

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 22 March 2017 from 14.30 - 16.09

Membership

Present

Councillor Chris Gibson (Chair)
(absent for minute 76, having first made a Ward Councillor representation)
Councillor Graham Chapman
Councillor Michael Edwards
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Brian Parbutt
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Linda Woodings

Absent

Councillor Cat Arnold
Councillor Azad Choudhry
Councillor Alan Clark
Councillor Steve Young
Councillor Andrew Rule
Councillor Josh Cook

Colleagues, partners and others in attendance:

Judith Irwin	- Senior Solicitor
Paul Seddon	- Chief Planner
Rob Percival	- Area Planning Manager
Martin Poole	- Area Planning Manager
Nigel Turpin	- Heritage and Urban Design manager
Sarah Hancock	- Technical Officer Development Control - Highways
Catherine Ziane-Pryor	- Governance Officer

72 APOLOGIES FOR ABSENCE

Councillor Andrew Rule - personal
Councillor Cat Arnold – health
Councillor Steve Young - personal
Councillor Alan Clark – personal
Councillor Azad Choudhry - leave

73 DECLARATIONS OF INTERESTS

Councillor Chris Gibson declared an interest in agenda item 4a, minute 74, Fairham House, Green Lane, in that he had publicly campaigned for and supported the proposed development. As such, he considered that he had pre-determined the application and therefore would not participate in the discussion or vote on the item. Subject to approval by the Chair for that item, he proposed to address the Committee in his capacity as Ward Councillor. Thereafter he would withdraw from the meeting prior to and for the entire consideration of the item.

74 ELECTION OF CHAIR FOR AGENDA ITEM 4A

In view of Councillor Chris Gibson's declaration of interest for this item and the absence of Councillor Cat Arnold as Vice Chair of the Committee, Councillor Sally Longford was proposed and seconded as Chair for this item.

75 MINUTES

The minutes of the meeting held on 22 February 2017 were confirmed as a true record and were signed by the Chair.

76 FAIRHAM HOUSE, GREEN LANE

Further to minute 74, Councillor Sally Longford took the Chair for this Item.

Councillor Chris Gibson, in his capacity as a Ward Councillor for Clifton South Ward, spoke in support of the application and highlighted the following points:

- (i) the majority of Clifton citizens welcome the application which includes a Lidl discount food store and increases the range and offer of shops and café/restaurants in the area;
- (ii) if this development is approved, it will have a vitally positive impact, on transforming the Clifton Town Centre;
- (iii) however, it's important that this is a quality scheme which accommodates appropriate parking, is respectful of the mature boundary trees and the surrounding residential properties;
- (iv) trees should be planted to replace any removed during the development and the site should be linked to the Green Lane shops to ensure that it feels part of the Clifton shopping area;

Councillor Chris Gibson then withdrew from the meeting for the remainder of the item, pursuant to his declaration at minute 73.

Rob Percival, Area Planning Manager, introduced application number 16/02648/PFUL3 by WYG Planning Ltd on behalf of Cedar House Investments Ltd for planning permission for 24 apartments with associated car park and other works (outline permission), a food store, 4 non-food retail units and a cafe/restaurant with associated car park, alteration to the site access and other works (full permission), following demolition of Fairham House.

The application is brought to Committee because to grant planning permission would be a significant departure from the adopted Development Plan. It is also a major application on a prominent site, where there are important land use and design considerations.

Rob Percival included within his presentation, a representation from Planning Committee member Councillor Andrew Rule whom was unable to attend the meeting. The following points were highlighted:

- (i) the application for a budget supermarket is welcomed and has been long awaited by Clifton citizens;
- (ii) the development supports the wider regeneration of the Southchurch Drive shopping area and contributes to the creation of a retail corridor along Green Lane;
- (iii) representatives of Morrison's Supermarket have reacted positively to the proposed Lidl store;
- (iv) the development is likely to attract patronage from surrounding areas to Clifton;
- (v) trees to replace those removed during the scheme should be planted preferably on the development site, or elsewhere within Clifton if that is not possible;
- (vi) the impact of noise and vibration on residents of Green Lane needs to be taken into account along with the impact of additional traffic in surrounding roads, particularly as HGVs will be visiting the site to deliver to Lidl and also the other retail units;
- (vii) the application is welcomed and supported.

Rob Percival delivered a presentation which included aerial photographs of the current site, plans of the current site, plans of the proposed development, and images of the Lidl store and retail unit elevations with hard and soft landscaping.

It is noted that the residential section of the application only seeks outline planning permission at this time so detailed plans and elevation views are not available. It is anticipated that a detailed scheme seeking reserved matters approval will be brought back to the Committee at a future date.

There has been extensive consultation of the local community but very few responses received which mainly focused on traffic, site security and access, all of which are addressed within the report. Further representations are included and responded to within the update sheet.

Consideration has been given to how the site is enclosed. An acoustic baffle fence on a Gabion wall plinth is proposed along with climbing plants on what would otherwise be blank enclosure to the service yard, to create a green screen. The car park will be slightly lower than road level to mask its appearance from surrounding areas and will include trees. Additional trees are proposed in the wide verge along Green Lane.

Members of the Committee commented as follows:

- (a) this application is as a result of the City Council Plan to advance town centre shopping areas. With 3,000 residential units to be built at nearby Rushcliffe, it is essential that the Clifton shopping offer is raised to ensure that Clifton is not bypassed by the new development and that the Tram to and from Clifton remains viable;
- (b) the level of thought and attention to detail of this application is important. As there is no indication of the proposed appearance of the apartments, the Committee should consider delegating authority to the presiding Chair, Vice-Chair, and Opposition

Spokesperson, to consider and approve when satisfied, the design and associated facilities of the apartments;

- (c) the design of the Lidl stores is much improved since its early days and is now more sympathetic to the surrounding environment. However, with this application there are still concerns regarding staff parking and how many trees will be lost and planted as replacements. The boundary treatment of the car park and wider site, fronting Green Lane and Langstrath Road, is welcomed;
- (d) whilst the front elevations of Lidl and other retail stores appear fairly attractive, the side elevations, particularly Lidl's car park facing side, is very stark and disappointing.

Rob Percival responded to the Committee's questions and queries as follows:

- (e) the approach to the retail units is typical of retail parks with glazed frontages, brick piers and large signage zones at first floor level;
- (f) concerns have been expressed with regard to the amount of parking available, but Highways colleagues are comfortable with provision, including for staff. The sensitivity around local parking issues in the area of the shops is acknowledged and there is currently work to consider a resident's parking scheme in the area. There is a condition of a travel plan for staff of Lidl and the retail units to consider how staff can get to and from work by sustainable transport means;
- (g) objectors have raised a variety of issues, some of which are not relevant to the development, but efforts have been made to address those which are;
- (h) the existing mature trees are concentrated to the north of the site and most will remain with additional planting options considered including on surrounding streets, and possibly in the wider local area;
- (i) in response to concerns about noise, conditions are included relating to opening and servicing hours, and requiring planning authority approval of environmental noise assessments and appropriate mitigation measures;
- (j) the blank elevations of the Lidl unit will be improved by some soft landscaping to Langstrath Road but the car park side of Lidl is more difficult; it's not practical for the store to have glazing on this side, but other options can be sought and a condition is proposed to address this, involving consultation with nominated Committee representatives.

RESOLVED

(1) to grant planning permission subject to:

- (a) prior completion of an agreement under section 111 of the Local Government Act 1972 to secure a section 106 obligation upon the subsequent disposal of the site to the developer, which shall include:**

- (i) a financial contribution towards off-site public open space at Clifton Central Park and/or Summerwood Lane Allotments;
 - (ii) financial contribution towards the provision of primary school places at Dovecote Primary School, Clifton;
 - b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;
 - (c) power to determine the final details of the conditions is delegated to the Chief Planner;
- (2) that in relation to the retail element of the development, approval of the external materials and elevations facing the customer car park required pursuant to condition 7 shall be a matter for the Chief Planner in consultation with Councillor Sally Longford, the Vice Chair and the Opposition Spokesperson;
- (3) that in relation to tree planting on Green Lane, approval of the details of this shall include consideration of tree planting in other appropriate locations in the local vicinity, pursuant to condition 13, which shall be a matter for the Chief Planner;
- (4) that Councillors are satisfied 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;
 - (c) fairly and reasonably related in scale and kind to the development;
- (5) that Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

77 LAND BOUNDED BY MAIN STREET, JENNISON STREET AND LINBY STREET, NOTTINGHAM

Martin Poole, Area Planning Manager, presented planning application 16/01552/PFUL3 submitted by Plan A (North West) Limited on behalf of the ILidl UK GmbH for the erection of a Class A1 retail store, car park and servicing areas access and associated works following demolition of existing buildings and structures.

The application is brought to Committee because it is a major application on a prominent site where there are important land use considerations.

Martin Poole provided a street plan of the current site, photographs of the former car dealership which is now in a poor state of repair and the subject of antisocial behaviour, and

plans for the new Lidl store, along with elevation views. The site currently includes five vacant houses which will also be demolished.

The development will include a glass fronted building at the northern edge of the site of the car park accessed from Jennison Street. The boundary of the site will include a stone wall with metal railings and whilst every effort has been made to include trees on the site, is not large enough to accommodate significantly more soft landscaping beyond that which is shown on the plans.

Highways have undertaken a lot of work on modelling the impact of the development and one of the main concerns regarding this application is potential traffic congestion at peak times. It is possible that as the modelling exercises have only been on paper and where citizens do experience congestion they often find all alternative routes, congestion may not reach the level suggested, however, the committee is asked to take potential congestion into consideration.

The ecological aspects of the proposed development have been resolved in consultation with the Biodiversity Team. Conditions (numbers 2-5) have been included within the draft permission to ensure that thorough protected species surveys take place prior to the demolition work or site clearance, to identify species present, address any findings and mitigate impacts.

The site is within an area which could potentially flood. The formal comments of the Environment Agency are awaited but they have indicated verbally that, subject to verification of the flood modelling, the decision on whether or not to grant planning permission is a judgement for the local planning authority to consider whether the risk is acceptable. The wording of the recommendation allows for consideration to be given once the Environment Agency's formal comments are received.

Members of the Committee commented as follows:

- (a) the proposal is welcomed and will benefit the local community, not only by providing the discount store, but also with regard to positively utilising a derelict and unsightly plot of land;
- (b) inclusion of this store near to the town centre will contribute to ensuring Bulwell's Town Centre remains attractive and viable;
- (c) this application proves that the City Council's Town Centre Strategy and investment in improvement projects within Bulwell can be considered successful;
- (d) in balancing the potential congestion problem against the local need and desire for this development, the application should be approved;
- (e) it is a concern that the car park lacks greenery particularly along the boundary, but with the space restriction of the site, the possibility of including street trees should be considered to help soften the appearance of the development, even if the City Council were to provide and maintain them;
- (f) this is a difficult site with various challenges but it's clear that Lidl and Planning Officers have worked hard to bring it to this point. The current site is an eyesore and

the development will be a much welcomed improvement for the area. The compromises are acknowledged but those aside, this is development will be of benefit to the community, especially as it's also accessible by foot and bus;

- (g) it is noted that protected species surveys cannot be done at this time of year but hope was expressed that an improved environment for those affected could be found;
- (h) the benefits of this development outweigh the potential problems.

RESOLVED to approve the application subject to:

- (1) there being no additional material matters arising from the response of the Environment Agency, the power to grant planning permission subject to the indicative conditions listed in the draft decision notice at the end of the report (including any further conditions arising from the comments of the Environment Agency) is delegated to the Chief Planner;**
- (2) in the event of additional material matters arising from the response of the Environment Agency, the power to determine the planning application be delegated to the Chief Planner in consultation with the Chair, Vice Chair and Opposition Spokesperson;**
- (3) power to determine the final details of the conditions being delegated to the Chief Planner.**

78 CHURCH SQUARE SHOPPING CENTRE, LENTON

Rob Percival, Area Planning Manager, presented application 17/00044/PFUL3 by Mr Andrew Oglesby on behalf of Nottingham City Homes, for planning permission to erect 17 dwellings on site of an existing shopping centre and flats.

The application is brought to Committee because planning obligations are proposed to be waived.

Highways comments, reference to biodiversity requirements and additional conditions are included within the update sheet.

Rob Percival delivered a brief presentation which included photographs and plans of the current site, plans and computer generated images of the proposed development.

Councillors' comments included:

- (a) the appearance of the dwellings, particularly the chimneys and the non-rendered finish is welcomed;
- (b) this development will be a welcome addition to an increasingly attractive area;
- (c) details relating to street parking and large vehicle access, including turning space, must be considered and included;

- (d) this is an attractive development and welcomed.

It is noted that there is still work to be done regarding some of the design and material detail, including the configuration of the front gardens, bin storage areas and dedicated parking.

Permission for the demolition of the existing structure has already been issued and therefore demolition can take place at any time, irrespective of the outcome of this application. The comments of the Biodiversity Officer regarding a bat survey will be passed to the developer who will also be reminded of their obligations under UK and EU nature conservation legislation.

RESOLVED

- (1) **to grant Planning permission subject to:**
- (a) **the indicative conditions listed in the draft decision notice at the end of the report ;**
 - (b) **the three additional highway conditions detailed in the update sheet;**
 - (c) **the additional condition regarding hedgehog-friendly fencing detailed in the update sheet;**
- (2) **for the power to determine the final details of the conditions to be delegated to the Chief Planner.**

79 LAND TO SOUTH SALISBURY STREET

Rob Percival, Area Planning Manager, introduced application 16/00815/POUT by Zenith Planning and Design on behalf of Forest Estates Nottingham Ltd for outline planning permission for a residential development of 21 dwellings.

The application is brought to Committee because the grant of planning permission for this site would be a significant departure from the adopted Development Plan, when the land was allocated for light industrial use.

Rob Percival delivered a brief presentation which included maps and photographs of the current site, along with the proposed plan of housing for which outline permission is sought.

It is noted that no representations on the proposed development had been received. . Although there is potential for minor flooding, it is predicted that this would only affect limited garden and parking areas at the very western end of the site. Members of the Committee welcomed the proposed additional condition in relation to C3 use in the update sheet.

RESOLVED

- (1) **to grant outline planning permission subject to:**
- a) **prior completion of a planning obligation which shall include;**

- (i) **a financial contribution towards public open space improvements at Wollaton Park;**
 - (ii) **financial contributions towards the provision of both primary and secondary school places at Edna G Olds Primary School and Nottingham University Academy of Science and Technology (NUAST) respectively;**
 - b) **the indicative conditions listed in the draft decision notice at the end of the report and the additional condition restricting development to C3 use as detailed in the update sheet;**
- (2) **the power to determine the final details of the conditions and the obligation are delegated to the Chief Planner;**
- (3) **that Councillors are satisfied 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 reasonably related in scale and kind to the development.**
- (4) **that Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123 (3) Community Infrastructure Levy Regulations 2010.**