

Nottingham City Council

Planning Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 23 March 2022 from 14.31 pm - 15.11pm

Membership

Present

Councillor Graham Chapman (Vice-Chair)
Councillor Angela Kandola
Councillor Gul Nawaz Khan
Councillor Pavlos Kotsonis
Councillor AJ Matsiko
Councillor Toby Neal
Councillor Ethan Radford
Councillor Wendy Smith
Councillor Cate Woodward

Absent

Councillor Leslie Ayoola
Councillor Azad Choudhry
Councillor Kevin Clarke
Councillor Michael Edwards (Chair)
Councillor Sally Longford
Councillor Mohammed Saghir

Colleagues, partners and others in attendance:

Paul Seddon - Chief Planner
Rob Percival - Area Planning Manager
Karen Shaw - Local Plans Manager
Tamazin Wilson - Solicitor
Catherine Zine-Pryor - Governance Officer

53 Chair

In the absence of the Chair, Councillor Michael Edwards, the Vice-Chair Councillor Graham Chapman chaired the meeting.

54 Apologies for Absence

Councillor Michael Edwards - council business
Councillor Sally Longford – leave
Councillor Kevin Clarke - work commitments

55 Declarations of Interests

Councillor Pavlos Kotsonis declared a non-pecuniary interest in agenda item 4a, 235 Derby Road Nottingham NG7 1QN, (minute 57), insofar as he has been in contact with the groups raising objections, and declared his intention to withdraw during the consideration of this item.

No other declarations were made.

56 Minutes

The minutes of the meeting held on 22 December 2021 were confirmed as a true record and signed by the Chair.

57 235 Derby Road Nottingham NG7 1QN

Prior to consideration of this item Councillor Pavlos Kotsonis withdrew from the meeting and did not return to the room until the item had concluded.

Rob Percival, Area Planning Manager, presented application 21/02177/PFUL3 (PP-09897082), by Mr Umar Asghar, for a change of use from existing offices/bank into restaurant with open shisha area to the site frontage, erection of single storey rear extension for use as additional restaurant seating area and alterations to the front elevation of 235 Derby Road, Nottingham, NG7 1QN.

Rob Percival delivered a brief overview presentation which included a street map, street views, the current footprint and proposed extension, along with graphics illustrating current, street facing appearance of the building and the proposed changes.

The following points were highlighted:

- a) the building is a former bank, situated next to the Savoy Cinema on Derby Road, and has been vacant for some time;
- b) the applicant intends to open a restaurant with an extension to the rear, enclosure of the existing car park and external seating area on the clearly defined private forecourt of the site are proposed;
- c) changes are proposed to the front elevation of the building, which is currently predominantly glass, with metal panelling and signage added;
- d) 2 neighbouring property consultations have been held, from which petitions were submitted from residents of Palmer Court (an independent living complex) who objected to the proposal, although several of the concerns raised may be considered as a reflection of unauthorised unruly parties held on the site prior to the current tenants/applicant's involvement, and for which they are not responsible;
- e) other concerns raised in objection, including from the Nottingham Action Group, involved parking capacity, the re-enforcement of a student focused environment in a family housing area, including student based associated anti-social behaviour (ASB);
- f) whilst only the erection of the proposed extension is subject to Planning Permission as the existing and proposed uses both now fall within the new 'Use Class E', the applicants have agreed to conditions to help avoid ASB and reassure residents that the business will not be of detriment to the area. These have included an hours of use restriction, no amplified or non-amplified outdoor music, forecourt seating not to be used after 10pm, and not to use the car park for additional seating.

Comments from committee members and responses to members' questions included:

- g) although Planning Permission conditions, such as opening hours, are binding, they are separate from licensing requirements and conditions, all of which must be complied with;
- h) as the applicants have agreed conditions which are considerate to the concerns of residents, and there are no formal grounds to refuse the application, it is supported;
- i) whilst concerns may have been raised around the potential for residential disturbance from early morning refuse collection from the business, this is not something that can be reasonably conditioned or controlled through the planning process;
- j) the Civic Society has acknowledged that building is not of any significant architectural importance and planning officers have no objection to the proposed design amendments which are in line with the proposed use;
- k) details of the rear boundary treatment and car park containment are not yet available but if the application is approved, the details of these will be conditioned and require prior approval by planning officers;
- l) Highway colleagues have been consulted regarding resident's concerns around a potential impact on parking availability, and have responded that the level of parking provided by the premises is acceptable and no additional requirements are necessary;
- m) the update sheet, circulated on the day of the meeting, also references Highway colleague's suggestion that all construction related parking should be accommodated on the site during the construction;
- n) signage in the car park asking patrons to be considerate of noise affecting neighbouring residents would be welcomed.

Resolved

- 1) to grant planning permission subject to the conditions listed in the draft decision notice at the end of the report;**
- 2) for the power to determine the final details of the conditions to be delegated to Director of Planning and Regeneration.**

58 Nottinghamshire and Nottingham Draft Joint Waste Local Plan

Karen Shaw, Local Plans Manager, presented the Draft Nottinghamshire and Nottingham Waste Local Plan which has already been presented to Executive Board and since 7 February 2022 is open for consultation until 4 April 2022;

The following points were highlighted:

- a) the document has been jointly prepared between Nottinghamshire County Council and Nottingham City Council;

- b) following the consultation closure, the responses will be assessed and amendments made before it is submitted for consideration by a Central Government-appointed Planning Inspector in Spring 2023. If approved it can be adopted by both Councils in Autumn 2023;
- c) the sections of Plan include:
 - i. the scope;
 - ii. context for waste planning;
 - iii. plan area;
 - iv. vision and strategic objectives;
 - v. strategic priorities;
 - vi. development management policies;
 - vii. monitoring and implementation;

Committee members' comments and responses to their questions included:

- d) the draft Plan seeks to guide future development rather than allocating land. During the initial early consultation with industry, there was a call for potential sites, but as none were put forward, criteria based policies have been developed, which are founded on sustainability principles to ensure that settlement size and geography focus sites where they are most needed;
- e) the Waste Needs Assessment (which is the evidence base which underpins the Plan) demonstrates that there is no immediate urgency to identify future potential sites;
- f) the City and County Councils have exhausted land fill capacity and do not propose to allocate any further landfill, but instead look to how waste recycling and refuse can be collected. It is anticipated that recycling rates will increase;
- g) the Plan can only take into account currently operating waste sites and not those which are proposed, even if planning applications have been approved;
- h) it is surprising that the plan is not more ambitious about greenhouse gases given the City Council's aspiration to become a carbon neutral city by 2028. Such significant elements should be strengthened in the plan, with a stronger emphasis on how treatment location can impact on air quality and water efficiency;
- i) this is a broad plan considering a high-level waste strategy, but the Municipal Waste Strategy is due to be launched for consultation in September this year and focuses on local waste services. Any comments or suggestions regarding municipal waste collection and management would be welcomed as part of that consultation. It should be noted that both documents are being prepared to complement one another.

Resolved to note the Draft Nottinghamshire and Nottingham Waste Local Plan (as appended to the report) and for members to submit any further comments through the consultation.