

Nottingham City Council

Planning Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 19 July 2023 from 2.01 pm - 2.49 pm

Membership

Present

Councillor AJ Matsiko (Chair)
Councillor Sam Lux (Vice Chair)
Councillor Graham Chapman
Councillor Sam Harris
Councillor Imran Jalil
Councillor Kirsty L Jones
Councillor Anwar Khan
Councillor Gul Nawaz Khan
Councillor Samina Riaz

Absent

Councillor Kevin Clarke
Councillor Faith Gakanje-Ajala
Councillor Pavlos Kotsonis
Councillor Ethan Radford
Councillor Naim Salim

Colleagues, partners and others in attendance:

Ann Barrett	- Team Leader, Legal Services
Lisa Guest	- Technical Lead, Highway Development Management
James Lavender	- Governance Officer
Rachel Mottram	- Head of Development Management
Rob Percival	- Area Planning Manager
Martin Poole	- Area Planning Manager
Nigel Turpin	- Heritage and Urban Design Manager

9 Apologies for Absence

Councillor Kevin Clarke – Other Council business
Councillor Faith Gakanje-Ajala – Other Council business
Councillor Pavlos Kotsonis – Unwell
Councillor Ethan Radford – Personal reasons
Councillor Naim Salim - Unwell

10 Declarations of Interests

None.

11 Minutes

The minutes of the meeting held on 21 June 2023 were confirmed as an accurate record and signed by the Chair.

12 Planning Applications: Reports of the Director of Planning and Regeneration

13 Land West Of Speedo House Unit 6, Enterprise Way, Nottingham

Rob Percival, Area Planning Manager, presented planning application 22/02486/PFUL3, which sought full planning permission to erect a Volvo car showroom, workshop, offices, and a spare parts and MOT bay, along with separate valeting accommodation, additional parking and landscaping, located at land west of Speedo House on Enterprise Way in Nottingham. The following information was highlighted:

- (a) site photographs, site layouts and CGI images showed what the final development will look like within the context of the wider site;
- (b) the existing site features trees which have a Tree Protection Order (TPO) and additional planting will take place on the site boundaries;
- (c) the land is allocated for employment and industrial use in the Local Plan, but this policy does not cover car showrooms. The application is referred to Planning Committee therefore as being a technical departure from the Local Plan;
- (d) With the exception of the retail element of the proposal a majority of the proposed uses (office, workshops etc) are compatible with the allocated use and the application was felt to be acceptable in principle;
- (e) the wider area already includes three car dealerships so the inclusion of this car showroom would be in keeping with the area and compatible with this high quality business park;
- (f) the proposed car showroom would make use of vacant land. Alternative uses such as an office block are not viable due to the collapse in demand for office space outside of the City Centre;
- (g) amongst the comments received on the application, the most notable are from Highways and NET raising concern about the impact of car transporter vehicles on the operation of the tram. Following the submission of vehicle tracking diagrams, the Highways department have further assessed the impact of car transporters accessing the site and found that it is safe for the public and tram network, as well not being likely to have a heavy impact upon or cause damage to the quality of the road surface. Additional signage will be provided to warn visitors exiting the site of tram movements;
- (h) solar panels will be installed on the roof of the showroom to generate the electricity for the site;

Members of the Committee made the following comments:

- (i) extensive signage will be needed to accommodate the additional traffic to and from the site;

- (j) the existing trees and landscaping along the frontage of the site should be preserved;
- (k) air source heat pumps could be installed on-site;

The following responses were provided by Officers:

- (l) additional signage will be provided;
- (m) the frontage landscaping of the trees with a TPO will be bolstered by the additional landscaping to be provided as part of this scheme;
- (n) air-source heat pumps are mentioned in the planning application;
- (o) the roads are already made to take heavy-goods vehicles such as car transporters. If roads experience increased traffic generation, then the Highways Team can undertake 'Dilapidation Surveys' to identify repair works needed to the highway;
- (p) there is no policy requiring s106 contributions for road maintenance purposes. The only Policy requiring s106 obligations relevant to this application is in relation to employment and training opportunities (EE4).

Resolved:

(1) to grant planning permission subject to;

(a) no adverse, material comments being received by the 28 July 2023 which arise from further publicity and consist of issues other than those already addressed by this report;

(b) prior completion of a planning obligation which shall include;

(i) a financial contribution of £14,209 towards local employment and training together with the provision of employment and training opportunities during the construction phase;

(2) that power to determine the final details of the planning obligation and conditions of planning permission be delegated to the Director of Planning and Transport;

(3) the Committee was satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are;

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development.

14 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) this application was presented to Planning Committee on 21 June 2023, but the Committee felt that it was unable to take a decision at that time until further information was available 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 could be proposed as a part of the application;
- (b) an air quality assessment had been submitted by the applicant which concludes that there is no detrimental impact to air quality within the immediate area resulting from this development. This had been reviewed by the Council's Environmental Health Team who accepted the conclusions;
- (c) the newly designed front boundary includes railings and additional landscaping to soften the visual impact of the development;
- (d) the two retail units and the drive-thru building include brick plinth detailing;
- (e) solar panels are now included on the roof of the drive-thru building;
- (f) CGI images of the revised development were displayed to the Committee;

Members of the Committee made the following comments:

- (g) the Applicant has been very accommodating of the Committee's suggestions and the new designs and features are far more reflective of a retail site;
- (h) the use of sustainable technology on the site is very welcome;
- (i) future planning policy documents from the Council should include policies on how and where drive-thru restaurants should be developed.

Resolved to:

- (1) grant planning permission subject to the conditions listed in the draft decision notice in the report;**
- (2) delegate the power to determine the final details of the conditions of the planning permission to the Director of Planning and Transport.**

15 Former Site Of Chronos Richardson Ltd, Belconnen Road

Martin Poole, Area Planning Manager, presented a report relating to two planning applications which were being brought back to Committee due to a material change in circumstances since the Committee considered the applications on 21 December 2022. The first, 22/00675/PFUL3, requested planning permission for the development of 62 dwellings, with access from Wyton Close and Belconnen Road, and includes landscaping, drainage and open space. The second planning application, 22/00709/PFUL3, which requested planning permission for a Lidl food store with a car park, landscaping, planting, associated works and access from Belconnen Road. The following points were highlighted:

- (a) As the constitution of the Committee had changed since the applications were originally considered site maps, layouts and photographs were displayed to show the proposals;
- (b) the applications have the same agent and were submitted together and referred to each other. They were therefore viewed as a comprehensive scheme for the development of Local Plan Site Allocation SR13;
- (c) both applications were granted planning permission by the Planning Committee on 21 December 2022 had resolved to grant planning permission for both applications subject to the prior completion of s106 Agreements;
- (d) the Local Plan does not allocate this site for residential use. The resolution to grant the Lidl retail store permission as a departure from the Local Plan was on the basis that the residential development of 62 dwellings was providing policy compliant residential development on the remainder of the site and would go ahead thus providing a material planning consideration justifying departure from the local plan;
- (e) the applications are referred to Planning Committee as no significant progress had been made on the s106 agreement relating to the residential application and the applicant Mypad had now confirmed that for commercial reasons it was unlikely to be able to conclude the s106 Agreement and deliver the proposed residential development. As a result, Planning Officers recommended that planning permission should be granted to the Lidl retail store only if planning permission is granted for the residential development. If the application for the residential development is not determined by 20 October 2023 due to the s106 agreement not being completed or the application being withdrawn, then the Director of Planning and Transport sought delegated the power to refuse both planning applications as being contrary to the policies of the development plan;

The following responses were provided by Officers:

- (f) there will be a three-month period to resolve the s106 agreements.

Resolved to:

- (1) grant planning permission for application 22/00709/PFUL3 (Lidl GB Ltd) in accordance with resolution 49 of the 21 December 2022 Committee only in the event that planning permission for application 22/00675/PFUL3 (MyPad 2020 Ltd) has first been granted in accordance with resolution 48 of that Committee;**
- (2) delegate authority to the Director of Planning and Transport to refuse planning permission for both applications as being contrary to the policies of the development plan if it is not possible determine application 22/00675/PFUL3 by 20 October 2023 (either because the required Section 106 Agreement has not been completed, or because the application is withdrawn).**