

# NOTTINGHAM CITY COUNCIL

## PLANNING COMMITTEE

**MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 17 August 2016 from 14.30 - 15.57**

### Membership

#### Present

Councillor Chris Gibson (Chair)  
Councillor Cat Arnold (Vice Chair)  
Councillor Graham Chapman  
Councillor Azad Choudhry (for minutes 22 - 25(a))  
Councillor Alan Clark  
Councillor Michael Edwards  
Councillor Rosemary Healy  
Councillor Gul Nawaz Khan (for minutes 22 - 25(a))  
Councillor Sally Longford  
Councillor Malcolm Wood  
Councillor Linda Woodings  
Councillor Steve Young  
Councillor Andrew Rule

#### Absent

Councillor Brian Parbutt  
Councillor Wendy Smith  
Councillor Josh Cook

### Colleagues, partners and others in attendance:

Judith Irwin - Senior Solicitor  
Nathan Oswin - Political Assistant to the Labour Group  
Martin Poole - Area Planning Manager  
Paul Seddon - Chief Planner  
Tom Street - Principal Conservation Officer  
Nigel Turpin - Heritage and Urban Design Manager  
Rav Kalsi - Senior Governance Officer

### **22 APOLOGIES FOR ABSENCE**

Councillor Josh Cook – leave  
Councillor Brian Parbutt – leave  
Councillor Wendy Smith - leave

### **23 DECLARATIONS OF INTERESTS**

Councillor Linda Woodings, although not declaring an interest, indicated that:

In relation to agenda item 4(a), 1 Brook Street, Nottingham, that her workplace is adjacent to the proposed site on Brook Street. This did not preclude her from speaking or voting on the item.

### **24 MINUTES**

The minutes of the meeting held on 20 July 2016 were confirmed and signed by the Chair.

**25    1 BROOK STREET, NOTTINGHAM**

Martin Poole, Area Planning Manager, introduced the report for the application 16/00429/PFUL3 submitted by Franklin Ellis Architects on behalf of Emma Property Management, for planning permission for the change of use of the existing building from an office to a residential development, comprising of 101 apartments, including a café, crèche and the removal of the central section of the building creating an open courtyard/communal space for residents. The report and presentation noted the following:

- (a) The application is brought to the Committee because it gives rise to complex or sensitive issues, being a major application on a prominent site where there are important land uses, design and heritage considerations and also because it was recommended for approval where section 106 planning obligations were proposed to be waived;
- (b) A brief presentation was delivered which included a summary of the application, a plan of the proposed site and computer generated images of the proposed development;
- (c) A scheme of this size and type would normally attract substantial planning contributions towards affordable housing, education and open space. The total commuted sum contribution would be £820, 094. The applicant has submitted a viability appraisal in support of its assertion that the proposed development would not be viable based upon the provision of the full range of planning obligations. This appraisal has been independently reviewed by the District Auditor who has advised that a developer's reasonable target return for a scheme of this nature is 18%, and at that level of return it is advised that the development could deliver a reduced level of section 106 contributions amounting to £313,623. However, on other schemes Committee has accepted that there is an element of risk and uncertainty in valuation for developers where development is taking place in regeneration areas and in the interest of encouraging the regeneration of the sites and areas Committee has reduced or waived the usual planning obligations. In the case of the Brook Street site, officers considered that allowing a higher level of developer return would be justified, and proposed that a return of 20% be applied before any section 106 contributions is required. At a 20% developer return the scheme would technically not be viable and in those circumstances it was proposed that section 106 contributions be waived.

Members of the Committee commented as follows:

- (d) The regeneration of the site, the re-use of the building and its design (apart from the Bath Street frontage) are welcomed;
- (e) There was a feeling on the part of certain Members that the treatment of the Bath Street frontage could be improved to provide a more attractive and appealing design;
- (f) Further information from the developer on how waste and recycling will be managed on site should be sought, and a condition regarding the handling of those matters should be imposed;
- (g) In the light of the District Valuer's advice and review of the developer's viability appraisal, it is not considered justifiable to waive planning obligations entirely for this

development. A contribution to affordable housing is considered to be particularly important and the developer could be required to provide a reasonable planning obligation short of the full commuted sum of £820,094.

**RESOLVED to**

- (1) grant planning permission subject to:**
  - (a) the conditions listed in the draft decision notice plus an additional condition relating to the management of waste and recycling on site;**
  - (b) prior completion of a section 106 obligation whose terms are approved by the Chair, Vice-Chair, Opposition Spokesperson and Councillor Graham Chapman, those Councillors being satisfied that the proposed agreement complies with Regulation 122(2) Community Infrastructure Levy Regulations 2010, in that the planning obligation sought is (i) necessary to make the development acceptable in planning terms (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development;**
- (2) delegate power to Chief Planner to determine the final details of the conditions and the final details of the planning obligation.**

**26 14 VICTORIA CRESCENT, NOTTINGHAM**

Martin Poole, Area Planning Manager, introduced the report for the application 16/00607/PFUL3 submitted by Haven Architecture Ltd on behalf of Ms E Hipkiss Mr L Phillips, for planning permission for a new first floor and two-storey side extension to create a two-storey dwelling.

- (a) The application is brought to the Committee by a request of a local ward councillor due to the level of concern raised by neighbouring residents;
- (b) A brief presentation was delivered which included a summary of the application, a plan of the proposed site and computer generated images of the proposed development;
- (c) Councillors were directed to the update sheet, which included clarification on visibility of the front portion of the bungalow from the main ground floor living area of a neighbouring property as well as additional information considering the overall impact to the character of the Mapperley Park and Alexandra Park Conservation Area.

Members of the Committee commented as follows:

- (d) Committee members had conducted a formal site visit in advance of the Committee date and considered the impact of loss of light on the neighbouring properties;
- (e) On balance, the Committee felt that, having regard to the design, scale, location and outlook from the proposed development, and the relationship with the site boundaries, the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook;

- (f) The Committee also considered the visibility of the development from neighbouring properties, concluding that the impact would be acceptable as the plan show the proposed windows being high level and obscurely glazed. This was considered reasonable;
- (g) It was felt that the materials proposed during the development would preserve the special architecture of the Conservation Area.

**RESOLVED to**

- (1) grant planning permission, subject to the conditions listed in the draft decision notice at the end of the report;**
- (2) delegate power to the Chief Planner to determine the final details of the conditions.**

**27 BULWELL CONSERVATION AREA - PROPOSED CONSERVATION AREA DESIGNATION**

Nigel Turpin, Heritage and Urban Design Manager, introduced the report outlining the case and process for designating a new Conservation Area in Bulwell, which includes the town centre and adjacent areas. A brief presentation was delivered which included a plan of the proposed site and images of the heritage sites in Bulwell;

The Committee's attention was directed to the second of the Update Sheets which corrected a factual inaccuracy with regard to the inclusion of dwelling houses within the proposed Conservation Area.

The following comments were made by the Committee:

- (a) This proposed designation is a result of the Council's Heritage Strategy and will serve to enhance parts of Bulwell. There has been a strong desire to look beyond the City Centre and recognise the architectural and historic contribution made to Nottingham by its other areas;
- (b) The proposal to designate has gathered local interest and support. Many high status buildings in the town have been constructed with the distinctive magnesium limestone now known as Bulwell Stone;
- (c) The Committee congratulated officers for their proactive work in delivering a designation project of distinct character. This will support and encourage Bulwell's distinct commercial identity.

**RESOLVED to**

- (1) note the proposal to designate as a Conservation Area the area shown outlined red on the Plan in Appendix 1 to the report;**
- (2) recommend that Executive Board designate the Conservation Area in Bulwell.**