

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held in LB 31-32 - Loxley House, Station Street, Nottingham, NG2 3NG on 23 October 2019 from 2:31pm to 4:21pm

Membership

Present

Councillor Michael Edwards (Chair)
Councillor Graham Chapman (Vice Chair)
Councillor Azad Choudhry
Councillor Kevin Clarke
Councillor Pavlos Kotsonis
Councillor Sally Longford
Councillor Lauren O`Grady
Councillor Ethan Radford
Councillor Wendy Smith
Councillor Cate Woodward

Absent

Councillor Leslie Ayoola
Councillor Cheryl Barnard
Councillor Gul Nawaz Khan
Councillor AJ Matsiko
Councillor Mohammed Saghir
Councillor Audra Wynter

Councillor Maria Joannou (Substitute for Councillor AJ Matsiko)

Colleagues, partners and others in attendance:

James Ashton	-	Transport Strategy Manager
Richard Bines	-	Solicitor
Councillor Jane Lakey	-	Councillor for Bulwell Ward
Adrian Mann	-	Governance Officer
Councillor Toby Neal	-	Councillor for Berridge Ward
Martin Poole	-	Area Planning Manager
Paul Seddon	-	Director of Planning and Regeneration
Richard Taylor	-	Environmental Health and Safer Places Manager

13 APOLOGIES FOR ABSENCE

Councillor Leslie Ayoola	-	on leave
Councillor Cheryl Barnard	-	work commitments
Councillor Gul Nawaz Khan	-	personal reasons
Councillor AJ Matsiko	-	Council business
Councillor Mohammed Saghir	-	Council business
Councillor Audra Wynter	-	on leave

14 DECLARATIONS OF INTERESTS

None.

15 MINUTES

The Committee confirmed the minutes of the meeting held on 17 July 2019 as a correct record and they were signed by the Chair.

16 SOUTHERN PART OF FORMER BRITISH GAS WORKS SITE, RADFORD ROAD

Martin Poole, Area Planning Manager, introduced application number 19/01480/PFUL3 for planning permission by Corstorphine + Wright on behalf of the Nottinghamshire Office of the Police and Crime Commissioner for the erection of a new two-storey custody suite building (Class C2A) comprising: a 50-cell custody suite with associated accommodation, amenities and supporting office space; and external works including landscaping, car park and boundary treatments.

A list of additional information, amendments and changes to the item since the publication of the agenda was included in an update sheet, which was circulated at the meeting and appended to the agenda published online. It included details of the employment and training opportunities are accessible to local people, the Biodiversity Officer's comments and changes to the recommended conditions, and the Arboricultural Survey Report.

The application is brought to the Committee because the recommendation to grant planning permission is contrary to the advice of the Health & Safety Executive (HSE), as a statutory consultee.

To meet the Council's Performance Targets, the application should have been determined by 2 October 2019. An extension of time to determine the application has been agreed by the applicant.

Prior to the Committee's consideration of this item, and with the permission of the Chair, Councillor Toby Neal addressed the Committee in his role as a Ward Councillor for Berridge and made the following points:

- (i) there is much to recommend about the proposed redevelopment of the old industrial site and the related investment in the area. However, the local community does have significant concerns about the detention centre's impact on local safety and security. Ultimately, there are no public transport links in the immediate vicinity of the facility, so any detainees released on foot will need to walk some distance through the community to reach a bus or tram stop. The community does not feel that there has been strong local engagement or consultation by the Police about the proposals and their effect, and it is not clear that the scheme will bring the suggested benefits, including further employment, to the local area;
- (ii) the community is anxious to avoid released detainees (who may have dependency issues that they have not been able to meet while in custody) drifting through the area, particularly in the region of the local school, as the presence of other criminal justice buildings has caused significant issues elsewhere in the ward and across the City as a whole. It needs to be reassured that detainees will be given reasonable assistance by the Police on

leaving the facility to ensure that they know how to get to their ultimate destination, and that they have the funds to do so. The development must add to the overall quality of life for the area, which it should not undermine by increasing the fear of crime.

The following points were discussed:

- (a) the site is part of the disused Basford gas works, sitting between the tram line to the west and a builder's merchant to the east, with disused gas-holders to the south-east and the tram depot to the south. Access to the site is from Radford Road, from an existing private access road serving the builder's merchant. The site lies within a Hazardous Installation Consultation Zone around the former gas-holders. The zone exists because Hazardous Substances Consent for the storage of gas within the gas-holders is still in place, even though the site is no longer used for that purpose;
- (b) the application is for a new custody centre to provide cells for detainees in and around Nottingham, where they will be brought for processing into the judicial system. It is to be a two-storey building with a custody desk and up to 50 cells at ground level, with office and other ancillary space on the first floor. The building comprises a two-storey, flat-roofed, 'front-facing' section with arms radiating out to provide wings for the cells. The materials are brick, with dark grey cladding above and curtain wall windows in the main, east elevation. Seventy-four staff parking spaces are proposed, with thirty-five operational spaces, ten visitor spaces, and ten staff and ten visitor cycle spaces. Soft landscaping is proposed around most of the perimeter of the site and the existing trees will remain and be protected during the building work;
- (c) consultation on the application with the HSE is required because Hazardous Substances Consent for the storage of gas within the gas-holders is still in place, though the gas works have been decommissioned and the gas-holders are empty of gas and out of service – and permission has been granted previously for their demolition. As such, the objection of the HSE is on the basis of a technicality, as gas is not stored in the nearby gas-containers, and it will not be stored in them in the future;
- (d) ultimately, if released detainees cannot depart from the centre by vehicle, they will need to leave by Radford Road on foot, and it is some distance through residential areas to the nearest tram and bus stops. It will fall to the Police to address the effective management of the site to ensure actual and perceived community safety. The Police are able to issue travel cards to departing detainees to ensure that they have the funds to return home, and nobody will be released from the centre if under the influence of drugs or alcohol;
- (e) the Police have given careful and detailed consideration to a number of potential sites for the centre and, ultimately, this is the best available location in the City, in operational terms;
- (f) the Committee queried whether the single, private access road into the industrial estate is sufficient for the increased operational and visitor traffic, and whether it will always be clear of any obstructions that could prevent rapid access to the

centre by emergency vehicles. It also asked whether the footways are of a suitable standard and present a reasonable environment for people walking to and from the site;

- (g) the Police have discussed the traffic management issues with the Highways team and the road owner, and it is not unusual for premises to be access via private roads. Adoption of the road and footpaths as public highway would require remedial works to be carried out to bring them up to the required standards, but the Police are unable to increase the budget of the project to cover this work. However, the road is still a highway even if it is not adopted, so any obstruction of it is illegal. Matters relating to ease of access, and the quality of the access environment, will need to be managed by the Police in operational terms;
- (h) the primary driver in the building's design is optimal operational suitability at an achievable cost and, due to the secure nature of the facility, details on its internal configuration are not available. In terms of environmental sustainability, although water attenuation tanks (that have been assessed to be of the right capacity for current and future weather intensity) will be installed to mitigate against flooding from the nearby River Leen, it is difficult to use other water management technology due to the previous industrial usage and contamination of the site. Electric vehicle charging points will be installed in the new car parks, with one charging point for every ten spaces;
- (i) the Committee felt that as much of the roof as possible should be used for the solar panel installation, to achieve energy security for the site and reduce running costs. There should be suitable provision for cyclists using the site, including cycle storage and showering facilities. All of the current trees should be preserved and protected during the building work, and new trees should be introduced if site security considerations allow. Care should be taken to ensure that all of the low planting proposed is of native species that support pollenating insects, such as bees;
- (j) the Committee noted that buildings representing institutions of law and order have a psychological impact on the people that live around them, and that the uniform grey cladding could appear intimidating. It felt that, although the proposed centre is located within an industrial estate and the colour choice is appropriate to the context, further consideration should be given to whether any changes could be made to the colour and uniformity of the cladding to make its appearance less unfriendly and promote the humane face of law and order in the community;
- (k) the Committee asked how, in terms of maintaining healthy and safe communities, the Police would engage with local residents to address their concerns about the centre's potential effects on crime, anti-social behaviour and safeguarding. It requested that the community concerns are raised very clearly with the Police, which can then communicate with residents and businesses on how the centre will benefit the local area and reduce crime;
- (l) the Committee requested that the Director of Planning and Regeneration writes formally to the applicant to raise and discuss the issues raised during the meeting relating to community safety and consultation, the appearance of the building and the experience of people travelling to and from the site, and its environmental

sustainability and biodiversity, to achieve any feasible improvements to the scheme in these areas.

RESOLVED:

(1) subject to:

- (i) the Council notifying the Health & Safety Executive that it is minded to grant planning permission (subject to the indicative conditions substantially in the form of those listed in the draft decision at the end of the report and update sheet of the Director of Planning and Regeneration) against the Health & Safety Executive's advice;**
- (ii) the Health & Safety Executive not having requested the Secretary of State for Communities and Local Government to call-in the application within 21 days of the giving of such notice;**

to grant planning permission, subject to the indicative conditions substantially in the form of those listed in the draft decision at the end of the report and update sheet of the Director of Planning and Regeneration;

(2) to delegate authority to the Director of Planning and Regeneration to determine the final details of the conditions;

(3) to delegate authority to the Director of Planning and Regeneration to write formally to the Applicant on behalf of the Committee to explain the Committee's view that:

- (i) the colour and uniform nature of the cladding materials proposed should be reviewed, to explore whether another design could be developed to engage more positively with the local community;**
- (ii) the biodiversity of the native plants to be introduced as part of the landscaping should be tailored to be as friendly as possible to pollenating species;**
- (iii) the ecological sustainability and energy efficiency elements of the building should be maximised, including the potential for the installation of more solar panels across the open roof and the provision of effective facilities for cyclists;**
- (iv) the concerns relating to crime, disorder and anti-social behaviour raised by Councillor Toby Neal on behalf of the local residents and business should be addressed by the Applicant with the community, including with the head teacher of the nearby school.**

17 SITE OF APOLLO HOTEL PUBLIC HOUSE, HUCKNALL LANE

Martin Poole, Area Planning Manager, introduced application number 19/00355/PFUL3 and application number 19/00352/PFUL3 for planning permission by Reynolds Associates on behalf of Mr M. Barker for the retention of a hand car wash with associated storage containers and a unit serving hot food and drink with a seating area, and the provision of a hot food sales container to replace the existing trailer.

The application is brought to the Committee at the written request of Councillor Ethan Radford, as a councillor for the affected ward.

To meet the Council's Performance Targets, this application should be determined by 24 October 2019.

Prior to the Committee's consideration of this item, and with the permission of the Chair, Councillor Jane Lakey addressed the Committee in her role as a Ward Councillor for Bulwell and made the following points:

- (i) the car wash and food outlet opens seven days per week on the basis of temporary planning permission, and its operation – during both its opening hours and the setup period before opening – causes a disturbance for its neighbours. The current application extends the current opening hours and residents are concerned about the additional noise and further traffic on an already busy Hucknall Lane. Numerous breaches of the conditions of the temporary planning permission have occurred and the buffer zone between the site's acoustic fence and the fence of the neighbouring properties has been used for storage, rather than being kept clear;
- (ii) given that the issues of noise disruption to neighbours during the period of the temporary planning permission have not been solved satisfactorily, planning permission should not be granted. If it is to be granted, permission should not be given for earlier opening hours on Saturdays, Sundays and Bank Holidays, due to the unreasonable impact of set-up and operational noise in the early morning.

The following points were discussed:

- (a) the two separate applications relate to the site of the former Apollo Hotel and public house on Hucknall Lane, which was demolished in 2012. There are timber and concrete panel fences with the neighbouring residential properties on Ventura Drive to the north and adjoining the east boundary of the site, and with the businesses to the south of the site on Saxondale Court;
- (b) planning permission for the use of part of the site as a hand car wash was granted temporary consent for three years (13/01074/PFUL3). A planning application for the continued use of the site was refused initially, but a subsequent application was granted temporary planning permission for a further year (18/00809/PFUL3), subject to a condition requiring implementation of revised site arrangements, including the relocation of storage containers, the relocation of the water pump unit with the provision of an acoustic enclosure, the erection of an acoustic fence

to the rear of the car wash area, and the provision of a bin store and portable toilet. A further condition to the permission related to the opening hours of the car wash, specifying that setup operations could take place no more than 15 minutes prior to the start times;

- (c) the two applications propose the continued use of the land as a hand car wash with canopies, associated storage containers and the substitution and minor adjustment to the position of the hot food sales unit, replacing the existing catering van with a permanent hot food container unit and an associated customer seating area. The opening hours for the car wash are to be extended;
- (d) the car wash area and canopies will be located towards the southern boundary of the site, with the associated storage containers located in a central position within the site to the north of the car wash area. A 2.6m high acoustic fence has been erected to the rear of the car wash area and on a line 5m from the rear boundary of the site with the neighbouring residential properties. The proposed hot food container unit and associated customer seating are located centrally and towards the Hucknall Lane boundary of the site. A bin store area and portable toilet are located near to the hot food container unit;
- (e) the noise impact of the car wash has been tested and assessed by Environmental Health on site and from neighbouring properties on a number of occasions, against the background of the significant traffic noise from the busy Hucknall Lane. Early visits recorded noise levels from the operation of the pressure hoses that were in excess of the limits set by conditions relating to the temporary planning permission. The achievability of operation within these parameters has been reviewed, and compliance is felt to have been achieved due to the installation of the acoustic barriers and the calibration of the pressure of the washing hoses to an acceptable level;
- (f) a technical condition to the proposed permission has been set out in relation to sound levels. Specific noise frequency levels of the car wash operations are now able to be relied upon in the instance of any future breach of the recommended planning condition. Monitoring will be carried out through spot-checks or in response to a complaint. The noise parameters set out are also considered to be acceptable in the context of earlier opening times at weekends – which the applicant contends is vital in order to secure the full range of business;
- (g) the catering van does not raise any particular issues in terms of planning. Its operation is regulated under food safety registration and inspection by the Council;
- (h) the Committee was particularly concerned that, despite the various mitigations put in place and the testing on the acceptability of the proposed technical condition relating to noise, neighbours still perceived an appreciable noise impact. It noted that this impact will be greater due to the extended operational hours at the weekend, with the associated setup taking place at an even earlier time, during a period of quieter traffic on Hucknall Lane. It was not convinced that the parameters set out in the proposed condition would be adhered to at all times, due to the breaches that took place during the period of previous permissions. It

felt that the trial period of temporary planning permission had not resolved all of the associated issues satisfactorily;

- (i) the Committee considered that, as such, the grant of new temporary planning permission is justifiable, as a further trial period in the context of the new setup of the car wash site. It felt that the proposed permitted hours of operation should also be limited. It recommended that the effectiveness of the new configuration of the hand car wash site and its compliance with the sound parameters as set out in the condition should be monitored and reviewed over the next 12 months.

RESOLVED to:

- (1) grant temporary planning permission in relation to application 19/00355/PFUL3 for a period of 12 months, subject to the indicative conditions substantially in the form of those listed in the draft decision at the end of the report of the Director of Planning and Regeneration, subject to an amendment to the hours of operation in Condition 2 as follows:**

09:00 to 18:00 on Saturday

10:00 to 16:00 on Sunday and Bank Holidays;

- (2) grant planning permission in relation to application 19/00352/PFUL3, subject to the indicative conditions substantially in the form of those listed in the draft decision at the end of the report of the Director of Planning and Regeneration;**

- (3) delegate authority to the Director of Planning and Regeneration to determine the final details of the conditions for both applications (19/00355/PFUL3 and 19/00352/PFUL3).**

(Note: A three-year commencement condition is not attached to the hand car wash draft decision notice as this use is on-going. The hot food sales container replaces the existing trailer and includes an adjustment to its position and does, therefore, require a three-year commencement condition.)