

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at the Council House on 19 MARCH 2014 From 2.35 pm to 4.29 pm

- ✓ Councillor Chris Gibson (Chair)
- ✓ Councillor Gul Khan (Vice-Chair)
- ✓ Councillor Liaqat Ali
- ✓ Councillor Cat Arnold
- Councillor Graham Chapman
- Councillor Azad Choudhry
- ✓ Councillor Alan Clark (minutes 91 to 94)
- ✓ 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

City Council colleagues

- | | | | |
|---------------|---|---|-------------|
| Paul Seddon | - Head of Development Management and Regeneration |) | |
| Rob Percival | - Area Planning Manager |) | |
| Martin Poole | - Area Planning Manager |) | Development |
| Nigel Turpin | - Heritage and Urban Design Manager |) | |
| Laura Cleal | - Senior Officer (Highways Development Control) |) | |
| Richard Bines | - Solicitor, Legal and Constitutional Services |) | Resources |
| Martin Parker | - Constitutional Services Officer |) | |

91 APOLOGIES FOR ABSENCE

- Councillor Azad Choudhry - Annual Leave
- Councillor Chapman)
- Councillor Malcolm) Other City Council Business

92 DECLARATIONS OF INTERESTS

None.

93 MINUTES

Subject to replacement of the final paragraph of the preamble of minute 85 (Planning Application – Victoria Centre, Milton Street) by the following additional resolution (9), the Committee confirmed the minutes of the meeting held on 19 February 2014 as a correct record and they were signed by the Chair.

Additional Resolution Minute 85:

"(9) that the determination of the details submitted to discharge additional condition 1 (as amended) and the additional condition put forward by Councillor Longford are delegated to the Chair, Vice Chair and Opposition Spokesperson in consultation with others members of the Planning Committee."

94 RADFORD BRIDGE ALLOTMENTS, RUSSELL DRIVE

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/03099/POUT, submitted by Freeth Cartwright LLP on behalf of Commercial Estates Group for outline planning permission for residential development of up to 110, 2 – 5 bedroomed dwellings over approximately 3.72ha of allotment land (approximately 2 ha is within the Open-Space Network). to the Western and North-Western sections of the site abutting existing residential properties on Pembury Road, Ewell Road and Torvill Drive. All matters would be reserved except the proposed access off Russell Drive, following the demolition of 120 Russell Drive.

The application proposes compensatory regeneration of existing allotments numbering up to 128, 250 sq. m and 51, 125 sq. m, new allotment plots to the west and north of Martin's Pond.

The Head of Development Management and Regeneration reported that whilst a third reason for refusing planning permission due to a lack of a satisfactory contribution towards public open space had been recommended, on further review, the proposed public open space and equipped play area included within the scheme is felt to be sufficient to meet the needs of the development in this regard. He therefore proposed that the recommended third reason for refusal be withdrawn.

The Head of Development Management and Regeneration also referred to a public inquiry into the City Council's refusal of an earlier application for planning permission by the Applicant in relation to the site. The inquiry had been adjourned in November 2013 to permit public consultation on revised proposals, substantially in the form of the application now before this Committee. The inquiry had resumed on 18 March 2014 but the outcome was not yet known.

The Committee noted the previous planning history attached to the site and remaining recommended reasons for refusal. The Committee noted local residents concerns that a large part of the allotment site is within the Open Space Network in the Nottingham Local Plan (2005) and only a small section of the land had no designation in the Local Plan and was shown as 'white land'. Note was also taken of local residents other concern over the lack of control as to how the allotments were managed and allocated; that approval of the application may encourage a move to open up access off Torvill Drive to enable future residential development on the allotments to the North-Western section of the site; ecological issues; and that schools in the locality would be unable to meet future demand for places arising from any development. It was however recognised that not all of these were recommended reasons for refusal of the current application.

Whilst proposed access requirements to the site were noted to be acceptable in relation to the number of proposed dwellings, the permeability through the proposed site and from the surrounding area to access allotments and open space remained a significant concern. Committee recognised the longstanding 'investment' in a large number of existing allotments could not easily be replicated by the compensatory allotment strategy proposed.

Cllr Clark left the meeting due to other urgent Council business and took no further part in the determination of the application.

RESOLVED to refuse outline planning permission for the reasons set below:

- (1) the proposed development would result in the unacceptable loss of allotments and part of the open space network and failed to compensate adequately for these losses. The proposal was not in accordance with Policies R1 and R6 of the Nottingham Local Plan (2005) and Policies 10 and 16 of the Emerging Nottingham Aligned Core Strategy;**
- (2) the proposed development did not adequately integrate with surrounding existing development in regards to permeability, failing to provide satisfactory access to the proposed opens space, contrary to the aims of Policies BE2 and R3 of the Nottingham Local Plan (2005) and Policy 10 of the Emerging Nottingham Aligned Core Strategy;**

95 SYCAMORE INN, 42 HUNGERHILL ROAD

Martin Poole Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/03063/PFUL3 submitted by Design Office RBC SYL on behalf of Nottingham Central Congregation of Jehovah's Witnesses, for planning permission to demolish the existing public house and construct a single storey place of worship (Kingdom Hall), consisting of a large meeting hall, three smaller rooms, kitchen and toilet facilities and a one bedroom flat to provide accommodation for travelling ministers. Parking for 31 vehicles (including 2 disabled bays) and an additional 12 spaces for overflow parking would be provided. New 2m high railings would enclose the site.

The Committee raised concern over the loss of a public house and replacement with a different use. It was noted that whilst the proposal would see the loss of one community facility it would be replaced with another where the impact on residential amenity would be broadly similar to the existing public house and that preventing the principle of change of use proposed would not be reasonable.

Committee scrutinised the proposed car parking arrangement but noted the application of relevant car parking space guidance and the suitability of the solution for the proposed use under consideration was acceptable to Planning and Highways officers.

The visual impact upon the street scene of the proposal was of concern to a number of Committee. The Committee considered that the design of the façade and number and style of the windows, as submitted, would have a material detrimental impact on amenity given the dominating impact of the largely brick work façade on the street scene. The Committee queried whether an improved design solution could be proposed.

RESOLVED to defer determination of the application to permit further consideration between the Head of Development Management and Regeneration and the Applicants regarding the visual impact of the design and fenestration details of the proposal.

96 LEENGATE BUILDING, LEEN GATE

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/00141/PFUL3, submitted by AEW Architects on behalf of Ronald McDonald House Charities (UK) for planning permission to demolish and replace an existing office building with managed, temporary free “home away from home” accommodation for the families of sick children who are patients in the Queen's Medical Centre. The proposal would enable families to stay close to their children throughout their treatment. The facility will be operated by a charitable trust.

The accommodation, incorporating 59 bed-spaces, would be constructed in two phases, 39 to be built in Phase 1 in the front western portion of the building and 20 to be built in Phase 2, a projecting wing at the rear. In addition, a communal rear landscaped garden space and communal living facilities on each floor would be provided for the shared use of the occupiers. A total of four car parking spaces including two drop-off spaces, one disabled parking space and one staff space would be provided.

The Head of Development Management and Regeneration reported the following matters since preparation of the report:

(a) Flood Risk Assessment

It has not proved possible to satisfy the Environment Agency concerning outstanding issues with the Flood Risk Assessment (FRA) and their objection remains. However

in the reasonable expectation that it will be possible to resolve the matter the following revised recommendation is proposed:

- "(1) to grant planning permission, subject to:*
- (a) resolution of outstanding issues concerning the flood risk assessment such that the Environment Agency objection to the application is withdrawn; and*
 - (b) the 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."*

(b) Additional representations received

(i) letter of objection from Bell Fruit (BF) raising the following concerns:-

- their detached car park to the west of the site is surplus to requirement (there is land within their site to the south of Leen Gate available for this purpose) and available as a development site;
- no objection to the principle of the proposed development which is entirely appropriate adjacent to the Queen's Medical Centre. However, it would prejudice development on the BF car park site due to the position of the building close to the western boundary of the application site, with windows directly overlooking the southern, linear half of this neighbouring land;
- Policy BE3 of the Nottingham Local Plan (2005) requires consideration of whether a development will prejudice comprehensive development or regeneration of a larger site;
- the BF car park could potentially form part of a larger site including the Western Club land to the north;
- request that the application be deferred to enable the relationship and comprehensive development issues to be resolved;
- The access from Leen Gate is within the ownership of BF with a right of way existing over it to the application site. Will this right remain for this proposed development.

Response on behalf of Head of Development Management and Regeneration

It is acknowledged that the adjacent BF car park is a potential development site in the future, but there is no certainty concerning this matter at present.

Permission was granted for a replacement car park within the BF site to the south of Leen Gate in January 2006 but this was not implemented and expired in January 2009 (05/0310/PFUL3).

The adjacent BF car park is comprised of two principle parts; the northern half is wider and abuts the Western Club site to both the north and east; the southern half is narrower and immediately to the west of the current application site.

In general terms the proposal would have very little bearing on the development of the northern part and, whether or not the current proposal were to proceed, the southern part is more challenging to develop due to its linear form and interrelation with existing, adjacent premises. The relatively constrained nature of the site makes it difficult to assume that there is a given type and form of

development that must be given preference over any adjacent site and development.

The current proposal is felt to be an appropriate response to the application site and a logical conclusion of the layout and grain established by the Leen Court development, creating a 'U' shape of buildings around a landscaped courtyard car park and garden. This may influence the approach taken to a scheme on the adjacent part of the BF car park but would not prejudice it. Indeed the ability to link with the Western Club site would remain possible regardless of whether or not the current development proceeds.

It is considered therefore that the development would not conflict with policy BE3 in this regard, nor would it be reasonable to defer the current application as requested.

The issue raised concerning the legitimacy of the applicants to use the current right of way to the application site is a legal rather than planning matter. To ensure that the development can only proceed with appropriate vehicular access it is proposed that condition 17 be amended as follows:

"No part of the development shall be brought into use until the vehicular access from Leen Gate and parking area have been provided in accordance with the approved drawings. Thereafter the parking area shall only be used for the purpose approved.

Reason: In the interests of accessibility and highway safety in accordance with policy T3 of the Nottingham Local Plan (2005)."

(ii) Representations received from the Council's Biodiversity and Green Space Officer, commenting or recommending as follows:

- a data search with the Nottinghamshire Biological and Geological Record Centre (NBGRC) be carried out;
- as many trees as possible be retained and any new planting should include native nectar producing species. Landscaping proposals do indicate areas of native hedgerow and grassland which is positive, however trees are ornamental;
- that recommendations in the ecological report should be carried, including:-
 - measures deal with the invasive species cotoneaster horizontalis;
 - the provision of native plant species and bird boxes;
 - that if works are not carried out in 2 years then the ecological assessment should be updated.

Response on behalf of the Head of Development Management and Regeneration

The recommendation regarding the NBGRC is noted and will be passed on to the applicant. Tree removal is being kept to a minimum with the majority of significant trees being retained. Replacement trees are to be planted to compensate for those to be lost. The applicant will be advised of the recommendation regarding native nectar producing species and, to secure their inclusion, the following additional condition is proposed:

"The development shall not be occupied until a revised landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance and biodiversity of the scheme in accordance with policies BE5, NE3 and NE5 of the Nottingham Local Plan (2005)."

The recommendations of the ecological report are to be covered by either condition (tree protection, native nectar producing tree and shrub planting, bird boxes) or informatives (removal of invasive species, safeguarding of nesting birds, updating of ecological survey after 2 years)

(c) Condition restricting use

Due to the unique nature of the proposed use and the lack of parking accompanying the scheme, it is felt that any alternative use of the building should be the subject to appropriate planning scrutiny. The following additional condition is therefore recommended:

"Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order relating to "permitted development", the building shall not be used for any purpose other than as managed accommodation for the families of hospital patients, without the prior express permission of the Local Planning Authority.

Reason: In the interests of assessing the quality of accommodation for alternative residential use and to ensure that any future use would not generate parking requirements that would be harmful to the occupants of neighbouring premises and the wider highway network, in accordance with policies H2 and BE2 of the Nottingham Local Plan (2005)."

Whilst welcoming the application, the Committee sought clarification and were assured that flood risk was capable of resolution such that the Environment Agency was likely to remove their objection. Having highlighted the additional representations received from Bell Fruit, the Committee were satisfied that the proposed development would not unduly prejudice the comprehensive development of a larger area. The Committee noted the proposed use should not be brought into existence until vehicular access from Lean Gate and the parking area has been provided in accordance with the approved drawings.

The Committee recognised the need to preserve the unique nature of the facility and welcomed restriction on a possible alternative use. The Committee expressed concern that proposed parking arrangements for the facility as submitted may be insufficient to cope with possible demand from occupants and that there was also a need to ensure any future use would not generate parking requirements that would be harmful to the occupants of neighbouring premises and the wider highway

network. While the latter could be dealt with as outlined on behalf of the Head of Development and Regeneration, the Committee remained concerned over parking provision for users of the facility. The Committee concluded that the Development should not be occupied until an acceptable Travel Plan has been submitted and approved for use at all material times the premises are in use as proposed.

RESOLVED

- (1) to grant planning permission, subject to:**
 - (i) the resolution of outstanding issues concerning the flood risk assessment being resolved such that the Environment Agency objection to the application is withdrawn;**
 - (ii) to the conditions substantially in the form of those listed in the draft decision notice and those additional conditions specified above;**
 - (iii) to a further condition requiring approval and implementation of a Travel Plan which shall include details of the parking arrangements for the occupants of the development requiring such a facility;**
- (2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.**

97 THE CHAPEL AND THEATRE AT MAPPERLEY HOSPITAL, PORCHESTER ROAD

Nigel Turpin, Heritage and Urban Design Manager, introduced a report of the Head of Development Management and Regeneration which requested authorisation to undertake urgent works at the Chapel and Theatre, Mapperley Hospital, Porchester Road, Nottingham to ensure that the Grade II listed building located in the Mapperley Hospital Conservation Area was made weather proof and secure against intrusion, vandalism and pigeon infestation and to prevent further deterioration in its condition. A previously agreed Schedule of Works to address the urgent need to address the deteriorating condition of the building had not been completed thus far.

The Committee welcomed the report and recommendation. It was recognised that the Grade II listed building was a culturally significant building within the context of the history of local hospitals, in relation to which the Owner had failed to undertake works necessary for the preservation of the building, for a considerable period of time. Concern had been highlighted with members of the Committee that deterioration in the building was beginning to put safety at risk. Urgent action was required. As the Owner has failed to undertake the work and pay the associated costs, the Committee were satisfied action to recover the expenses of any works undertaken was appropriate against the Owner. Undertaking the specified works would temporarily safeguard the listed building from continuing to deterioration and limit repair costs associated with further deterioration.

RESOLVED to authorise the Head of Development Management and Regeneration:

- (1) to undertake urgent works in respect of the above property as identified in the schedule at Appendix A to the report, pursuant to section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990;**
- (2) to take all necessary action to recover the expenses of urgent works carried out in relation to the above property, such action to include the service of notice(s) on the owner, pursuant to section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**