

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Loxley House on 17 JULY 2013 from 2.30pm to 3.55pm

- ✓ Councillor Chris Gibson (Chair)
- ✓ Councillor Gul Khan (Vice-Chair)
- ✓ Councillor Liaqat Ali
- Councillor Cat Arnold
- ✓ Councillor Graham Chapman (Items 19-22 and 24-25)
- ✓ Councillor Azad Choudhry
- ✓ Councillor Alan Clark
- Councillor Emma Dewinton
- ✓ Councillor Michael Edwards
- ✓ Councillor Ginny Klein
- ✓ Councillor Sally Longford
- ✓ Councillor Ian Malcolm
- ✓ Councillor Eileen Morley
- ✓ Councillor Roger Steel
- ✓ Councillor Malcolm Wood

- ✓ Councillor Toby Neal (substitute for Councillor Dewinton)

- ✓ indicates present at meeting

Colleagues, partners and others in attendance

Andrew Gregory - Head of Development Management)
and Regeneration

Laura Cleal - Development Control Support)
Traffic Management

Rob Percival - Area Planning Manager) Development
Nic Thomas - Area Planning Manager)
Nigel Turpin - Heritage and Urban Design Manager)

Ann Barrett - Senior Solicitor) Resources
Noel McMenamain - Constitutional Services Officer)

19 APOLOGIES FOR ABSENCE

Councillor Cat Arnold - Non-Council
Councillor Emma Dewinton - Annual leave

20 DECLARATIONS OF INTERESTS

None. Note: At minute 23, Councillor Graham Chapman advised the Committee that he had an interest in agenda item 4(b) (Rainbow House, 608 Adams Hill, Derby Road) as he had a personal friend who was a formal objector to the application. Councillor Chapman considered that in view of this it would not be appropriate for him to be involved in determining this application and he withdrew from the meeting prior to discussion of the item.

21 MINUTES

The Committee confirmed the minutes of the meeting held on 19 June 2013 as a correct record and they were signed by the Chair.

22 PLANNING APPLICATION – VICTORIA CENTRE, MILTON STREET, NOTTINGHAM

Nic Thomas, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/01092/PFUL3 submitted by Nathaniel Lichfield and Partners on behalf of Intu Properties PLC for external alterations to the Lower Parliament Street/Milton Street entrance of Intu Victoria Centre.

The Committee raised the following points in discussion:

- (a) councillors welcomed the updating of the external appearance of the Victoria Centre. The Centre is at a prominent junction adjacent to a conservation area and merits careful design;
- (b) councillors expressed concerns about the protruding entrance 'box' and the sense of scale of the redesign;
- (c) councillors were also concerned about the look and longevity of the proposed materials, geometric 'plating' design and proposed use of corporate colouring, especially when corporate colour branding is likely to change over the proposed life of the materials used;
- (d) it was difficult to reach a decision on the alterations without understanding how the proposals relate to wider future proposed updates to the Victoria Centre;
- (e) in view of councillors' significant concerns, the Head of Development Management and Regeneration proposed approval in principle subject to further negotiation with the applicant and that the Committee delegated power to determine the application to him in consultation with a group of Planning Committee councillors, including the Chair, Vice Chair and Opposition Spokesperson. He also made clear that the application would not be approved if he and the councillor group could not agree to revised alterations.

RESOLVED

- (1) to approve the application in principle;**

- (2) **to seek further amendments, addressing the Committee's concerns with regard to the elevation treatment, materials and appearance of the entrance features, and to delegate power to the Head of Development Management and Regeneration to determine the application, in consultation with the Committee Chair, Vice Chair and Councillors Michael Edwards, Roger Steel and Malcolm Wood.**

23 PLANNING APPLICATION – RAINBOW HOUSE, 608 ADAMS HILL, DERBY ROAD

At this point, Councillor Chapman advised the Committee that he had an interest in agenda item 4(b) (Rainbow House, 608 Adams Hill, Derby Road) as he had a personal friend who was a formal objector to the application. Councillor Chapman considered that in view of this it would not be appropriate for him to be involved in determining this application and he withdrew from the meeting prior to discussion of the item.

Rob Percival, Area Planning Manager, introduced 2 reports of the Head of Development Management and Regeneration on application 13/00951/PFUL3 and 13/00952/LCAC1 submitted by Baca Architects on behalf of Mrs Topham for the erection of a new dwelling following the demolition of the existing property at 608 Adams Hill, Derby Road, and Conservation Area Consent to demolish the existing property respectively.

Mr Percival reported the following information changes since the publication of the agenda:

1. The applicant advised that paragraph 4.1 of the Committee report is not entirely accurate as internal access to the annex hub is achievable. The annex is connected to the rest of the building below ground level via a staircase. The annex stair is located to allow direct access from the garage, which in turn is connected to the rest of the house.

In response, the Planning Service noted applicant's comment in relation to paragraph 4.1 and recognised that the annex hub could be accessed internally from the rest of the proposed building.

2. The applicant provided some background information in relation to the choice of materials for the basement. The options had been assessed with structural and environmental engineers in order to achieve the necessary thermal mass requirements of Passivhaus and three options were identified; rammed earth, medium density concrete blockwork and reinforced concrete. Of the three options the reinforced concrete with low cement concrete and recycled materials (from a Wastecycle facility in Colwick, Nottingham) achieves the lowest embodied energy and provides the necessary thermal sink to provide a comfortable building. The applicant advised this is based on research conducted by the Sustainable Energy Research Team at the University of Bath.

In response, the Planning Service noted the information related to the basement materials' which form part of the environmental justification for the proposal.

3. The Chairman of the Adams Hill Road Committee has written to express concern that the outcome of the application was pre-determined, commenting that the Council has given unprecedented and inappropriate support to the proposal. The Planning Department failed to notify residents that the project has 'Design Excellence' and that it would not be subject to the requirements of Wollaton Park Conservation Area. He requested that the application was not put before committee until the full facts have been investigated, and he believed that, if approved, this development would completely undermine the conservation area.

4. A neighbouring resident reviewed the committee report and made a number of comments, specifically:

(i) the application was pre-determined, had followed flawed procedures and there has been a lack of transparency. The neighbouring resident has advised the Secretary of State for Communities and Local Government had been advised of this and has requested that he intervenes before the application is determined. The resident recommended postponing the determination of the application by a month;

(ii) the impact on the conservation area is being ignored and the proposal contravenes the meaning of a conservation area. The resident recommended putting a conservation area policy document for Wollaton Park Conservation Area in place before the application is considered;

(iii) the Council is imbalanced in its approach to pre-application discussions (which are supported in principle), entering into dialogue with the applicant over many months but without any notification to residents or residents' groups. It was proposed that there should be a maximum period of time for pre-application discussions to take place without interested parties being informed;

(iv) the Committee report is not fit for purpose and fails to cross reference objections to conclusions on specific points. It was recommended that a more transparent format is put in place immediately. Reference was also made to guidance being imposed on how the Council should consider previous decisions by Inspectors;

(v) the architect only submitted outline planning drawings and the Design Panel has advised that the success of the scheme depends on details. The Planning Committee should only approve final plans and the execution of the development should be monitored very closely, with material samples for part of the building being constructed before the remainder of the development is built out.

In response, the Planning Service rejected the concern that the application has been pre-determined and that inappropriate support was given to the proposal. The Council has undertaken the appropriate consultation, considered the relevant policies and legislation and has had regard to comments from all interested parties in formulating the recommendation. The impact on the conservation area is debated in depth in the committee report and it was considered that there is no justification to delay the determination of the application by committee. The absence of a specific conservation area plan for the Wollaton Park Conservation Area is not reason to delay the determination of the application and the recommendation has had regard to the duty imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 that development should preserve or enhance the character and appearance of a

Conservation Area. The Committee report also objectively balances the considerations against the appropriate national and local plan policies.

Pre-application advice is available to prospective applicants on all types of projects and does not prejudice the outcome of a formal planning application, which involves formal consultation. Whilst on large scale major developments (ie: a housing scheme of 200+ dwellings) pre-application engagement with local communities is required, to impose a requirement to do this on lower scale projects would be disproportionate and unreasonable, particularly if such a requirement was linked to an arbitrary timescale. Pre-application consultation on such projects is entirely at the discretion of the applicant.

The Committee report comprehensively summarises the objections and discusses the merits of the points raised through the appraisal section. The reference to considering appeal decisions was noted but as advised in paragraph 7.9 of the report, it is not considered that the appeal case at the adjacent property was sufficiently similar to be given significant weight.

The drawings submitted are full plans that accurately represent the proposed development. The Planning Service agreed that detail of construction will be very important in the execution of the build and amongst others, conditions 2 (materials), 3 (landscaping) and 7 (treatment of photovoltaics and roof tiles) are all related to ensuring the fine details of construction are given the appropriate level of detail and scrutiny.

The Committee raised the following points in discussion:

- (a) councillors agreed that the existing Art Deco dwelling has been subjected to unsympathetic alterations that have damaged its character and appearance, and they raised no objections to its demolition;
- (b) most councillors praised the proposed dwelling design as iconic, innovative and inspirational, and an architectural asset to Nottingham ;
- (c) councillors supported the design's 'green' sustainability credentials;
- (d) one councillor, while praising the design, stated that this was the wrong location for such a radical design, and that it was detrimental to the conservation area. However, most councillors supported the view that good modern architecture could co-exist alongside traditional buildings within a conservation area;
- (e) a councillor asked whether construction management and traffic arrangements are in place. In response, Mr Percival explained that individual properties usually do not require such arrangements. However, because of the scale of proposed demolition and development, it was appropriate to add a condition to address this issue;
- (f) a councillor asked about preventing the dwelling becoming a house in multiple occupation, and Mr Percival suggested that a condition could be added to clarify that permission was being given for a Class C3 dwelling house only.

RESOLVED

(1) to grant planning permission, subject to:

- (a) the conditions, substantially in the form of those listed in the draft decision notice;**
- (b) an additional condition stating that 'No development or site preparation works shall be carried out on the site until details of a Construction Method Statement have been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for the development and shall provide for:**
 - i) Details of the type, size and frequency of vehicles to/from the site and haul routes (if any);**
 - ii) The parking of vehicles of site operatives and visitors;**
 - iii) Loading and unloading of plant and materials;**
 - iv) Storage of plant and materials used in constructing the development;**
 - v) Wheel washing facilities, if necessary;**
 - vi) Measures to control the emission of dust and dirt during construction;**
 - vii) Site security;**
 - viii) Measures to prevent the deposit of debris on the highway and;**
 - ix) A timetable for its implementation.**

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents to comply with Policies BE2 and NE9 of the Nottingham Local Plan (2005); Policy W3.10 and W3.11 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy';

- (c) a further additional condition stating that 'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or any re-enactment thereof, the residential unit shall not be used other than for purposes defined in Class C3 of The Town and Country Planning (Use Classes) Order 1987, as amended or any re-enactment thereof.**

Reason: In the interests of developing sustainable communities in accordance with Policy ST1 of the Local Plan';

(2) to grant Conservation Area Consent, subject to the conditions, substantially in the form of those listed in the draft decision notice;

- (3) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.

24 PLANNING APPLICATION – NOTTINGHAM UNIVERSITY HOSPITALS TRUST CITY HOSPITAL SITE, HUCKNALL ROAD

Nic Thomas, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/01295/PFUL3 submitted by CPMG Architects Ltd on behalf of Nottingham University Hospitals NHS Trust for an orthopaedic theatres building.

The Committee raised the following issues in discussion:

- (a) the building looks bland, uninteresting and unappealing. In response, Mr Thomas stated that the site was not in a prominent location, but that metal cladding could possibly be used to add interest ;
- (b) the building's walls need function, a councillor suggesting that photo-voltaic wall panels could be fitted. In response, it was explained that the main wall was north-facing and not suitable for solar wall panels.

RESOLVED to grant planning permission, subject to the conditions substantially in the form of those listed in the draft decision notice, and to delegate power to the Head of Development Management and Regeneration to determine the final detail of the conditions.

25 PLANNING APPLICATION – 2-6 CHETTLES TRADE PARK, MIDLAND WAY

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/00962/PFUL3 submitted by Think Architecture and Design on behalf of Xercise4Less for the conversion to a health and fitness club and alterations to existing service yard to create additional parking.

The Committee approved the report recommendations without discussion.

RESOLVED

- (1) to grant planning permission, subject to the conditions, substantially in the form of those listed in the draft decision notice;
- (2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.