

NOTTINGHAM CITY COUNCIL

DEVELOPMENT CONTROL COMMITTEE

MINUTES

of meeting held on **19 DECEMBER 2012** at

Loxley House from 2.30 pm to 4.42 pm

- ✓ Councillor Gibson (Chair)
- ✓ Councillor Malcolm (Vice-Chair)
- ✓ Councillor Ali
- Councillor Arnold
- ✓ Councillor Chapman (for minutes 78 to 81 inclusive)
- Councillor Choudhry
- ✓ Councillor Clark
- ✓ Councillor Dewinton (for minutes 82 to 90 inclusive)
- ✓ Councillor Edwards
- ✓ Councillor Jenkins
- Councillor Khan
- ✓ Councillor Klein
- Councillor Longford
- ✓ Councillor Morley
- ✓ Councillor Steel
- ✓ Councillor Wood

- ✓ indicates present at meeting

78 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Arnold, Councillor Choudhry and Councillor Longford.

79 DECLARATIONS OF INTERESTS

Councillor Morley advised the Committee that she had chaired Wollaton and Lenton Abbey Area Committee on 17 December 2012, at which the officers' recommendation for refusal regarding item 4(a) – Radford Bridge Allotments, Russell Drive was discussed. Her involvement had been limited to chairing the discussion only and she was satisfied that this did not fetter her discretion, enabling her to keep an open mind when determining the application.

Councillor Clark advised the Committee that he had an interest (personal but non-prejudicial) in agenda item 4(d) – Northern Part of Former British Gas Works Site, Radford Road, by virtue of his position as a Non-Executive Director of Nottingham Regeneration Limited. Representations had been submitted by the company in which

Councillor Clark had taken no part. He considered his interest not to be so significant as to prevent him keeping an open mind and participating in the debate or voting on the decision(s) regarding the matter.

80 MINUTES

RESOLVED that the minutes of the last meeting held on 21 November 2012, copies of which had been circulated, be confirmed and signed by the Chair.

81 PLANNING APPLICATION – RADFORD BRIDGE ALLOTMENTS, RUSSELL DRIVE

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on application 12/01583/POUT submitted by Freeth Cartwright LLP on behalf of Commercial Estates Group for outline planning permission for a residential development of up to 140 dwellings with all matters reserved, bar access which was proposed off Russell Drive, following the demolition of 120 Russell Drive. In addition to the residential development, the applicant proposed the regeneration of the existing allotments across the wider site to provide 164 new plots, the incorporation of new public open space, access, drainage infrastructure and ecological enhancement.

The Head of Development Management reported that since the preparation of his report, the Environment Agency had submitted further comments removing their objection to the application on the basis that conditions were imposed requiring the following:

- approval of works to the watercourse in accordance with the submitted Flood Risk Assessment and Hydraulic modelling received by the Environment Agency on 3 December 2012;
- a surface water drainage scheme for the site, based on sustainable drainage principles;
- a scheme to treat and remove suspended solids from surface water run-off during construction works.

The Head of Development confirmed that the reason for refusal relating to the Flood Risk Assessment (reason 5) was based on the Environment Agency's original objection to the application. Following the submission of further information, the Environment Agency had withdrawn their objection and it was therefore advised that reason 5 should be removed from the recommendation, as there was no longer the technical justification for the application to be refused on that basis.

A letter from the chair of the North Wollaton Resident's Association (NWRA) had been submitted to the Chair of the Development Control Committee objecting to the application however the Head of Development Management felt that the issues raised in the letter from NWRA were covered in the report.

The Wollaton and Lenton Abbey Area Committee held on 17 December 2012 expressed their support for the recommendation and an email from a local resident had been received, supporting the recommendation but advising that if the Committee were

mind to approve the application, a condition should be made, that would be legally binding, to prevent the development of the remaining allotment land.

The suggestion that if planning permission was granted a legal restriction should be imposed preventing the further development of allotment land was noted. However, such a restriction was not considered to be reasonable or pass the tests of Regulation 122(2) Community Infrastructure Levy Regulations 2010. Furthermore, any future planning application would need to be considered on its merits.

The Committee voiced concerns regarding the loss of good quality allotments and felt that the proposals failed to adequately compensate for this loss. In addition, concern was expressed regarding what would be an inadequate access to the site and the proposed masterplan's failure to address site characteristics or provide permeability to the local nature reserve.

RESOLVED that planning permission be refused for the reasons set out in the recommendations outlined in the report, save for reason 5 which was removed as per the update sheet.

82 PLANNING APPLICATION – EXPERIAN LTD, TALBOT HOUSE, TALBOT STREET

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on the following applications submitted by Kke Architects on behalf of Fusion Students Ltd:-

- (a) **12/02660/PFUL3 for Planning Permission** for the redevelopment of the existing site following demolition of all the existing buildings except the Art Deco front section of Talbot House. The retained front section of Talbot House would be used as a reception and offices with a total of 389 student bedrooms on the upper floors.
- (b) **12/02661/LCAC1 for Conservation Area Consent** for the partial demolition of buildings to facilitate the redevelopment for student accommodation.

The Head of Development Management reported that, since the preparation of the report, the following representation from the Nottingham Civic Society had been received:

- they fully supported the retention of the front section of the building, with its important and attractive 1930s frontage and internal features;
- their opposition to the proposal to replace the pantile roof with a flat roof. The pantile roof was typical of a 1930s style and the appearance of the building should remain as original and intact as possible;
- they welcomed the retention and re-use of the staircase and encouraged retention of other internal fixtures and fittings;
- concern over the height of the redeveloped buildings fronting both Talbot Street and Wollaton Street, which was about three residential storeys higher than advised by the City Centre Urban Design Guide and would impact on

neighbouring streetscapes such as Clarendon Street with its row of late-Victorian villas.

The Head of Development Management reported that the scheme was sympathetic to the retention of the 1930s frontage building and that the developer had been encouraged to retain as many original internal features as possible. Whilst it was acknowledged that the existing pantile roof may be original, it was considered that the design of the roof was unsympathetic to the building and that there was greater merit in the design of the proposed replacement, which would also tie in with the design of the new buildings. It was also acknowledged that the proposed buildings were higher than advised by the City Centre Urban Design Guide. However, it was advised that the existing buildings were already taller than the recommended height and that the scale and design of the proposed development would significantly improve the street scene of Talbot Street and Wollaton Street, making a positive contribution to the character and appearance of the Canning Circus Conservation Area.

Since the preparation of the reports, the Head of Development Management reported that an obligation to restrict car ownership needed to be included as part of the recommendation. Therefore it was proposed to add “together with a restriction on car ownership” to recommendation 1(a)(ii).

In response to comments, the Head of Development Management confirmed that further clarification regarding the arrangements of construction management would be circulated via the Chair before the Traffic Management Plan was finalised. Notwithstanding congestion concerns, the Committee welcomed the quality of the proposals and supported the application.

RESOLVED

- (1) that planning permission be granted subject to the prior completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, to include:**
 - (a) a financial contribution of £156,630.85 towards the upgrade or improvement of open space or public realm within the City centre;**
 - (b) a student management agreement, together with a restriction on car ownership;**
- (2) that planning permission be granted subject to the indicative conditions listed in the draft decision notice appended to the report;**
- (3) that power to determine the final details of the Planning Obligation and conditions of the planning permission be delegated to the Head of Development Management.**
- (4) that Regulation 122(2) Community Infrastructure Levy Regulations 2010 were complied with, in that the planning obligation sought was:**
 - (a) necessary to make the development acceptable in planning terms;**
 - (b) directly related to the development;**

(c) fairly and reasonably related in scale and kind to the development.

- (5) that Conservation Area Consent be granted subject to the indicative conditions listed in the draft decision notice attached to the report, and that power to determine the final details of the conditions be delegated to the Head of Development Management.**

83 PLANNING APPLICATION – 62 PLAYER STREET

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on application 12/02629/PFUL3 submitted by Swish Architecture Ltd on behalf of Nationwide Property Ltd, for planning permission for the conversion of the existing building into student accommodation comprising of 87 en-suite bedrooms with communal facilities in a cluster flat type layout.

The Head of Development Management reported that a Public Open Space contribution and student management agreement were to be secured by way of S106 agreement.

The Head of Development Management reported that, since preparation of his report, the applicant had confirmed that there would be a minimum of 27 cycle spaces within the development which complied with the requirements of Policy T3 of the Local Plan. It was reported that an obligation to restrict car ownership, although addressed in the body of the report, did not form part of the student management plan and should therefore be specifically included in the recommendation. Therefore the following amendment was proposed to condition 1(a)(ii):

Add “together with a restriction on car ownership”.

The Head of Development Management confirmed that the Committee report related to revisions to the original drawings and that the conditions needed to be amended to reflect this. It was therefore recommended that condition S1 be amended as follows:

“Unless otherwise agreed in writing by the Local Planning Authority or modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:

Plan reference 049 017, received 27 November 2012
Planning Layout reference 049 009 revision B, received 27 November 2012
Planning Layout reference 049 010 revision B, received 27 November 2012
Planning Layout reference 049 011 revision B, received 27 November 2012
Planning Layout reference 049 012 revision B, received 27 November 2012
Planning Layout reference 049 009 revision C, received 27 November 2012
Elevations reference 049.015 revision D, received 5 December 2012.”

RESOLVED

- (1) that planning permission be granted subject to the prior completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, to include:**

- (a) a financial contribution of £35,030.55 towards the upgrade or improvement of open space or public realm within the City Centre;**
 - (b) a student management agreement together with a restriction on car ownership;**
- (2) that planning permission be granted subject to the indicative conditions listed in the draft decision notice appended to the report;**
- (3) that power to determine the final details of the Planning Obligation and conditions of the planning permission be delegated to the Head of Development Management.**
- (4) that Regulation 122(2) Community Infrastructure Levy Regulations 2010 were complied with, in that the planning obligation sought was:**
 - (a) necessary to make the development acceptable in planning terms;**
 - (b) directly related to the development;**
 - (c) fairly and reasonably related in scale and kind to the development.**

84 PLANNING APPLICATION – NORTHERN PART OF FORMER BRITISH GAS WORKS SITE, RADFORD ROAD

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on application 12/02756/PFUL3, submitted by Mar City Developments Ltd, for planning permission for a mixed use development comprising residential development, retail/leisure and employment uses within Classes B1, B2 and B8.

Since the preparation of the reports, the following additional information had been provided:

The report recommended, at paragraph 2.1 (a) (iii) that the S106 Agreement secured an obligation to require the occupiers of the retail, leisure and employment units to appoint a travel plan co-ordinator. That was noted as an error in the drafting of the report as the requirement for a travel plan co-ordinator, for the scheme (as a whole), would be secured by planning condition no. 41.

The Head of Development Management added that the developer had reviewed the draft planning conditions and had requested minor wording changes to a number of the suggested conditions to allow for details to be agreed and implemented in a phased manner. These changes were considered to be acceptable and did not alter the principle of allowing details to be agreed on a phased basis.

The developer had also given consideration to the wording of draft condition 55 which was included to ensure that an element of the employment development was constructed and made available for occupation before any more than 20 dwellings were built and before any more than 500m² of retail or leisure floor space was built.

It was reported that the developer agreed with the principle of condition 55, but had requested minor changes to the wording of this condition to allow up to half of the residential element (31 units) to be built and occupied before works began on the employment units.

With regard to the developer's request to amend the wording of condition 55, this condition was included to ensure that the developer doesn't fully build out and occupy the more profitable retail, leisure and residential elements of the scheme in preference to delivering some of the employment units. This related to Local Plan policy E2 which, while allowing some enabling uses on this site, recognised that the site was allocated for employment purposes and any enabling uses were to facilitate the development of the B1, B2 and/or B8 units. The developer's suggested alteration to the wording of condition 55 would still ensure that eight employment units were built and made available for occupation early in the construction of the development. It was therefore recommended that the draft condition 55 be revised as follows:

"The block of employment units, illustrated as Unit 10-18 (inclusive) on Site Plan P001 Revision BK, shall be fully constructed and made available for occupation prior to either:

- i) Construction work commencing on any more than 31 dwellings; or
- ii) Construction work commencing on any more than 500m² (gross) of retail or leisure floor space.

Reason: In order to facilitate the regeneration of the site in accordance with Policy E2 of the Nottingham Local Plan."

The Head of Development Management reported receipt of the following additional information. The developer had submitted a marketing brochure and supporting statement to give the Committee further assurances about the delivery of the scheme. The statement made the following points:

- the site had been vacant for a number of years at great cost to the land owner. The site needed to be developed at the earliest opportunity from a commercial point of view;
- the site had only been cautiously marketed to date. The grant of planning permission would allow the site to be fully marketed;
- market research suggested that there was a great need for the smaller employment units. It was expected that these would be delivered in the short-term;
- there was a good demand for family homes and apartments in the area. The suggested planning condition would ensure that the residential development would deliver the construction of the smaller employment units;
- the scheme would be a good quality development, which would make it attractive for investors.

In response to comments made by the Committee, regarding where the off-site public open space contribution would be spent in the locality, clarification would be provided by the Head of Development Management on request via the Chair.

RESOLVED

- (1) that planning permission be granted subject to the revised conditions above and to the prior completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, to include:**
 - (a) a financial contribution of £123,245.42 towards off-site public open space in the vicinity of the site;**
 - (b) a financial contribution of £25,755 towards a sustainable travel pack for occupiers of the residential properties;**
 - (c) the requirements to carry out a further reptile survey before the development was commenced and if reptiles were found, the relocation of species to a suitable off-site area;**
- (2) that planning permission be granted subject to the indicative conditions listed in the draft decision notice appended to the report;**
- (3) that power to determine the final details of the Planning Obligation and conditions of the planning permission be delegated to the Head of Development Management.**
- (4) that Regulation 122(2) Community Infrastructure Levy Regulations 2010 were complied with, in that the planning obligation sought was:**
 - (a) necessary to make the development acceptable in planning terms;**
 - (b) directly related to the development;**
 - (c) fairly and reasonably related in scale and kind to the development.**

85 PLANNING APPLICATION – 14-22 SHAKESPEARE STREET AND 8-10 PEACHY STREET

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on the following applications submitted by KDP Architects on behalf of DMC Estates Ltd:-

- (i) 12/02811/PFUL3 for Planning Permission** the conversion and adaptation of buildings to form 52 student studio bedrooms;
- (ii) 12/02812/LLIS1 for Listed Building Consent** for the conversion of the buildings to form student apartments.

Since the preparation of the reports, the Head of Development Management reported that an obligation to restrict car ownership needed to be included as part of the

recommendation. Therefore it was proposed to add “together with a restriction on car ownership” to recommendation 1(a)(ii).

RESOLVED

- (1) that planning permission be granted subject to the revised condition above and to the prior completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, to include:**
 - (a) a financial contribution of £20,337.80 towards the upgrade or improvement of open space or public realm within the City centre;**
 - (b) a student management agreement together with a restriction on car ownership;**
- (2) that planning permission be granted subject to the indicative conditions listed in the draft decision notice appended to the report;**
- (3) that power to determine the final details of the Planning Obligation and conditions of the planning permission be delegated to the Head of Development Management.**
- (4) that Regulation 122(2) Community Infrastructure Levy Regulations 2010 were complied with, in that the planning obligation sought was:**
 - (a) necessary to make the development acceptable in planning terms;**
 - (b) directly related to the development;**
 - (c) fairly and reasonably related in scale and kind to the development.**
- (4) that Listed Building Consent be granted subject to the indicative conditions listed in the draft decision notice attached to the report, and that power to determine the final details of the conditions be delegated to the Head of Development Management.**

86 PLANNING APPLICATION – 66 CHARLBURY ROAD

Further to minute 70 dated 21 November 2012, consideration was given to a report of the Head of Development Management, copies of which had been circulated, on application number 12/02262/PFUL3, submitted by Mr Ejaz Gul on behalf of Mr M Khaliq, for planning permission for the erection of a single storey side and rear extension.

The Head of Development Management reported the following, since preparation of his report:

Following further negotiation the applicant had agreed to reduce the projection of the extension adjacent to the boundary with the adjoining semi detached property. A revised drawing would be submitted in due course. Consequently, the neighbour at 68 Charlbury Road had emailed a retraction of their objection subject to the reduction in

length referred to above and the side elevation along the boundary with their property not increasing in height.

As a result, it was proposed that should planning permission be granted, it would be subject to the scheme being revised such that the western portion of the rear extension was reduced to 3 meters in projection.

RESOLVED that planning permission be granted, subject to:

- (1) the scheme being revised such that the western portion of the rear extension is reduced to 3 metres in projection;**
- (2) the indicative conditions listed in the draft decision notice attached to the report, and power to determine the final details of the revised scheme and conditions be delegated to the Head of Development Management.**

87 PLANNING APPLICATION – FORMER SITE OF 20 AND 22 VICTORIA ROAD

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on application number 12/02939/PFUL3, submitted by Letts Wheeler Architects on behalf of Waters Homes, for planning permission for the erection of 12 two bed dwellings.

Since the preparation of the report, the Head of Development Management confirmed that the report contained an error at paragraph 2 (a) i). The text incorrectly recommended a S106 obligation to secure “a financial contribution of £12,000 towards the upgrade or improvement of open space or public realm within the City Centre”. The reference to the City Centre was incorrect, and should therefore be deleted. It was reported that the contribution would be managed in line with normal practice to ensure that it was spent in the locality of the development. It was therefore recommended that paragraph 2 (a) i) be amended to:

“A financial contribution of £12,000 towards the upgrade or improvement of open space or public realm.”

It was reported that the Council’s Urban Design Team had commented that the proposed dwellings would be in keeping with the scale and appearance of existing terraced properties on both Victoria Road and Cameron Street. The scheme proposed the use of good quality materials and took reference from existing design features on nearby properties such as decorative brickwork and stone lintels and cills. This ensured the appearance of the dwellings would enhance the appearance of the area. The proposed Bulwell stone walls to the front boundaries would preserve the strong building lines on both frontages. Off-street parking had been incorporated across the development with a mix of driveways to the front and sides of properties, broken up by areas of soft landscaping. Allocated parking would help to reduce the already high demand for on-street parking in the area. The retention of the Ash tree on Victoria Road was welcomed.

Clarification was sought as to why two of the plots facing Cameron Street did not have any off-street car parking to the front, similar to the others plots. The Head of Development Management explained that residents would still be able to park on-street to the front of the houses and that this arrangement would break up the amount of

parking to the front of the dwellings, and allow better enclosure by providing additional Bulwell stone walling.

Given that parking was considered to be the primary concern for residents, the Head of Development Management confirmed that he would discuss this with the developer to encourage the scheme to be revised to provide parking in the front gardens. The Committee accepted that this issue did not need to be secured by an additional planning condition.

The Committee requested a minor revision to condition 8 relating to the provision of a means of enclosure to the individual plots to ensure that the new Bulwell Stone walls are retained in perpetuity.

RESOLVED

- (1) that planning permission be granted subject to the prior completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, to include a financial contribution of £12,000 towards the upgrade or improvement of open space or public realm;**
- (2) that planning permission be granted subject to the indicative conditions listed in the draft decision notice appended to the report;**
- (3) that power to determine the final details of the Planning Obligation and conditions of the planning permission be delegated to the Head of Development Management.**
- (4) that Regulation 122(2) Community Infrastructure Levy Regulations 2010 were complied with, in that the planning obligation sought was:**
 - (a) necessary to make the development acceptable in planning terms;**
 - (b) directly related to the development;**
 - (c) fairly and reasonably related in scale and kind to the development.**

88 PLANNING APPLICATION – 181 SNEINTON DALE

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on application number 12/03062/PFUL3, submitted by Miss Patricia Devine, for planning permission for the change of use to a café.

RESOLVED that planning permission be granted, subject to the indicative conditions listed in the draft decision notice attached to the report, and power to determine the final details of the conditions be delegated to the Head of Development Management.

89 PLANNING APPLICATION – UNIT 4 TRINITY SQUARE, MILTON STREET

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on application number 12/02884/PFUL3, submitted by

Brian Madge Ltd on behalf of Nero Holdings Ltd, for retrospective planning permission for the change of use from retail to retail/café.

RESOLVED that planning permission be granted, subject to the indicative conditions listed in the draft decision notice attached to the report, and power to determine the final details of the conditions be delegated to the Head of Development Management.

90 PLANNING APPLICATION – ST MARY’S PARISH OFFICES, STANDARD HILL

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on application number 12/02290/PFUL3, submitted by MG Design on behalf of Mr A Muldoon, for planning permission for the conversion from office (Class B1) to two self-contained apartments (Class C3) and the replacement of the roller shutter door with double doors.

Following approval by the Chair, Councillor Williams, in her capacity as a local ward Councillor, presented the following reasons to the Committee objecting to the proposal.

The key points were:

- works had commenced prior to approvals being granted;
- accommodation for transient occupants would not be good for this area - problems of anti-social behaviour and litter etc;
- the proposals were harmful to the area as a tourist destination, particularly with heritage bid for Castle;
- Hughes Planning, on behalf of a nearby residents association, had made reference to the proposal conflicting with a number of local plan policies;
- flats in the building were not designed for long term residence;
- clearout of litter in the summer was a particular problem of student accommodation.

In response to the comments made by Councillor Williams, the Head of Development Management felt that the report adequately covered the policy context and that in light of the state of the building, residential use in terms of 2 small flats was appropriate. The Head of Development Management confirmed that the proposal did not refer to use as a HMO but as two self contained apartments (Class C3) and should therefore be considered on this basis.

The Committee expressed longstanding frustration with works commencing prior to approval being sought or granted however, noted that this was not a reason in itself for refusal.

RESOLVED

- (1) that planning permission be granted, subject to the indicative conditions listed in the draft decision notice attached to the report, and power to determine the final details of the conditions be delegated to the Head of Development Management;**
- (2) that listed building consent be granted, subject to the indicative conditions listed in the draft decision notice attached to the report, and power to**

determine the final details of the conditions be delegated to the Head of Development Management.