

## NOTTINGHAM CITY COUNCIL

### PLANNING COMMITTEE

#### MINUTES of the meeting held at the Council House on 19 FEBRUARY 2014 from 2.35 pm to 4.45 pm

Councillor Chris Gibson	(Chair)
Councillor Gul Khan	(Vice-Chair)
Councillor Liaqat Ali	(minutes 82 to 88)
Councillor Cat Arnold	(minutes 82 to 87)
Councillor Graham Chapman	
Councillor Azad Choudhry	
Councillor Alan Clark	
Councillor Emma Dewinton	(minutes 82 to 86)
Councillor Michael Edwards	(minutes 82 to 87 and 89 to 90)
Councillor Ginny Klein	
Councillor Sally Longford	(minutes 82 to 85 and 87 to 90)
Councillor Ian Malcolm	
Councillor Eileen Morley	(minutes 82 to 86)
Councillor Roger Steel	
Councillor Malcolm Wood	

- indicates present at meeting

#### City Council colleagues

Paul Seddon	- Head of Development Management and Regeneration	)	
Rob Percival	- Area Planning Manager	)	
Martin Poole	- Area Planning Manager	)	
Nigel Turpin	- Heritage and Urban Design Manager	)	Development
Andy Gibbon	- Head of Public Transport	)	
Steve Hunt	- Head of Traffic and Safety	)	
Lisa Guest	- Traffic and Safety	)	
David Jones	- Senior Transport Planner	)	
Karen Mutton	- Team Leader, Legal and Constitutional Services	)	Resources
Martin Parker	- Constitutional Services Officer	)	

#### **82 APOLOGIES FOR ABSENCE**

Councillor Graham Chapman	) Other City Council business
Councillor Ginny Klein	)

## **83 DECLARATIONS OF INTERESTS**

### **(i) Agenda Item 4(a) - Planning Application Victoria Centre, Milton Street (Minute 85)**

Councillors Alan Clark and Mike Edwards declared personal interests in the item as City Council appointed directors of EnviroEnergy Ltd.

Councillor Chris Gibson also declared a personal interest in the item as a City Council appointed Director of Nottingham City Transport, who had submitted late objections to the proposal.

Councillors Gibson, Clark and Edwards were satisfied that their interests did not prevent them from speaking or voting on the item.

### **(ii) Agenda Item 4(b) - Planning Application new College Nottingham, Stockhill Lane (minute 86)**

Councillor Sally Longford declared disclosable pecuniary interest in the item as an employee of the applicant organisation, and withdrew from the meeting during determination of the application.

### **(iii) Agenda Item 4 (c) – Planning Application Trent Basin and Land to East of Trent Lane, Trent Lane (minute 88)**

Councillor Clark declared a personal interest in the item is a City Council appointed director of Nottingham Regeneration Limited, mentioned in the report as having commented on the application, which did not prevent him from speaking or voting on the item.

Councillor Edwards declared a personal interest in the item as a representative of the applicant had worked with him during his election campaign. Councillor Edwards withdrew from the meeting during determination of the application.

## **84 MINUTES**

The Committee confirmed the minutes of the meeting held on 22 January 2014 as a correct record and they were signed by the chair.

## **85 VICTORIA CENTRE, MILTON STREET**

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 11/01859/PFUL3 submitted by Nathaniel Lichfield and Partners on behalf of INTU Properties plc for planning permission to demolish the existing multi-storey car park, the northern part of the existing Victoria Centre, York House (Mansfield Road), Base 51 (51 Glasshouse Street) and Global House (178 Huntingdon Street) and erect a mixed use development to provide new retail, leisure and office accommodation within Use Classes A1, A2, A3, A5, B1 and D2; plus development of a three level multi-storey car park underneath the extension including a

shopmobility facility; erection of a new bus station and facilities; improvements to the public realm; associated highway and access works; and other associated works.

Mr Percival reported the following matters concerning representations received since preparation of the report and recommended, additional commentary on the application documentation and changes to the conditions contained in the draft decision notice attached to the report:

**(a) Additional Objections**

Receipt of two further objections via email from representatives of Trent Barton Ltd and Nottingham City Transport Ltd, expressing concern at the perceived absence of prior consultation on proposals and raising concerns at the impact of the proposals on traffic, particularly associated with public transport and car park access arrangements.

**(b) Additional Commentary**

**Leisure Need and Impact Assessment**

A leisure need and impact assessment was submitted with the application. The proposed development includes a 10 screen multiplex cinema, health and fitness club, fast food outlets and restaurants. As part of the need and impact assessment a cinema impact assessment was carried out. This involved identification of consumer demand and cinema supply using 2011 as the base year for assessment and 2017 as the design year.

The analysis of this, using the results of accepted research, concluded that there is significant potential for new cinema screens in Nottingham. The capacity figures suggest that there is scope for 17 additional screens in 2017, increasing to 19 in 2021. The assessment also examined the pattern of trips to the Victoria Centre cinema and the impact upon cinemas within the study area. It acknowledged that the proportional impact on cinemas within the study area will fall on Nottingham cinemas, but concluded that existing cinemas would continue to trade above optimum levels and that it would therefore be unlikely that any cinema would be forced to close due to the impact of the proposed Victoria Centre cinema. Nottingham currently has four main cinemas providing 35 screens and 7024 seats compared with four cinemas with 35 screens and 7177 seats in Derby.

**Nottingham Retail Offer**

A report by Experian in July 2012 assessed retail supply within Nottingham City Centre and concluded that:

Nottingham's retail rank has fallen from 3rd in 2001 to 8th in 2011;

Nottingham has a lower amount of retail floorspace than Liverpool, Manchester and Birmingham;

An additional department store is required to elevate Nottingham in the national retail hierarchy;

Nottingham's comparison goods provision could be enhanced by retailers who are currently not present in the city centre when compared to national and regional benchmark centres;

There is a high proportion of leakage to local competing centres;

Nottingham retains 37% of shoppers living within its primary and secondary catchment;

Nottingham has many strengths that can be built upon to enhance the retail economy; and

There is considerable opportunity for retail growth within Nottingham given the right strategy.

**(c) Proposed Changes to Draft Conditions**

The following changes were recommended in relation to the proposed access and egress arrangements to the proposed car park, the servicing strategy for the development, the elevational treatment of the Mansfield Road frontage and the undertaking of a safety audit of the Mansfield Road frontage:

**Proposed Amendments**

**Condition 16 be amended to read:**

"No development shall be commenced until the detailed designs of the proposed highway works, shown in principle only on Capita Symonds drawing number CS45087/T/133 Rev F and including a programme for their installation, have been submitted to and approved in writing by the Local Planning Authority. The works shall be constructed out in accordance with the approved details. "

**Informative 14** - the following sentence be added:

"The scheme will go through a full Road Safety Audit as part of the Section 278 and as such, minor amendments to the highways works plan referred to in condition 16 may occur."

**Proposed additional conditions**

The following additional conditions were proposed, with condition 1 amended pursuant to an amendment proposed by Councillor Edwards and approved when put to the vote, and condition 4 amended pursuant to an amendment proposed by Councillor Longford and approved when put to the vote

1. Notwithstanding the approved drawings, no part of the development shall be commenced until the proposed access and egress to the car park entrances and a car park management plan (to include operational and managerial information) have been submitted to and approved in writing by the Local Planning Authority. Once the development is brought into use, the access and egress arrangements and the car park management plan shall at all times be operated in accordance with the approved details.

*Reason: To avoid potential harm to bus operation on Mansfield Road ensure and to ensure the overall efficient operation of the car park in accordance with Policy T3 of the Local Plan.*

2. No part of the development shall be commenced until details of a strategy for managing the servicing of the development have been submitted to and approved in writing by the Local Planning Authority. Once the development is brought into use, the servicing of the development shall at all times be operated in accordance with the approved strategy.

Reason: *To ensure that the traffic effects of the development are mitigated in the interests of highway and pedestrian safety in accordance with Policies BE2 and T3 of the Local Plan.*

3. Notwithstanding the approved drawings, no above ground development shall be commenced until revised elevations and details of the Mansfield Road and bus station frontage of the development and of the southern elevation of Sheridan Court, have been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure that the appearance of the development will be satisfactory and in accordance with Policies BE2 and BE3 of the Local Plan.*

Further additional condition, proposed by Councillor Longford and approved when put to the vote:

- "4. Notwithstanding the approved drawings, no part of the development shall be commenced until revised details of the appearance, design, capacity and configuration of the bus station have been submitted to and approved in writing by the Local Planning Authority."**

### **Discussion**

The following points arose during discussion of the application:

- The success of the applicants in helping to transform the retail offer, with accompanying leisure and food offers, in other locations were noted and the jobs to be created by the proposals, to be located in the city centre and therefore accessible to all of the city's residents, were welcomed
- The commitment to Nottingham demonstrated by Intu and that their proposals would push the city back up the retail rankings were welcomed
- Progress achieved thus far in improving elements of design and materials were welcomed. It was requested that discussions should continue to improve aspects of the design, particularly to the Mansfield Road frontage adjacent to the Rose of England public house.
- The Committee expressed a level of concern at the proposed amendment to access and egress from the Victoria Centre car park as a result of the scheme, and the reduction of the overall number of entrances and exits compared to the current arrangements. Further discussions will be required to ensure that the proposed arrangements can operate satisfactorily, in particular without causing an unacceptable impact on traffic on Mansfield Road, to be secured by additional condition 1 as amended as proposed by Councillor Edwards
- The Committee expressed qualified support, at this time, for proposals associated with the replacement bus station. Further discussions will be required, to be secured through the condition proposed by Councillor Longford:
  - to ensure that this element integrates fully with the wider scheme in terms of connectivity and achieves its full potential in terms of attracting visitors to the Victoria Centre and wider city centre from both Nottingham and further afield;

- to address concerns regarding the traffic management implications of the scheme for public transport routes along Mansfield Road and Woodborough Road in particular, and the locality in general;
- to ensure that the bus station can achieve a satisfactory level of vehicle space, improved vehicle management of the facility and provide a better quality passenger experience with improvements to seating and inclement weather facilities.

The Committee agreed that the determination of the details submitted to discharge additional condition 1 (as amended) and the additional condition put forward by Councillor Longford should be delegated to the Chair, Vice Chair and Opposition Spokesperson.

## **RESOLVED**

- (1) that the requirements of Part 2 of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are satisfied by reason of the Environmental Statement submitted in support of the application including at least the following information:**
  - (a) a description of the development comprising information on the site, design and size of the development;**
  - (b) a description of the measures envisaged in order to avoid, reduce and, if possible remedy significant adverse effects;**
  - (c) the data required to identify and assess the main effects the scheme is likely to have on the environment;**
  - (d) an outline of the main alternatives studied by the applicant and an indication of the main reasons for rejecting these, taking into account the environmental effects;**
  - (e) a non-technical summary of the information provided under (a) to (d) above;**
- (2) that the implications of the development addressed in the Environmental Statement, subject to the mitigation measures proposed, do not amount to major adverse effects or main effects or other adverse impacts that would justify the refusal of the application;**
- (3) that, in making the decision on this application, the environmental information being the Environmental Statement and the representations received on it have been taken into account. The Environmental Statement meets the minimum requirements of Part 2 of Schedule 4 to the Environmental Impact Assessment Regulations 2011, and is sufficient having regard to Part 1 of Schedule 4 to those Regulations;**
- (4) that Regulation 24(1) of the Environment Impact Assessment Regulations 2011 be complied with as soon as reasonably practical, and the Head of Development Management and Regeneration be delegated to undertake the necessary requirements, namely:**
  - (a) to notify the decision in writing to the Secretary of State;**

- (b) to inform the public of the decision by newspaper advertisement; and,
  - (c) to place on deposit for public inspection a statement containing the content of the decision and the conditions attached to it, the main reasons and consideration on which the decision is based and a description, where necessary, of the main measures to avoid, reduce and, if possible offset any major adverse effects of the development, and also to contain information on the ability to and procedures for the challenge of the decision;
- (5) a Planning Obligation be sought under section 106 of the Town and Country Planning Act 1991 to secure, in summary, the following:
- (a) a financial contribution to environmental/public realm improvements to major approach routes to the development site to ensure full integration with the surrounding City Centre network of streets and public realm;
  - (b) a new bus station to be provided as part of the development and a financial contribution towards associated facilities;
  - (c) cyclist facilities;
  - (d) a financial contribution to support Centrelink bus service improvements;
  - (e) a financial contribution to fund connection to and new signage to the existing 'Park Smart' City Centre parking information system;
  - (f) a financial contribution for changes to traffic enforcement cameras;
  - (g) a financial contribution and the provision of linkages to the City Council CCTV system;
  - (h) a financial contribution for traffic monitoring cameras;
  - (i) a travel plan;
  - (j) provision of a Shopmobility facility;
  - (k) enhancement works to the Clock Tower entrance;
  - (l) a financial contribution towards the provision of an air quality management station.
- (6) subject to the completion of the Planning Obligation in relation to the items identified at resolution (5) above, to grant planning permission for the reasons set out in the report, subject to the indicative conditions substantially in the form listed in the draft decision notice at the end of the report amended as set out above and to the additional conditions specified above;
- (7) that Councillors are satisfied that Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation to be sought at resolution(5) above 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.
- (8) to delegate power to determine the final details of the conditions, substantially in the form of those listed in the draft decision notice at the end of this report amended as set out above and to the additional conditions specified above, and the Planning Obligation at (5) above to the Head of Development Management and Regeneration.

Councillor Sally Longford left the meeting at this point and returned after the following matter had been determined.

## **86 NEW COLLEGE NOTTINGHAM, STOCKHILL LANE**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration the report on application 13/02764/PFUL3 submitted by Ellis Williams Architects on behalf of New College Nottingham for planning permission to demolish the existing college buildings and construct a new four/five storey college building and a two storey sustainable construction, innovation and enterprise centre (SCIEC).

Mr Poole reported receipt of the following additional matters since preparation of the report:

- amended plans to show the retention of a greater expanse of Bulwell stone wall along the Nuthall Road frontage which is considered to be an enhancement to the overall scheme and as such is considered acceptable.
- a letter from the applicant requesting an adjustment to the timescales for some of the conditions to allow details to be agreed on a phased basis rather than prior to the commencement of any development on site. The applicant's request is considered to be reasonable and final wording of the conditions will be revised to reflect this prior to the decision notice being issued.

Councillors welcomed the proposal but expressed concern that:

- the proposed colour palette, whilst distinctive, was not sufficiently uplifting for such a use and its locality and should be the subject of further negotiations to achieve a revised colour scheme which would be more acceptable to local residents. If the applicant wished to maintain rather than replace the current palette, use of lighter tones would be preferred;
- reductions in on-site parking provision may result in increased parking on residential streets in the locality.

Mr Poole confirmed that the approval of external materials was secured by a condition of the draft decision notice which could be further amended to record that the condition applied notwithstanding the submitted details, and that the Committee's concerns would be discussed with the applicant. Mr Poole also confirmed that the Transport Statement submitted in support of the application indicated that the revised level of car parking met the needs of the applicant and that control over their management would be exercised through the requirement to submit and implement a robust Travel Plan.

### **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.**



**87 280 NOTTINGHAM ROAD, NOTTINGHAM**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration the report on application 13/03106/PFUL3 submitted by the DSP Architects Ltd on behalf of Aldi Stores Ltd for planning permission to demolish existing buildings and erect a new retail food store on the site.

Mr Poole reported receipt of the following since publication of the report:

**Revised plans:** received 12 February 2014 showing fencing to the side of the building brought forward and reflective glazing to the Nottingham Road windows.

**Additional expressions of support:** one letter and two further emails expressing support for a low-cost supermarket in the area accessible by foot and also supportive of the improvements to the appearance of the area.

**A letter of objection:** from the operator of a nearby shop, noting the impact of supermarkets on small shops and that it is wrong of the Council to support large supermarkets over small businesses. In response Mr Poole noted that the overall retail impact of the proposal is addressed in the report and that competition between individual shop operators is not a material planning consideration.

The Committee welcomed the changes that had been made to the scheme since the previous submission (application reference 13/02102/PFUL3) considered by the Committee at its meeting on 20 November 2013 (minute 62).

**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.**

Councillor Mike Edwards left the meeting at this point and returned after the following matter had been determined.

**88 TRENT BASIN AND LAND TO WEST OF TRENT LANE**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on a hybrid application 13/03029/PFUL3 submitted by Gerald Eve LLP on behalf of Blueprint (General Partner) Ltd and Homes and Communities for:

- (a) full planning permission to erect 41 dwellings comprising 35 terrace/semi-detached houses and six apartments in a separate block, landscaping, public open space and associated works (Phase 1); and
- (b) outline planning permission for the erection of up to 119 dwellings (excluding Phase 1) including means of access, with matters of scale, landscaping, layout and appearance being reserved for later determination.

Mr Poole asked the Committee to note that the site description in the report should have referred to land to the West of Trent Lane, not East and that the references in paragraph 7.13 of the report to the proposed material finishes to the buildings as having brickwork and render façades were incorrect in that the building facades are proposed to be constructed entirely in brick, using three brick types which were on display at the meeting.

Martin Poole also asked the Committee to note the following additional commentary in respect of the proposal:

**(a) Flood Risk**

It is considered that further explanation of the flood risk aspects of the proposed development should be provided. Para 7.21 of the report states that the site falls within Flood Zones 1 (Low Probability) and 2 (Medium Probability). To clarify this point further, only part of the site is within these zones, being that part closer to the River Trent to a point at approximately half of the length of the Basin area. The remaining part of the site towards Daleside Road is not at any risk.

Flood Zone 1 is defined as land having less than 1 in 1,000 year probability of flooding. Flood Zone 2 is that having between 1 in 100 and 1 in 1,000 year probability of flooding.

It is important to note that the flood designation of areas does not take into account the presence of flood defences or other structures such as culverts or minor watercourses. Significantly, the site is now afforded additional protection following the completion of the Nottingham Left Bank Flood Alleviation Scheme.

A Flood Risk Assessment (FRA) has been submitted with the application and has been reviewed by the Environment Agency. This assessed the risk of flooding from a range of sources, including fluvial (river), groundwater, reservoir (flood plain failure), sewer, and pluvial (rainwater flash flood). Taking all of these risks into account, it has been determined that the primary flood risk mitigation measures would include setting minimum floor levels at 24.60 AOD and that no basements are used within the development.

The Environment Agency concurs with the recommendations of the FRA and, subject to appropriate planning conditions, included in the draft planning permission appended to the report, has no objection to the proposed development on this basis.

**(b) Waterside Safety**

A concern has also been raised about waterside safety. When the development is complete, the waterside areas will incorporate appropriate details to manage the risks inherent in waterside developments. However, it is recognised that due to the phased nature of the scheme there will potentially be long periods where residents will live adjacent to undeveloped land where there will be a heightened risk from water.

It is therefore recommended that condition 5 be amended to include the following additional item:

- “5. Details of arrangements for securing construction sites and any remaining undeveloped areas of the site.”

The Committee considered that the application was a welcome addition to the locality and would hopefully provide the catalyst for comprehensive redevelopment of the waterside area. As part of ongoing discussions on any future proposals in the area, the Committee would wish to encourage applicants to consider the need to make provision for ancillary services and facilities such as doctors' surgeries to serve new development the area.

## **RESOLVED**

- (1) to grant planning permission, subject to:**
  - (a) prior completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to include:**
    - (i) financial contributions towards affordable housing and education, subject to the submission of viability appraisals relating to each phase of development, with no contributions being made in relation to Phase 1;**
    - (ii) the provision of public access through the site to the section of riverside walkway and edges of the Basin, and unrestricted opportunity to continue the riverside walkway onto adjacent development sites;**
    - (iii) the management and maintenance of public spaces, riverside path and future bridge at the mouth of Trent Basin;**
  - (b) conditions substantially in the form of those listed in the draft decision notice at the end of the report as amended above**
  - (c) to delegate power to determine the final details of both the terms of the Planning Obligation and conditions of planning permission to the Head of Development Management and Regeneration;**
- (2) 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.**

## **89 SITE AT CRANWELL ROAD, NOTTINGHAM**

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/02657/PFUL3 submitted by Arcus Consulting on behalf of Nottingham City Homes Ltd for planning permission to erect 11 bungalows, 20 houses and 20 flats following demolition of existing dwellings and garages.

Mr Percival reported:

- that the two apartment blocks originally included as part of the proposal have been withdrawn from the application due to outstanding design and access issues so that the application now comprised the house and bungalow elements only;
- The observations from the heritage and urban design consultee had been received and stated that the scheme represented a welcome improvement compared to the buildings currently occupying the site, and recognised that the site was difficult to develop in terms of the levels and access restrictions. The proposed elevational treatments were considered acceptable.

The Committee raised a concern over the exclusion of flats from the scheme and expressed a desire that a mix of housing types be secured over the wider site to include one bedroom accommodation.

## **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.**

## **90 CANAL CONSERVATION AREA - PROPOSED EXTENSION OF DESIGNATED CONSERVATION AREA**

Nigel Turpin, Design and Conservation Manager, introduced a report of the Head of Development Management and Regeneration on proposals and processes for extending the existing boundary of the Canal Conservation Area to include 1 Colin Street and 2 - 26 Carrington Street.

**RESOLVED that, having had regard to the consultation responses received, the current designation of the Canal Conservation Area be varied by inclusion of the area shown highlighted on the plan at Appendix 1 to the report.**