



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday 23 October 2019

Time: 2:30pm

Place: LB 31-32 - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business:

A handwritten signature in cursive script, appearing to read 'G. Bordenell'.

Corporate Director for Strategy and Resources

Governance Officer: Adrian Mann **Direct Dial:** 0115 876 4468

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|----------|--|----------------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTERESTS | |
| 3 | MINUTES | 3 - 8 |
| | Minutes of the meeting held on 17 July 2019, for confirmation | |
| 4 | PLANNING APPLICATIONS: REPORTS OF THE DIRECTOR OF PLANNING AND REGENERATION | |
| a | Southern Part of Former British Gas Works Site, Radford Road | 9 - 26 |
| b | Site of Apollo Hotel Public House, Hucknall Lane | 27 - 42 |

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING.

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES.

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held in the Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 17 July 2019 from 2:31pm to 4:21pm

Membership

Present

Councillor Michael Edwards (Chair)
Councillor Graham Chapman (Vice Chair)
Councillor Leslie Ayoola
Councillor Kevin Clarke
Councillor Gul Nawaz Khan (items 7-11)
Councillor Pavlos Kotsonis
Councillor AJ Matsiko
Councillor Lauren O`Grady
Councillor Ethan Radford
Councillor Mohammed Saghir (items 7-11)
Councillor Wendy Smith (items 7-11)
Councillor Cate Woodward

Absent

Councillor Cheryl Barnard
Councillor Azad Choudhry
Councillor Sally Longford
Councillor Audra Wynter

Colleagues, partners and others in attendance:

Ann Barrett - Legal Team Leader, Planning and Environment
Adrian Mann - Governance Officer
Peter McAnespie - Partnership and Local Plans Manager
Councillor Anne Peach - Councillor for Radford Ward
Martin Poole - Area Planning Manager
Paul Seddon - Director of Planning and Regeneration
Nigel Turpin - Team Leader, Planning Services

7 COMMITTEE MEMBERSHIP

The Committee noted that Councillor Leslie Ayoola has replaced Councillor Audrey Dinnall as a member of the Committee.

8 APOLOGIES FOR ABSENCE

Councillor Cheryl Barnard - Council business
Councillor Sally Longford - Council business
Councillor Audra Wynter - Council business

9 DECLARATIONS OF INTERESTS

None.

10 MINUTES

The Committee confirmed the minutes of the meeting held on 19 June 2019 as a correct record and they were signed by the Chair.

11 NOTTINGHAM SCHOOL OF MARTIAL ARTS, ILKESTON ROAD

Martin Poole, Area Planning Manager, introduced application number 19/00393/POUT for outline planning permission by McAfee Design Ltd on behalf of Mr Tony Vohra for the erection of up to 42 Studio Apartments (Student Accommodation).

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. This included reference to an updated energy strategy, a request from the Nottingham University Hospitals NHS Trust seeking a financial contribution towards secondary healthcare provision through the proposed Section 106 Agreement, a further letter of representation against the proposals and an update to the petition received during the application consultation process.

The application was brought to the Committee at the request of a local Ward Councillor, who had raised valid planning concerns.

To meet the Council's Performance Targets, this application should have been determined by 10 June 2019. However, an extension of time had been agreed with the applicant.

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

- (a) the proposed development is located next to two small estates, including an independent living complex, which are both stable communities. There is a large student population in the ward as a whole already, living in either existing dedicated student accommodation, or in residential houses in multiple occupancy;
- (b) these residential communities are extremely concerned about the possible impact of further student accommodation in their area due to the potential for anti-social behaviour, unsociable noise and extra demand for on-street parking spaces for extended periods of time. These issue could lead to the need for additional community policing and parking enforcement, though the local universities do contribute to this provision, and towards ensuring that there is enough capacity on public transport;
- (c) a petition against the proposals has been signed by 81 local residents, who hope to see the current building retained as a community amenity, as they do not feel that this is an appropriate location for a student complex.

The following points were discussed:

- (d) the existing building is a white-painted structure situated on the corner of Ilkeston Road and Cobden Street. It is set back from Ilkeston Road and elevated from the roadside. It has been added to over time, with a mix of flat and dual-pitched roof slopes, and does not appear to be in a good state of repair. It backs onto a two-storey former factory that has been converted to residential use. The site is situated in a mixed-use area with residential and commercial properties, and it is relatively close to both of the City's university campuses, with good public transport links;
- (e) outline planning permission is sought for the demolition of the existing building and the construction of a 3½-storey structure to provide up to 41 one-bed studio student flats, following the same building line. A red brick building with a central access point from Ilkeston Road is proposed, with a ground-floor communal area at the front and a courtyard area to the rear, for cycle parking. Due to design concerns raised during the application process, the plans were updated with the introduction of projecting, oriel windows and the removal of dormer windows on the rear elevation of the building, and the communal area was repositioned. An updated energy strategy included fabric and ventilation improvements and the introduction of onsite power generation with the provision of solar panels on the rear roof slope;
- (f) the proposal has caused significant local concern, which has been expressed through letters and a formal petition with 81 signatures. However, in relation to the matters requested by the petition:
 - (i) there is no planning requirement for a public meeting or consultation, and the relevant neighbour notifications had been given;
 - (ii) the heritage value of the building has been assessed, but it was not felt to be of sufficient historic or architectural significance to merit addition to the local list of undesignated heritage assets, or for it to be given a national listing. The building, therefore, has no statutory protection from demolition and the loss of the building cannot form a basis for refusal of the application;
 - (iii) given that the building is in private ownership, the future of the building and its usage – and any consultation with local residents on that future and usage – is at the discretion of the owner;
- (g) Nottingham University Hospitals NHS Trust had sought a financial contribution of £17,291 from the development towards secondary healthcare provision through the proposed Section 106 Agreement, for the provision of health services to the community. Healthcare provision is a material planning consideration. However, this request was submitted at a late stage (17 weeks after validation of the application), with limited prior discussion. The Committee agreed that no health contribution should be sought through the Section 106 Agreement, as there was insufficient evidence for the Committee to be satisfied that Regulation 122(2) of the Community Infrastructure Levy Regulations was met. Moving forward, however, Planning Officers should liaise with the Trust to address the queries raised and develop a robust and tested case/formula for any contributions requested in the future, including a specific understanding of on what services the funds would be spent;

- (h) in relation to the design, the Committee was concerned that the proposed frontage lacked interest and did not make a sufficiently positive statement on the wider streetscape, with the difference in levels making the overall appearance uncomfortable. The main entrance was not sufficiently prominent and should be developed to be more significant. The corner of the building at Ilkeston Road and Cobden Street is very sharp and could be rounded to make a more attractive design feature, with the possibility of the introduction of a planter at street level. Chamfering could be introduced to reflect other built architecture in the area. Due to the simple nature of the proposed building, the windows represent a significant design element and should be addressed carefully to create interest while ensuring privacy. Features such as the headers and sills could be developed, to enhance the overall appearance. In terms of design choices, it is unusual to see ground floor windows being smaller than those above;
- (i) the Committee noted that the details of access and landscaping are reserved for a future submission. However, it recommended that, in the context of Council policy and plans, the design should give strong consideration to the introduction of shrubs and vegetation to improve biodiversity, and means of limiting the impermeable hard-standing on the site as much as possible for the purposes of promoting ecology and natural water drainage. The building's accessibility provision, both inside and out, must be effective, welcoming and inclusive, and meet the full requirements of best practice;
- (j) in general terms, it is Council policy to support the development of designated student accommodation in appropriate areas, to reduce student demand for residential housing that could be used by families. However, there is a significant and intensifying student population in the Radford Ward, in particular. Whilst the proposed development does not create a large number of dedicated student dwellings, it has the potential to have a significant impact on local residents. However, students do make a positive contribution to the life and growth of the City and its communities, as a whole;
- (k) as such, the consideration of the proposals requires a careful balance to be struck between the general requirement to provide designated accommodation for students in the City, the probable level of community impact on existing residents affected by a given proposal, and the overall quality of the building design. Following consultation with the applicant and the architect to develop the design over the application period, the Planning Officers were satisfied that the proposals, and their potential impact on the local community, were acceptable in the context of the requirements of the Planning policy framework.

RESOLVED to delegate power to determine the application to the Director of Planning and Regeneration, in consultation with the Chair, Vice Chair, opposition member and Councillor Pavlos Kotsonis, subject to the Director of Planning and Regeneration being satisfied that any Section 106 Agreement sought complies with the requirements of the Community Infrastructure Levy Regulations 2010 (as amended).

12 CONSULTATION ON DRAFT LOCAL PLAN DOCUMENTS

Peter McAnespie, Partnership and Local Plans Manager, presented a report on the draft Open Space, Biodiversity and Caves Supplementary Planning Documents (SPDs), and the draft Statement of Community Involvement (SCI), and sought the Committee's views on these published documents as part of the six-week statutory public consultation period, which ends on Friday 9 August. The following points were discussed:

- (a) the 2005 Local Plan is in the process of being replaced by a new, two-part Local Plan. 'Part 1 – The Aligned Core Strategy' sets out the overarching spatial vision for the development of Nottingham and was adopted in 2014. 'Part 2 – The Land and Planning Policies' (LAPP) document contains policies to guide the development of Nottingham and identifies sites for development and for protection. Part 2 will, potentially, be adopted in November 2019;
- (b) a number of SPDs are being drafted in support of the LAPP, which add further detail to policies and provide additional guidance for development on specific sites, or on particular issues, such as design. SPDs are a material consideration in planning decisions, although they are not part of the Plan itself;
- (c) the new SCI is also being produced to explain the Council's approach to Planning consultation for Planning applications, Local Plans, SPDs and Neighbourhood Plans, and to reflect changes in the planning system. The Committee suggested that, to ensure that citizens were made aware of Planning applications and documents in good time to react to them, guidance should be included on how to make the best use of social media to communicate the information as widely and as rapidly as possible;
- (d) the Provision of Open Space in New Residential and Commercial Development SPD gives guidance on how much open space should be provided on sites, or what level of commuted sum is appropriate in lieu of onsite provision as part of a Section 106 Planning Obligation. It covers both residential developments of greater than nine homes and commercial projects greater than 1000 square meters, which is a new initiative intended to bring a substantial enhancement to the public realm in the City. The scope of the SPD is to define the size of the open space requirement in relation to a given development, rather than to address the design and materials used for these spaces. It will fall to the developer to put measures in place for the ongoing maintenance of the open spaces created as part of a given project. The Committee noted that many citizens were concerned about the loss of open space in the City and recommended that the LAPP document should ensure the protection of these important areas. The Committee also suggested that guidance should be given on how to provide and maintain good connectivity for mobile devices across open spaces through an appropriate policy document;
- (e) the Biodiversity SPD is a new document that sets out how developers can address biodiversity obligations in the context of Government policy to increase biodiversity, which includes the protection of both species and habitats. It offers guidance on the scope and timing of work to accompany planning applications and a checklist of biodiversity features, and it includes information on the

requirements for protecting the environment when construction work is underway, including measures for good soil management. The Committee suggested that this SPD should not only consider species type, but also volume of species;

- (f) the Management of the Caves of Nottingham SPD provides guidance for developments that may affect caves, including how caves should be assessed for their importance and significance, evaluating the impact of development and mitigating any potential harm. 'A Technical Guide for Cave Owners' is being produced in support of the guidance. The Committee suggested that this SPD and/or technical guide should include information on appropriate uses for caves, such as for hydroponics.

RESOLVED to note the draft Statement of Community Involvement and Supplementary Planning Documents in relation to Open Space, Biodiversity and Caves, and recommend that officers consider the comments made by the Committee, above, as part of the formal consultation process on the documents.

WARDS AFFECTED: Berridge (May 2019)

Item No:

PLANNING COMMITTEE
23rd October 2019

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Southern Part Of Former British Gas Works Site, Radford Road

1 SUMMARY

Application No: 19/01480/PFUL3 for planning permission

Application by: Corstorphine + Wright on behalf of Nottinghamshire Office Of The Police And Crime Commissioner.

Proposal: New two-storey custody suite building (Class C2A). Comprising 50 cell custody suite with associated accommodation, amenities, and supporting office space; external works including landscaping, car park, and boundary treatments.

The application is brought to Committee because the recommendation to grant planning permission is contrary to the advice of a statutory consultee.

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

2 RECOMMENDATIONS

Subject to:

1. The Council notifying the Health and Safety Executive that it is minded to grant planning permission, (subject to the indicative conditions substantially in the form of those in the draft decision notice at the end of this report) against the HSE's advice; and
2. the HSE not having requested the Secretary of State for Communities and Local Government to call-in the application within 21 day 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 this report

Power to determine the final details of the conditions to be delegated to the Director of Planning and Regeneration

3 BACKGROUND

- 3.1 The site is part of the vacant disused Basford gas works. The site sits between the tram line to the west and Selco builder's merchant to the east, with the 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 access road serving the builder's merchant.

- 3.2 The site is allocated in the Nottingham Local Plan as part of the Basford Gas Works (Site E2.6) for industrial development / expansion (Class B1, B2 and B8 uses). The emerging Land and Planning Policies document allocates the site for a mix of employment (B1, B2 and B8) and residential (C3) uses (Site PA23).
- 3.3 The site lies within a Hazardous Installation Consultation Zone around the former gasholders. The zone exists because of a remaining Hazardous Substances Consent for the storage of natural gas within the gasholder site, and this consent continues to benefit that land.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes a new custody centre to provide custody cells for detainees in and around Nottingham, where they will be brought for processing into the judicial system. It would be a two-storey building with custody desk and up to 50 cells at ground floor 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. Materials are primarily brick with dark grey cladding above and curtain wall windows in the main, east elevation.
- 4.2 Access to the site would be, as noted, from the existing Selco access road. There would be access barriers inside the site and the internal road would circle the building, with one-way traffic moving in a clockwise direction. Staff parking would be mainly to the south of the site, with visitor parking to the east of the building. Seventy-four staff parking spaces are proposed, thirty-five operational spaces, ten visitor spaces, ten staff and ten visitor cycle spaces. Soft landscaping is proposed around most of the perimeter of the site.
- 4.3 Local employment and training opportunities will arise from this development and discussions are underway with the applicant to secure the delivery of these opportunities through working with the Council's Employer Hub.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 Forty-two letters of consultation were sent to 490 to 502 Radford Road, 524 Radford Road, 538 to 550 Radford Road, Flats 1 to 5 Leah Court, four units in Ryan Business Park, four units rear 490 Radford Road, five units in Bleachers Yard, Readymix Concrete and Kissington House on Radford Road, 43 to 47 Eland Street. Notifications were sent to Berridge Ward Councillors. A site notice was posted on Radford Road and a press advert published. No responses were received as a result of this consultation process.
- 5.2 Two objections have been received to the proposal, forwarded by a Ward Councillor and the Neighbourhood Development Officer. One considers that construction of the building will cause heavy traffic, dust and noise pollution to occupiers of his rented properties, that the Police should provide compensation to businesses for disruption and that the operation of heavy goods vehicles may delay tram journeys. The other notes that he cannot see any positive outcomes for residents from the building of the custody suite at this location and that the facility will lead to anti-social behaviour and shoplifting in the area. The Neighbourhood Development Officer has reported a residents' meeting at which residents were unhappy with a lack of consultation and felt that the facility should stay in the City

Centre. Two further residents meetings have been held, attended by the Police and Ward Councillors.

Additional consultation letters sent to:

Environmental Health and Safer Places: no objection subject to conditions regarding remediation of ground, groundwater and ground gas contamination, an external lighting scheme and an environmental noise assessment and sound insulation scheme.

Highways: no objection subject to provision of electric vehicle charging and a travel plan promoting sustainable transport.

Environment Agency: no objection.

Health & Safety Executive: Standing advice issued by HSE notes that 'there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case'.

City Archaeologist: no objection.

NET: no objection.

Biodiversity Officer: further information regarding protection and habitat enhancement of water voles needs to be provided. Response will be reported as an update to Committee.

Tree Officer: arboricultural method statement regarding protection of trees adjacent to the site is required and can be achieved by condition.

Lead Local Flood Authority: no objection.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018)

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategy:

Policy A - Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 4: Employment Provision and Economic Development.

Policy 10: Design and Enhancing Local Identity.

Policy 14: Managing Travel Demand.

Policy 17: Biodiversity.

Nottingham Local Plan (November 2005):

Policy E2: Industrial Developments/Expansions and Restructuring.

Policy NE3: Conservation of Species.

Policy NE5: Trees.

Policy NE9: Pollution.

Policy NE10: Flood Risk.

Policy NE11: Hazardous Installations.

Policy NE12: Contaminated Land.

Policy T3: Car, Cycles and Servicing Parking.

Land and Planning Policies Document (May 2019):

The Local Plan is currently undergoing Examination. The hearing sessions concluded in December 2018, and the Main Modifications consultation stage finished on 28 June 2019. It is anticipated that the City Council will adopt the Plan in January 2020 and its policies now carry considerable weight.

Policy CC1: Sustainable Design and Construction.

Policy CC3: Water.

Policy DE1: Building Design and Use.

Policy DE2: Context and Place Making.

Policy TR1: Parking and Travel Planning.

Policy TR3: Cycling.

Policy EN6: Biodiversity.

Policy EN7: Trees.

Policy IN2 : Land Contamination.

Policy IN3: Hazardous Installations and Substances.

Policy SA1 - Site Allocations.

7. APPRAISAL OF PROPOSED DEVELOPMENT

i) **Principle of the Development** (Policies A and 4 of the ACS; Policy E2 of the Local Plan; Policy SA1 of the LAPP)

7.1 The existing Bridewell custody suite in the city centre was not purpose-built and is considered to no longer work effectively; closure and refurbishment is not a viable option as there is a need for continuous provision of a custody suite and refurbishment would result in a facility still inefficient and unsuited to its purpose. A purpose built facility which will serve Nottingham and the surrounding areas is therefore required.

7.2 The Police have considered a range of factors in determining the location of the new facility, including travel times from incident locations, accessibility, relative distance away from residential areas and size of site. The chosen location has been identified as appropriate and suitable for the use.

7.3 The need for a new facility and the factors assessed by the Police in selecting this location are accepted. The location and the development itself are considered to be sustainable in that the development will improve the economic, social and environmental conditions in the area. The proposed use, whilst not a Class B employment use, would provide employment and is considered to be in accordance with the site allocations in the Local Plan and the LAPP.

ii) **Impact on Residential Amenity** (Policies 10 and 14 of the ACS; Policies NE9 and T3 of the Local Plan; Policies DE1 and TR1 of the LAPP)

7.4 The Police have responded both verbally and in writing to the concerns expressed by the objectors. The custody suite is expected to hold on average 25 detainees each night. Of these, 10 are likely to be moved by the police from the facility to a court appearance. On average, then, 15 detainees are likely to be released from the custody suite over the course of a day (accepting that these averages come from higher figures on a Saturday and lower during the week).based on figures from January to August 2019, of those detainees who remain in custody:

- Over a third (36.5%) are released either having being dealt with (fined, cautioned or diverted to an alternative out of court disposal) or they have been refused charge and no further action is being taken.
- One in five (19.25%) is released under investigation; they do not have to return to the custody suite and officers will continue their investigation and, if

the decision is taken that they should be prosecuted, then they will receive a postal summons to court.

- One in six (16.13%) is charged with an offence and bailed to appear at court on a future date.
- One in eight (12%) are charged and remanded to court (forming part of the 10 detainees transferred to court each day).
- One in six (16.12%) are released on bail, with or without conditions, to return to the custody suite at a later date to continue to assist with the investigation.

7.5 The Police note that a number of these detainees are likely to have been detained following alcohol-related incidents and are not repeat offenders. Experience suggests that detainees released from a custody suite return home and do not remain in the area of the facility. The Police have a duty to ensure that released detainees have the means to get home, to avoid petty theft etc to secure bus fares and so on. The Police therefore issue travel cards and petty cash to ensure that detainees do have the means to get home. Detainees under the age of 18 have to be released to an appropriate adult. It seems highly unlikely, then, that released detainees would target the area around the custody suite to commit crime.

7.6 The Police have noted their experience that the provision of a custody facility is likely to reduce crime in the area, simply because of the increased presence of police officers and police vehicles in the area. They note that “the location of a new custody suite on the New Basford Industrial Estate will significantly increase the visibility and presence of the police in the area. Rather than local officers leaving the area to travel with arrests to the city centre (and then again to deal with them), they will remain on their area and return to public facing duties significantly more quickly”. Officers and staff will use local shops and facilities and incident response times are likely to improve.

7.7 The proposed site is approximately 180 metres from the nearest residential properties on Radford Road (and 500 metres from the properties of the specific objector). The surrounding sites are a mix of industrial and a trade warehouse. It is therefore considered highly unlikely that construction of the new custody suite would cause any problems of dust and noise pollution to residential occupiers. Responsible contractors are aware of such issues and seek to minimise disruption. The issue of compensation for these perceived concerns is not a material planning consideration.

7.8 The site is located relatively close to the ring road, located off the main Radford Road and is accessed via an existing road serving the Selco builders merchant. This suggests that access to the site for delivery and contractors vehicles can be achieved with minimal disruption to the highway network or to nearby occupiers. The proposal provides sufficient off-street parking for staff and visitors. It is noted that there is no Highway objection to the application. The proposal is therefore considered to comply with Policies 10 and 14 of the ACS; Policies NE9 and T3 of the Local Plan and Policies DE1 and TR1 of the LAPP.

iii) **Design and Impact on Streetscene** (Policy 10 of the ACS; Policy DE1 of the LAPP)

7.9 The design and appearance of the building largely follows its function, the front, eastern, elevation being public facing, and the rear being custodial. Following this, the front elevation has the feel of office building whilst the rear custodial element, which necessarily lacks windows, is more industrial in appearance. This is

considered acceptable in the context of the site. A variety in cladding appearance and the use of curtain walling brings interest to the south eastern corner of the building, this being the section first seen by visitors. Areas of planting are proposed around the edges of the site and are stronger adjacent to the entrance and around the security barriers. The proposal is therefore considered to comply with Policy 10 of the ACS; Policy DE1 of the LAPP.

iv) **Relationship to Hazardous installation** (Policy NE11 of the LP; Policy IN3 of the LAPP)

- 7.10 The site lies within the Hazardous Installation Consultation Zone around the site of gasholders, which, whilst decommissioned, are still extant. Policy NE11 and emerging Policy IN3 note that permission will be granted within consultation zones where the nature and severity of the risks presented by the hazardous installation are acceptable in the context of existing and potential uses of land within the consultation zone. As noted above, the initial advice from the HSE, based on their automated standing advice system, advised against granting planning permission. It is noted, however, that this advice is based on the existence of the Hazardous Installation Consultation Zone around the site of gasholders that benefits from Hazardous Substances Consent, but which have now been decommissioned. It is the case, therefore, that whilst the consultation zone remains, the hazardous installation is no longer operational. Further advice from the HSE has therefore been sought. The HSE now advises that it would be content for planning permission to be granted subject to a condition restricting occupation of the development until after the revocation of any remaining hazardous substances consents.
- 7.11 Whilst seeking revocation of hazardous substances consent is an option that is open to the council, in its capacity as the Hazardous Substances Authority, it is relevant to note that the gasholders have been decommissioned since 2013; the site was de-notified by National Grid under the Control of Major Accident Hazard (COMAH) Regulations in 2013 as operators are required to inform the COMAH competent authority in advance of permanently closing or decommissioning a COMAH site; and that National Grid are planning to demolish the gasholders. The council determined that prior approval for the complete demolition of the gasholders was not required, in response to a notification submitted in March this year. In the supporting statement accompanying that notification, the applicant advised that “Whilst gasholders previously stored gas for subsequent distribution to the national grid, gas is now stored within the main gas system and kept at the necessary pressure to supply both the regional and local network by series of Pressure Reduction Stations (PRS). As such, gasholders no longer have an operational purpose and are redundant infrastructure.” It is therefore clear that although the Hazardous Substances Consent remains, it is no longer required by the gas network operator in practice. In the circumstances there is little realistic prospect of hazardous substances being stored on the land in the quantities authorised by the extant consent (although it is acknowledged that it is a technical possibility, whilst the consent remains in place). On this basis, although the Hazardous Substance Consent and the Hazardous Installation Consultation Zone remain extant it is considered that the facility poses no practical risk to the occupiers of the development. It is therefore considered that it would be unnecessary to tie the granting of planning permission to formal revocation of the Hazardous Substances Consent through a planning condition such as that suggested by the HSE.
- 7.12 In accordance with ‘Planning Practice Guidance on Hazardous Substances -

Handling development proposals around hazardous installations', notice must be given to the HSE, if the planning authority intends to grant planning permission against the standing advice of the HSE. It is recommended that notice of intention is given by the planning committee. This procedure allows twenty-one days from that notice for the HSE to consider whether to request that the Secretary of State for Communities and Local Government calls-in the application for determination.

v) **Other Matters** (Policies 1, 10, 14 and 17 of the ACS; Policies NE3, NE5 and NE9 of the LP; Policies CC1, EN6, EN7, TR1 and TR3 of the LAPP)

- 7.13 The matters raised by Environmental Health and Safer Places, Highways, Biodiversity and Tree Officer, all of which require details to make the proposal acceptable in planning terms in accordance with the above policies, can be addressed by the requirements of planning conditions and discussions are ongoing with the applicants regarding these matters.

8. **SUSTAINABILITY / BIODIVERSITY**

Noted above.

9 **FINANCIAL IMPLICATIONS**

None.

10 **LEGAL IMPLICATIONS**

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 **EQUALITY AND DIVERSITY IMPLICATIONS**

None.

12 **RISK MANAGEMENT ISSUES**

None.

13 **STRATEGIC PRIORITIES**

None.

14 **CRIME AND DISORDER ACT IMPLICATIONS**

The construction of a new custody centre will allow Nottinghamshire Police to operate in a more efficient and effective manner.

15 **VALUE FOR MONEY**

None.

16 **List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 19/01480/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategies (September 2014)
Land and Planning Policies Document (May 2019)
Planning Practice Guidance on Hazardous Substances - Handling development proposals around hazardous installations' (Revised December 2016)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076

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Key

 City Boundary

Description

No description provided

My Ref: 19/01480/PFUL3 (PP-07939413)
Your Ref:
Contact: Mr Phil Shaw
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Corstorphine + Wright
FAO Mr Russell Geary
Alpha Works
Alpha Tower
Suffolk Street Queensway
Birmingham
B1 1TT

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 19/01480/PFUL3 (PP-07939413)
Application by: Nottinghamshire Office Of The Police And Crime Commission...
Location: Southern Part Of Former British Gas Works Site, Radford Road, Nottingham
Proposal: New two storey custody suite building (Class C2A). Comprising 50 cell custody suite with associated accommodation, amenities, and supporting office space; external works including landscaping, car park, and boundary treatments.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



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Continued...

2. The development shall not be commenced until a Remediation Strategy that has regard to the Phase II Geo-Environmental Assessment Report (ref C2784) by HSP dated June 2018 and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: In the interests of public health and safety in accordance with Policy 12 of the Local Plan and Policy IN2 of the Land and Planning Policies Document.

3. The development shall not be commenced until an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

Reason: In the interests of the living conditions of nearby residents in accordance with Policy NE9 of the Local Plan and Policy DE1 of the Land and Planning Policies Document.

4. The development shall not be commenced until details of an electric vehicle charging scheme has been submitted to and be approved in writing by the Local Planning Authority. The scheme shall include one electric vehicle charging point per 10 parking spaces. To prepare for increased demand in future years, appropriate cable provision shall be included in the scheme design and installed as part of the development in agreement with the Local Planning Authority.

Reason: In the interests of the living conditions of nearby residents in accordance with Policy A of the Aligned Core Strategies and Policy TR1 of the Land and Planning Policies Document.



5. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:

a) A Travel Plan statement detailing the provision and promotion of sustainable transport measures.

b) A Construction Traffic Management Plan (to include a construction traffic routing agreement).

The development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable travel in accordance with Policies A and 14 of the Aligned Core Strategies and Policy TR1 of the Land and Planning Policies Document.

6. The development shall not be commenced until an impact assessment considering the retained trees outside the site has been submitted to and approved in writing by the Local Planning Authority. A method statement, where necessary, should be submitted describing how the retained trees outside the site will be protected during development and mitigating measures will be in place. The development shall be carried out in accordance with the approved details.

Reason: To ensure that trees on adjacent land are protected in accordance with Policy NE5 of the Local Plan and Policy EN7 of the Land and Planning Policies Document.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

7. The building shall not be occupied until the following has been submitted to and be approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: In the interests of public health and safety in accordance with Policy NE12 of the Local Plan and Policy IN2 of the Land and Planning Policies Document.

8. The building shall not be occupied until the following has been submitted to and be approved in writing by the Local Planning Authority:

Written verification that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented.

Reason: In the interests of the living conditions of nearby residents in accordance with Policy NE9 of the Local Plan and Policy DE1 of the Land and Planning Policies Document.

9. The building shall not be occupied unless it has been carried out in accordance with the submitted flood risk assessment (June 2019, HSP Consulting Engineers Ltd) and the following mitigation measures detailed therein:

- a) Finished floor levels shall be set no lower than 37.38 m above Ordnance Datum (AOD).
- b) Existing flood attenuation facilities shall be utilised to account for flood storage displacement, as discussed in this FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy 10 of the Local Plan.

10. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development whichever is the sooner, and any trees which die are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies and Policy DE2 of the Land and Planning Policies Document.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

11. The external lighting scheme for the development shall ensure that:

- a) Direct illumination of 'habitable rooms' (i.e. living rooms and bedrooms) does not occur and that any nearby residents are not subjected to glare anywhere within the boundary of their property,
- b) There is no significant increase in existing light levels, attributable to the development, at the boundary of any nearby residential properties

Reason: In the interests of the living conditions of neighbouring occupiers in accordance with Policy NE9 of the Local Plan and Policy DE1 of the Land and Planning Policies Document .

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 3 July 2019.

Reason: To determine the scope of this permission.

Informatives

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what



other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

2. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

3. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

4. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

5. Mud on road

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Network Management 0115 8765238.

Highway licences

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 be occurring and licences may be required. Please contact 0115 8765238. All costs shall be borne by the applicant.

EVCP

To discuss electric vehicle charging points please contact Rasita Chudasama on 0115 8763938.

6. The Environment Agency strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.



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RIGHTS OF APPEAL

Application No: 19/01480/PFUL3 (PP-07939413)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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WARDS AFFECTED: Bulwell

Item No:

**PLANNING COMMITTEE
23rd October 2019**

DIRECTOR OF PLANNING AND REGENERATION

Site Of Apollo Hotel PH, Hucknall Lane

1 SUMMARY

Application No: 19/00355/PFUL3 for planning permission
19/00352/PFUL3 for planning permission

Application by: Reynolds Associates on behalf of Mr M Barker

Proposal: 1. Retention of hand car wash with associated storage containers and unit serving hot food and drink with seating area.
2. Provision of hot food sales container to replace existing trailer.

The application is brought to Committee at the written request of a Ward Councillor.

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

2 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the conditions listed in the draft decision notice at the end of this report.

(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.)

3 BACKGROUND

- 3.1 The application site is the site of the former Apollo Hotel and public house on Hucknall Lane. The buildings were demolished in 2012 when the site was cleared. There is a weldmesh security fence along the boundary of the site with Hucknall Road. There are close-boarded timber fences and concrete panel fences to the other boundaries.
- 3.2 There are residential properties on Ventura Drive to the north and adjoining the east/rear boundary of the site. There is a tyre centre and electrical factors businesses to the south of the site on Saxondale Court.
- 3.3 The site has a complex recent planning history. Planning permission for the use of part of the application site as a hand car wash was initially granted temporary consent for three years (13/01074/PFUL3). A breach of planning control arising from the on-going use of the site beyond the permitted three years, a number of additional storage containers, a mobile catering van, and a range of vehicles being stored on the site, resulted in an enforcement notice being served (24 March 2017). A planning application for the continued use of the site was then initially refused

(17/00660/PFUL3), but then a subsequent further application including revised site arrangements (acoustic enclosure, acoustic fence, bin store area, portable toilet) was granted planning permission for a temporary period of a further year (18/00809/PFUL3).

- 3.4 The planning permission was subject to a condition requiring implementation of the 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. Written verification of the implementation of these works within one month of the date of the planning permission was subsequently provided.
- 3.5 A further condition of the planning permission related to the hours of use of the hand car wash, which allowed operations to be carried out within the following hours:

08:00 to 19:00 Monday to Friday
10:00 to 18:00 Saturday
10:00 to 16:00 Sunday

Set-up operations were also controlled to no more than 15 minutes prior to these start times.

4 DETAILS OF THE PROPOSAL

- 4.1 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.
- 4.2 The car wash area and canopies are located towards the southern boundary of the site with the neighbouring tyre centre business. The associated storage containers are located 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 these 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 proximate to the hot food container unit. Vehicle access is via an existing gated entrance on Hucknall Lane.
- 4.3 The application also seeks to vary the previously approved hours of use to:
- 08:00 to 19:00 Monday to Friday
08:00 to 18:00 Saturday
09:00 to 16:00 Sunday and Bank Holidays

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

181-199(o) Hucknall Lane
1, 7, 9, 11, 12, 14-17, 18, 22 Ventura Drive

3 Saxondale Court

Neighbour: Objection. Site operations cause a barrage of noise from use of jet wash hoses. Hot food sales are contributing to rising rat population.

Neighbour: Objection. Have objected to the original application and have had numerous causes to complain. The car wash is a nuisance to all that live near it, affecting the ability to use back garden unless the car wash is closed due to the noise from it. The sound of the jet washes they use can be heard through closed windows, even while the TV is on or music is playing. The addition of the acoustic fence has done nothing to rectify this.

The proposed hours of operation at the weekend for the car wash and food van are not appropriate due to the level of noise caused by staff setting up and the noise from the jet washes. Noise is caused by the storage units being opened and closed, equipment being dragged along the ground, and employees shouting to each other. Noise is also caused by car radios being played while the cars are being cleaned. The applicant has stated that the hours are in keeping with the adjacent businesses, but these operate internally and do not cause noise nuisance, unlike the car wash

Since the latest temporary permission was granted in June 2018, there have been numerous breaches of conditions - setting up earlier than permitted at weekends, storing items behind the acoustic fence, washing cars later than permitted, adding additional fencing, adding an additional permanent storage unit beside the pump unit, and cars stored on the site for an unlimited number of days.

Unfortunately have now had years of experience of the applicant doing what he wants and the Planning department not taking appropriate action, which is why it's expected that the permission will be granted and the site will continue to add things here and there and stretch the hours of operation with no consequence.

For whatever reason, this applicant's behaviour is enabled by planning officers to the detriment of residents who did not choose to buy properties next door to a noisy hand car wash.

(Note: Regular reports of early site set-up and operations have also been received from this neighbour)

Additional consultation letters sent to:

Environmental Health: No objection to car wash operation, which has been the subject of specific measurements to identify the noise levels that the car wash is now operating at, isolating this source from the background noise of traffic using Hucknall Lane, and therefore providing an accurate basis from which any future breach of condition may be established and enforced. Therefore, recommend approval subject to the specified noise levels condition. On this basis it is also recommended that the proposed variation to hours of operation are approved subject to a condition stating that the car wash shall not be open to customers outside of those stated hours.

No objection to the swapping of the existing hot food trailer with an alternative container unit. No complaints have been received arising from the presence of the hot food trailer.

Highways: No objection. No highway issues associated with the current site operations.

Drainage: No objection. Applicant needs to ensure that no run off from the car washing area enters the highway.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.
- 6.3 Paragraph 117 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.4 Paragraph 180 states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impact that could arise from the development. Planning policies and decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 6.5 Annex 1 states that the policies in the NPPF are material planning considerations which should be taken into account in dealing with planning applications. For the purpose of decision-taking, the policies in the Local Plan are to be afforded weight in accordance with their consistency with the NPPF.

Nottingham Local Plan (November 2005):

NE9 - Pollution

Aligned Core Strategy (September 2014)

Policy 10 - Design and Enhancing Local Identity

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issue

(i) Use, layout and appearance in relation to the amenity of neighbouring residential properties and the wider area (Policy NE9 and Policy 10)

- 7.1 Consideration of the continued use of the hand car wash operations has narrowed to the issue of noise nuisance to neighbouring residential properties.

- 7.2 Since the granting of the planning permission for a further one year use of the site the applicant has relocated the car wash pump equipment away from the boundary with neighbouring properties and has housed this within a secure acoustic enclosure. An acoustic fence has also been erected to the rear of the site between the car wash area and the rear fences of gardens of properties on Ventura Drive. At the time of recommending that planning permission it was considered that the implementation of these measures would mitigate against noise nuisance from car wash activities. The purpose in granting that planning permission for a temporary period was to allow for a review to determine if this level of mitigation was successful.
- 7.3 Environmental Health have visited the site and neighbouring properties on a number of occasions over the course of reviewing this current planning application. Early visits have recorded noise levels from the operation of the car jet washes that were in excess of the limit set by the planning condition, therefore confirming the above concerns in the responses received from neighbours. These recordings have been raised with the applicant and their agents where the scope for further mitigation has been discussed. The applicant appointed an acoustic consultant to assist in this process and joint visits have subsequently been carried out with Environmental Health officers.
- 7.4 Further mitigation has then been undertaken by the applicant, including the replacement of the car wash nozzles and reduction in the water pressure levels being used. Joint measurements taken have then been focussed on the specific frequency of noise being generated by the car wash operations, which is able to be distinguished from the noticeable background noise of traffic using Hucknall Lane. Environmental Health have confirmed that the mitigation measures have now reduced noise levels to an acceptable level in relation to neighbouring residential properties and significantly, that the specific noise frequency levels of the car wash operations are now able to be relied upon in the instance of any future enforceable breach of the recommended planning condition. The noise levels have also been assessed in relation to the longer opening hours now being sought, with earlier start times at weekends. It is therefore considered that the proposed car wash operations accord with Policy NE9.
- 7.5 It is considered that the previous relocation of the storage containers and provision of a bin store area and portable toilet have improved the general appearance and therefore amenity of the site operations. The alternative provision of a hot food sales container to replace the existing trailer is not considered to raise any additional amenity issues. Environmental Health also have no objection to this change, which is therefore considered to accord with Policy 10 of and Policy NE9.

8. SUSTAINABILITY / BIODIVERSITY

Drainage connection to the foul water drain was established when the hand car wash use was first commenced.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

None.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 19/00355/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PMZ17WLYGD700>

2. Highways, 21.2.19

3. Drainage, 25.2.19

4. Environmental Health, 15.5.19, 31.7.19, 30.9.19

5. Neighbour, 22.2.19

6. Neighbour, 13.3.19

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategies (September 2014)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

Email: jjm.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074

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Key
 City Boundary

Description
 No description provided

My Ref: 19/00352/PFUL3 (PP-07630235)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Reynolds Associates
FAO Mr Keith Reynolds
PO Box 7988
Arnold
Nottingham
NG5 5ZU

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 19/00352/PFUL3 (PP-07630235)
Application by: Mr M L Barker
Location: Catering Wagon At Apollo Car Wash, 170 Hucknall Lane, Nottingham
Proposal: Provision of hot food sales container to replace existing trailer.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
There are no conditions in this section.
Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)
There are no conditions in this section.
Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)
There are no conditions in this section.
Standard condition- scope of permission



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Continued...

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 15 February 2019.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.



RIGHTS OF APPEAL

Application No: 19/00352/PFUL3 (PP-07630235)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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Key

 City Boundary

Description

No description provided

My Ref: 19/00355/PFUL3 (PP-07631405)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Reynolds Associates
FAO: Mr Keith Reynolds
PO Box 7988
Arnold
Nottingham
NG5 5ZU

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 19/00355/PFUL3 (PP-07631405)
Application by: Mr M Barker
Location: Site Of Apollo Hotel PH, Hucknall Lane, Nottingham
Proposal: Retention of hand car wash with associated storage containers and unit serving hot food and drink with seating area.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit
. There are no conditions in this section.
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
There are no conditions in this section.
Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)
There are no conditions in this section.
Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)



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Continued...

1. The noise levels arising from the use of the hand car wash measured between the two fences forming a boundary with the rear of properties on Venture Drive and the car wash measured as an Leq 1 hour shall not exceed the following 3rd Octave Band levels:

	3 rd Octave Band Centre Frequency						
	2.5kHz	3.15kHz	4kHz	5kHz	6.3kHz	8kHz	10kHz
Sound Pressure Level (Leq 1 hour)	46	46	44	43	43	40	36

Reason; In the interests of the amenity of neighbouring residents to the application site and in accordance with Policy 10 of the Aligned Core Strategies and Policy NE9 of the Nottingham Local Plan.

2. The approved hand car wash use shall not be open to customers outside of the following hours unless with the prior written consent of the Local Planning Authority:

08:00 to 19:00 Monday to Friday
 08:00 to 18:00 Saturday
 09:00 to 16:00 Sunday and Bank Holidays

Reason; In the interests of the amenity of neighbouring residents to the application site and in accordance with Policy 10 of the Aligned Core Strategies and Policy NE9 of the Nottingham Local Plan.

3. The area of land between the approved acoustic fence to the rear of the hand car wash area and the rear and side boundaries of the adjoining residential properties on Ventura Drive shall not be used for the storage of any items, and shall be kept clear of rubbish at all times that the approved use remains in operation.

Reason: In the interests of the amenity of neighbouring residents to the application site and in accordance with Policy 10 of the Aligned Core Strategies.

4. The approved hand car wash shall not be operated unless an acoustic fence of the same specification (position, height and construction) as the existing acoustic fence remains in place between the rear of the car wash area and the rear and side boundaries of the adjoining residential properties on Ventura Drive.

Reason: In the interests of the amenity of neighbouring residents to the application site and in accordance with Policy 10 of the Aligned Core Strategies.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 15 February 2019.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.



2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

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