

## NOTTINGHAM CITY COUNCIL

### PLANNING COMMITTEE

**MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 17 February 2016 from 14.32 - 16.00**

#### **Membership**

##### Present

Councillor Chris Gibson (Chair)  
Councillor Cat Arnold (Vice Chair)  
Councillor Jim Armstrong  
Councillor Graham Chapman  
Councillor Alan Clark  
Councillor Michael Edwards  
Councillor Gul Nawaz Khan  
Councillor Sally Longford  
Councillor Brian Parbutt  
Councillor Wendy Smith  
Councillor Malcolm Wood  
Councillor Linda Woodings  
Councillor Steve Young

##### Absent

Councillor Azad Choudhry  
Councillor Rosemary Healy  
Councillor Toby Neal

#### **Colleagues, partners and others in attendance:**

Rob Percival	- Area Planning Manger
Richard Bines	- Legal Advisor
Paul Seddon	- Head of Development Management
Matt Gregory	- Policy and Research Manager
Nigel Turpin	- Heritage and Urban Design Manager
Caroline Nash	- Traffic Management Service Manager
Catherine Ziane-Pryor	- Governance Officer

#### **44 APOLOGIES**

Councillor Azad Choudhry – leave  
Councillor Rosemary Healy – leave  
Councillor Toby Neal - unwell

#### **45 DECLARATIONS OF INTERESTS**

Councillor Brian Parbutt and Councillor Linda Woodings both declared an interest as Non-Executive Director (Nottingham City Council appointed) of Nottingham City Transport in relation to item 5 on the agenda as the item concerns the Island Site which is adjacent to land owned by Nottingham City Transport. As the agenda item was simply for noting both Councillors did not regard their interests as an “Other Interests” requiring them not to participate in the meeting any further, as no decision was to be made in relation to that item of business such that reasonable members of the public would consider their interest as likely to prejudice their judgement.

Councillor Parbutt and Councillor Woodings both declared an interest as Non- Executive Directors (Nottingham City Council appointed) of Nottingham City Transport in relation to item 6 on the agenda as the item concerns the noting of the Publication of the Local Plan Part 2 and its specific reference to land owned by Nottingham City Transport in the Site Assessment Document, namely the Creative Quarter - Bus Depot. As the agenda item was simply for noting both Councillors did not regard their interests as an "Other Interest" requiring them not to participate in the meeting any further, as no decision was to be made in relation to that item of business such that reasonable members of the public would consider their interest as likely to prejudice their judgement.

#### **46 MINUTES**

The minutes of the meeting held on 20 January 2016 were confirmed as a true record and signed by the Chair.

#### **47 PLANNING APPLICATIONS**

##### **(a) Allotments Rear Of 108 to 150 Russell Drive**

Rob Percival, Area Planning Manager, presented the report of the Head of Development Management and Regeneration on application 15/03129/RVAR3 submitted by Freeths LLP on the behalf of Commercial Estates Group for planning permission to vary conditions 1, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23 and 24 of outline planning permission reference 12/01583/POUT in order to facilitate the phased delivery of the development of allotments rear of the properties 108 to 150 Russell Drive.

The report is brought to Committee as a decision to approve the recommendation in the report would grant a new planning permission following a successful appeal against the Committee's previous decision to refuse permission.

It is noted that the application is not to change details of the scheme, only the timing of compliance with conditions issued by the Planning Inspector on appeal. It was understood this was not an opportunity to revisit the principle of the development.

During the consideration of the item, the Committee sought and were given assurance, over the quality of the replacement allotments ('silver gilt standard') and the assistance that would be offered for existing allotment holders to move to these. Councillors were assured that the latter could be secured when officers consider the details submitted by the Applicant to discharge the relevant conditions.

The access route and general infrastructure provision was questioned and a broad explanation given as to how each of the allotment areas would be served in terms of vehicular access and communal parking areas.

Councillor Wendy Smith queried the implications for the proposed expansion of Fernwood School. It was noted that the proposed Planning Obligation would provide funding for Fernwood School and that this development would have been taken into consideration in the current plans to expand the school.

Councillor Armstrong questioned the implications of the gardeners being served notices to quit their allotments. It was explained that this was a separate legal matter beyond planning

control but that it would not override any planning requirements that the developer would need to meet.

It is noted that Councillor Jim Armstrong abstained from voting on the item.

**RESOLVED to grant planning permission subject to:**

- (1) (a) prior completion of a Deed of Variation applying to the Planning obligation dated 7 November 2013, which shall include:**
  - on site provision of affordable housing;
  - a contribution towards facilities at Fernwood Primary School and Fernwood Academy (Secondary School);
  - provision of one free 12 months Kangaroo Travel Pass for each household;
  - £50,000 (indexed linked) for pedestrian crossing improvements on Russell Drive;
  - £40,000 (indexed linked) for improvements to two bus stops adjacent the site access on Russell Drive;
  - construction of a footpath to Torvill Drive;
  - payment of £10,000 to the Council should the development fail to achieve year 5 Travel Plan targets;
  - £150,000 for enhancements to Martin's Pond and Harrison Plantation;
- (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report. The power to determine the final details of both the terms of the Planning Obligations and conditions of the planning permission to be delegated to the Head of Development Management;**
- (2) Councillors being 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;**
  - (c) fairly and reasonable related in scale and kind to the development;**
- (3) Councillors being satisfied that the Section 106 obligation sought in relation to education, promotion of sustainable travel, pedestrian crossing and bus stop improvements, and contribution to Martin's Pond and Harrison Plantation**

**would not exceed the permissible number of obligations according to Regulation 123(3) Community Infrastructure Levy Regulations 2010.**

**(b) Broad Marsh Multi Storey Car Park And Bus Station Collin Street**

Rob Percival, Area Planning Manager, introduced the report of the Head of Development Management and Regeneration application 15/03034/NFUL3 submitted by Leonard design architects on behalf of Nottingham City Council for the refurbishment and redevelopment of Broadmarsh Multi-storey Car Park and Bus Station.

Planning permission 15/00950/PFUL3 has already been granted for a major refurbishment of the Broadmarsh Shopping Centre.

The application is brought to Committee because it relates to a development of prominent site with important land use, design and heritage considerations.

The Committee is requested to grant the Planning Permission for the refurbishment and redevelopment of Broadmarsh Car Park, subject to the indicative conditions listed in the draft decision notice and those specified in the Update Sheet.

The application includes:

- change of use and extensions to the Carrington St and Collins St frontages to provide A1 - A5 uses (shops, financial and professional services, restaurants and cafes, drinking establishments and hot food takeaways) and ancillary public facilities;
- re-cladding of the car park structure and re-location of the car park access and egress point to Middle Hill;
- the reconfiguration of the bus station layout and moving the egress point for buses closer to the junction of Canal Street and Middle Hill.

The Committee also considered additional comments in the Update Sheet from Highways made subsequent to the agenda publication.

During consideration of the item Councillors discussed the following points:

- (a) the interior of the car park should be lit with as much natural daylight as is feasible to promote the sense of personal safety for users and energy use minimised. On behalf of the Head of Development Management and Regeneration it was confirmed that the glass louvres play a large role in the ventilation strategy of the building and will allow a large amount of natural light into the car park area, which should assist with the energy use;
- (b) solar panel use on the south facing wall of the building. This would have a detrimental effect on the appearance of the building so had not be pursued on this basis. Solar panels could nevertheless be considered in the form of roof top parking canopies. Councillor Alan Clark observed that in addition to the visual appearance issues, it should be noted that feed in tariffs available on solar panels were rapidly

reducing and careful evaluation would be needed to ensure installation of solar panels was a viable in furthering a reduction in the building's carbon footprint;

- (c) consideration had been given to several options for the layout of the bus station. Concern remained amongst Councillors with regard to safe pedestrian access to bus stops, particularly as the current proposals do not appear to provide appropriate pedestrian access from Canal Street. On behalf of the Head of Development Management and Regeneration it was confirmed that the bus station layout, which was internal to the existing building and not subject to approval as part of this application, was the subject of on-going design development and that this issue would be fed into this process. Concern over vehicular access and changes to the Highway network was also raised. It was noted that these are valid issues but these would be explored and resolved as part of separate process concerning changes to the wider public realm and highway network. They were not matters for specific consideration in this application;
- (d) Councillors commented that while appreciating the difficulties of upgrading and old concrete building, further consideration could be given to more variation in cladding material and colour to take account of and complement existing development in the townscape;
- (e) concern was raised at the impact on local resident and business parking during and following the proposed changes to the wider highway network, rather than this specific development. Rob Percival responded that residents and businesses for which access and parking would be affected, will have been consulted by Traffic Management colleagues who will have explored the impact in great detail;
- (f) further consideration should begin in to ensuring that the building was identifiably individual to Nottingham by incorporating elements of 'the Nottingham story'. This had been successfully achieved at the Nottingham Contemporary by including a lace textured pattern on the exterior cladding;
- (g) clarity was sought as to how the north-west corner would operate. Escalators need to be accessible at all times while the bus station is operating and further consideration could be given to creating a square at the Collins Street Carrington Street junction. This area could include public art;

Recognising that there were design issues and the finalising of materials to be determined, it is proposed that there should be discretion for the Head of Development Management to refer significant design changes to the Chair, Vice-Chair, Lead Opposition Member and such other members of Planning Committee as the Chair will at his discretion determine, for their agreement.

## **RESOLVED**

- (1) to grant planning permission subject to the indicative conditions listed in the draft decision notice within the report and included within the update sheet;**
- (2) power to determine the final details of the conditions to be delegated to Head of Development Management;**

- (3) **power to determine the final details of any significant design changes to the scheme to be delegated to the Head of Development Management in consultation with the Chair, Vice Chair, Opposition Spokes Person and such other member of the Planning Committee as the Chair in his discretion may determine.**

(c) **337 Derby Road, Nottingham**

Rob Percival, Area Planning Manager, presented the report of the Head of Development Management and Regeneration, on application 15/02961/PFUL3 submitted by William Saunders on behalf of Chapel Bar Securities Limited, for planning permission to change the use of a five bedroom house in multiple occupation (HMO) to a five bedroom children's care home.

The application is brought to Committee at the request of a Ward Councillor, who has raised concerns regarding the level of pollution in the immediate vicinity of the property and who challenges the appropriateness of the proposed use in this regard.

It is noted that Pollution Control have reviewed air quality and concluded that existing pollutants would not be a danger to users of the proposed development.

Councillors welcomed the property's change from an HMO.

**RESOLVED**

- (1) **to grant planning permission subject to the conditions listed in the draft decision notice within the report;**
- (2) **power to determine the final details of the conditions to be delegated to the Head of Development Management.**

(d) **Site Of Council Offices, Library, Sheltered Housing And Communal Rooms Stepney Court**

Rob Percival, Area Planning Manager, presented the report of the Head of Development Management and Regeneration on planning application 15/02782/FUL3 for a three-storey building comprising of joint service centre on the ground floor and 30 self-contained sheltered housing units to the first and second floors.

The application is brought to Committee because it is a major development located on a prominent site with important to design considerations.

The Committee considered the report, plans and a computer-generated image (CGI) of the proposed development and commented as follows:

- (a) the choice of external colours is interesting, although the warm yellow colour of the bricks in CGI would be preferable to the red brick sample provided. An amendment to the conditions was proposed to secure officer approval of a different brick sample:

- (b) signage on the building needs to clearly display that it contains a library and contact centre;
- (c) the Joint Service Centre ought to have a locally relevant name. This could be achieved through a local competition.

## **RESOLVED**

- (1) to grant planning permission subject to the indicative conditions listed in the draft decision notice within the report, subject to an appropriate amendment or addition to the conditions requiring precise details of the brick type be submitted to and approved in writing by the Local Planning Authority before development commences;**
- (2) for power to determine the final details of the conditions to be delegated to the Head of Development Management.**

## **48 DRAFT ISLAND SITE SUPPLEMENTARY PLANNING DOCUMENT**

Matt Gregory, Policy and Research Manager, presented the report of the Deputy Chief Executive/Corporate Director of Development and Growth. The report informs the Committee that The Island Site Supplementary Planning Document (SPD) was published in January for a six week period of public consultation after which, responses will be considered, and relevant changes made to the SPD before its submission for approval to Executive Board.

The Planning Committee are requested to note the publication of the draft Island Site SPD and period of consultation.

The SPD seeks early regeneration and accelerated development on the site with the following key outcomes:

- An aspiration for 66,000 sqm of new office floors pace, and a minimum of 45,000 sqm (Gross External Area);
- Between 500 and 650 new homes, with the former being in keeping with the aspirations for maximising office floor space;
- Residential and economic development to be delivered in tandem;
- Further expansion space for biosciences;
- Retail, leisure and community uses to complement the residential and employment offer;
- New uses for the Great Northern Warehouse and adjacent James Alexander Warehouse;
- New streets and routes;
- High quality new open space and public realm;
- Provision of parking appropriate to the scale, layout and design of new development.

The following points were raised by the committee:

- (a) Area 8 Committee have considered and support the recommendations within the report;

- (b) Ward Councillors were led to believe that an option to prioritise bus lanes through the site would be included, but it is disappointing that this does not appear to have been formalised. Matt Gregory responded that the document does include an aspiration for public transport through the site but no further detail can be provided yet;
- (c) it is agreed that the City needs to strive for offices on the site, but it is vital that capacity is retained to enable the expansion of the successful Bio-City;
- (d) with the need for new homes within the City, some Councillors questioned the appropriateness for the whole site to be mixed use with residential, office and business premises. Matt Gregory responded that as the site is such a vast area (approximately 17 hectares) by offering mixed use including residential development, developers will find the planning offer more attractive and will be faster to respond than if purely business premises development opportunities were available. In addition, the site is not suitable to support residential gardens attached to conventional housing due to ground contamination.

**RESOLVED to note the publication of the draft Island Site Supplementary Planning Document for a period of public consultation.**

#### **49 LOCAL PLAN PART 2: LAND AND PLANNING POLICIES DOCUMENT – PUBLICATION VERSION**

Matt Gregory, Policy and Research Manager, presented the report of the Deputy Chief Executive /Corporate Director Development and Growth. The report informs the Committee that the Local Plan Part 2: Land and Planning Policies Document (LAPP), which will guide future development in the City up to 2028, is available for a six-week period ending 11 March 2016 to allow formal representations to be made regarding revisions to planning policies and site allocations.

There are 59 Development Management Policies within the document, including:

- Climate change;
- Employment Provision and Economic Development;
- Role of the City, Town, District and Local Centres;
- Regeneration;
- Housing Size, Mix and Choice;
- Design and Enhancing Local Identity;
- The Historic Environment;
- Local Services and Healthy Lifestyles;
- Managing Travel Demand;
- Our Environment;
- Minerals;
- Infrastructure.

The changes to the LAPP publication version, including lists of policies and site allocations, are outlined within Appendix 1 to the report.



Representations will be considered by an Independent Planning Inspector. Once (if necessary) any amendments are made and the Inspector has declared the plan sound, it can then be adopted.

Councillor's discussion included:

- (a) Noting the disappointment of Ward Councillors who oppose the sale of Chingford playing field. Ward Councillors believe signs are now in place advertising the development potential of the site which has been used for recreation for more than 60 years and the site remains within the LAPP as a specific Site Allocation with specific development principles. Matt Gregory responded that he would investigate this and report back to the Ward Councillors directly;
- (b) some Area Committees have considered for a substantial amount of time the area relevant report submitted to them and discussed appropriate planning potential. However the views of the community and the Ward Councillors can be completely undermined. The most significant instance of this is when a free school was approved for a site in the Meadows without the opportunity for citizens and elected members' challenge the development to be heard. This in effect conflicts with the democratic process and is an affront to citizens and the planning process. Matt Gregory responded in agreement that there are mixed messages from Central Government which promotes devolution but at the same time reduces budgets and restricts control. Planning officers have their hands tied and professional views are becoming less important. Councillor Chapman added that whilst Central Government does provide a period of consultation, during which Nottingham City Council does respond, it is a real concern that there are still flaws within the overall process. It is suggested that the Chair, on behalf of the Planning Committee, write a letter to the highest relevant ministerial level outlining the issues. In addition, it was proposed that the Leader of the Council be invited to raise the issue at a future Core Cities meeting.

## **RESOLVED**

- (1) to note the publication of the Local Plan Part 2: Land and Planning Policies Document (Publication Version) for a six-week period ending 11 March 2016, to allow formal representations to be made;**
- (2) with regard to the ability of local planning policies and agreements to be lawfully undermined and bypassed without the opportunity for local challenge, specifically relating to when free schools express an intention to establish sites:**
  - (i) the Chair of the Planning Committee write a letter on behalf of the Committee, to the highest relevant ministerial level, outlining the mixed messages from Central Government around encouraging devolution and yet overriding local democracy;**
  - (ii) that the Leader of the Council is invited to raise the above issue within the Core Cities Forum.**