

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Loxley House on 23 OCTOBER 2013 from 2.30pm to 4.50pm

- ✓ Councillor Chris Gibson (Chair)
- ✓ Councillor Gul Khan (Vice-Chair)
- ✓ Councillor Liaqat Ali
- ✓ Councillor Cat Arnold (minutes 47 - 56)
- Councillor Graham Chapman
- ✓ Councillor Azad Choudhry (minutes 47-52)
- ✓ Councillor Alan Clark
- ✓ Councillor Emma Dewinton (minutes 47-56)
- ✓ Councillor Michael Edwards
- Councillor Ginny Klein
- Councillor Sally Longford
- ✓ Councillor Ian Malcolm (minutes 47 - 53)
- Councillor Eileen Morley
- ✓ Councillor Roger Steel (minutes 47 – 54, 56-57)
- ✓ Councillor Malcolm Wood

✓ indicates present at meeting

Colleagues, partners and others in attendance

Rob Percival)	Area Planning Managers)	
Nic Thomas))	
Laura Cleal	-	Development Control Support)	Development
		Traffic Management)	
Matt Gregory	-	Growth Point Planning & Planning)	
		Area Planning Manager)	
Judith Irwin	-	Senior Solicitor)	Resources
Martin Parker	-	Constitutional Services Officer)	

47 APOLOGIES FOR ABSENCE

Councillor Graham Chapman)	Other City Council Business
Councillor Ginny Klein)	
Councillor Sally Longford)	Annual Leave
Councillor Eileen Morley)	

48 DECLARATIONS OF INTERESTS

Councillors Chris Gibson, Ian Malcolm and Roger Steel advised the Committee that they had each been lobbied by the applicant and/or objectors by telephone and/or personal contact in relation to agenda item 4 (g) Planning Application-Clifton Hall,

Holgate (minute 53). The Councillors considered in those circumstances that they were not prevented from keeping an open mind when determining the application. In relation to the same agenda item, Councillor Ian Malcolm also advised the Committee that his position as churchwarden at St. Mary's Church which had previously given rise to his declaration of a disclosable interest in this item, had now ended.

Cllr Roger Steel declared an interest in agenda item 4(c) Planning Application-Grove Farm Sports Ground, Lenton Lane (minute 52) as a member of Dunkirk Football Club, whose team played on pitches adjacent to the site of the application but he did not in those circumstances consider that he was prevented from keeping an open mind when determining the application.

49 MINUTES

The Committee confirmed the minutes of the meeting held on 18 September 2013 as a correct record and they were signed by the Chair.

50 6 ILKESTON ROAD

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transport on the following applications submitted by Maber Architects on behalf of IMAP Properties Limited:

- (i) **Application 13/01898/PFUL3:** for planning permission to construct studio and cluster flat style student accommodation providing 99 bed spaces, a ground floor reception, social space and meeting room for the residents and a ground floor retail unit, following demolition of the existing building.
- (ii) **Application 13/01899/LCAC1:** for local conservation area consent to allow demolition of an existing building

He reported the following information and changes since publication of the agenda:

(a) Nottingham Civic Society

Nottingham Civic Society objects to the application on the following grounds:

- It does not comply with the City Centre Urban Design Guide.
- It does not enhance either conservation area.
- It is in the most prominent part of the western side of the city centre, taller than the adjacent Cigar factory building and visible right across the city from its eastern boundary on Porchester Road and from several other locations.
- It is overbearing within its context, paying no regard to the listed Canning Terrace or to nearby buildings both adjacent to this and on the other side of Derby Road.
- It will overbear adjacent housing.
- Strongly question the need for a "landmark building" at this location. The notion of "gateway buildings" is now dated, and there is no need for "gesture architecture" at this point.
- The disparate scale of historic factories elsewhere in the CA is noted but they do not impact on their surroundings to anything like the extent of the proposed development.

- As a vertical tower this new work will most certainly not, as is claimed, provide an enclosure to the Canning Circus square.
- it is impossible to claim that "the setting of the nearby listed buildings will not be adversely affected by the proposal."

In response it was commented that the site was at the edge of the 'North and Western Fringe' zone defined in the City Centre Urban Design Guide, where the primary concern was with the impact of development upon views of and from the Castle. Whilst the guide recommended that buildings in this area were generally limited to five storeys, it did not rule out the possibility of taller buildings provided they were designed as landmarks and had been properly assessed in terms of their impact. In this case the assessment had not identified any harmful impact on the Castle, and would provide a positive landmark as envisaged in the Design Guide.

Other issues raised by the Civic Society had been addressed in the report.

(b) Highways Comments

Highways are satisfied with the swept path analysis drawing relating to deliveries for the retail unit. They have no objections subject to conditions relating to construction management, cycle provision, a scheme for dropping off and collecting students and details to the works to the highway to facilitate the extended dropped kerb on Holden Street.

In response the removal of existing condition 9 contained in the draft decision was recommended. It was also reported that other conditions recommended by Highways were already on the draft decision notice with the exception of the dropped kerb matter. To accommodate this, the following additional condition was therefore recommended:

'No part of the development hereby permitted shall be brought into use until the proposed alterations to the public highway have been designed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority and thereafter constructed in accordance with those approved details.'

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

Members of the Committee held a lively discussion concerning the scale, height, design and materials of the proposed development in this Conservation Areas setting, whether or not the site was suited to student accommodation and its traffic implications. It was also recommended that if approved a condition was required to avoid inappropriate additions and clutter to building, particularly plant and telecommunication masts.

In the light of the concern expressed, Mr. Percival recommended that the following condition be imposed:

"No plan, equipment, aerials or dishes shall be installed on the building without the prior written approval of the local planning authority".

Reason: *in the interests of the appearance of the building, I in accordance with policies BE3 and BE12 of the Nottingham Local Plan,*

RESOLVED

- (1) to grant planning permission for application 13/01898/PFUL3, subject to:**
 - (a) prior completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1991, to include:**
 - (i) a financial contribution for off-site provision or improvement of open space or public realm; and**
 - (ii) a student management agreement including a restriction on car ownership;**
 - (b) the indicative conditions, substantially in the form of those listed in the draft decision notice and to the additional conditions referred to above;**
- (2) to delegate power to the Director of Planning and Transport to determine the final details of the Planning Obligation and 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;**
- (4) to grant local conservation area consent to demolish an existing building in respect of application 13/01899/LCAC1.**

Councillor Malcolm Wood requested that his vote against the above resolutions was recorded.

51 SITES AT LORNA COURT, MARY COURT, THE CROFT AND MAYHOLME, ALEXANDRA PARK

Nic Thomas, Area Planning Manager, introduced a report of the Director for Planning and Transport on the following applications submitted by Halsall Lloyd Partnership on behalf of Leicester Housing Association:

Application 13/01946/PFUL3 (Site A): for planning permission to alter and convert the retained Mayholme building into two apartments and two dwellings; and

Application 13/01909/PFUL3 (Site B): for planning permission to create thirteen 2 or 3 bedroomed, predominantly semi-detached houses in a courtyard arrangement with vehicle turning facilities, on land formerly occupied by Lorna Court, Mary Court and The Croft buildings.

He reported the following information and changes since publication of the agenda:

(a) Photo-Voltaic Panels

That the applicant had agreed to the provision of photo voltaic (PV) panels on the south facing roof slopes of plots 4-10 (10 plots in total). The following additional condition was recommended to require details of the PV panels to be agreed:

'No part of the development shall be occupied until details of the proposed Photo Voltaic panels and their siting on the southern roof slope of plots 4-10 have been submitted to and agreed in writing with the Local Planning Authority.'

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

Reason: In the interests of providing a sustainable development in accordance with Policies BE4 and NE14 of the Local Plan.'

(b) Report Details

That 'May Court' should be replaced by 'Mary Court' throughout and at paragraph 7.11 the statement as to the frequency of buses serving the stop on Woodborough Road should be amended from every seven to every five minutes at peak times on Mondays to Saturdays.

Councillors commented that there should be further discussions with the applicant regarding possible measures to control vehicle speeds on highways within the vicinity of the proposed development.

RESOLVED

- (1) to grant planning permission, for applications 13/01946/PFUL3 and 13/01909/PFUL3 subject to:**
 - (a) prior completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1991, to include:**
 - (i) a financial contribution towards education provision;**
 - (ii) a financial contribution for off-site provision or improvement of open space or public realm;**
 - (iii) Cessation of the existing use of the Mayholme site (as 9 bedsitting rooms with associated common room, reception areas and ancillary office accommodation) on implementation of either planning application references 13/01909/PFUL3 or 13/01946/PFUL3;**
 - (b) the indicative conditions, substantially in the form of those listed in the draft decision notice, and the additional condition(s) noted above;**
- (2) to delegate power to the Director of Planning and Transport to determine the final details of the Planning Obligation and 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.**

52 GROVE FARM SPORTS GROUND, LENTON LANE

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transport on application 13/01313/PFUL3 submitted by CPMG Architects on behalf of The University of Nottingham for planning permission to erect two new sports pavilions/changing rooms following demolition of existing buildings and associated works, creation of a parking area and change of use of part of agricultural land to use as playing fields. The Committee had previously discussed the application at its meeting on 21 August 2013 (minute 33) and 18 September 2013 (minute 44).

He reported the following information and changes since publication of the agenda:

(a) Applicant's Additional Supporting Information

Provision of the following additional information by the University regarding the proposed development's impact on the capacity of the Grove Farm Sports Ground:

The dressing room facilities at Grove Farm housed within the two existing buildings currently cater for up to 38 teams. These areas are however extremely dilapidated and being partly housed within an old farmhouse and modified barn are poorly adapted to the task. Shower and toilet facilities are also inadequate. The proposed new development, whilst not increasing the provision in terms of numbers of dressing rooms, are providing more efficient use of space and include integral toilet and shower facilities within each dressing room. The maximum capacity of the site will still remain at 38 teams for 38 dressing rooms within two buildings, thus there will not be any expanded use of the facilities. The biggest issues at Grove Farm lie in the ability to consistently host games without cancellation due to wear & tear.

Grove Farm currently has bookings totalling around 1100 to 1200 per annum around 80% of which fall within the months of September to April inclusive. The current capacity of pitches is insufficient to cater for all the current commitments. This is particularly apparent in the scheduling of football and rugby. Because student sport has to take place on one of three days, excessive play on individual pitches occurs frequently with some pitches having to support two games in a day thus rendering them liable to premature wear and tear. The level of wear and tear combined with recent weather patterns has exacerbated this issue with the result that through October to March the sports facilities at Grove Farm have often been left unplayable. On average 70 games are lost through excessive wear and tear every season and in extreme seasons this has risen to over 100 games.

The University's other turf sport venues are running at full capacity and there is no scope for moving any of the lost Grove Farm fixtures to either the Highfields or Sutton Bonington facilities. Highfields and Sutton Bonington equally suffer from the same impact of extreme weather events. Indeed Highfields and Sutton Bonington will suffer cancellations earlier than the Grove Farm site due to the nature of the soil structure and

lack of effective drainage. Part of the Highfields venue often suffers from flooding due to the low lying nature of the southern area of the site, approximately 20% of which becomes unplayable during even moderate rainfall.

The proposed expansion of the current Grove Farm Sports Ground by approximately 3 hectares would take the overall usable turf space to 28ha. This would provide sufficient space to create an additional 3.5 pitches with the option for an additional grass cricket square as opposed to an artificial wicket. The creation of 3 to 4 additional football / rugby pitches will enable the more efficient distribution of wear across the football pitches in particular giving a possible 20%-25% reduction in overall use of each pitch. This will provide an additional benefit in terms of end of season renovations which should be far less demanding and enable the current practice of making three pitches available for summer use without adversely impacting on the provision of pitches at the start of the new season. This will hopefully offset the 10% cancellations currently experienced annually.

To summarise, the primary purpose for increasing playable surface area is therefore to enable pitch rotation which reduces the overall wear and tear, and thus avoid cancellations due to poor pitch conditions. The increase in pitch provision will not allow an increase in fixtures because the new pavilion development will still only be able to host 38 teams.

(b) Objectors - Further Representations

On the update sheet for this item at the September Committee, details of two objections from a local resident were reported. They had made a further representation which, in addition to comments raised previously, made the following points:

- Needs to be consideration of the cumulative effect of this development along with others (Boots EZ, tree felling at Clifton Grove, flood lighting at NTU Clifton Campus);
- The proposal has an 'urbanising design', rather than evoking the existing Grove Farm buildings;
- The existing granary barn is a notable feature in this setting.

In response it was commented that the other developments referred to were not considered to be of relevance to this proposal in cumulative impact terms (none were within the Green Belt).

The design of the pavilions, loss of the farm buildings and their heritage value were covered in the report.

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 Director of Planning and Transport to determine the final details of the conditions.**

53 CLIFTON HALL, HOLGATE

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transport on application 13/00958/PVAR3 submitted by Ben Hunt Planning Ltd on behalf of Mr Suresh Patel, for planning permission to vary the terms of condition 18 of planning permission reference 05/01759/PVAR3, to allow the hedge planted alongside Clifton Hall Drive to be retained.

He reported that the applicant had served notice on all parties with a land ownership interest within the application site on 18 September 2013. However, since publication of the agenda it had come to the attention of the applicant that the address of a company with a land interest, to which a notification was sent, had changed.

The applicant had therefore corrected this issue by serving a further copy on the new address on 9 October 2013. The 21 day period required by the notice would not expire until 30 October 2013, and the following amended recommendations were proposed :

- " (1) *Following the expiry of the Article 11 notification period on 30 October 2013, and subject to no additional material considerations being raised in response to that notification, GRANT PLANNING PERMISSION subject to the conditions listed in the draft decision notice at the end of this report.*
- (2) *Power to determine the final details of the conditions of the planning permission be delegated to the Director of Planning and Transport."*

The Committee :

- noted the opposing views of the applicant and other local residents and expressed disappointment that no successful solution had been achieved thus far and urged further discussion between the parties to achieve an acceptable solution;
- noted that documentary materials circulated in relation to the Clifton Village Conservation Area and the Clifton Hall Management Company (regarding hedge heights) had no formal status and were regarded as guidance only;
- noted the difficulties in enforcing any condition to control the height of hedges;
- considered that the condition detailed at paragraph 3.3 of the report, and the reason for its imposition, remained pertinent.

Moved by Councillor Alan Clark, seconded by Councillor Emma Dewinton, and

RESOLVED that planning permission be refused because the hedge is harmful to the appearance of the development, contrary to policies BE3, BE5, BE10 and BE12 of the Nottingham Local Plan.

54 WORLD OF MOWERS, 701 WOODBOROUGH ROAD

Nic Thomas, Area Planning Manager introduced a report of the Director for Planning and Transport on application 13/01653/PFUL3 submitted by SSA Planning Limited on behalf of KFC (GB) Limited for planning permission to demolish the existing showroom

and workshop and erect a restaurant with drive through facility, car park and amended access.

Mr Thomas reported that officers had been copied into a letter addressed to members of the Planning Committee that sought to address concerns that had been expressed about the proposal. Additional detailed highway plans had also been submitted.

The Committee noted:

- concerns regarding possible pedestrian safety issues arising from an expected increase in vehicular traffic accessing the site and adjacent roads.
- comments by Laura Cleal, Highways confirming that installation/retention of a pedestrian refuge on Woodborough Road opposite the intended development, was the most appropriate solution in terms of traffic management. Moving the location of any refuge/pedestrian crossing would have adverse implications for traffic flow and access elsewhere in the vicinity .

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 to determine the final details of the conditions.**

55 MOULDERS ARMS PUBLIC HOUSE, BOVILL STREET

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transport on application 13/01914/PFUL3 submitted by Mr Harun Holmes for planning permission to a change of use of the premises to community centre/evening school, Use Class D1.

Possible increase to vehicular traffic in the area arising from the proposed change in use had been raised as a concern. Mr Percival advised however, that Bovill Street was a not a through road, In addition it was not intended to use the venue was a place of worship (and a condition restricted its use as such) and in those circumstances it was not anticipated that fears of an increase in traffic would be realised.

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 Director of Planning and Transport to determine the final details of the conditions.**

56 NOTTINGHAM LAWN TENNIS CLUB, TATTERSHALL DRIVE

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transport on application 13/01116/LCAC1 submitted by Mr Peter Dion on behalf of

the Nottinghamshire Lawn Tennis Association for conservation area consent to demolish an existing storage building.

He reported the following information and changes since publication of the agenda:

(a) Existing Objector – further email

A further email of objection had been received from the objector referred to in the report. This repeated comments made previously and raised the following:

- The pavilion makes a positive contribution to the area and properly repaired could be a good asset;
- The asbestos referred to by the applicant may be the 'low risk' sort.

In response it was stated that the building's contribution to the area was covered in the report, and that the existence of asbestos within the building was not in itself put forward as a reason for recommending that this application be approved. The applicant's comment that its general dilapidation was creating a health and safety concern was however noted.

(b) Additional Information by Applicant

The applicant has provided additional background information as follows:

The building was believed to have been erected some time during the 1930s as a pavilion and continued as such during the occupancy of the site by William Hollins as their sports ground.

It continued in this use when Hollins left the site and was for a time used by a County Junior Club which subsequently closed down.

The EBA leased the Bowls green and constructed their own pavilion during the late 1950s or early 1960s and consequently the original pavilion was then used for storage only. Repairs to it have been very minimal with the roof covering in asbestos sheeting and the external walls clad with corrugated metal.

There is electricity in the building which has been condemned as dangerous and since the EBA got into financial difficulties some years ago and left the site it has not been used at all.

The highly expensive four clay courts constructed in 1992 are of American design and were the first in this Country part funded by a loan from the LTA. Although strongly recommended by the LTA they proved to be inadequate for our climate and very time consuming to maintain and have been disused for several years.

The Notts LTA are still uncertain as to the future of the clay courts which could in fact be reinstated as all-weather courts. The Notts LTA are at present in negotiations with a probable long term tenant for the Bowls site and the clay courts which are likely to be dependent on the building being demolished. The intention then is to pave and landscape the site of the building and the surrounding area with seating for viewing purposes.

RESOLVED

- (1) to grant conservation area consent, subject to conditions substantially in the form of those listed in the draft decision notice;**
- (2) to delegate power to the Director of Planning and Transportation to determine the final details of the conditions.**

57 LAND AND PLANNING POLICIES DEVELOPMENT PLAN DOCUMENT – PREFERRED OPTION CONSULTATION

Matt Gregory introduced a report by the Director for Planning and Transport which set out details of the City Council's Preferred Option to replace the current Nottingham Local Plan (2005). The Preferred Option would be used as a consultation document for interested individuals and groups to respond by 2 December 2013.

RESOLVED to note the on-going consultation process and opportunity for respondents to reply before the deadline of 2 December 2013