

## **NOTTINGHAM CITY COUNCIL**

### **PLANNING COMMITTEE**

**MINUTES of the meeting held at Loxley House, Station Street, on 22 July 2015  
from 2.30pm to 4.10pm**

#### **Membership**

##### Present

Councillor Chris Gibson (Chair)  
Councillor Cat Arnold (Vice Chair)  
Councillor Jim Armstrong  
Councillor Alan Clark  
Councillor Michael Edwards  
Councillor Gul Nawaz Khan  
Councillor Toby Neal  
Councillor Brian Parbutt  
Councillor Wendy Smith  
Councillor Malcolm Wood  
Councillor Steve Young

##### Absent

Councillor Graham Chapman  
Councillor Azad Choudhry  
Councillor Rosemary Healy  
Councillor Sally Longford  
Councillor Linda Woodings

#### **12 APOLOGIES FOR ABSENCE**

Councillor Graham Chapman (Council business)  
Councillor Azad Choudhry (personal)  
Councillor Rosemary Healy (leave)  
Councillor Sally Longford (leave)  
Councillor Linda Woodings (leave)

#### **13 DECLARATIONS OF INTERESTS**

Councillor Gul Khan informed the Committee that he had submitted a petition on behalf of local residents in respect of agenda item 4d 'Site of Colwick Service Station Daleside Road East' – minute 18 below - in his capacity as ward councillor. Having taken legal advice, he did not feel that this prohibited him from taking part in the discussion and voting on the item, as he had retained an open mind. He neither had a pre-disposition nor had he a pre-determined view on the item.

#### **14 MINUTES**

Subject to (a) and (b) below, the minutes of the meeting held on 17 June 2015 were agreed as a true record and they were signed by the Chair:

- (a) recording Councillor Jim Armstrong's attendance at the meeting, and
- (b) agreeing to remove reference to the Planning Obligation at Resolution 10(2), in line with the Legal/Governance Officer note contained in the minute.

## **15 BLLENHEIM GARDENS ALLOTMENTS BLLENHEIM LANE**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 15/00893/PVAR3 submitted by Amberley Consulting Ltd on behalf of Chinook Sciences Ltd for and energy from waste facility (160,000 tonnes of waste per annum capacity), manufacturing, research and development facility and associated offices. The item comprises a s73 application under the Act to vary condition S1 of planning permission reference 13/03051/PMFUL3, due to a revised layout resulting from detailed design development as part of the Environment Agency's grant of an Environmental Permit.

The Committee also considered additional information contained in the update sheet noting the additional condition, which had also been published subsequent to the agenda publication.

During discussion, the Committee made the following points:

- (a) the planning permission currently in place is on the basis of drawings previously presented to the Committee. The main differences are:
  - Revised front entrance layout to the manufacturing plant;
  - One Power Island on site instead of two;
  - Gas accumulators placed nearer the site boundary, making them more visible from the North and West of the site;
  - Revised offsite planting proposals to help screen the site;
- (b) the proposals do not re-open considering the principle of granting the original planning permission. Rather, they concern differences to the appearance and design of the plants layout that have emerged as a result of technical issues arising in developing the site, which have a mainly visual impact but which are sufficiently mitigated by the revised landscaping proposals
- (c) 2 letters of objections have been received, citing traffic, odour and flooding as issues of concern.

### **RESOLVED**

- (1) **that the requirements of Part 2 of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are satisfied by reason of the Environmental Statement submitted in support of the application including at least the following information:**
  - (a) **a description of the development comprising information on the site, design and size of the development;**
  - (b) **a description of the measures envisaged in order to avoid, reduce and, if possible remedy significant adverse effects;**
  - (c) **the data required to identify and assess the main effects the scheme is likely to have on the environment;**

- (d) an outline of the main alternatives studied by the applicant and an indication of the main reasons for rejecting these, taking into account the environmental effects;**
- (e) a non-technical summary of the information provided under (a) to (d) above.**
- (2) that the implications of the development addressed in the Environmental Statement subject to the mitigation measures proposed do not amount to major adverse effects or main effects or other adverse impacts that would justify the refusal of the application;**
- (3) that in making the decision on this application, the environmental information being the Environmental Statement and the representations received on it have been taken into account. The Environmental Statement meets the minimum requirements of Part 2 of Schedule 4 to the Environmental Impact Assessment Regulations 2011 and is sufficient having regard to Part 1 of Schedule 4 to those Regulations;**
- (4) that Regulation 24(1) of the Environment Impact Assessment Regulations 2011 be complied with as soon as reasonably practical and the Head of Development Management and Regeneration be delegated to undertake the necessary requirements, namely to notify the decision in writing to the Secretary of State, inform the public of the decision by newspaper advertisement and to place on deposit for public inspection a statement containing the content of the decision and the conditions attached to it, the main reasons and consideration on which the decision is based and a description, where necessary, of the main measures to avoid, reduce and, if possible offset any major adverse effects of the development, and also to contain information on the ability to and procedures for the challenge of the decision;**
- (5) to grant planning permission for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice and as detailed in the update sheet;**
- (6) to delegate power to determine the final details of the conditions to the Head of Development Management and Regeneration.**

**16 95 TALBOT STREET**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 15/00888/PFUL3 submitted by Mr Simon Birch on behalf of Romiga Holdings LLP for the demolition of existing derelict building and construction of new residential student development consisting of 77 beds in the form of studios and multi-bed accommodation units including communal areas to Lower Ground Floor. Planning Permission had been granted in July 2012 ((11/01989/PFUL3) by Committee for a similar development, save that application also comprised two retail units that addressed the corner elevation of Wollaton Street/Talbot Street. Viability prevented the retail units coming forward, necessitating the provision of communal facilities for the benefit of the proposed student residents under the current application.

During discussion, the Committee made the following comments:

- (a) The planning permission currently in place includes a retail outlet on the ground floor and balcony treatments to the corner elevation. The current proposals include a glazed entrance without the retail offer and revisions to the appearance of the corner and side elevations;
- (b) The Committee was content with the removal of the retail outlet, and with the other revisions, in principle. However, several Committee members expressed the view that the revised design, as presented, was stark, unexciting and compared unfavourably with buildings nearby;
- (c) The building is on a prominent arterial route into Nottingham and is located within the Canning Circus Conservation Area, so needed to have a high quality finish and active frontage to prevent damaging visual amenity and ensure character and appearance of the Conservation Area was preserved or enhanced;
- (d) It was acknowledged the CGI representations now being considered by the Committee lacked finalised detail.

**RESOLVED to**

**(1) grant planning permission subject to:**

**(a) The receipt of satisfactorily amended plans for the treatment of the elevation of the Wollaton Street/Talbot Street corner;**

**(b) Prior completion of a section s106 planning obligation which shall include:**

**(i) a financial contribution of £31,004.05, to be used towards improvements to the site of the refreshment rooms at the Arboretum, in lieu of on-site open space provision;**

**(ii) a student management scheme;**

**(iii) a restriction on keeping private motor cars on site;**

**(c) The indicative conditions substantially in the form of those listed in the draft decision notice;**

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

**(3) 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) confirm that the Committee is satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations**

**according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.**

**17 WESTERN SECTION OF FORMER COACH STATION, PARK LANE**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 15/01102/PFUL3 submitted by IG Estates Limited on behalf of Sycamore Developments for a residential development comprising 32 dwellings served by a private road and associated works, The private road comprises sections of setts and would be built out at points with trees along its length The proposed housing comprised a small element of 'back to back' properties.

The Committee also considered additional information contained in the update sheet, noting the additional condition, which had also been published subsequent to the agenda publication.

During discussion, the Committee made the following points:

- (a) The site rises steeply and is beyond what is normally considered to be suitable for adoption. It was confirmed that, to date, the developers have not shown an interest in getting the entrance road adopted;
- (b) The City Council would consider carefully any submission to adopt the entrance road following completion of the development on its merits, bearing in mind the potentially significant management problems for the site if it remained unadopted. Suitable conditions for the on-going management and maintenance of the shared surface would be needed;
- (c) It was explained that the inclusion of a 'back-to-back' element was market-driven but appropriate attenuation measures were proposed within the layout to prevent noise nuisance A councillor expressed the view that back-to-back properties had proved problematic in the past in respect of noise and anti-social behaviour;
- (d) Planning, traffic and urban heritage design colleagues did not consider the proposals to be unduly intense, and did not accept the assertion from English Heritage that the development was not 'built for life'.

**RESOLVED to**

- (1) grant planning permission for the reasons set out in the report and update sheet, subject to the indicative conditions substantially in the form of those listed in the draft decision notice and appraised in the update sheet;**
- (2) delegate power to determine the final details of the conditions to the Head of Development Management and Regeneration.**

**18 SITE OF COLWICK SERVICE STATION DALESIDE ROAD EAST**

Councillor Gul Khan informed the Committee that he had submitted a petition on behalf of local residents in respect of this item in his capacity as ward councillor.

Having taken legal advice, he did not feel that this prohibited him from taking part in the discussion and voting on the item.

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/03073/PFUL submitted by Lace Market Properties Limited for 16 new dwellings and associated works.

The Committee also considered additional information contained in the update sheet noting the additional condition concerning boundary treatment and retention, which had also been published subsequent to the agenda publication.

During discussion, the Committee made the following points:

- (a) The site has been derelict for a number of years, and previous applications for high density developments on the site have been rejected. The proposed housing density in this application was a significant improvement and provision of an off-site open space contribution had been appropriately appraised;
- (b) A councillor requested that a zebra crossing should be installed, as Daleside Road was a difficult road to cross. In response, it was confirmed that a toucan crossing should be in place by May 2017;
- (c) A petition from residents of Candle Meadow, which lay opposite the proposed site, raised objections on grounds of increased traffic and parking overspill. However, planning colleagues pointed out that that the site was formerly a filling station with lots of through-traffic, and that the development provided a minimum of 2 car parking spaces per property.

**RESOLVED to**

- (1) **grant planning permission for the reasons set out in the report and update sheet, subject to:**
  - (a) **prior completion of a Section 106 planning obligation which shall include a financial contribution of between £24,635 and £46,401.60 (as may be agreed following independent viability appraisal) for improvements to the play area and path infrastructure at Colwick Country Park, in lieu of on-site open space provision;**
  - (b) **the indicative conditions substantially in the form of those listed in the draft decision notice and update sheet;**
- (2) **delegate power to determine the final details of both the terms of the Planning Obligation and conditions of planning permission to the Head of Development Management and Regeneration;**
- (3) **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) confirm that the Committee is satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.**

**19 URGENT ITEM - 6 GRANGEWOOD ROAD, NOTTINGHAM**

The Chair of the meeting was of the opinion that this item, although not included on the agenda, should be considered as a matter of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972, in view of the special circumstances that the application generated significant public interest contrary to officer recommendation and, given the scale of the proposal, that it was considered expedient to make this application a late addition to the agenda.

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 15/01409/PFUL3, submitted by Beck Haynes Associates for a two-storey/single storey extension, first floor side extension, front porch, front bay window with canopy roof, new boundary fence and new vehicular access to Grangewood Road.

Mr Percival explained that two letters of objection have been received, one containing a petition of 27 names. The issues raised include loss of privacy, loss of light, intensity of development, design and appearance of the proposal and highway safety issues.

During discussion, the Committee raised queries concerning loss of light, parking, highway safety, the building line of Charelcote Drive and the possible use of the property as an HMO. Additionally, it was confirmed that considerations, such as setting planning precedent and granting approval counter to community wishes, were not in themselves material planning considerations. An application had to be assessed on its planning merit. It was also confirmed that any move towards making the property an HMO (House in Multiple Occupation) would require specific planning permission, and that there is no indication that the owners intend to pursue this.

**RESOLVED to**

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