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Nottingham City Council

Planning Committee

Minutes of the meeting held at Loxley House, Station Street, NG2 3NG, on 23 October 2024 from 2.02 pm - 2.50 pm

Membership

Present

Councillor Leslie Ayoola (Chair)
Councillor Kirsty L Jones (Vice Chair)
Councillor Kevin Clarke
Councillor Sam Harris
Councillor Imran Jalil
Councillor Pavlos Kotsonis
Councillor Sam Lux

Absent

Councillor Graham Chapman
Councillor Faith Gakanje-Ajala
Councillor Anwar Khan
Councillor Gul Nawaz Khan
Councillor Zafran Nawaz Khan
Councillor Samina Riaz

Colleagues, partners and others in attendance:

Councillor Dr Nayab Patel - Ward Councillor for Sherwood
Mark Leavesley - Governance Officer
Tahira Lee - Solicitor
Rob Percival - Area Planning Manager

24 Membership

Noted.

25 Apologies for Absence

Councillor Chapman) personal
Councillor G Khan)
Councillor Z Khan)
Councillor A Khan) leave
Councillor Riaz)

26 Declarations of Interests

None.

27 Minutes

The Committee agreed the minutes of the meeting held on 18 September 2024 as a correct record and they were signed by the Chair.

28 23A Private Road, Nottingham, NG5 4DD (2x applications)

Prior to consideration of the items, Councillor Dr Nayab Patel addressed the Committee in her capacity as a ward councillor and, following a short video shown to the Committee, made the following comments:

- a) I am here to reiterate and represent residents' objections to the application, the video shown was for a better understanding of the situation, and the main focus of objecting to the road adoption by 23a Private Road is one of safety for road users;
- b) as seen in the video, the area in question is at the top of a hill on a blind corner where Mapperley Street, Hood Street and Crich View meet, along with two existing driveways;
- c) Mapperley Street is effectively a single lane road because one side is used by parked cars, as is the case with many roads in Sherwood. The unadopted triangle of land is used as a passing point multiple times a day, with vehicles meeting at the top of Mapperley Street reversing into it. Without this access, the corner would become extremely dangerous as vehicles would need to reverse uphill around a blind corner where three roads meet;
- d) as stated in the report, Paragraph 135 (f) of the National Planning Policy Framework (NPPF) states that '*planning policies and decisions should ensure that developments 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*'. This development fails on that measure as it will create an unsafe place for existing road users;
- e) further, the NPPF also states in Paragraph 116 (a) '*Applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas*'. The removal of a passing point compromises pedestrian safety, especially in a residential area where children live and play;
- f) Policy TR2 of the Nottingham Land and Planning Policy (LAPP) states that '*Planning permission will not be granted for developments which would prejudice the efficient and safe operation of the existing highway network*'. The proposed development limits access and reduces safe manoeuvring space, especially for large vehicles such as delivery trucks and emergency services. This will have a detrimental impact on highway safety, regardless of whether the triangle of land itself is adopted highway or not;
- g) residents would like to know why safety implications of the development have not been duly considered, as required by the NPPF and Nottingham's own LAPP, and the balance seems to be in favour of granting planning permission when (a) the majority of Mapperley Street has raised valid safety concerns due to their lived experience, which appear to have been ignored, (b) 23a Private Road already has planning permission for a detached property containing two parking spaces within its boundary, meaning this development is not needed for that purpose, and (c) maintaining the status quo (i.e. do not do anything and leave the area as unadopted) would ensure safety for all road users - how can the benefit of one be to the detriment of the many?;

- h) Mapperley Street is one of the oldest roads in Sherwood and has been in existence for over 150 years. There are residents who have lived there for over 40 years, and no one was aware of the concept of 'adopted highways' up until recently, let alone knew that part of the street was unadopted. It has been used regularly by all traffic, not just Mapperley Street residents, for over a century, and should therefore be maintained as a right of way through long use;
- i) I would urge the committee to listen and act upon residents' legitimate concerns.

Rob Percival, Area Planning Manager, presented applications by Michael Flint-Bush for use of unadopted adjacent land as follows:

- j) 23/01000/PFUL3 - as an extension to a driveway, including construction of facing brick and cast iron boundary wall (maximum height 2.4m), incorporating pedestrian and vehicular gate, with border hedge planting;
- k) 23/01001/PFUL3 - to be maintained as an extension to outdoor amenity space and construction of close boarded timber fencing to existing shared boundaries where required.

A presentation was made, which included photos of the roads area and, in the discussion which followed, the following points were made:

- l) applications such as these would not normally be brought to Committee, however, as there is significant local interest in the applications, a Committee decision was requested;
- m) planning permission was granted in 2021 (reference 21/00322/PFUL3) for the construction of a new dwelling on the land, which forms the continuation of Mapperley Street to the north of the site;
- n) the applications today are for access to, and to form the outdoor space (garden area) for, the new dwelling;
- o) there is no public right of way or adopted highway in respect of the proposed area;
- p) the applicant has shown due diligence in the search for any owners of the land, and, to date, none have been found or come forward.

Resolved, in respect of both applications, to grant planning permission subject to conditions substantially in the form of those listed in the draft decision notice at the end of the report, with power to determine the final details of the conditions delegated to the Director of Planning and Transport.

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