

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 20 June 2018 from 2.30 pm - 4.04 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Brian Parbutt (Vice Chair)
Councillor Cat Arnold (as substitute)
Councillor Cheryl Barnard
Councillor Graham Chapman (minutes 10-11,14-15)
Councillor Azad Choudhry
Councillor Josh Cook
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Mohammed Saghir (minutes 10-13)
Councillor Wendy Smith
Councillor Malcolm Wood (minutes 10-14)
Councillor Linda Woodings
Councillor Steve Young

Absent

Councillor Sally Longford (sent substitute)
Councillor Jackie Morris
Councillor Andrew Rule

Colleagues, partners and others in attendance:

James Ashton - Transport Strategy Manager
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Paul Seddon - Chief Planner
Zena West - Governance Officer
Tamazin Wilson - Solicitor

10 APOLOGIES FOR ABSENCE

Councillor Sally Longford – other Council business (Councillor Cat Arnold attending as substitute)

Councillor Andrew Rule – work commitments

11 DECLARATIONS OF INTEREST

Councillor Graham Chapman declared an interest in item 13, 100 Woodyard Lane, as he is on the Board for the Nottinghamshire County Council Pension Fund, who have made the application. He left the room and did not take part in the discussion or the vote on item 13.

Councillors Chris Gibson, Rosemary Healy and Cheryl Barnard declared that they were in receipt of a pension from the Nottinghamshire County Council pension fund. However, this was not deemed to be a pecuniary interest, and so they remained in the room and took part in the discussion and vote on item 13.

Councillor Linda Woodings declared that she lives nearby to the former Siemens site at 100 Woodyard Lane. However, this was not deemed to be a pecuniary interest, and so she remained in the room and took part in the discussion and vote on item 13.

12 MINUTES

Subject to the change detailed below being made, the minutes were agreed as a correct record and signed by the Chair.

Minute 5(c) to be changed from “as a Ward Councillor, Councillor Josh Cook lodged a written representation objecting to the proposal with the Chair of Planning Committee shortly before the start of the meeting. He did not attend the meeting as a member of Planning Committee and did not participate in the discussion or vote on the item” to now read “as a Ward Councillor, Councillor Josh Cook lodged a written representation objecting to one part of the scheme (the inclusion of a unit for use as a gym) with the Chair of Planning Committee. He did not attend the meeting as a member of Planning Committee and did not participate in the discussion or vote on the item”.

Councillor Josh Cook also wished to clarify that he supported the rest of the application, however, as this was not stated at the May meeting, the minutes were not amended to include this.

13 100 WOODYARD LANE

Rob Percival, Area Planning Manager, introduced application 18/00060/POUT by Michael Davies on behalf of Nottinghamshire County Council Pension Fund, for outline planning permission with a proposal to demolish existing buildings, erect up to 110 dwellings, and create an improved means of access. The application was brought to Planning Committee as it is a major application where there are important land use considerations and because it is subject to a S106 obligation.

Rob Percival gave a presentation to Councillors showing aerial maps and plans showing the residential context to the south of the railway line, photos of the current entrance to Woodyard Lane, the current entrance to the site, and an indicative layout for a possible future development. He highlighted the following points:

- (a) the layout submitted is indicative only, and shows a possible layout for up to 110 dwellings, at a modest density to reflect the density of surrounding residential areas, and includes a balancing pond and tree buffers around the site;
- (b) Woodyard Lane itself will be widened to allow two way traffic, with central road markings and a widened footpath. There will also be traffic calming measures;
- (c) the applicants are seeking to make a reduced affordable housing contribution on the basis of claiming a vacant building credit, which they are permitted to do under national planning policy.

Following questions and comments from the Committee, some further information was provided by Rob Percival, and by James Ashton, Transport Strategy Manager:

- (d) some Councillors expressed concern over how busy the access road would be, and the unusual layout of Woodyard Lane as an access road for a residential estate. There are a large number of roads all coming together in a small area which may be dangerous for road users and pedestrians, especially with the traffic flow reversed (i.e. residents leaving their homes to go to work rather than arriving at what is currently an employment site). James Ashton reassured the committee that the junction is currently relatively safe as there have been no reported injury accidents in the last 5 years, and the intensity of traffic is expected to reduce from its previous use as an access road to employment premises;
- (b) the traffic calming measures will be in the form of buildouts into the road, making the road one way for short stretches and forcing vehicles to wait and give way. The rest of the road will be wide enough for two cars to pass each other;
- (c) some trees along Woodyard Lane have Tree Protection Orders and will not be affected, some other smaller specimens maybe affected but these are largely within the public highway;
- (d) although the layout is indicative only, the suggested approach for parking is to have low density housing with generous driveways. The roads within the estate will also likely be wide enough for additional on-street parking;
- (e) access via any other nearby roads, such as Charlbury Road or Lambourne Drive would not be possible, as the land between those roads and the development is owned by a third party and so could not be developed (known as a ransom strip). Woodyard Lane, though unusual, is an established road which can be adapted for residential access.

RESOLVED to:

- (1) **grant planning permission, subject to:**
 - (a) **prior completion of a section 106 planning obligation which shall include:**
 - (i) **the requirement to provide 20% affordable housing should any subsequent reserved matters submission comprise of 25 dwellings or more subject to the vacant building credit;**
 - (ii) **a financial contribution towards education;**
 - (iii) **on-going management and maintenance arrangements for the on-site public open space, other amenity land and Sustainable Urban Drainage System;**
 - (iv) **a financial contribution of £3,350 towards the improvement of the footpath link between the site and Lambourne Drive (through the former Canal Basin);**
 - (b) **the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report and the updated condition 21 contained within the update sheet;**

- (2) delegate authority to the Director of Planning, Regeneration and Housing in consultation with the Committee Chair, Vice-Chair and opposition spokesperson to determine the content and requirements of the S106 agreement, subject to him being satisfied that the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 are met;**
- (3) delegate authority to the Director of Planning, Regeneration and Housing to determine the final details of the conditions.**

14 SITE OF APOLLO HOTEL PH, HUCKNALL LANE

Martin Poole, Area Planning Manager, introduced application 18/00809/PFUL3 by Reynolds Associates Mr Keith Reynolds on behalf of Mr M Barker, for the use of land as a hand car wash with canopies, associated storage containers, relocated pump unit, acoustic fence, catering van serving hot food and drink and with associated customer seating area, bin store and portable toilets. The application was brought to Planning Committee at the written request of Ward Councillors.

Martin Poole gave a presentation to Councillors showing aerial views, maps and plans of the site, aerial views of the former condition, and photos of the frontage on to Hucknall Lane. He highlighted the following points:

- (a) a public house on the site was demolished in 2012, after appropriate notifications had been given. The car wash activities came to the Council's attention following complaints about advertising on the site prior to the car wash opening. Planning permission was sought and granted in 2013 for a temporary period. Within this period, other unauthorised activities and work took place, including the addition of extra canopies and storage containers, a catering van, and storage of vehicles. The planning permission expired in 2016 without renewal, and the car wash continued to operate;
- (b) following an enforcement investigation, a notice was served in March 2017 requiring the removal of all unauthorised activity and works from the site. This triggered an application to retain the unauthorised works and uses, which came to Planning Committee in January 2018, and was refused due to concerns regarding the appearance of the site and the impact on neighbouring properties;
- (c) the car wash continued after the January 2018 refusal, and so legal action started. Commercial vehicles and some storage containers were then removed from the site, and toilets installed. The applicants have since been cooperative with planning colleagues, and prosecution proceedings have been held in abeyance pending the council's consideration of this application;
- (d) the plan presented to Committee seeks to move the car wash activity away from neighbouring properties, to place the jet wash unit in acoustic housing, and to install acoustic fencing;

- (e) as per the update sheet, a site inspection from Environmental Health has concluded that there is no evidence that rats in the area are due to the food van on site;
- (f) the update sheet details proposed timescales for improvements to the site. A number of conditions will be imposed, such as keeping the area between neighbours fencing and the acoustic fencing clear, and limits on operating hours and noise levels;
- (g) the applicant intends to split the site, and sell the northern part of the site at a later date for further development.

There followed a number of questions and comments from the Committee, and some further information was provided:

- (h) some Councillors expressed disbelief at the recommendation to approve the scheme. They declared that they had no faith in the company's assurances, as the promise of improvements appears to have only been made upon the threat of prosecution. They felt that enforcement action does not appear to have been adequately undertaken;
- (i) Councillors commented that the proposed weekend opening hours, though later than those during the week, were still too early for a business operating so close to residential neighbours. They also felt there should be restrictions placed upon setting up times before opening hours;
- (j) Councillors noted that the National Planning Policy Framework states that developments should be of quality design, improve the character of an area, with a strong sense of place, and queried whether this development fit those criteria;
- (k) an acoustic fence is a very thick and solid wooden fence, specifically designed to reduce noise levels. It is more effective than a standard wooden fence;
- (l) previous non-compliance is not necessarily a reason to deny planning permission; each application should be considered on its own merits. Planning colleagues are confident that all proposed conditions are enforceable;
- (m) use of the site as a car wash will not be permitted until the required improvement measures are implemented. The site is operating currently without permission;
- (n) if there are outstanding concerns relating to compliance until such time as the mitigation measures are put in place, the prosecution could be continued;
- (o) the temporary planning permission is mindful of the track record and activities that have previously taken place on this site. If operation within the next year is not demonstrably in line with conditions, then any further planning permission can be refused;

- (p) recent communication from neighbouring residents suggests that the site currently operates from 8am on Saturdays. As all use of the site is currently unauthorised, this is no more a breach than continued use at any other time;
- (q) a request was made to amend conditions to limit opening hours on Saturday and Sunday, with the site opening for business from 10am, and no staff to be setting up on site before 9:45am.

RESOLVED to:

- (1) grant planning permission for a temporary period of 1 year and subject to the conditions listed in the draft decision notice at the end of the report, with a revised condition that the opening time on Saturdays and Sundays will be from 10am, with no staff on site setting up before 9:45am;**
- (2) delegate authority to the Chief Planner to determine the final details of the conditions.**

Councillor Malcolm Wood requested that his vote against the above item be recorded.

15 54 CHARLECOTE DRIVE

Rob Percival, Area Planning Manager, introduced application 17/02748/PFUL3 by AD Planning Services Limited on behalf of Mr Jana Kingsely, for a two storey extension to the front and side, and single storey rear extension. The application was brought to Planning Committee at the request of a Local Ward Councillor who, on balance, is not in agreement with the proposed recommendation.

Rob Percival gave a presentation to Councillors showing photos of the property, plans for the extension, and photos of nearby house extensions submitted by the applicant. He highlighted the following points:

- (a) there is concern regarding the scale and mass of the proposed two storey front and side extension in relation to neighbouring properties, however Planning colleagues are satisfied with the size of the proposed single storey extension to the rear of the property;
- (b) nearby properties with extensions have generally been stepped back or stepped down, which reduces the sense of scale, or there are larger gaps between neighbouring properties. It is difficult to draw direct comparisons with these existing extensions;
- (c) the aesthetics of the proposed design have not been resolved, with misaligned windows and doors.

Some further information was provided following questions and comments from the Committee:

- (d) there is not a great deal of concern about light being blocked to neighbouring properties, the concern is related to the design and scale;
- (e) a proposal of this nature could be rejected solely due to being considered of poor design/appearance;
- (f) some Councillors felt that the proposed design is an improvement on the existing house, and that some of the example extensions presented were not attractive. Whilst some approved of the scheme, most Councillors felt that further negotiation with the applicants would be necessary to improve the design;
- (g) it was noted that the three windows on the front of the house were all different depths, and that the flat roof section was quite large.

RESOLVED to refuse planning permission for the reasons set out in the draft decision notice at the end of the report.