revised draft decision notice which forms Appendix 1 to these minutes.

2. The Environment Agency raised no objection provided development is carried out in accordance with submitted Flood Risk Assessment.

In response, the Planning Service advised that an additional condition regarding implementation of Flood Risk Assessment was incorporated into the revised draft decision notice at Appendix 1 to these minutes.

3. The occupier of 47 Victoria Embankment, as Chair of the Friends of Victoria Embankment, objected to the proposal on the following grounds:

- the impact of the new houses adjacent to the Council yard and therefore the Memorial Gardens, which is a registered park and garden. The new houses are closer to the gardens and larger in scale; also the 'self build' element of the houses means that they have different designs at the rear which means that they will not present a uniform building line. The white render is too bright and a more subdued colour should be used. Plot 3 at the southwest corner of the development is particularly close to the open space.
- trees should not be removed as part of the development as they provide a screen between the open space and the new houses.
- if Hunter Street is connected to the new development, the junction between Hunter Street and Fraser Road should be closed to avoid additional traffic on Fraser Road.

In response, the Planning Service acknowledged that the proposed houses backing onto the Council depot and the Memorial Gardens are slightly larger in scale than the Phase 1 houses and that the ability of future occupiers to have an input into room layouts has led to a less uniform appearance. The new houses do, however, share the same design approach and palette of materials so that they will appear part of one single development. The design approach and the use of white render were considered appropriate for the first phase and remained so now. Whilst the houses would form a backdrop to one part of the Memorial Gardens, they would be in excess of 100 metres from the Memorial and given the strong landscaping, the houses would not be visible from most of the gardens. It was considered that the proposal has been properly assessed in terms of the impact on the Gardens and found to be acceptable. It was noted in the Report that trees would not need to be removed to facilitate the development. It was not considered appropriate to close the junction between Hunter Street and Fraser Road for the same reasons that the through route within the development was necessary.

4. The occupier of 22 Hunter Street (the property on the north side of the current cul-de-sac which is to be joined to the new development) objected on the following grounds:

- this property has three exits onto the cul-de-sac (garage, garden and house doors) and increased through traffic would lead to vehicles mounting the pavement and presenting a hazard to people exiting the house;
- if the through route goes ahead, planters or bollards should be located on the footway to prevent vehicles mounting the pavement.

In response, the Planning Service noted and accepted the concerns of the occupier of 22 Hunter Street. Condition 4 of the decision notice requires 'means to prevent traffic mounting the footway' to be submitted and approved and the Planning Service will work with the resident, highways and the developer to achieve a sustainable solution.

5. The War Memorials Trust objected to the proposal on the following grounds:

- the impact of the proposal on the grade II registered Memorial Gardens has not been properly assessed in the application submission, in terms of the National Planning Policy Framework. Account should be taken of the impact of the development on the setting of the gardens and views into and out of them.

As indicated above the Planning Service considered that the proposal had been properly assessed in terms of the impact on the Gardens and found to be acceptable.

The Committee raised the following issues in discussion:

- (a) Committee members debated the issue of the scheme's access road forming a through route for traffic. Councillors spoke in favour of having connectivity between phases 1 and 2 of the development, which, in their view, helped build community cohesion and safety. Mr Bassett and Ms Cleal also explained that the access road was longer than 25 metres, that it was not practical to provide a turning head, and that this would lead to excessive reversing for residents. However, a councillor spoke in support of current residents who did not want through traffic, saying that the need for residents to reverse unacceptable distances was overstated;
- (b) councillors had a detailed discussion on the impact of the development on the Memorial Gardens. Several councillors expressed concerns that Phase 2 of the development was marginally closer than Phase 1 to the boundary of the Memorial Gardens, that it was unclear what impact the development would have on the existing treescape near to the Memorial Gardens, and that the flexibility for purchasers to individually design plots 3-8 of Phase 2 could lead to insensitive development close to the Memorial Gardens. In response, Mr Bassett advised that the Local Planning Authority could impose an additional condition restricting the scope of prospective purchasers of plots 3-8 to customise the design of their properties. Mr Bassett also advised that existing condition 5 could be amended to include a landscaping scheme to identify trees to be retained, but that any such scheme could not be imposed on a third party's land;
- (c) A motion to require the scheme to prevent a through route and have a removable barrier was defeated.

RESOLVED

Subject to the prior completion of a Section 106 Planning Obligation, to include a financial contribution for the provision or enhancement of off-site open space or public realm;

(1) to grant planning permission subject to:

(a) conditions substantially in the form listed in the revised draft decision notice at Appendix 1 to these minutes, and to amending Condition 5 to read:

'The development shall not be commenced until the following have been submitted to an approved in writing by the Local Planning Authority:

- (i) details of any trees or hedges to be retained;**
- (ii) detailed landscaping and planting scheme for the development, indicating the type, height, species and location of proposed trees and shrubs;**
- (iii) details of new street planting, including details of location, species, size and planting troughs.**

Reason:

To ensure that the appearance of the development will be satisfactory in accordance with Policy BE5 of the Local Plan.');

(b) an additional condition:

'Notwithstanding the detailed drawings submitted in relation to plots 3-8, the commencement of construction of units 3-8 shall not take place until until revised drawings showing, where necessary, amendments to the these units in relation to scale, massing, footprint and elevational treatment have been submitted to and approved in writing by the Local Planning Authority.

The development shall not be carried out other than in accordance with the approved details.

Reason:

To ensure a satisfactory relationship between plots 3-8 and the Memorial Gardens in terms of scale, mass and appearance and in accordance with the aims of Policies BE3 and BE14 of the Local Plan;

(2) to delegate power to the Head of Development Management and Regeneration to determine the final details of both the terms of the Planning Obligation and conditions of the planning permission;

(3) that the Committee was satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 was 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.

The Committee adjourned at 3.45pm and reconvened at 3.50pm. On reconvening, the Committee was asked by various members of the public to indicate the decision it had made in minute 31 above as they had had difficulty hearing and following the discussion. The Committee re-indicated its decision.

32 PLANNING APPLICATION – LAND AT FORMER ELMS NURSERY SCHOOL, CRANMER STREET

Nic Thomas, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/01474/PFUL3 submitted by Zenith Planning and Design on behalf of Anne Staley Design Ltd for 23 apartments with undercroft car parking.

Mr Thomas brought the following information to the Committee's attention:

1. the 'Juliette' balconies referred to in the committee report are in fact full size cantilevering balconies of a size to be able to be used as amenity space.
2. there are 23 parking spaces to be made available, with the 23rd space shown on the opposite side of the car park (i.e. within the 'block B' layout).

In response, the Planning Service agreed that the agent was correct and where balconies are provided these are usable spaces. The 23rd parking space is shown on the site layout as being within the land shown as block B which is not being developed at this stage. However, whether there are 22 or 23 spaces this is considered adequate for this development. Additional parking will be considered as and when the remainder of the site comes forward for development. It should also be noted that should block B be built in accordance with the extant permission then seven parking spaces would be available for the six apartments in that block.

The Committee raised the following points in discussion:

- (a) several councillors were disappointed with the proposed size and design of the building, which they considered more appropriate for a City Centre location. In response, Mr Thomas explained that the proposal was not significantly different to the existing permission granted in 2003, and that the proposal was of a similar scale to neighbouring buildings;
- (b) a councillor was concerned about the impact on parking in the Cranmer Street area of having a ratio of 1 parking space per unit on the site. The councillor also did not support the addition of a 5th storey to accommodate an additional 5 units, increasing the unit number approved in 2003 from 18 to 23. In response, Mr Thomas explained that the applicant had demonstrated that the proposal needed the additional storey to be commercially viable;
- (c) in response to comments raised by councillors about the development of the former Elms Primary School, the Head of Development Management and

Regeneration explained that the application had to be considered on its own merits and could not take account of how another site may be developed in the future.

RESOLVED

- (1) to grant planning permission, subject to conditions substantially in the form of those listed in the draft decision notice;**
- (2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.**

33 PLANNING APPLICATION – GROVE FARM SPORTS GROUND, LENTON LANE

Mark Bassett, Senior Principal Planning Officer, introduced a report of the Head of Development Management and Regeneration on application 13/01313/PFUL3 submitted by CPMG Architects on behalf of the University of Nottingham for 2 new sports pavilions/changing rooms following demolition of existing buildings and associated works. The application also included the formation of a parking and the change of use of part of agricultural land to use as playing fields.

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

1. The agent for the application had provided a revised site plan to clarify the position of the hedge to the south of Pavilion A and it is confirmed to be retained. Any trees identified as having bat potential will be retained.

In response, the Planning Service confirmed that the standard condition relating to the approved drawings should be amended to include drawing numbers A-7386-70-003_P3 and A-7386-70-005_P3.

2. The agent had advised that condition 5 as drafted affects the phasing of works, as the pavilions are not able to be occupied until the parking area is provided and this is dependent on the demolition of the existing changing facilities. However, the applicant wished to maintain a changing facility on the site throughout the works.

In response, the Planning Service recommended that the wording of condition 5 be amended to the following:

‘Condition 5

The pavilions shall not be occupied for more than 2 months until the parking area has been laid out and available for use.’

Reason

To ensure that there is adequate parking provision in accordance with Policy T3 of the Local Plan.

3. A letter received from Sport England confirming the amendments have addressed

previous concerns. It was considered that the revised proposal meets the requirements of exception E2 and in addition the provision of significantly improved facilities has the potential to, as a minimum, maintain the level of sport played at the university and hopefully will increase participation in sport.

In response, the Planning Service asked that the Committee note the withdrawal of the previous objection.

4. A letter received from Environment Agency raising no objections to the revised scheme provided conditions.

The Planning Service advised that the following conditions should be added to the recommendation:

Condition

'The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) University of Nottingham Grove Farm Sports Pavilions Revision 02, dated 24 July 2013, and the following mitigation measures detailed within the FRA:

1. All surface water run-off generated by the development shall be discharged through soakaway methods.
2. Flood resilience measures to be incorporated into the buildings in line with current good practice, and to a minimum height of 1.05m above FFL.
3. Flow conveyance pipes to be placed in all areas of gabions, in accordance with the details provided in paragraph 4.5.3 of the FRA.
4. All identified outbuildings and women's changing room buildings are to be demolished to ground level to provide mitigation for the new build proposals.
5. The existing large earth mound/compost heap shall be fully removed prior to construction of the new pavilions.
6. All new roads, tracks, and parking areas shall be constructed at existing ground level, and there shall be no raising of existing ground levels other than as detailed in the FRA.
7. The identified Flood Management and Evacuation Plan forms part of the mitigation measures and hence must be fully applied in all circumstances.
8. Finished floor levels are set no lower than 26.50 m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.'

Reason

To minimise flood risk and to ensure satisfactory flood storage compensation is provided in accordance with Policy NE10 of the Local Plan.

Condition

'The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.'

Reason

To reduce the risk of ground and surface water pollution.

3. The tree officer had sought clarification on the plotting of several trees and a significant hedge to the north east of pavilion A and this has now been provided by the applicant. The tree officer confirmed that the turning circle can be constructed without detriment to the two retained trees in proximity and advises that proposed tree losses can be mitigated by replacement planting. Group planting to the south of pavilion B and a landmark specimen to the north of pavilion A would be encouraged as part of the landscaping scheme. An Arboricultural Method Statement condition is required.

The Planning Service advised that the following conditions should be added to the recommendation:

Condition

'The development hereby permitted shall not be commenced until an Arboricultural Method Statement prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction– Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.'

Reason:

To ensure the protection of trees during the construction period and in accordance with the aims of Policy NE5 of the Local Plan.

Condition:

'The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority;

- a) a detailed landscaping and planting scheme for the development indicating the type, height, species and location of proposed trees and shrubs;
- b) a habitat compensation plan

Reason:

To ensure that the appearance of the development will be satisfactory and in accordance with Policies BE5, NE3 and NE8 of the Local Plan.

Condition:

'The approved landscaping scheme and habitat compensation plan shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason:

To ensure that the appearance of the development will be satisfactory and in accordance with Policies BE5, NE3 and NE8 of the Local Plan.

4. The Council's biodiversity officer was satisfied that the trees to be felled are not

considered to hold any bat potential. She commented that the arable field has the potential for skylark and other ground nesting birds and therefore the applicant's ecologist's recommendations should be adhered to. Skylarks are a red listed species in the UK and additional mitigation to compensate for habitat loss should be provided. For example planting of suitable native species alongside the site boundary/ proposed pitches to provide additional berry/ seed food sources for birds.

In response, the Planning Service advised that the proposed landscaping scheme include a requirement for habitat mitigation. Condition 3 of the recommendation secured protection of nesting birds.

5. A memo had been received from the Council's travel planner requesting a travel plan condition be imposed.

The Planning Service advised that the following conditions should be added to the recommendation:

Condition

'Prior to the development first being brought into use a revised travel plan with updated staff and student travel survey data must be submitted and approved in writing by the Local Planning Authority. This travel plan shall be based on previous versions submitted by the University and will make reference to schemes and developments that have occurred during the interim period. The travel plan will assess the performance of previous schemes by comparing the latest travel survey data with previous years and use this to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. Once approved the revised travel plan shall be implemented at all times.'

Reason

To promote the use of sustainable travel and in accordance with Policies BE2 and T2 of the Nottingham Local Plan.

The Committee raised the following points in discussion:

- (a) several Committee members criticised the proposed design of the new sports pavilions as unimaginative and not in keeping with their Green Belt location;
- (b) Committee members also expressed the view that the design of the existing buildings was more appealing, and asked whether these buildings could be modernised and adapted. In response, Mr Bassett explained that the current changing facilities were not fit for purpose, were in a poor location and were vulnerable to break-ins;
- (c) Mr Bassett explained that there was limited scope to upgrade the single track access route, because the River Trent was one side and private land on the other.

RESOLVED to defer consideration of the application to a future meeting to seek a significant re-design of the new sports pavilions/changing rooms.

34 PLANNING APPLICATION – SITE OF APOLLO HOTEL PUBLIC HOUSE, HUCKNALL LANE

Nic Thomas, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/01074/PFUL3 submitted by Mr M Barker for use of land for hand car wash.

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

The Planning Service considered it appropriate to include the following further conditions relating to the proposed grant of planning permission for the hand car wash use:

Condition

'The use hereby permitted shall be discontinued on or before 31st August 2016 and the building(s) and works constructed or carried out under this permission shall be removed and the land reinstated to its former condition by that date unless upon subsequent application the Local Planning Authority grants a further permission.'

Reason:

To avoid prejudicing the long-term redevelopment of the site in accordance with Policy BE3 of the Local Plan.

Condition

'Notwithstanding the details included on the site layout drawing Ref. 2012/007/HCW 01 that is approved as part of this consent, further details of an improved landscaping scheme to the boundary of the site with Hucknall Lane shall be submitted to and approved by the Local Planning Authority before the hand car wash use is commenced.'

Reason:

In the interests of ensuring the finished quality of the approved development and amenity of its occupants in accordance with Policy BE3 of the Nottingham Local Plan.

Condition

'The approved landscaping scheme shall be implemented within three months of the first use of the hand car wash use. Any plants which die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason:

In the interests of ensuring the finished quality of the approved development and amenity of its occupants in accordance with Policy BE3 of the Nottingham Local Plan.

RESOLVED

- (1) to grant planning permissions subject to conditions substantially in the form of those listed in the draft decision notice and to the additional conditions indicated above;
- (2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.

35 PLANNING APPLICATION – CLIFTON HALL, HOLGATE

This item was withdrawn from the agenda to allow the applicant to fulfil their obligations under Paragraph 11 of the Town and Country Planning (Development Management procedure) (England) (England) 2010, relating to serving notice of the planning application on all owners of land within the application site.

36 PLANNING APPLICATION – 9A PRIVATE ROAD

Nic Thomas, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on enforcement reference 12/00183/ENCCOU relating to Pathway Care Solutions Ltd in respect of the use of premises as a care home for 4 children.

Mr Thomas reported that 2 additional emails had been received from local residents living opposite the care home since the publication of the agenda stating the following:

1. The addition of a fourth resident has resulted in three carers during the day and often more, with the number reducing to two overnight. The care staff all use their own cars and dislike parking on the driveway due to its steep incline. The drive can only accommodate two cars at any given time, otherwise it involves staff moving their cars to let each other out. As a result carers park on Private Road causing obstruction and nuisance. In addition the company use two Multi Person Vehicles to move children around their homes which cannot easily be parked on the road without causing obstruction.

2. The area opposite 9a is not a cul de sac but a private driveway owned by 10, 10a and 10b Private Road. All residents of these properties have experienced problems associated with traffic visiting 9a and this has increased since the fourth resident was introduced.

3. Two accidents have occurred outside the property caused by poor visibility due to staff cars blocking the road.

4. Three of the residents all attend different schools which involves a separate taxi journey to and from school each day. One child has to be escorted by staff which involves an additional journey as the carer is driven back to 9a. During the day carers did not need to be resident during school hours but since the addition of the fourth adolescent, who is not of school age, there have had to be two carers at the house to supervise him.

5. In addition to the above there are multiple other visitors to the site, for example family members, social workers, assessors, pharmacy deliveries, staff from other homes owned by Pathway Care Solutions.

6. The Directors of Pathway Care Solutions hold their meetings at the property which again adds to activity. At weekends and holidays they use the property to house children from their other homes in Mapperley Park and Sherwood so that amounts to further disruption and disturbance.

7. Residents have previously sent documentation demonstrating the number of cars that visit the premises on a daily basis. It has been documented that as many as 24 cars visited the home in on one day. They consider that this is not compatible with a typical family household.

8. The Council was informed of the increased occupancy a year ago and there is concern it has taken this long for the case to be reported to Planning Committee.

9. The establishment of this facility in a private house, in a conservation area caused much disquiet at the time, in particular because the Council did not require a planning application. Consequently, residents were wrongly denied the opportunity to question the development and its impact on the conservation area and on residents. Residents were assured that the occupancy of this home would be limited and this is now, possibly, under threat.

10. Residents argue that an increase in the number of residents has constituted a material change of use and that this must be addressed and planning permission should be required. They consider that a private company has been allowed to increase their occupancy without seeking any permission and has been allowed to do so for the last year despite residents objecting to the planning department.

In response, the Planning Service advised that the issues raised by local residents were covered in the body of the main Committee report.

A councillor proposed an alternative recommendation to that in the report, which was approved.

RESOLVED that it was not expedient to take enforcement action under section 172 of the Town and Country Planning Act 1990 at this time, should the premises not have reverted to being used for just 3 children by August 2014, the matter should be referred back to Committee.

BLANK

My Ref: 13/01436/PFUL3 (PP-02691653)
Your Ref:
Contact: Mr P.H. Shaw
Email: development.management@nottinghamcity.gov.uk



Nottingham
City Council

Development Management
 City Planning
 Loxley House
 Station Street
 Nottingham
 NG2 3NG

Tel: 0115 8764447
 www.nottinghamcity.gov.uk

Marsh: Grochowski
 FAO: Mr Mike Askey
 16 Commerce Square
 Nottingham
 NG1 1HS

Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION

Application No: 13/01436/PFUL3 (PP-02691653)
 Application by: Blueprint (General Partner) Ltd
 Location: Site Of Former The Kings School , 51 Green Street, Nottingham
 Proposal: 21 new dwellings and associated works (revised plans).

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. The development shall not be commenced until details of the external materials of all buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

3. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:
- a) details of the means of enclosure for the site boundaries and the individual plots;
 - b) details of the hard landscaping;
 - c) details of the external materials of the retaining walls;
 - d) details of the location and means of domestic bin storage;
 - e) details of domestic recycling measures;
 - f) details of the disposal of surface water;
 - g) details of the accesses on to Green Street;
 - h) details of the new roads including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works.
 - i) details of the traffic management works comprising alterations to the southern side of Green Street.

Reason: To ensure that the appearance of the development will be satisfactory, in the interests of sustainable development and in the interests of highway safety in accordance with Policies BE2, BE3 and BE4 of the Local Plan.

4. The development shall not be commenced until details of the traffic calming measures for the junction between Hunter Street and the application site road, including means to prevent traffic mounting the footway, have been submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of highway safety in accordance with Policy BE2 of the Local Plan.

5. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority;
- a) a detailed landscaping and planting scheme for the development indicating the type, height, species and location of proposed trees and shrubs;
 - b) details of new street tree planting, including details of location, species, size and planting troughs.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE5 of the Local Plan.

6. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:
- j) a detailed scheme to deal with contamination of the site, which shall include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed. In particular the scheme shall include:
 - i) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;
 - ii) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

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

7. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

8. The development shall not be commenced until a construction plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the type, size and frequency of delivery vehicles to/from the site, haul routes (if any), site security, traffic management plans, staff parking, measures to prevent the deposit of debris on the highway, working times and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy BE2 of the Local Plan.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

9. No dwelling shall be occupied until the following have been carried out in accordance with the details submitted to and approved in writing by the Local Planning Authority:-

- a) the vehicular access, carriageway and car parking space/s to serve the dwelling have been provided;
- b) all off-site highway works have been carried out;
- c) the traffic calming measures have been carried out;
- d) the means of enclosure for the site boundaries and individual plot have been provided;
- e) the hard landscaping to serve the dwelling has been provided;
- f) the domestic recycling measures and bin storage have been provided;
- g) the means of disposal of surface water have been provided;
- h) the the accesses on to Green Street have been provided;
- i) the new roads have been constructed and surfaced;
- j) the traffic management works comprising alterations to the southern side of Green Street have been carried out;
- k) remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to the and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory, in the interests of sustainable development, in the interests of highway safety and to ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers in accordance with Policies BE2, BE3, BE4, BE5, NE5 and NE12 of the Local Plan.

10. The approved landscaping scheme, including the street trees, shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE5 of the Local Plan.

11. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

12. The development shall not be carried out other than in accordance with the approved Flood Risk Assessment (FRA) MA9401 - R01 Rev C and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 25.21 m above Ordnance Datum (AOD).
2. Flood resilience measures in line with the detail in paragraph 6.0, for a minimum height of 300mm shall be installed.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy NE10 of the Local Plan.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

13. Notwithstanding the provisions of any Town & Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the dwellings shall not be enlarged, the garages shall not be converted to living accommodation, the roof terraces shall not be infilled and no ancillary buildings shall be erected without the prior express permission of the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory and to protect the amenities of the occupants of nearby property in accordance with Policy BE3 of the Local Plan.

Standard condition- scope of permission

- S1. The development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 13 June 2013.

Reason: To determine the scope of this permission.

Informatives

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

2. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

3. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is strongly recommended to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial preventive or precautionary measures. The developer will be expected to provide at his own expense such evidence as is required to indicate clearly that the problem has been addressed satisfactorily.

4. Prior to works commencing on site the Highways Network Management team at Loxley House should be notified regarding when the works will be carried out. Please contact them on 0115 8765238. All associated costs will be borne by the applicant. It is strongly advised to contact them at the earliest possible opportunity to discuss the requirements of the Construction Management Plan.

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.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens on 0115 876 5293 at the earliest opportunity.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Liz Hiskens on 0115 876 5293.

The proposed off site highway works referred to in Condition 6 requires an existing Traffic Regulation Order to be amended before the development commences to provide off-site mitigating works. The developer should note that the Order can be made on their behalf by Nottingham City Council at their expense. This is a separate legal process and the Applicant should contact Liz Hiskens on 0115 876 5293 at the earliest opportunity to progress this requirement.

5. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1700)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting
Water sprays/damping down of spoil and demolition waste
Wheel washing
Periodic road cleaning

6. The City Council is responsible for the allocation of street names and property numbers/names. If your proposal will create a new property, through either new build or conversion, you should contact the Address Management section at an early stage of the development, if they have not already made contact. The section details are: Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG; e-mail address.management@nottinghamcity.gov.uk; telephone (0115) 8765012.

They will agree an official address with you and ensure that all relevant parties are notified of it, including the emergency services and Royal Mail. This will ensure the allocation of an official and unique address for each property, avoiding any problems with location or misidentification that can arise through the use of unauthorised addresses.

7. The Arboricultural Method Statement to be submitted shall be prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations'. It may include the following elements as appropriate:

- Protective fencing for retained trees
- Schedule of tree work
- Method of working within identified root protection areas
- Installation of service and utility runs
- Arboricultural monitoring and record keeping
- Pre-commencement site meeting
- Method of working for landscape operations

8. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

9. Note from the Environment Agency: In line with our discussions with the design engineers, it is considered that even though there is limited space available for the use of above ground SuDS solutions, the use of permeable paving, rain water re-use (harvesting, water butts, etc.), and rain gardens could be reasonably incorporated in an surface water disposal system design. It is recommended that these, and other similar methods, are included in the proposals to produce an acceptable solution.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 13/01436/PFUL3 (PP-02691653)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pcs.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.