

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Loxley House on 18 DECEMBER 2013 from 2.30 pm to 5.00 pm

- ✓ Councillor Chris Gibson (Chair)
- ✓ Councillor Gul Khan (Vice-Chair)
- ✓ Councillor Liaqat Ali (minutes 64 to 70)
- Councillor Cat Arnold
- ✓ Councillor Graham Chapman
- ✓ Councillor Azad Choudhry
- ✓ Councillor Alan Clark
- ✓ Councillor Emma Dewinton (minutes 68 to 72)
- ✓ Councillor Michael Edwards
- ✓ Councillor Ginny Klein
- ✓ Councillor Sally Longford
- ✓ Councillor Ian Malcolm (minutes 64 to 67 and 69 to 72)
- ✓ Councillor Eileen Morley
- ✓ Councillor Roger Steel
- ✓ Councillor Malcolm Wood (minutes 64 to 70)

indicates present at meeting

Colleagues, partners and others in attendance

Paul Seddon	- Head of Development Management and Regeneration)	
Rob Percival	- Area Planning Manager)	
Nic Thomas	- Area Planning Manager)	Development
Nigel Turpin	- Design and Conservation Manager)	
Caroline Nash	- Highways Division)	
Lisa Guest	Traffic and Safety)	
Richard Bines	- Solicitor)	Resources
Martin Parker	- Constitutional Services Officer)	

64 NIC THOMAS

RESOLVED to record the Committee's appreciation of Nic Thomas' work on behalf the Authority and offer him its best wishes for his future career.

65 APOLOGIES FOR ABSENCE

Councillor Cat Arnold

66 DECLARATIONS OF INTERESTS

The following declarations of interests were made:

(a) **Agenda Item 4 (a)-Planning Application Nottingham Trent University, Clifton Campus (minute 68)**

Councillor Ian Malcolm: his residence shares a common boundary with part of the application site. In light of the nature of the interest (prejudicial) Councillor Malcolm withdrew from the meeting room during determination of the application.

Councillor Chris Gibson: a personal interest as a trustee of the East Midlands Museum Service (EMMS) organisation, which rents office-space within the development. The interest is not financial Councillor Gibson considered that such an interest would not prevent him from keeping an open mind when determining the application.

(b) **Agenda Item 4 (d)-Planning Application Unit 2, the Picture Works, 42 Queens Road (Minute 72)**

Councillor Liaqat Ali: as the holder of a taxi licence badge and as an employee of another taxi firm. The interest is prejudicial and Councillor Ali withdrew from the meeting room during determination of the application.

Councillor Malcolm Wood: as a City Council appointed Director of Nottingham Racecourse Ltd, which has a sponsorship agreement with the applicant company. The interest is prejudicial and Councillor Wood withdrew from the meeting room during determination of the application.

Councillor Chris Gibson: as a City Council appointed Director on the NET consortium, which has a terminus in close proximity to the application site. Councillor Gibson considered that such an interest would not prevent him from keeping an open mind when determining the application.

General lobbying: several Councillors on the Committee reported telephone calls, visits and correspondence from interested parties who were either in favour of, or objecting to, the application. All Councillors were satisfied that the exchanges were informative in nature and did not affect their ability to retain an open mind when determining the application.

67 MINUTES

The Committee confirmed the minutes of the meeting held on 20 November 2013 as a correct record and they were signed by the Chair.

68 NOTTINGHAM TRENT UNIVERSITY CLIFTON CAMPUS

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/02420/PFUL3 submitted by Evans Vettori on behalf of Nottingham Trent University Estates, for planning permission to erect a new "Heart of the Campus" multi-functional, pavilion style, education building following demolition of part of the existing George Eliot building, alterations to the adjoining refectory and refurbishment of the library, with new ramp and entrance canopy. A new plaza will replace the existing car park to the front of the George Eliot building.

Rob Percival reported receipt of the following additional comments/information since publication of the report:

(a) Drainage

Receipt of an amended drainage statement, showing drainage arrangements that were now satisfactory, and recommended that existing condition 7 of the draft decision notice be replaced by the following:

"The development shall be carried out in accordance with amended flood risk and drainage statement by Curtins Consulting, dated September 2013.

***Reason:** to reduce the risk of flooding in the interest of sustainable development in accordance with Policy BE4 of the Nottingham Local Plan (2005)."*

(b) Transport and Traffic Matters

Receipt of highways division comments indicating that the submitted travel plan was broadly acceptable but required revision focused around the travel survey data. Nottingham Trent University had met with colleagues in the transport strategy division and have agreed a way forward which gives them confidence in allowing that the revised travel plan will be a condition of any subsequent planning permission (see below). There were no highways objections to the application, subject to the inclusion of relevant conditions and informatives. The following additional condition was recommended:

"An updated travel plan with amended staff and student travel survey data, together with a clear list of targets, actions and marketing plan shall be submitted for the written approval to the Local Planning Authority within 6 months of the date of the permission. Upon approval it must thereafter be implemented at all times and reviewed on a biennial basis to include staff and student travel data alongside a review schemes and plans to promote aims of the travel plan going forward.

***Reason:** in the interests of sustainable travel in accordance with Policy BE4 of the Nottingham Local Plan (2005)."*

It was recommended that existing condition 5 on the draft decision notice is amended to read as follows:

"The development shall not 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 (including sub-contractors) 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 plans 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 neighbouring residents in accordance with Policies BE2 and NE9 of the Nottingham Local Plan (2005).*

Recommended informatives

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Prior to any works commencing on site, the Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway may occur. Please contact them on (0115) 876 5238."

The Committee:

- welcomed what was a very attractive design and NTU was praised for the quality of their more recent developments; and
- requested that Councillors Gibson and Steel be included in consultations regarding the detail of travel plan measures when submitted.

RESOLVED

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

69 SITE OF RIVERSIDE, COVENTRY ROAD

Nic Thomas, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/02496/PFUL3 submitted by SLA Design LLP on behalf of Fast Hands Limited for planning permission to erect a new industrial building sited towards the front (west) of the site with vehicular access to the south. A parking and turning area would be provided into the rear of the building with a landscaped area between this and the rear (east) boundary of the site.

Nic Thomas reported receipt of the following additional comments/information since publication of the report:

Additional information had been received from the applicant regarding the following:

Boundary Enclosures/Lighting and CCTV/Materials: the details of which were satisfactory and removed the need for pre-commencement conditions.

Landscaping: no details had been submitted. However, a request by the agent that this be a pre-occupation condition was acceptable and it was recommended that the wording of condition 4 be revised as follows:

"The building shall not be occupied until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs,

including a management and maintenance plan, have been submitted to and approved in writing by the Local Planning Authority.

Reason: *in order that the appearance of the development be satisfactory, to comply with Policy BE3 of the Nottingham Local Plan (2005)."*

Vehicle tracking (highways): information has been submitted regarding tracking of vehicles (condition 7). While there is sufficient space to the rear of the building to provide a satisfactory turning facility for HGV vehicles, it had not yet been demonstrated that vehicles can safely access and leave the site in a forward gear. It was proposed that this detail be secured by way of a pre-occupation condition and recommended that existing condition 7 of the draft decision notice be amended to read as follows:

"The building shall not be occupied until details of a swept path analysis, to demonstrate that vehicles can safely enter and leave the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: *in the interests of highway safety in accordance with Policy BE2 of the Nottingham Local Plan (2005)."*

Roof Lighting: The applicant confirmed natural lighting will be provided to the building by providing 10% of the roof area as roof lights.

The Head of Development Management and Regeneration recommended this is secured by the following additional condition:

"Notwithstanding the details submitted, a minimum of 10% of the roof space shall be installed with roof lights.

Reason: to ensure the building is of a sustainable design, in accordance with policy BE3 of the Nottingham Local Plan".

The Head of Development Management and Regeneration also recommended that existing conditions 2, 3 and 5 as detailed in the draft decision notice, are deleted.

The Committee noted that the proposed layout of the site had been dictated by flooding issues. The design solution was attractive in the locality and the proposed landscaping solution welcomed. The ratio of car parking spaces to staff was considered acceptable in light of anticipated working arrangements.

RESOLVED

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

70 SITE OF B SIEGEL, MAIDEN LANE

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/02115/PFUL3, submitted by Church Lucas on behalf of Walker & Son (Hauliers)/Bonington Properties Ltd, for planning permission to erect a 10 story student complex, providing 114 self-contained studio apartments with communal areas including a reconfigured Lower ground floor providing a double height communal area with mezzanine above, secure cycle parking, laundry, plant and reception/security desk. An external roof terrace for students would be provided on the seventh floor.

Rob Percival reported receipt of the following additional comments/information since publication of the report:

Correction to report: the 2nd to final sentence of paragraph 4.2(c) to read:

"The current scheme does **not** include a retail unit is proposed by the previous scheme."

Receipt of revised plans indicating:

- a reduction of the scale and massing of the elevation facing Maiden Lane and of the Rest Gardens, resulting in the proposed development being reduced from 114 self-contained studio apartments to 113;
- A revised treatment of the elevation to have a more horizontal emphasis, setting back the top two floors and providing additional glazing to lighten their mass.

The changes have been made following discussions with officers and were considered to enhance the scheme. It was recognised that the buildings height immediately fronting Maiden Lane would be increased by one storey, but the benefits that this facilitates are welcomed and more than compensated for this change. The introduction of a simpler elevational treatment to the rest garden with a brick, rather than metal clad finish, is also welcomed.

Rob Percival also noted that the description of the proposal required amendment to 113 studio apartments.

The Committee considered that, overall, the proposed design solution was acceptable. Some members expressed concern about the massing and the design treatment of the rear elevation whilst Lighter external cladding to the upper floors was suggested by some members and could be achieved through condition 3 of the pre-commencement conditions. The Committee considered that use of terraces/balconies should not be permitted to detract from the character of the adjoining rest garden or permitted to be used in an anti-social manner. In these respects, Rob Percival recommended further discussions with the applicants and an additional condition controlling details of the terraces and balconies and their use.

RESOLVED

(1) to grant planning permission subject to:

- (a) any comments being received from English Heritage, not later than 25 December 2013, not being materially different to those raised by them in relation to previous schemes for this site;
 - (b) prior completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1991, to include:
 - (i) a financial contribution for the provision or improvement of open space or public realm; and
 - (ii) a student management agreement including a restriction on car ownership;
 - (c) the indicative conditions, substantially in the form of those listed in the draft decision notice, to the amended and additional conditions referred to above and to a further condition regarding use of terraces and balconies;
- (2) to delegate power to the Head of Development Management and Regeneration 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;

71 UNIT 2, THE PICTURE WORKS

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/01945/PFUL3 submitted by Antony Aspbury Associates Ltd on behalf DG Private Hire Ltd for planning permission to a change of use of a vacant unit to a taxi booking office (sui generis).

Rob Percival reported receipt of the following additional comments/information since publication of the report:

- (a) **amended site plan**: provision of an amended site plan to allow the site area to encompass the rear car park. The Committee report had been drafted with reference to the amended plan and therefore raised no further issues.
- (b) **a letter from AZ Licensing acting on behalf of the applicant confirming the following**:
 - The application proposes hours of 7.00 am to midnight. The reference to hours of 7.00 am to 11.00 pm in a letter from the applicant to Councillors describes the initial intended opening hours of the business but the applicant would like flexibility to operate until midnight if the demand exists.

- The reference to 35,000 passengers being transported to the station in a letter to Councillors is misleading. Indicative figures collected by DG Cars show that approximately 14,000 journeys are taken to or from the vicinity of the railway station per month. In essence many of the journeys quoted will be by default have included other destinations in the area such as Loxley House, Jury's Inn, Trent House and the Magistrates Court in addition to the railway station. It is estimated that approximately 450 journeys per day occur to the vicinity of the station and approximately 300 relate to picking up or dropping off railway passengers or staff.
- Assuming that 50% of the 300 journeys per day (identified above), relates to collecting passengers from the railway station that these pickups are all relocated to the Picture Works, which is unlikely, because members of the public are able to specify any location as a collection point at the time of booking, then the DG Cars will complete in the region of 150 jobs per day from the Picture Works office. If the premises are open 7.00 am to midnight (17 hours), then this will equate to approximately 8.8 jobs per hour (or one journey every 7 minutes).
- It is anticipated that vehicles will not access Queens Road from Arkwright Street. Any vehicles accessing Queens Road from the East will access via London Road. Vehicles accessing the premises from the south-east or the Lamas Gardens area will use Summer Leys Lane and vehicles approaching from the West will use Sheriffs Way.
- DG Cars do not operate any remote holding sites for vehicles.
- The licensing department have confirmed that they can add licence conditions to the private hire operator's licence in respect of the operation of these premises.
- DG Cars remain of the view that they wish to limit the level of parking at the premises for their vehicles to an absolute minimum, so as to prevent vehicles waiting at the premises for bookings. Due to the nature of the business, all customers requiring vehicles from the premises will book vehicles in advance of their journeys and once a booking is received, a vehicle will then be dispatched to collect passengers from the office. It is anticipated that most vehicles will arrive at the premises, collect their passengers and will then immediately depart to commence their journey. If additional facilities are required then it would be possible for vehicles to collect passengers from the pickup point within Station Car Park, which, in any event, provides 30 minutes free parking.
- DG cars believe they can operate the premises without causing any significant traffic or highway safety issues and they believe that any issues relating to those issues have been addressed within the application and subsequent correspondence with the planning authority, therefore they would ask Committee members to grant full planning permission for the premises rather than temporary permission for the following reasons:
 - (a) a large financial commitment is being made to the development of the premises and there is a significant viability risk associated with the temporary permission.
 - (b) Recruitment and retention of staff issues.

- (c) the nature of the lease agreement is such that it would not be viable to operate to the premises under a temporary permission.

(c) separately a plan submitted on behalf of the applicant showing the position of the single waiting bay required under draft condition 2.

The Head of Development Management and Regeneration considered the plan submitted by the applicant in regard to the waiting bay to not be acceptable and therefore recommended condition 2 to remain part of the draft decision notice. The "waiting bay" as proposed, covers too much of the access and could be incorporated without significant reduction to the width of the access.

(d) Expressions of Support

Emails from the applicant to Councillors Mike Edwards and Jane Urquhart seeking support for the application. They state that the proposal is an opportunity to increase their business and employment and advise that any concerns regarding traffic have been resolved.

A letter of support citing the creation of employment opportunities.

(e) Additional Objections

Emails from the Chairman of Nottingham Licensed Taxi Owners and Driver Association to Councillor Mike Edwards and Councillor Chris Gibson objecting to the application.

The reason given for the objection relates to alleged contraventions of the license governing private taxi hire firms, with specific reference to activity at Nottingham Railway Station. In addition concern is expressed about the impact on the business of the hackney carriage trade as a result of the proposal.

A subsequent email from the same author has also been received to advise that the applicant, who also operates out of an office on George Street, parks illegally on the surrounding streets to this office. A letter from the Police to the Chairman of the Association which records that illegal parking has taken place was appended to the email. DVD demonstrating such evidence has also been provided by the objector.

A letter of objection with 10 signatures, addressed to Councillor Cat Arnold has been received from taxi drivers. A similar letter containing for signatures has been submitted addressed to Councillor Emma Dewinton. The objections again relate to alleged contraventions of the licence by private hire firms. A separate letter from a hackney carriage driver has also been received, objecting on the grounds of competition. A further email has been received, objecting on similar grounds to those reported above but also on traffic, congestion and highway safety matters.

A petition containing 15 signatures of hackney carriage drivers has been submitted via Councillor Rosemary Healy. The reasons for objecting relate to competition, breach of licensing regulations and highway safety.

The Head of Development Management and Regeneration considered that the objections to the application at (e) above do not raise any new issues and the matters

are already addressed by the committee report. Committee were also advised, for the avoidance of doubt, that compliance with licensing and business competition were not material planning considerations and therefore should not be given any weight in the decision-making process on this application. The points raised with regard to illegal parking at the George Street office were equally not matters which should be considered as part of the determination of the application.

(f) Objection - Marrons Shakespeares Solicitors

An objection has been received from Marrons Shakespeares Solicitors, acting on behalf of the Nottingham Licensed Taxi Owners and Drivers Association. The objection is accompanied by a highways report from BWB and the same letter from the Police previously referred to in (e), above. The principal reason for objection is traffic congestion and that the taxi office will generate a major intensification of traffic flow along Queens Road. The submission comments that attaching conditions to any permission will not preclude hazardous traffic conditions being generated by the proposal. The objection letter also states that the application should be accompanied with a transport assessment. The objection concludes that the proposal is contrary to Policy BE2 of the Nottingham Local Plan (2005) and paragraphs 32 and 36 of the National Policy Planning Framework. Notwithstanding the strong objection, it is suggested that if the Council is minded to grant planning permission, this should be on a temporary basis of no more than 12 months.

The Head of Development Management and Regeneration considered that the objection from Marrons Shakespeares states that the proposal will lead to a major intensification of traffic flow on Queens Road, but the supporting evidence for this is very limited.

The Highways Division are satisfied with the proposal and do not consider that a transport assessment or statement is required to support the application.

Nevertheless, having regard for the objections and the figures provided by AZ Licensing in relation to projected trips from the proposed taxi office, it is considered that adopting a cautious approach through a temporary permission would be appropriate in this instance. This would give opportunity for the development to proceed but would allow an opportunity for review of how the taxi office and, in particular, the collection of passengers, operates in practice.

The 12 months recommended by Marrons Shakespeares is considered too short to allow the office to have become established and for the impact of the opening of the redeveloped station and NET Line 2 to have been felt.

The Head of Development Management and Regeneration therefore recommended a temporary permission, lasting 18 months, and proposed that existing condition 1 on the draft decision notice be replaced by the following condition to effect this:

"The use hereby permitted shall be discontinued on or before 18 June 2015 unless upon subsequent application the Local Planning Authority grants a further permission.

Reason: *to allow further assessment of the impact of the proposal on the free flow of traffic along Queens Road and highway safety in accordance with the aims of Policy BE2 of the Nottingham Local Plan (2005)."*

The Head of Development Management and Regeneration also recommended that existing condition 5 on the draft decision notice be amended to read as follows:

"The use hereby permitted shall not be commenced and the management plan detailing arrangements vehicle waiting and customer collection from the premises, and measures to ensure that customer collections do not take place directly from Queens Road, has been submitted to and approved in writing by the Local Planning Authority.

The use shall not be carried on other than in accordance with the approved management plan.

Reason: *in the interests of the free flow of traffic on Queens Road and highway safety and in accordance with the aims of Policy BE2 of the Nottingham Local Plan (2005)."*

The Committee noted:

- the various submissions made by interested parties;
- That compliance with licensing obligations, business competition, allegations of illegal parking at the applicant's office on George Street and commercial arrangements over the length of the applicant's lease on the premises were not material planning considerations in determining the application;
- current redevelopment works in the area such as NET Line tram extensions and refurbishment works to Nottingham train station;
- That the proposed office location was opposite the refurbished multi-story car park which features a new access to the train station, including car/passenger "drop-off" facilities with timed free parking;
- the existing character of Queens Road is a busy traffic thoroughfare, part of the southern relief route, which will be affected by the opening of the new station facilities;
- concerns expressed, in particular, by Councillor Mike Edwards that the implications of siting such a facility in this location, adjacent to the new station hub, should be assessed further.

A proposal by Councillor Edwards to defer determination of the application to enable officers to assess further the impact of the proposed use on the future operation of the station hub area was lost when put to the vote.

The Committee concluded that:

- until such time as the effects of passenger and traffic usage in the locality of the soon to be re-opened station hub, including Queens Road, could be properly evaluated, granting permanent planning permission at this time was not an appropriate course of action; and
- temporary planning permission was appropriate. The suggestion by an objector that such a period should not be more than 12 months was not, however, of sufficient length to make the necessary assessments referred to above. 18 months was a more appropriate period as it permitted a more thorough assessment period. The temporary permission was necessary in the interests of ensuring there would not be a materially detrimental effect on the free flow of traffic on Queens Road and highway safety, in accordance with the aims of Policy BE2 of the Nottingham Local Plan (2005)."

RESOLVED

- (1) to grant temporary planning permission for a period of 18 months duration unless previously renewed, subject to the conditions substantially in the form of those listed in the draft decision notice and to those additional amendments and conditions referred to above;**
- (2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.**

72 CITY CENTRE STUDENT ACCOMMODATION POSITION STATEMENT/UPDATE

Paul Seddon introduced a report of the Corporate Director of Development. The report:

- updated the Committee on the current numbers of student households in the city centre area (November 2013), reasons for the rise in student household numbers since October 2012 and an overview of student schemes in the city centre as at December 2013;
- reviewed the effectiveness of current City Council measures to limit the unrestricted growth of student houses in multiple occupation in residential areas adjacent to education sites and the effectiveness of linking purpose-built student accommodation to the recycling of surplus, poorer quality office/building stock;
- outlined the opportunities to strengthen Policies and guidance associated with the issue contained in the draft Land And Planning Policy document which is due to replace the current Nottingham Local Plan (2005).

The Committee noted the statistical outcomes concerning student accommodation bed spaces at Table 1 and were aware of the need for further provision. They noted the observation that there is no evidence of oversupply and that sustained progress with the current policy approach remains an objective

The Committee nevertheless expressed the view that further exploration was needed into:

- The quality of accommodation and the need to have a mix of alternative accommodation types for students;
- an appreciation of market trends including the desirability of having premises which are capable of being converted for other uses to redress possible issues of over-supply;
 - Impact of policies in student areas other than in the city centre
- the desirability of increased powers to address issues of around vacant properties.

RESOLVED to note the report and comments.