

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

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

- ✓ Councillor Chris Gibson (Chair)
- ✓ Councillor Gul Khan (Vice-Chair)
- ✓ Councillor Liaqat Ali
- ✓ Councillor Cat Arnold
- Councillor Graham Chapman
- Councillor Azad Choudhry
- ✓ Councillor Alan Clark (minutes 91 to 94)
- ✓ Councillor Emma Dewinton
- ✓ Councillor Michael Edwards
- ✓ Councillor Ginny Klein
- ✓ Councillor Sally Longford
- Councillor Ian Malcolm
- ✓ Councillor Eileen Morley
- ✓ Councillor Roger Steel
- ✓ Councillor Malcolm Wood

✓ - indicates present at meeting

City Council colleagues

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

91 APOLOGIES FOR ABSENCE

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

92 DECLARATIONS OF INTERESTS

None.

93 MINUTES

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

Additional Resolution Minute 85:

"(9) to authorise the Head of Development Management and Regeneration to determine the final details of the conditions to discharge additional condition 1 (as amended) and the additional condition put forward by Councillor Longford after consulting the Chair, Vice Chair and Opposition Spokesperson after seeking the views of the wider membership of the Committee."

94 RADFORD BRIDGE ALLOTMENTS, RUSSELL DRIVE

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/03099/POUT, submitted by Freeth Cartwright LLP on behalf of Commercial Estates for outline planning permission for residential development of up to 110, 2 – 5 bedroomed dwellings over approximately 3.72ha of allotment land located on the site abutting existing residential properties on Pembury Road, Ewell Road and Torvill Drive. Detailed layout and design of the development would be subject to a reserved matters application with all matters reserved except access which is proposed off Russell Drive, following the demolition of 120 Russell Drive.

The application proposed regeneration of existing allotments across the wider site to provide up to 128, 250 sq m and 51, 125 sq m, new allotment plots to the west and north of Martin's Pond.

The Head of Development Management and Regeneration reported that the difference between the applicant and officers concerning the proposed level of financial contribution was considered marginal. On further review, the proposed public open space and equipped play area included within the scheme is felt to be sufficient to meet the needs of the development in this regard. He therefore proposed that the existing third reason for refusal as stated in the report be withdrawn.

The Head of Development Management and Regeneration also referred to a public inquiry into the City Council's refusal of an earlier application which had been adjourned in November 2013 following submission of revised proposals for consideration which were substantially the same as the application that now before this Committee. The inquiry had resumed on 18 March 2014 but the outcome was not yet known.

The Committee noted the previous planning history attached to the site. Local residents concerns regarding the removal of the whole or part of the allotment sites classification for residential development from the Nottingham Local Plan (2005) (2005), the lack of control over how the allotments were managed, concerned that moving proposed public open space to another area of the site and enabling access to the site from portable drive may enable further development of the site at some future date, and that schools in the locality would be unable to meet future demand for places arising from any development, were referred to but were not material considerations in determination of the application.

Proposed access requirements to the site were acceptable in relation to the number of proposed dwellings.

RESOLVED to refuse planning permission for the reasons set below:

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

95 SYCAMORE INN, 42 HUNGERHILL ROAD

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

The Committee considered that the design, as submitted, lacked sufficient visual impact in the locality and, together with details of fenestration, should form the basis of further discussions on the application between Development colleagues and the applicant's representatives.

RESOLVED to defer determination of the application to permit further confrontation between the head of development Management and regeneration and the applicants regarding the visual impact and fenestration details of the proposal.

96 LEENGATE BUILDING, LEEN GATE

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

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

the occupiers. A total of four car parking spaces including two drop-off spaces, one disabled parking space and one staff space would be provided.

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

(a) Flood Risk Assessment

It has not proved possible to satisfy the Environment Agency concerning outstanding issues with the Flood Risk Assessment (FRA) before this meeting of the Committee. The objection therefore remains at this stage. However in the reasonable expectation that it will be possible to resolve this matter the following revised recommendation were proposed at this time:

- "(1) to grant planning permission, subject to the resolution of outstanding issues concerning the flood risk assessment being resolved such that the Environment Agency objection to the application is withdrawn and to the conditions substantially in the form of those listed in the draft decision notice*
- (2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions."

(b) Additional representations received

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

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

Responses

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

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

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

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

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

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

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

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

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

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

- a data search with the Nottinghamshire Biological and Geological Record Centre (NBGRC) be carried out;

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

Responses

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

"The development shall not be occupied until a revised landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Nottingham Local Planning (2005) Authority.

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

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

(c) Condition restricting use

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

"Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order relating to "permitted development", the building shall not be used for any purpose other than as managed accommodation for the families of hospital patients, without the prior express permission of the Nottingham Local Planning (2005) Authority.

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

Whilst welcoming the application, the Committee expressed concern that proposed parking arrangements for the facility as submitted may be insufficient to cope with probable vehicle usage and that this matter should be the subject of further discussions between development colleagues and the applicant representatives to achieve a more acceptable solution including the use of appropriate conditions, as necessary.

RESOLVED

- (1) to grant planning permission, subject to:**
 - (i) the resolution of outstanding issues concerning the flood risk assessment being resolved such that the Environment Agency objection to the application is withdrawn;**
 - (ii) to the conditions substantially in the form of those listed in the draft decision notice and those additional conditions specified above;**
 - (iii) to further conditions which may be required to achieve acceptable on-site parking/travel plans;**
- (2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.**

97 THE CHAPEL AND THEATRE AT MAPPERLEY HOSPITAL, PORCHESTER ROAD

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

RESOLVED to authorise the Head of Development Management and Regeneration:

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