

## **NOTTINGHAM CITY COUNCIL**

### **PLANNING COMMITTEE**

**MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 21 December 2016 from 14.30 - 15.45**

#### **Membership**

##### Present

Councillor Chris Gibson (Chair)  
Councillor Cat Arnold (Vice Chair) (minutes 49-53 inclusive)  
Councillor Alan Clark  
Councillor Michael Edwards  
Councillor Rosemary Healy  
Councillor Brian Parbutt  
Councillor Wendy Smith  
Councillor Malcolm Wood  
Councillor Linda Woodings  
Councillor Andrew Rule

##### Absent

Councillor Graham Chapman  
Councillor Azad Choudhry  
Councillor Gul Nawaz Khan  
Councillor Sally Longford  
Councillor Steve Young

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

Paul Seddon	- Chief Planner
Martin Poole	- Area Planning Managers
Richard Bines	- Solicitor
Catherine Ziane-Pryor	- Governance Officer

#### **49 APOLOGIES FOR ABSENCE**

Councillor Graham Chapman – other Council business  
Councillor Sally Longford – leave  
Councillor Azad Choudhry – leave  
Councillor Steve Young - health

#### **50 DECLARATIONS OF INTERESTS**

Although not required to do so, Councillor Josh Cook declared that, in relation to agenda item 4b, 67 Lower Parliament Street, (minute 53) he was a student Nottingham Trent University but had no involvement with the site or its development. This did not preclude him from speaking or voting on the item.

## **51 MINUTES**

The minutes of the meeting held on 23 November 2016 were confirmed as a true record and signed by the Chair.

## **52 SITE OF 16 AND 18 SNEINTON DALE**

Martin Poole, Area Planning Manager, presented application 16/02063/PVAR3 by rgp Ltd on behalf of Mr Aurangzeb Khan for planning permission to erect a religious and community centre (variation of condition S1 of planning application reference 12/03117/PFUL3).

The application is brought to Committee because it proposes material amendments to a scheme previously considered by Planning Committee in March 2013, as it is considered sensitive given the level of public interest.

Martin Poole delivered a brief presentation which included plans, aerial and street level photographs and computer generated images (CGIs) of the current site, the formerly approved plans and how the completed elements of the new application were expected to appear.

The report provided details of all proposed variations from the initial approval, the Section 106 agreement completed prior to permission 12/03117/PFUL3 and the rationale for it and noted that Planners did not consider that the design changes reduced the quality of the scheme, which was appropriate for the area, met the needs of the applicant and therefore the recommendation was to support the application, subject to a variation agreement under s106A of the Town and Country Planning Act 1990 applying the terms of the previous s106 to this application.

The Update Sheet provided additional information including a list of objections received.

The Chair commented that whilst local media had reported that the Committee had previously refused planning permission for the initial application, this had not been the case. The previous application had been approved subject to conditions, and as this application was submitted as an application for design changes to a development already commenced, then under Section 73 (2) (a) of the Town and Country Planning Act, it was not appropriate for the principle of the approved development and use of the site as approved under Planning permission (ref 12/03117/PFUL3) to be re-considered. The Committee was considering only the question of the design change conditions subject to which planning permission was sought.

The comments from the Committee included:

- (a) the initial design has been improved and attempts to address some points of concern, such as adequate parking, have been made;
- (b) there is no evidence that the design changes will result in the use of lower quality materials so the application should be supported;
- (c) the use of Portland stone and marble in modern architecture is welcomed;

- (d) as the impact of the development changes on neighbouring homes is no different in distance terms from the previous application and former use of the site, the application should be supported;
- (e) some of the artistic licence of the CGIs does not provide an accurate enough image of the proposal which is sited further from neighbouring properties than illustrated.

## **RESOLVED**

### **(1) to grant planning permission subject to:**

- a) **prior completion of a variation agreement under s106 A of the Town and Country Planning Act 1990 applying the terms of the s106 Agreement dated 24 July 2013 (concerning ceasing the use of 41 Sneinton Dale as a place of worship prior to the occupation and use of the new site) and relating to planning application reference 12/03117/PFUL3, to this application (reference 16/02063/PVAR3);**
- b) **the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;**

**(2) for the power to determine the final details of the conditions and the varied planning obligation to be delegated to the Chief Planner;**

**(3) that Councillors are 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.**

## **53 67 LOWER PARLIAMENT STREET**

Martin Poole, Area Planning Manager, presented application 16/02306/PFUL3 by Allan Joyce Architects Ltd on behalf of Nottingham Trent University for planning permission for demolition of existing buildings and construction of a new 6 storey building for education use (Class D1), with rooftop terrace and plant room.

The application is brought to Committee because it is a major application on a prominent City Centre site where there are important design and heritage considerations.

Martin Poole delivered a brief presentation which included street view photographs from all sides and footprint plans of the existing site, CGI images from street level and footprint plans of the proposed building and images of other buildings which had applied the proposed Corten steel cladding and mesh panels.

It was noted that the CGIs did not adequately reflect the level and extent of detail in building design including:

- recessed windows;
- solid Corten steel panelling and mesh panels which semi-obscured some windows;

- black brickwork with raised and graduated texture detail to prevent the appearance of sheer surfaces;
- honey combed brick work with windows behind;
- first floor overhang of the pavement by approximately 2 metres.

Members of the Committee commented as follows:

- (a) this is a landmark building which will be seen from several directions and will benefit the appearance of the area;
- (b) the design is bold and imposing but the material colours of black and rust are too strong and more delicate alternatives should be considered;
- (c) it's not clear if the design of the ground floor, under the overhang, will become a litter trap, which would be a concern;
- (d) the overhang is acceptable;
- (e) the current building on the site is uninspiring, looks messy and unco-ordinated with no clear entrance. The proposal should be welcomed as an appropriate use of the land, a modern building which clearly identifies that it is occupied by Confetti – providing modern creative industry graduate courses;
- (f) the proposal doesn't impact inappropriately on surrounding buildings;
- (g) the variety of complex architectural detail has been carefully considered, should be applauded and welcomed as an improvement for the area;
- (h) the design is instantly attractive. A striking contemporary building in the City Centre is appropriate for training in the creative industries and does not need to be made more subtle.
- (i) this is a bold design and the colouring needs to be bold too;
- (j) the quality and detail of the architecture and details are likely to ensure that the building will age well and remain attractive into the future;
- (k) the proposal is not welcomed as the building is unattractive and incongruous;
- (l) with consideration to public order, care should be taken to ensure that the overhang area is well lit;
- (m) the plans are not attractive and a stronger theme should be considered which is not as fragmented as this proposal;
- (n) from street level the square angles of the roof detracts from the overall quality of the building;
- (o) whilst the black brick extenuates the rust panels beautifully, it is too dark. A different and less oppressive material should be considered;

- (p) a weathered steel building would be welcomed in the City Centre;
- (q) further consideration needs to be given to the eaves, brick colour and details.

Paul Seddon, Chief Planner, assured the Committee that draft planning conditions 4 and 6 for the proposal required approval by Planning Officers of, materials, including examples of how materials interfaced with each other, to ensure quality.

Martin Poole assured the Committee that whilst the proposed entrance and public space of the building will be managed during the day, as a separate license is required for the building to overhang the highway, consideration will be given to public safety and further checks and proposed amendments can be made to ensure that the overhang is well lit and that there is a clear line of sight.

## **RESOLVED**

- (1) to 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, including an additional condition regarding the management and security arrangements in lighting the overhang of the building;**
- (2) the power to determine the final details of the conditions is delegated to the Chief Planner.**

It is noted that Councillors Malcolm Wood and Andrew Rule voted against the application.

## **54 SITE OF MELLORS COURT, SULLIVAN CLOSE**

Martin Poole, Area Planning Manager, presented application 16/01616/PFUL3 by Pelham Architects on behalf of Nottingham Community Housing Association, for planning permission for 26 new dwellings and associated works.

The application is brought to Committee because it is a major application recommended for approval, but where planning obligations required by adopted planning policies are proposed to be waived. It was outlined that the scheme has been allocated funding by the Homes and Communities Agency who require registered providers to charge affordable rents, which are 80% of the market rent (to include any service charge). Registered provider recycled grant is also to be used, with the remaining costs to be funded via a loan serviced through the rental charge. All 26 of the proposed dwellings were for rental and not re-sale. The viability appraisal advises that the proposed development produces a negative figure even after grant subsidy has been applied, thus the required planning obligations could not be afforded. Following thorough investigation by Planning Officers, and assessment by the Council's qualified Surveyor, the request to waive planning obligations for this development is supported.

Martin Poole delivered a brief presentation which included street view photographs of the vacant site, CGI images from street level of the proposed buildings which will include semi-detached and terraced housing, plans of the proposed site and photographs illustrating the proposed style of buildings which applied a variety of materials.

It was noted that the possible configuration of the development, including access, had received careful consideration by the developers.

Members of the Committee commented as follows:

- (a) the visual quality of the proposed development is disappointing;
- (b) if the developer cannot provide section 106 funding, other benefits for citizens, possibly including City Council tenants, should be considered;
- (c) the provision of 2 bedroom accommodation is welcomed;
- (d) light coloured painted render can appear untidy within a short time if not suitably maintained so alternatives which require less maintenance should be suggested, particularly as proposal includes large areas of render.

Although not formally able to include a condition, Paul Seddon, Chief Planner, would suggest to the developer that as planning obligations could not be met, consideration be given to providing alternative benefits for citizens.

## **RESOLVED**

- (1) to 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) for the power to determine the final details of the conditions, including materials, to be delegated to the Chief Planner.**