

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 19 December 2018 from 2.02 pm - 4.39 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Brian Parbutt (Vice Chair)
Councillor Leslie Ayoola
Councillor Cheryl Barnard
Councillor Graham Chapman
Councillor Josh Cook
Councillor Sally Longford
Councillor Mohammed Saghir
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Cate Woodward
Councillor Steve Young
Councillor Roger Steel (as substitute)

Absent

Councillor Azad Choudhry
Councillor Gul Nawaz Khan
Councillor Andrew Rule

Colleagues, partners and others in attendance:

James Ashton	- Transport Strategy Manager
Nancy Barnard	- Governance Manager
Jo Bates	- Planning Officer
Richard Bines	- Solicitor
Rob Percival	- Area Planning Manager
Paul Seddon	- Director of Planning and Regeneration
Nigel Turpin	- Planning Services

52 CHANGE IN COMMITTEE MEMBERSHIP

RESOLVED to note that Councillor Linda Woodings had stood down from the Planning Committee.

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53 APOLOGIES FOR ABSENCE

Councillor Andrew Rule – Work Commitments (Councillor Roger Steele attending as substitute)
Councillor Gul Khan - leave

54 DECLARATIONS OF INTEREST

None

55 MINUTES

The minutes of the meeting held on 21 November 2018 were approved as a correct record and signed by the chair.

56 LAND BETWEEN CLIFTON WOOD AND CLIFTON PHASE 4 DEVELOPMENT YEW TREE LANE

Councillor Corall Jenkins, Ward Councillor for Clifton South Ward, spoke for five minutes to request deferral of the decision on the application until the Local Plan Inspector's review of the site was available, likely to be early in 2019. She stated that she was representing the views of those residents who had submitted objections to the outline planning permission, including the importance of the site in terms of conservation and its proximity to listed buildings. Councillor Corall Jenkins then took no further part in the meeting while the Committee discussed and voted on the item.

Rob Percival, Area Planning Manager, then introduced application 18/00056/POUT by Planning and Design Group (UK) Ltd on behalf of Nottingham City Council and Nottingham Trent University for outline planning permission for residential development with all matter reserved except access. The application was brought to Planning Committee as it is a major application which departs from some policies in the Development Plan, where there are important land use considerations and significant public interest.

Rob Percival presented the application to the Committee highlighting the following points:

- a) the site sits in the west of Clifton in the Barton Green area, adjacent to the Clifton Village conservation area. Access to the site would be through Hawksley Gardens with emergency access only through Finchley Close;
- b) a Traffic Assessment has been carried out in relation to access to the site which considers the impact on existing roads and the junction with the A453 at Crusader Island to be acceptable;
- c) in relation to the reserved matters, an indicative masterplan had been submitted which showed some retentions including; the bridleway to the east of the site, a green buffer along the western edge of the site with Clifton Woods and a row of trees across the site providing a wildlife corridor;
- d) regarding concerns about the impact on the Clifton Village Conservation Area and Clifton Hall and Church, the site sits alongside the conservation area, not within it, and a Heritage Impact Assessment classified the impact as less than substantial with due regard having been given to the relevant legislation;
- e) the inclusion of the site in a new Local Plan is currently under consideration by Planning Inspectors whose report is expected in the New Year. However, the site is identified for housing in the current Local Plan, is a longstanding allocated site and has been since 1997;
- f) Overall, it is proposed that the development of the site would cause less than substantial harm and would bring benefit to the area in terms of delivering new housing.

Following questions and comment from the Committee the following additional information was provided:

- (g) Richard Bines, Solicitor, provided advice to the Committee on their obligations in relation to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 advising that there is a general overarching statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance, with respect to any building or land *in a conservation area*, in exercise of planning functions. As the land in question was not in a Conservation Area, the Committee did not have to have regard to this duty in consideration of the application;
- (h) in relation to section 66 (1) of the Act, Richard Bines advised that the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses applied to the application as the Committee was considering whether to grant planning permission for development which affects listed buildings or their settings. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings including Grade II. However, whilst there is therefore a strong presumption against the grant of planning permission, the duty does not create a bar to the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring;
- (i) Paul Seddon, Director of Planning and Regeneration, outlined the process for agreeing the new Local Plan which has several more stages to go through of which the Inspector's report is one. The new Local Plan will not be ready for adoption for at least six to seven months. The current live application must be dealt with in a timely way and has been assessed against the current, live Local Plan;
- (j) reserved matters, including the scale of the development and the size of the 'buffer' will be brought back to the Committee for approval as part of detailed planning consent;
- (k) alternative access routes to the site have been considered. Access to the south would be through undeveloped land and would impact on the green belt and create long isolated access roads. Access to the north through Barton Green would create problems with new junctions onto the dualled, A453;
- (l) James Ashton, Transport Strategy Manager advised that the Transport Assessment submitted with the application had found Hawksley Gardens to be wide enough to cope with the anticipated increase in traffic. The redesign of the A453 had taken into account the amount of traffic generated by sites in the Local Plan. Highways England which manages the A453 was consulted on the application and did not object.

RESOLVED to:

(1) grant planning permission subject to:

- i) **no adverse comments being received by 7 January 2019 which both, arise from the publicity of the Planning Application as a departure from the Development Plan and consist of issues other than those already addressed by the report;**

- ii) **the prior completion of a Section 106 planning obligation to be secured in accordance with paragraph 7.76 of the report and to include:**
 - a. **a requirement to provide 20% affordable housing on site should any subsequent reserved matters submission comprise of 25 dwellings or more;**
 - b. **the provision of an approved scheme in respect of on-site amenity land and the Sustainable Urban Drainage System;**
 - c. **on-going management and maintenance arrangements for any on-site amenity land and the Sustainable Urban Drainage System;**
 - d. **a financial contribution towards the enhancement of public open space offsite;**
 - e. **a financial contribution towards the expansion and/or enhancement of education facilities in the area;**
 - f. **a financial contribution of £25,000 towards the enhancement and improvement of existing footpaths in the adjacent Clifton Woods;**
 - g. **provisions for the long term maintenance arrangements for the emergency access;**
 - iii) **conditions substantially in the form of the indicative conditions listed in the draft decision notice at the end of the report;**
- (2) **delegate authority to the Director of Planning and Regeneration to determine the final details of both the conditions and the section 106;**
 - (3) **note that the Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development;**
 - (4) **note that Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations in accordance with Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.**

Councillors Roger Steel and Josh Cook asked for their votes against the above resolution to be recorded.

57 GROVE HOTEL 273 CASTLE BOULEVARD

Councillor David Trimble, Ward Councillor for Dunkirk and Lenton Ward spoke for five minutes in opposition to the application stating the following. While he recognised that 55,000 students needed to be housed in Nottingham many of the streets in his ward were already highly populated with student properties. This brings problems such as antisocial behaviour,

particularly at the weekends. By increasing the amount of student accommodation this application, if approved, would breach the Council's Building Balanced Communities policy. He accepted the need to bring the building back into use and its use as a pub but not the intensity of the development or the proximity to neighbouring properties. He expressed concern about the lack of parking which was likely to exacerbate existing parking problems in the ward. Councillor Trimble then took no further part in the meeting while the Committee discussed and voted on the item.

Rob Percival, Area Planning Manager, then introduced application 18/01082/PFUL3 by Leonard Design Architects on behalf of Mr Sam Burt for planning permission for refurbishment and external alterations to the existing public house on the ground floor, change of use of the upper 2 floors to 2 student cluster apartments, conversion of the existing loft space to 6 student studios and erection of a 3 storey extension to the rear of the property consisting of 19 student studios (in total 38 student beds). The application was brought to the Committee because it relates to a major development on a prominent site, where there are important land use considerations. Ward Councillors had also objected to the proposal.

Rob Percival presented the application to the committee highlighting the following points:

- (a) the application concerns the long vacant Grove Hotel which stands on the corner of Abbey Street and Grove Road. Terraced properties sit to the southwest of the property on Grove Road. The application has the prime entrance point on the busier Abbey Street, includes a bike store and has an access point for waste storage and the pub's cellar on Grove Road. The upper floor would have a central access core with accommodation surrounding;
- (b) the redevelopment will smarten up the existing building. The new build extension sits to the less pleasant rear of the existing building and has been designed in response to its surroundings. It steps down from the existing building and effort has been made to safeguard the privacy of adjoining properties;
- (c) the density of the student accommodation in the area has been addressed within the report. The application is in accordance with the Building Balanced Communities policy as there is not a rigid prohibition of any student accommodation being approved. While many student HMO (Houses in Multiple Occupation) applications are refused, applications can be approved in appropriate areas, such as this location on a main road, where the environment is less conducive to family housing.

Following questions and comments from the Committee, the following additional information was provided:

- (a) no parking provision had been included in the application for either residents or for drop off/ pick up and therefore a condition was recommended with regard to drop off and pick up arrangements. It was intended that drop offs and deliveries would take place on Grove Road. The adjacent streets were generally subject to Residents' Parking Schemes;
- (d) the design of the extension has significant regard to the privacy of the adjoining property with the windows angled away in order to avoid overlooking.

Councillors expressed the following concerns in relation to the application:

- (e) the intensity of the development, particularly the impact intensive student accommodation would have on an already popular area for student residences and concern that the development was not in accordance with the Building Balanced Communities policy;
- (f) the lack of parking or room for pick ups and drop offs at the start and end of term, deliveries and taxis in the application and the impact this would have on parking and traffic on the surrounding streets;
- (g) the design of the extension, including the scale and the impact on the adjoining property.

RESOLVED to refuse planning permission for the following reasons:

- (1) the proposal would exacerbate the concentration of students in an area of overconcentration which is in conflict with Building Balanced Communities policy;**
- (2) concern regarding the design of the extension, in particular the scale, the intensity, and the impact on adjacent property;**
- (3) concern that there is no parking for the dropping off and picking up of residents, taxis, deliveries, and servicing and the impact this will have on parking and traffic in the area.**

58 COLWICK HALL RACECOURSE ROAD

Councillor Malcolm Wood declared an in this item as a director of Nottingham Racecourse Company Limited which owns land in close proximity to the site, and he took no part on the discussion or voting on the item.

Rob Percival, Area Planning Manager, introduced application 18/01224/PFUL3 by GVA Grimley on behalf of Colwick Hall Hotel for planning permission for the erection of a function suite containing WCs, stores, kitchen and bar with landscaping and associated works. The application was brought to the Committee because it is a major development on a prominent site where there are important design and heritage considerations.

Rob Percival presented the application to the Committee and highlighted the following points:

- (a) Colwick Hall sits near to the racecourse on Racecourse Road in Colwick. The site of the application has been occupied for many years by a temporary marquee which is integral to the functioning of the Hall as a business. Temporary Planning permission was granted for the marquee in 2005 and renewed in 2007 before being refused in 2009. An enforcement notice remains in place for the removal of the marquee. The marquee now overlaps the Grade II* listed building and has several outbuildings attached.
- (b) The capacity of the new function suite is the same as the current marquee at up to 500 but the line of the building has been brought back to be in line with the stable buildings, much reducing the impact on the setting. The elevations have been kept low to keep it subordinate to the Hall. The design is contemporary but the glazing and brickwork seeks to achieve an orangery or walled garden aesthetic, in keeping with the Hall.

- (c) The design has been amended to include a terrace in order to retain a walnut tree and replacement planting will mitigate the loss of other trees on the site. The scheme has also been pulled forward to enable the retention of trees.

Following questions and comments from the Committee, the following additional information was provided:

- (d) The footprint of the new building is the minimum required to replace the existing marquee and outbuildings and much consideration has been given to minimising the loss of vegetation. The woodland being lost is of modest value in ecological terms and the loss will be mitigated at a rate of at least two for one in the Country Park as part of the conditions. The loss of woodland needs to be balanced against the heritage impact of the current marquee on the Grade II* listed Hall.
- (e) The level of noise caused by events will be reduced in a permanent building compared with that in the marquee.

RESOLVED to:

- (1) grant planning permission subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;**
- (2) delegate authority to the Director of Planning and Regeneration to determine the final details of the conditions.**