

## NOTTINGHAM CITY COUNCIL

### PLANNING COMMITTEE

**MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 20 August 2014 from 2.31 pm - 4.21 pm**

#### **Membership**

##### Present

Councillor Chris Gibson (Chair)  
Councillor Liaqat Ali  
Councillor Cat Arnold  
Councillor Graham Chapman  
Councillor Azad Choudhry  
Councillor Michael Edwards  
Councillor Rosemary Healy  
Councillor Sally Longford  
Councillor Roger Steel  
Councillor Malcolm Wood

##### Absent

Councillor Alan Clark  
Councillor Ginny Klein  
Councillor Eileen Morley  
Councillor Wendy Smith

#### **14 APOLOGIES FOR ABSENCE**

Councillor Alan Clark - annual leave  
Councillor Ginny Klein - personal  
Councillor Eileen Morley - annual leave  
Councillor Wendy Smith - personal

#### **15 DECLARATIONS OF INTERESTS**

##### **(I) Agenda item 6f: Planning application – Fairham Brook Nature Reserve, Green Lane**

Councillor Chris Gibson declared an interest having previously attended a meeting of Area Committee 8 at which the proposal was discussed; he confirmed that having asked questions at that meeting but not having voted, he considered that such involvement did not prevent him from participating in the discussion and voting on the item at this meeting.

##### **(II) Agenda item 6g: Planning application – 294 Hucknall Road**

Councillor Chris Gibson declared an interest having been approached by a constituent in relation to the future of the site, but his involvement and enquiries on behalf of that constituent had not related to the merits of the application. Councillor Gibson did not consider that his previous involvement prevented him from participating in the discussion and voting on the item.

**(III) Agenda item 6f: Planning application – Fairham Brook Nature Reserve, Green Lane**

Councillors Michael Edwards and Roger Steel both declared an interest having participated in the discussion and voted on the proposal when it was considered by the Area Committee. They both considered that by their previous statements they had predetermined the application and in those circumstances they would leave the room when the item was under consideration.

**(IV) Agenda item 6b: Planning application – Gresham Works, London Road**

Councillor Malcolm Wood declared an interest as a City Council appointed member of the Nottinghamshire and City of Nottingham Fire and Rescue Authority which he considered did not prevent him from participating in the discussion and voting on the item.

**16 MINUTES**

The Committee confirmed the minutes of the meeting held on 18 June 2014 as a correct record and they were signed by the Chair.

**17 MEMBERSHIP**

The Committee noted that Councillor Emma Dewinton has been replaced by Councillor Gul Khan as a member of the Committee.

**18 APPOINTMENT OF VICE-CHAIR**

**RESOLVED to appoint Councillor Cat Arnold as Vice-Chair for the remainder of the 2014-15 municipal year.**

**19 SOCIETY LINEN AND ELECTRICITY SUB-STATION, DALESIDE ROAD (SITE OF)**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/01140/POUT, submitted by Signet Planning Limited on behalf of Cedar House Investments, for the development, including access, public realm and landscaping, of a food store (Class A1) of 1,531sq/mt gross, other retail units (Class A1) of 2,787sq/mt in total, a restaurant building (Class A3) of 186sq/mt, an employment/ancillary use building (Class B1/D1) of 311sq/mt and 235 car parking spaces.

The Committee supported the proposals for this major development close to Sneinton but raised concerns about the prominence of the car park, and requested that consideration be given to screening the car park and planting larger trees to improve the appearance. In response, Mr Poole confirmed that an additional condition could be imposed to secure an amended boundary treatment to Daleside Road, and that larger trees could be secured through the landscaping conditions.

**RESOLVED**

- (1) to grant planning permission, subject to:**
  - (a) prior completion of a Section 106 Planning Obligation, including a financial contribution of £60,000 towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site;**
  - (b) indicative conditions substantially in the form of those listed in the draft decision notice; and**
  - (c) an additional condition requiring that details of the treatment of boundaries around the car park be submitted to the Council for approval.**
- (2) to delegate authority to the Head of Development Management and Regeneration to determine the final details of the terms of the Section 106 Planning Obligation and of the conditions of the planning permission;**
- (3) that Councillors are satisfied that Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 is complied with in that the Section 106 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.**

**20 GRESHAM WORKS, LONDON ROAD**

Mark Bassett, Senior Principal Planning Officer, introduced a report of the Head of Development Management and Regeneration on application 14/01297/PFUL3, submitted by CPMG Architects Limited on behalf of Nottinghamshire Fire and Rescue Service, for the erection of a new fire station and associated works following demolition of the existing buildings.

Mr. Bassett stated that an additional bat survey has been undertaken and the Biodiversity and Greenspace Officer has confirmed that there are now no outstanding issues.

The Committee welcomed the impressive proposals but sought assurances that egress for the fire tenders directly on to London Road would be well managed. Mr. Bassett confirmed that this would be dealt with under conditions which would include alterations to signals, a yellow box provision on London Road and associated traffic technology.

The Committee suggested that soft landscaping into boundary treatment should be encouraged and requested that consideration be given to increasing the number of spaces available for cycle parking. Mr Bassett confirmed that this would be secured with applicants.

**RESOLVED**

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

## **21 1 BESTWOOD PARK DRIVE WEST (SITE OF)**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/00790/PFUL3, submitted by Reynolds Associates on behalf of Nottingham Community Housing Association and George LB, for the erection of 29 new dwellings and associated works.

Mr Poole stated that:

- (1) Receipt of revised plans showing changes to road and to elevations. Road now includes shared surface, blocks and street trees in build-outs. House elevations now feature corbel detailing (rather than barge boards), inset timber cladding and glass porch canopies. Bungalows and flats feature render panels and flat grp porch canopies.

Road revisions are considered to be improvements in placemaking and traffic calming. Elevation changes are improvements in providing a place with distinctive character which responds well to its context.

The Committee welcomed the development of affordable housing but expressed a desire to see more interesting and varied features in social housing developments such as this. In response, Mr Poole agreed that further discussions with the developers would take place to reconsider the boundary treatments and that the Council's approval to the boundary enclosures was required by condition.

### **RESOLVED**

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

## **22 ROCKY MOUNT, BARRACK LANE**

Mark Bassett, Senior Principal Planning Officer, introduced two reports of the Head of Development Management and Regeneration on applications 14/01401/PFUL3 and 14/01402/PFUL3, submitted by Signet Planning Limited on behalf of Walker and Sons (Hauliers) Limited, for the demolition of an existing building and for the erection of 16 residential apartments following that demolition..

Mr Bassett stated that:

Following the receipt of additional information Highways are recommending the following conditions and informatives:

Conditions

- 1) No part of the development hereby permitted shall be occupied until such time that provision has been made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. That area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To promote sustainable travel and in accordance with the aims of Policy T3 of the Local Plan.

- 2) No part of the development hereby permitted shall be occupied until the existing site access on the Barrack Lane frontage that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway with full height kerb as shown on plan (beckett jackson thompson architects drawing number J04 rev B ) for indicative purposes only to the satisfaction of the Local Planning Authority.

Reason:- In the interests of pedestrian safety and in accordance with the aims of Policy BE2 of the Local Plan.

- 3) No development hereby permitted shall be occupied until the Derby Road footway beside the site boundary has been altered to provide greater pedestrian priority as shown for indicative purposes only on the attached plan (beckett jackson thompson architects drawing number J01 rev B) to the satisfaction of the Local Planning Authority.

Reason:- In the interests of pedestrian safety and in accordance with the aims of Policy BE2 of the Local Plan.

- 4) No works including site clearance or demolition shall be commenced until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway 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:- To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policies BE2 and NE9 of the Local Plan.

**Informatives:-**

Planning permission is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact

Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

Planning consent is not consent to work on the highway. To carry out the off-site works on Barrack Lane and Derby Road respectively associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

The applicant is reminded that as per previous correspondence owing to the fact that the development site will have vehicular access off Derby Road only, and off street parking is being provided as part of the development, the property and future apartments thereof will not qualify for inclusion within the Barrack Lane Residents' Parking Scheme.

Nottinghamshire Wildlife Trust have requested that demolition and removal of vegetation should not take place during the bird breeding season.

The following informative will be included:

**Informative:-**

The applicant is reminded that demolition and removal of vegetation should not take place during the bird breeding season, between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

The Committee supported the proposals but raised concerns over traffic congestion in and out of Derby Road and the potential for student accommodation in the development. In response to questions from the Committee, Mr Bassett confirmed that the residential units will be Use Class C3 and as such, the planning authority cannot lawfully restrict who should occupy them. However, this is not intended to be a student scheme. The inclusion of sufficient parking spaces is intended to ease traffic congestion and parking issues on Barrack Lane and Derby Road.

**RESOLVED**

**(1) to grant planning permission for both applications subject to:**

- (a) (in relation to 14/01401/PFUL3) prior completion of a Section 106 Planning Obligation, including a financial contribution for off-site provision or improvement of open space or public realm;**

- (b) indicative conditions substantially in the form of those additional conditions listed above and in the relevant draft decision notices;**
- (2) to delegate authority to the Head of Development Management and Regeneration to determine the final details of the terms of the Section 106 Planning Obligation and of the conditions of the planning permissions;**
- (3) that Councillors are satisfied that Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 is complied with in that the Section 106 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.**

### **23 13 SHERWOOD RISE**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/01190/PFUL3, submitted by GraceMachin Planning and Property on behalf of Mr Andrew Muldoon, for the erection of 12 new apartments following demolition of the existing building.

The Committee stated that it welcomed the proposed development within the conservation area as it provided an opportunity to redevelop a site in poor condition.

#### **RESOLVED**

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

### **24 FAIRHAM BROOK NATURE RESERVE, GREEN LANE**

Mark Bassett, Senior Principal Planning Officer, introduced a report of the Head of Development Management and Regeneration on application 14/00926/PFUL3, submitted by Nottinghamshire Wildlife Trust, for the excavation of 570 metres of ditches and creation of 4 new ponds to enhance the habitat of the nature reserve.

Mr Bassett stated that:

A letter of objection had been received from a local resident in response to additional information submitted which raised the following points:

The issue of the partnership scheme between Nottingham City Council and NWT is questioned and why Nottingham City Council have not signed the application forms. The legality of the application is questioned by the objector. The proposal will result in the destruction of the biodiversity habitat. Therefore both partners should be named on the application.

The local community has expressed their concerns by the signing of a petition against the scheme.

The council has a duty to conserve the reserve as its responsibility under the Natural Environment Rural Communities Act. If the project goes ahead it will not conserve the area.

There is mention of the Water Framework Directive and a connection to this project. The public need to be made aware of any future plans under the Water Framework Directive along the Fairham Brook watercourse within the City Boundary. The Environment Agency is the official body that has this responsibility but this has not occurred to date.

The comments made by the Water Management Consortium/Drainage Board in Annex 1 mentioning the Water Framework Partnership would be better kept in their adopted statutory area of the watercourse and not main River where the concerns are mainly the plan to alter the local nature reserve. Fairham Brook Reserve should not be considered as extra storage for water as stated by C. Manning. It is not a balancing pond. Any unwanted water entering this reserve by an unnatural process could be a threat to its Biodiversity by pollution, which has been reported to the Environment Agency in the past. Making comments outside the I.D.B. work area for which there is no in depth knowledge should not be recognised.

Annex 2 the comments made by Valerie Holt are disputed that 1:50 year was contained below the outfall pipe from the surrounding agricultural land was isolated from the watercourse. When Fairham brook floods, all the out fall drains are overwhelmed from the whole length of the reserve onto Clifton Pastures as far as Gotham Moor there is photographic and video footage to verify this, the Floodplain is not drying out.

From observations it is considered an average of about 1:5 year natural flooding. The disputed comments have been made to justify unnecessary rewetting. Within a couple days water levels fall rapidly.

Mr Bassett responded to those points as follows:

In addressing third party concerns over the legality of the application, it is the case that the application has been submitted by NWT. The applicants have followed due process and there is no reason to question the validity of the application. Any person may submit an application for planning permission. In any event the Planning Committee regularly determines applications submitted by the City Council (as it is required by law to do) and applies the same standards of thoroughness and fairness to those as it does to external applications such as this.

The appraisal section of the Committee report sets out why it is not considered the scheme will have an adverse impact upon biodiversity of the Local Nature Reserve (LNR) and that the proposed features will be inundated as anticipated.

Western Power Distribution has commented on the scheme advising that they would have no objection providing that the ponds or ditches would not be within 10m of the pylon tower's bases.

A condition is therefore proposed to address this matter:



No excavation for the ponds or ditches hereby approved shall occur within a distance of 10m from the base of any of the electricity pylons on the site, and any variation to the position of the ponds or ditches shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of health and safety.

Whilst none of the ponds are within 10m of the base of any pylon, it appears likely that a small section of the ditches will intrude into this zone. The above condition will address this matter.

In response to questions from the Committee, the Council's Parks Development Manager James Dymond confirmed that the proposals had been designed as carefully as possible to achieve the intended objectives which were to increase flood storage, to reduce the risk of flooding to downstream areas and to create a wetland habitat which would improve water and habitat quality overall.

The Committee welcomed the proposals to rewet the area of fen habitat at the northern end of the nature reserve as it would eventually increase the capacity of drainage and allow for more infiltration.

## **RESOLVED**

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

## **25 294 HUCKNALL ROAD**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/00850/PFUL3, submitted by Henry Mein Partnership on behalf of Ackroyd Electrical Services Limited, for the conversion, following part demolition, of the existing building to 7 self-contained flats and erection in the grounds of the existing building of 6 self-contained flats.

Mr Poole stated that:

1. An error in the description in the heading of the report had occurred; it should now read "Conversion of former pub to 7 flats and erection of 6 flats in car park" to reflect reduction in number of flats proposed in new build.
2. Fifteen further objections received to the revised proposals. All of these object that 13 parking spaces is not adequate for 13 one- and two-bed flats and that there will be a consequent overspill of parking onto Leonard Avenue.

Also noted is the impact of the building in its currently proposed position on privacy of houses on both Wentworth Road and Leonard Avenue.

One objector feels that the design is not in keeping with the Victorian and Edwardian houses in the area.

3. Comments have been received from Councillor Parbutt, who lives adjacent to the site. Considers the proposal is much improved, and notes that the amenity space at the rear means that the building is set back from properties on Wentworth Road. Although the rear windows will overlook to some degree they do so from a greater and more acceptable distance. Reduction in units/increase in parking will be welcomed by many neighbours. Slight concern over treatment of perimeter wall which is unclear from plans. Considers that the wall should be the same height across the whole of the rear of the site to maintain security and privacy for residents.

In response, Mr. commented as follows:

The issue of parking is addressed in paragraph 7.6 of the report, the impact of the new building on overlooking of neighbours is addressed in paragraph 7.5 of the report.

Design is addressed in paragraph 7.3 of the report.

It is recommended that condition 2 be amended to also require details of the treatment of the boundary to the rear to be submitted and agreed.

Mr Poole also confirmed that in the report, sustainability section paragraph 8.1 should read "Application is accompanied by an energy statement which proposes that a 10% of CO2 emissions can be offset through the use of solar thermal panels or photovoltaic panels". A further condition was proposed to require details of scheme.

## **RESOLVED**

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