

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 23 March 2016 from 14:34 – 16:28

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold (Vice Chair)
Councillor Jim Armstrong
Councillor Graham Chapman
Councillor Azad Choudhry
Councillor Alan Clark
Councillor Michael Edwards
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Toby Neal
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Steve Young
Councillor Patience Uloma Ifediora (for minutes 50 - 53c and 53d and substituting for Cllr Sally Longford)

Absent

Councillor Sally Longford
Councillor Brian Parbutt
Councillor Linda Woodings

Colleagues, partners and others in attendance:

Nancy Barnard	- Governance Manager
Richard Bines	- Legal Adviser
Rob Percival	- Area Planning Manager
Martin Poole	- Area Planning Manager
Paul Seddon	- Head of Development Management and Regeneration
Nigel Turpin	- Heritage and Urban Design Manager

50 APOLOGIES FOR ABSENCE

Councillor Sally Longford – Leave (Councillor Patience Ifediora Substituting)
Councillor Brian Parbutt – Unwell
Councillor Linda Woodings – Non-Council Business

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51 DECLARATIONS OF INTERESTS

Councillor Mike Edwards, declared that he had stated clear views on item 4d (Riverside Building, Riverside Way) and so would not be taking part in the discussion or decision making on this item and would withdraw from the meeting while this was taking place. He did intend however to address the Committee for five minutes on this item, in his capacity as a Ward Councillor representing the area, immediately prior to consideration of the item by Committee and then to withdraw from the meeting. At the discretion of the Chair, consent to speak was given.

Councillor Chris Gibson declared that he had been contacted by phone in relation to item 4b (Site of Clifton Bridge Inn, Brookthorpe Way). He stated that the discussions were limited to how the scheme might come to Committee, that he expressed no views and that he had kept an open mind on the matter. He therefore considered himself able to remain in the meeting for the duration of the item and participate in the discussion and decision making.

52 MINUTES

The minutes of the meeting held on 17 February 2016 were confirmed as a correct record and signed by the Chair.

53 PLANNING APPLICATIONS : REPORTS OF THE HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

(a) Maid Marian House, 52 Maid Marian Way (Agenda Item 4a)

Rob Percival, Area Planning Manager, presented the report of the Head of Development Management and Regeneration on application 15/02962/PFUL3 submitted by DMS Architecture Ltd on behalf of Beaumont Morgan Developments Ltd. for a proposed two-storey rooftop extension to form 33 self-contained residential studios, including works to the external appearance of the existing building. The report was brought to the Committee because it is a major application on a prominent site where there are important design and heritage considerations.

He informed the Committee that an earlier planning permission (reference 12/01841/PFUL3) was granted for the erection of two additional storeys at the 4th and 5th floor levels, extensions to the rear and refurbishment of the building for the continued office use of the building. That consent was not implemented.

In February 2016 planning permission (reference 15/02060/PFUL3) was granted for the conversion of the upper ground mezzanine level into 12 self-contained residential studios. This consent is currently being implemented.

Conversion of the upper floors of Maid Marian House from offices to residential units has also taken place as permitted development.

The current proposal included the addition of two floors to the building which differed in appearance from the previous office use scheme (reference 12/01841/PFUL3).

The fourth floor would replicate the layout of the floors below. The fifth floor would be set in from the Maid Marian Way frontage, the Hounds Gate frontage and also the boundary with 57 Friar Lane that forms part of Park House. As part of the extension,

alterations would also be made to the main entrance to the upper floors, which is located off Hounds Gate, through additional glazing at the ground floor level. The fourth floor element of the extension would replicate the design of the lower floors. It would be clad in reddish brown brick slips with a band of stone cladding to replicate the original shoulder detail to the building. The brick slips and banding would be carried onto both the side elevations and the rear elevation of the building. A grey cladding system would be used for the fifth floor, with a standing seam cladding system and some projecting window elements to the rear.

As a result of this proposal, together with the conversion of the mezzanine floor and the residential units created at first, second and third floor level through permitted development, a total of 102 residential units would be provided.

The Committee also considered additional information contained in the update sheet which had been published subsequently to the agenda and circulated to the meeting.

During the discussions the Committee considered the following issues:

- a) Concern was expressed that the appearance of the revised scheme was dated and did not enhance this prominent site where there are important design and heritage considerations, particularly in light of the previous application (reference 12/01841/PFUL3) approved by Committee. Greater aspirations for the design needed to be achieved;
- b) The matter before the Committee was primarily the additional two floors as the works to the existing building were relatively minor. Colleagues had sought to negotiate a high standard of design in the context of the building as a whole. Officers held the view that the current proposal was acceptable in planning terms.

RESOLVED to:

- 1) delegate authority to the Head of Development Management, in consultation with the Chair, Vice-Chair and opposition representative, to grant planning permission, subject to:**
 - a) improvements to the design of the elevation to Maid Marian Way;**
 - b) prior completion of a s106 agreement which shall include provision for an off-site contribution of £13,287.45 for the provision of landscaping and infrastructure improvements at the Queen's Walk Recreation Ground;**
 - c) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report.**
- 2) Delegate power to determine the final details of both the terms of the Planning Obligations and conditions of the planning permission to the Head of Development Management.**
- 3) Record Councillors' satisfaction that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:**

- a) necessary to make the development acceptable in planning terms,
- b) directly related to the development and
- c) fairly and reasonable related in scale and kind to the development.
- d) Record Councillors' satisfaction that the section 106 obligation sought in relation to provision of landscaping and infrastructure improvements would not exceed the permissible number of obligations according to Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

(b) Site of Clifton Bridge Inn, Brookthorpe Way (Agenda Item 4b)

Councillor Pat Fergusson addressed the Committee for five minutes in her capacity as Ward Councillor for Clifton North, with the consent of the Chair. She covered the following points:

- a) The site is immediately adjacent to four properties;
- b) There is concern about the appropriateness of the business to the area which is fully residential. The site is located at the main entrance to the estate so all residents must pass it. Residents were not informed that the business was going to operate prior to 30 cars arriving on site.
- c) Security on the site is a concern. Initially vandalism in the area increased as the windows of cars on the site were smashed. Following this a night watchman was employed. Nottinghamshire Police have advised that criminal activity increased by 25 per cent in four months and that this is solely attributable to the car lot.
- d) The owner erected blue corrugated sheeting as a security measure around the front of the site but this is unsightly, is not in keeping with the area, and provides poor security.
- e) Residents feel that the three months temporary planning permission which has been proposed is too long.

At the conclusion of her speech Cllr Fergusson joined the public audience and took no further part in the meeting.

Rob Percival, Area Planning Manager, then presented the report of the Head of Development Management and Regeneration on application 15/03108/PFUL3 submitted by Jordan Car Sales (Nottingham) Ltd for retrospective permission for use of land for storage of cars and car sales. The report was brought to the Committee because the proposal is considered to be sensitive given the level of public interest expressing concerns contrary to the recommendation.

He provided the Committee with the following information:

- a) The site is the cleared site of The Clifton Bridge Inn (a former public house), located within an extensive area of car parking and enclosed by a metal fence at the entrance to the Silverdale estate.
- b) Subsequent to the use commencing the car sales/ storage use had been the subject of vandalism resulting in damage to the vehicles on the site. The Applicant's response has been to erect a 2m high fence of blue sheeting along the edge of the site which fronts on to the short cul de sac and along part of the north western edge

of the site. This was visually prominent and had an unacceptable impact on the amenity of the residential area. Approval of the proposed use in the long term would have been of concern. The applicant has indicated that it no longer intends to continue the use of the site for sales and storage and to vacate the site as soon as practicable.

- c) Whilst use for storage of cars and car sales may be acceptable in principle, the proposed use in question was not properly considered and assessed and would not be acceptable in the circumstances for any more than a very limited period. It was recommended to discontinue the proposed use within three months. If a temporary permission was approved but it became necessary to serve an Enforcement Notice, the Applicant was likely to have two to three months (likely to be adjudged a reasonable period) to comply with clearing the site.

During discussions the Committee:

- d) expressed concern about the potential for prolonging residents' on going suffering and damage to the amenity of the area;
- e) were mindful of the options concerning enforcement action and the timescales and appeal processes;
- f) were mindful that if a three month temporary permission were granted and the site was not vacated immediately at the end of the permitted period and the time necessary for subsequent enforcement action was added in, it would prolong the use of the site to an unreasonable length of time.

RESOLVED:

- 1) **to grant planning permission subject to the indicative conditions listed in the draft decision notice at the end of the report save that the use hereby permitted shall be discontinued within one month of the 23/03/2016;**
- 2) **to delegate power to determine the final details of the conditions to the Head of Development Management and Regeneration;**
- 3) **if the permitted use is not discontinued within one month of 23/03/2016, to recommend that an enforcement notice is served (subject to the Director for Legal and Democratic Services or the Legal Services Manager(s), being satisfied with the evidence available) with a view to compliance with the Enforcement Notice being achieved within a further two months of the expiry of the permitted use.**

(c) Wendover House, 15 Winchester Street (Agenda Item 4c)

Martin Poole, Area Planning Manager introduced the report of the Head of Development Management and Regeneration on application 15/03232/PVAR3 submitted by DPP One Ltd on behalf of Homes2inspire for variation of condition 3 of planning permission reference 229/7/86 to allow use as a children's care home. The report was brought to the Committee because it is considered to be sensitive in view of significant local interest contrary to officer recommendation.

He provided the following information to the Committee:

- a) The property was formerly a residential home for elderly people. It is ordinarily the case that a change in use can be made between homes for the care of the elderly and homes for the care of children without the need for planning permission. However a condition was applied to the planning permission (reference 229/7/86) granted for the residential home requiring that the building was not used for any purpose other than an elderly persons' home.
- b) 16 letters and emails and a 12 signature petition have been received objecting to the proposal. Three emails have been received in support of the application and one neutral email was received.
- c) Occupants of the properties to the rear had expressed concern about a rear window overlooking their properties, although it had been indicated that this room will not be used as a child's bedroom. The Applicant has agreed to obscure glaze the window and a suitable pre-commencement condition has been proposed to secure the glazing. Although concern had been raised over whether the applicant was a fit and proper person to run a home, this was not a material planning consideration. However, the potential for crime and disorder must be weighed against the presence of appropriate management

During subsequent discussions the following issues were raised and responded to:

- d) Concerns had been expressed related to other children's care homes as residents were unaware of who to contact and how to contact them with complaints. The Applicant could be required to specify a point of contact to deal with any concerns residents may have relating to the management of the facility to ensure the development does not adversely affect residential amenity.
- e) Conditions cannot be imposed relating to the use of internal rooms.

Councillor Patience Ifediora abstained from the vote as she had not been present to hear all discussions.

RESOLVED to:

- 1) **grant planning permission subject to the indicative conditions set out in the draft decision notice at the end of the report save for the addition of a further condition requiring the applicant to provide details of an identified point of contact responsible for the management of the home, to local residents and the Council, in the interests of ensuring residential amenity is not adversely affected.;**
- 2) **delegate the power to determine the final details of the conditions of the planning permission to the Head of Development Management and Regeneration.**

(d) Riverside Building, Riverside Way (Agenda Item 4d)

Councillor Mike Edwards addressed the Committee for five minutes in his capacity as Ward Councillor for Bridge ward prior to Committee discussing the item. He covered the following points:

- a) Prior to obtaining this site, the Applicants had sought sites in West Bridgford and Ruddington;
- b) Concern about the suitability of the location of the site as a school;

- c) Further consideration should be given to the continued viability of the site for B1 B2 or B8 use;
- d) Concern about the sustainability of the development as an institution that covers a large part of the city and the parts of the county and the viability of placing children outside of mainstream education.

At the conclusion of his speech Councillor Edwards left the room and did not participate further in the discussion or decision making.

Rob Percival, Area Planning Manager, introduced the report of the Head of Development Management and Regeneration, on application 15/02854/PFUL3 submitted by Jones Lang LaSalle on behalf of Channelling Positivity for change of use from Office/ Warehouse to Class D1 School and minor external alterations including access ramp.

The report was brought to the Committee due to an objection being received from a Ward Councillor.

He provided the following information to the Committee:

- e) The school is a specialist facility for young people who have failed to succeed in a mainstream setting. It has been operating since September 2015 under planning legislation which allows certain buildings to be used as schools for up to a year without planning permission.
- f) Additional representations had been received and circulated in the update sheet, published subsequent to the agenda and placed around the room, together with a further letter to Cllr Edwards.
- g) The school largely exists to serve the area south of the city including city schools. 74% of the current students are resident in Nottingham city, and 13% are resident in Bridge Ward.
- h) In terms of accessibility the site is very close to the tram which links to bus services. It is also on cycle routes and walking routes.
- i) The property had been vacant for many years despite permission being granted to widen the B class use and to sub-divide the unit. These measures failed to secure an occupier.
- j) The site includes a former yard and carpark, part of which is used as outside space for the students in the school.

During discussions the following points were raised:

- k) Concern about the sustainability of the site in relation to its accessibility, location, and the level of local need. There is insufficient information in the application.
- l) Concern about the suitability of the building for use as a school, particularly the limited outside space, the level of natural light and the air quality inside the building.

RESOLVED to:

- 1) defer the decision on this application to the next meeting of the Committee;**
- 2) request further information relating to:**
 - a) the quality of the proposed accommodation in relation to the needs of the children in the school including in terms of the amount of natural light and air quality within the building;**

- b) the adequacy of the outside space and access to usable green space for the children it would serve and in terms of the needs of the children it proposes to serve;**
 - c) The sustainability of the proposed use in its widest sense and accessibility of the site and transportation links and needs of the children.**
- 3) request that arrangements are made for members of the Committee to be given the opportunity to visit the site prior to the next meeting.**

(e) Site Of Standard House And PIF, Prospect Place (Agenda Item 4e)

Rob Percival, Area Planning Manager, introduced the report of the Head of Development Management and Regeneration on application 15/02123/PFUL3 submitted by Galliford Try Communications on behalf of Telefonica UK Ltd for retention of an existing 30m high telecommunications mast and base station for a 6 month temporary period. The report was brought to the Committee because local Ward Councillors had raised a valid planning objection within the consultation period and requested that the application be determined by Planning Committee.

He provided the following information to the Committee:

- a) The mast had formerly been on top of the flats in Lenton and this mast is temporary to cover the interim period before it is relocated to the Savoy cinema.
- b) It sits on a cleared brownfield site bounded by residential areas and is 30 metres tall.
- c) The mast has been in location for several months.
- d) The Ward Councillor concerns related to the noise from the generator that was initially used. This has now been replaced and there have been no further representations.

During discussions the following points were made and responded to:

- e) There had initially been complaints about interference with television reception.
- f) The details of an organisation named "at800" who provide assistance to those experiencing problems was provided and no further complaints have been received. Management arrangements are required to be in place for masts of this nature

Councillor Steve Young abstained from the vote on this matter.

RESOLVED to:

- 1) Grant planning permission subject to the indicative conditions listed in the draft decision notice at the end of the report;**
- 2) Delegate power to determine the final details of the conditions to the Head of Development Management.**