

Nottingham City Council

Planning Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 21 June 2023 from 2.05 pm - 3.24 pm

Membership

Present

Councillor AJ Matsiko (Chair)
Councillor Sam Lux (Vice Chair)
Councillor Graham Chapman
Councillor Kevin Clarke
Councillor Faith Gakanje-Ajala (Items 1-6 and 8)
Councillor Sam Harris
Councillor Imran Jalil
Councillor Kirsty L Jones
Councillor Anwar Khan
Councillor Gul Nawaz Khan
Councillor Pavlos Kotsonis (Items 1-6)
Councillor Ethan Radford
Councillor Samina Riaz
Councillor Naim Salim

Absent

Colleagues, partners and others in attendance:

James Lavender - Governance Officer
Mark Lowe - Head of Regeneration and Housing Delivery
Rachel Mottram - Head of Development Management
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Paul Seddon - Director of Planning and Transport
Nigel Turpin - Heritage and Urban Design Manager
Tamazin Wilson - Solicitor, Legal Services

1 Minute's silence

A minute's silence was held in remembrance of Barnaby Webber, Grace O'Malley Kumar and Ian Coates who tragically died in Nottingham on 13 June 2023.

2 Appointment of Vice Chair

Resolved to appoint Councillor Sam Lux as Vice Chair of Planning Committee for the municipal year 2023/24.

3 Apologies for Absence

None.

4 Declarations of Interests

Councillor Pavlos Kotsonis declared a non-pecuniary interest in agenda item 5b, Playing fields to south and located west of Westbury School, Chingford Road, Nottingham (Minute 80), and declared his intention to withdraw from the meeting during consideration of this item.

5 Minutes

The minutes of the meeting held on 19 April 2023 were confirmed as a true record and signed by the Chair.

6 Former Apollo Hotel, 170 Hucknall Lane, Nottingham, NG6 8AJ

Martin Poole, Area Planning Manager, presented planning application 23/00120/PFUL3 for full planning permission for the construction of a mixed-use development comprising a UCO (Classes E(a) and (b) unit with a drive-thru facility, and two Use Class E(a), E(b), E(c) and Sui Generis (tanning salon) units, located at the site of the former Apollo Hotel on 170 Hucknall Lane, Bulwell. The development will include associated parking, electric charging points, minor alterations to vehicular access and landscaping.

The following points were highlighted:

- (a) the site has an established commercial use as a car wash and a public house/hotel;
- (b) site photographs demonstrated the street scene in which the development will be sited;
- (c) CGI images showed the Committee what the final development will look like;
- (d) a fence screens the site from neighbouring properties to the rear. Other commercial properties lay to the south of the site;
- (e) it is proposed that Greggs will occupy the drive-thru unit whilst it is proposed that Subway and a local tanning salon will occupy the other two units;
- (f) access to the site will come from Hucknall Lane and from the north-eastern corner of the site. The road layout is designed to take car usage at peak times;
- (g) further acoustic fencing will be installed to reduce the impact to the housing adjacent to the site and tree landscaping will run along Hucknall Lane;
- (h) there will be an access route into the site for pedestrians;
- (i) six Electric Vehicle (EV) charging points will be included on the eastern edge of the site;
- (j) the site passed the sequential test as no other suitable alternative sites could be identified;

- (k) there are objections from the public on the grounds of noise, air pollution from stationary vehicles and vehicles caught in traffic, opening hours and the increased risk of anti-social behaviour;
- (l) the Applicant originally proposed opening hours of 6:30am – 11:00pm (Monday – Saturday) and 8:00am – 8:00pm (Sunday and Bank Holiday), but these were revised to 7:00am – 10:00pm (Monday – Saturday). The Sunday and Bank Holiday opening hours remain the same;
- (m)a Noise Management Plan will be included as a condition of the planning permission;

Members of the Committee made the following comments:

- (n) the increased number of drive-thru restaurant developments is at odds with the city's Clean Air Policy;
- (o) stationary vehicles waiting for food will keep their engines running and add to the air pollution;
- (p) the drive-thru building is of a poor design quality and more aesthetically pleasing drive-thru buildings have been constructed elsewhere in Nottingham;
- (q) the parking spaces do not take staff parking arrangements into consideration;
- (r) a vehicle gate could reduce the levels of anti-social behaviour resulting from this development;
- (s) there are concerns around the levels of traffic build-up on Hucknall Lane during peak hours;
- (t) more could be done to create a sustainable building, such as the inclusion of solar panels;
- (u) in terms of site usage, car washes and public houses/hotels do not generate the same amount of car usage as a drive-thru restaurant;
- (v) the application should be deferred by Planning Committee for consideration of a more architecturally appealing and sustainable building and for more information about the local air quality impacts for residents and occupiers of the site resulting from this development;

The following responses were provided by Officers:

- (w) the Council's Environmental Health Team raised no concerns around the air quality resulting from the development;
- (x) the site has established use as a commercial site with regular vehicles passing and parking there to use the car wash and the public house/hotel when they were in operation;

- (y) people in vehicles do turn their engines off whilst waiting and in modern vehicles, the engine often turns off automatically. The Site Management Plan can also encourage people in cars to turn their engines off whilst stationary;
- (z) the drive-thru building is typical of a Greggs drive-thru restaurant. It is lower within the landscape to give it less visual impact. The size of the building also considers the logistics of food preparation and delivery;
- (aa) staff working at the development have the options to travel in by bus, bicycle or foot;
- (bb) the Highways Team have deemed the access to be safe;
- (cc) the Local Plan and National Planning Policy Framework is used to assess all planning applications and there is no grounds for rejecting the application based on the criteria within these policies;
- (dd) the Government sets air quality standards for cities and Nottingham has not failed in those standards;
- (ee) planning conditions can be included to manage anti-social behaviour in this site through the use of bollards and CCTV;
- (ff) features of the building such as the use of solar panels are determined through building regulations, but negotiations can take place with the Applicant to include them where agreed.

The Committee felt that it was unable to take a decision on this application until further information regarding the local air quality impacts for residents and occupiers of the site resulting from this development. The Committee also requested that the applicant is approached to see if a more architecturally appealing and sustainable building design for the drive-thru restaurant can be proposed as a part of the application.

Resolved to defer the application to a future meeting.

7 Playing Fields To South Located West Of Westbury School, Chingford Road, Nottingham

Rob Percival, Area Planning Manager, and Mark Lowe, Head of Regeneration and Housing Delivery, presented a report seeking a variation of the resolution concerning Affordable Housing provision agreed at Planning Committee on 19 April 2023 in respect of planning application 22/02157/PFUL3 (residential development of 130 new homes alongside associated site infrastructure, open space, and landscaping located on the playing fields to the south and west of Westbury School on Chingford Road).

The following points were highlighted:

- (a) this planning application was approved by the Committee at the meeting of 19 April 2023;

- (b) as part of the S106 agreement, 20% affordable housing was offered comprising of 26 units, however subsequent negotiations between the Applicant and the Council's Housing and Regeneration Team identified a greater need for more affordable rental properties, which prioritised people on housing lists. The revised proposals included 16.5% affordable housing comprising of 21 units;
- (c) as indicated in the update sheet, the revised proposals are lower than the policy compliant 20% and is therefore considered as a 'departure' application. The proposal has been advertised in accordance with the legislative requirements and the advertisement period will end on 14 July 2023, so a decision can therefore only be issued after this date, subject to any additional comments received being appropriately addressed.

Resolved to:

(1) grant planning permission, subject to:

- a) **no material issues arising from publicity of the planning application as a departure from the Development Plan until 14 July 2023, that have not already been addressed in either this report or the report concerning the same application that was considered at the Planning Committee on 19 April 2023;**
- b) **prior completion of a Section 111 Agreement to secure a section 106 planning obligation to provide for:**
 - (i) **an on-site provision of 20% affordable housing or for an on-site provision of a lower % of affordable housing subject to that lower provision and tenure mix (including the proportion of affordable housing for rent and in particular social rent to be provided) being approved by the Local Planning Authority;**
 - (ii) **a financial contribution of £63,885 towards employment and training together with the provision of employment and training opportunities during the construction phase;**
 - (iii) **a financial contribution of £390,427 towards secondary school provision;**
- (c) **the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report for the same item approved at the 19 April 2023 Planning Committee, and associated update sheet;**

- (2) **power to determine the final details of the planning obligation (including affordable housing provision and tenure mix) and conditions of planning permission be delegated to the Director of Planning and Regeneration subject to him being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought at paragraph 2.1(a)(i) above is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development;**

(3) the Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought at paragraph 2.1(a) above are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

8 Dates of future meetings

The Chair of the Committee agreed that this item, although not on the agenda, could be considered as a matter of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972, because it will enable the committee to agree its future meeting dates.

Resolved to meet on the following dates at 2:00pm:

- **19 July 2023**
- **23 August 2023**
- **20 September 2023**
- **18 October 2023**
- **22 November 2023**
- **20 December 2023**
- **17 January 2024**
- **21 February 2024**
- **20 March 2024**
- **17 April 2024**