

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 20 December 2017 from 2.30 pm - 4.12 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold (Vice Chair) (minutes 39-43 and 45-46 only)
Councillor Cheryl Barnard
Councillor Graham Chapman
Councillor Azad Choudhry (minutes 39-42 only)
Councillor Josh Cook
Councillor Andrew Rule
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Linda Woodings
Councillor Steve Young

Absent

Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Brian Parbutt
Councillor Mohammed Saghir

Colleagues, partners and others in attendance:

Judith Irwin - Senior Solicitor
Kate Morris - Governance Officer
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Paul Seddon - Chief Planner
Nigel Turpin - Team Leader, Planning Services

39 APOLOGIES FOR ABSENCE

Councillor Rosemary Healy - Personal
Councillor Gul Khan - Personal
Councillor Sally Longford - Personal
Councillor Brian Parbutt - Personal
Councillor Mohammed Saghir - Personal

40 DECLARATIONS OF INTERESTS

None.

41 MINUTES

The Committee approved the minutes of the meeting that took place on 15 November 2017 as a true record subject to the following amendment:

Minute 38 a) 109-113 and land to rear Ruddington Lane (agenda item 5b) Councillor Josh Cook had asked that his decision to abstain from voting be recorded.

42 THE CHRISTIAN CENTRE, 79-85 TALBOT STREET

Martin Poole, Area Planning Manager introduced application 17/01620/PFUL3 by Frank Ellis Architects on behalf of RedOak Project E.S.A for planning permission for demolition of former school and car showroom buildings and construction of student accommodation development (of up to 9 storeys) comprising of cluster flats and accessible studios, with communal facilities and a landscaped central courtyard. 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. An update sheet was circulated in a supplementary agenda. The following points were highlighted:

- (a) the site sits between Talbot Street and Wollaton Street and is currently occupied by a former car showroom and an extensively altered old School building. There is a prominent stone retaining wall on the site;
- (b) the proposed structure is up to 9 storeys, which wraps around a central courtyard feature. The retaining wall will be rebuilt;
- (c) the proposed scheme will consist of cluster flats and studios with a total of 330 student bedrooms being provided. Primary entrance would be via Talbot Street;
- (d) the proposed building is brick built and of contemporary style. Previous iterations of the design had more mass and work has taken place to reduce the scale and alter the style to develop a less abrupt building;
- (e) the proposed building is in keeping with similar buildings on the street and in the surrounding area;
- (f) the old School building is not incorporated into the new proposed building. Previous planning permission was granted for a conference centre on this site and included demolition of the school building. This permission has now lapsed;

The Committee had a number of questions and comments to which further information was provided in response as follows:

- (g) some Councillors questioned the need for more student accommodation in the City Centre and raised concerns about the fact that such accommodation will inevitably be vacant for part of the academic year. They also questioned whether at some point in the future the proposed development could be converted from student use to alternative accommodation if the need for such extensive student accommodation reduced;
- (h) there has been a lot of work done from a planning perspective to meet the increased need for City Centre student accommodation. Recent figures indicated that still over 50% of students live out of the City Centre in ordinary housing properties. The aspiration is to move more students into purpose built accommodation to free ordinary housing stock for families;

- (i) as highlighted in paragraph 7.5 of the report of the Chief Planner concerning this property there are still very low vacancy rates in City Centre purpose built student accommodation and there is still unsatisfied demand for additional bed spaces of this type;
- (j) Councillors commented positively on the thought that had gone into the design of the building, including the feature curved wall made from Bulwell stone. They appreciated that consideration had gone into the proposed building to ensure that it fits within the area and does not sit uncomfortably with neighbouring buildings;
- (k) most Councillors agreed that it would not be ideal to lose the characterful old School building but were satisfied that the loss of the building was justified by what the new building would bring to the area;
- (l) some Councillors were concerned that the section 106 monies were allocated to improvement to an open space that was not the closest area of public amenity to the proposed development. Planning colleagues advised the Committee that the Council has to be satisfied when granting planning permission that any section 106 funding which is taken into account in the determination of the application meets the requirements of Regulation 123(3) of the Community Infrastructure Levy Regulations 2010 which restrict the pooling of financial contributions from more than 4 planning obligations, to fund infrastructure works. Planning colleagues advised the Committee that the open space nearest to the proposed development, the Arboretum, had benefited from other section 106 contributions. Councillors requested an amendment to the existing Recommendation 2.1(a) (i) to remove the specified works at Highfields Park as the purpose to which the section 106 open space contribution should be put, and giving delegated powers to the Chief Planner in consultation with Chair and Vice Chair of the Planning Committee to determine the project to which those funds should be allocated;
- (m) bin storage would be on the lower ground floor of the building and access to the street for street collection would be via Wollaton Street;
- (n) the question of car parking for disabled residents was raised. This proposal does not include provision of any type of car parking, which is a move welcomed by Highways colleagues. Amendment of existing traffic regulation orders is likely to be required;
- (o) the proposed build would be likely to attract international students who would not have access to cars in the UK. Nottingham Trent University has recently won a range of awards which is likely to keep attracting large number of students from the UK and from abroad. The Committee generally agreed that providing good quality student accommodation such as that proposed in this development is essential;

RESOLVED to:

- (1) Grant planning permission subject to:**

- (a) prior completion of a Section 106 planning obligation to secure:**
 - (i) a public open space contribution of £69,573.90**
 - (ii) a student management plan, to include restrictions on car use.**
 - (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.**
 - (2) Power to determine the final details of the conditions to be delegated to the Chief Planner.**
 - (3) Power to determine the final details of the section 106 obligation to be delegated to the Chief Planner, with the purpose to which the public open space contribution is to be applied to be approved by the Chair and Vice Chair, those Councillors being satisfied that:**
 - (a) The planning obligation sought which relates to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010; and**
 - (b) 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**

Councillors Josh Cook and Malcolm Wood asked that their votes against the above decision be recorded.

43 SITE OF THE SANDFIELD CENTRE, SANDFIELD ROAD

Rob Percival, Area Planning Manager introduced application 17/01772/PFUL3 by Persimmon Homes Nottingham for planning permission for the erection of 95no. residential dwellings (C3) and associated infrastructure, site access and landscaping. The application is brought before the Committee because the application is a major development on a prominent site where there are important design considerations. An update sheet was circulated containing an amended recommendation and an additional condition. . The following points were highlighted:

- (a) the site was formerly the site of Council offices and prior to that a school. It sits between Lenton Boulevard and Cottesmore Road. To the north of the site is the Radford Recreation Ground, to the west is the Marcus Garvey Centre and Lenton Boulevard and to the south is Derby Road. Currently surrounding the cleared site is a notable Bulwell Stone wall with metal railings. There is a stub road, Sandfield Road that leads to the site from Derby Road;**
- (b) the proposed development comprises of 1 and 2 bedroom apartments built in a 3 storey building at the corner of Lenton Boulevard and Ashburnham Avenue, along with 2, 3, 4 and 5 bedroom houses comprising of terraces, semi-detached and detached properties both 2 and 3 storeys high;**

- (c) buildings fronting on to Lenton Boulevard would be set back from the front of the site and accessed via entrances through the existing Bulwell Stone wall. There would be a mix of communal and individual off street parking available for properties and a road running through the centre of the site;
- (d) the proposed buildings are generally traditional in form but with a contemporary design and would be constructed in brick facades with elements of render and dark cladding;
- (e) two existing birch trees on the Cottesmore Road side of the site will be retained in the landscaping and the Bulwell Stone wall along Lenton Boulevard will also be retained;

The Committee had a number of comments and questions in response to which further information was provided as follows:

- (f) Councillors commented that the lighter render elements worked very well within the proposed design and would welcome the addition of a few more highlights to enhance that the overall look of the development;
- (g) Councillors welcomed the appearance of the overall development and were pleased that the buildings fronting on to Lenton Boulevard are of a similar scale to existing properties but that the other properties within the site sit well with existing residential properties;
- (h) Councillors commented that some additional detailing on the frontage of properties would enhance the appearance of the development;
- (i) as part of a wider planning aspiration, the new through road would provide a cycle and pedestrian route that would be welcomed. Surrounding residential roads do not generally have off street parking and so on road parking can be problematic. Extension of existing traffic regulation orders should be considered if it becomes necessary to ensure that on street parking does not become an issue;

RESOLVED to:

(1) Grant planning permission subject to:

- (a) Prior completion of an agreement under section 111 of the Local Government Act 1972 to secure a section 106 planning obligation upon the subsequent disposal of the site to the developers, the planning obligation shall include:**
 - (i) financial contribution towards public open space of £130,605 for infrastructure improvements at Ronald Street Play Area, Lenton Recreation Ground and Radford Recreation Ground;**
 - (ii) financial contribution towards primary and secondary school education of £466,186 for Lenton Primary Schools and Nottingham University Academy of Science and Technology;**

- (iii) **20% on-site provision of affordable housing (19 units).**
 - (b) **The indicative conditions listed in the draft decision notice at the end of this report together with an additional condition regarding roofs and roof pitch details as set out in the update sheet**
 - (c) **Details of the apartment block design to be delegated to the Chief Planner,**
- (2) **Power to determine the final details of the conditions, the section 111 agreement and the obligation to be delegated by 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.**
- (4) **That Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123 (3) Community Infrastructure Levy Regulation 2010,**

44 SITE OF 1 TO 27 BEDFORD ROW AND 57 TO 117 BROOK STREET

Martin Pool, Area Planning Manager introduced application 17/00751/POUT by Mr Matthew Letts on behalf of Mr Alec Hamlin for outline planning permission for the development of up to 43 houses, apartments and duplexes with shared facilities and external courtyards, including details of access, layout and scale. The application is brought before the Committee because the application is a major development on a prominent site where there are important design and heritage considerations. Also officers may recommend that policy compliant S106 contributions be waived or reduced on the grounds of viability, depending on the awaited conclusions of the District Valuer. The following points were highlighted:

- (a) the site sits between Bath Street and Brook Street and was, in the past, developed. The site is now cleared with remaining terraced houses to the west on Brook Street;
- (b) the site falls partially within the Sneinton Market Conservation Area and this area of the site remains as an allocated mixed use development site as part of the current Local Plan;
- (c) the proposed development consists of up to 43 class C3 residential properties including houses and apartments and will consist of a customer build scheme where the developer brings together groups of individuals to progress different phases of the site;
- (d) normally the Council would seek full details for a planning application in a conservation area but because of the particular nature of this development, it

was brought to Committee as an outline application. Details of each build will be individual and will be subject to reserved matters approvals;

- (e) planning colleagues are satisfied with the general massing indicated in the proposals, buildings will largely be 2, 3 and 4 storeys tall and in keeping with the conservation area. There are also safeguards in place through reserved matters;
- (g) the applicant does not believe that the proposed development would be viable based on the provision of full section 106 contributions. The District Valuer has been requested to carry out an assessment, but as a written assessment is awaited there is not yet a concluded position on the Council's section 106 requirements. There were no questions or comments from the Committee but they agreed that the Council should be guided by the District Valuer's findings as to what section 106 contributions should be sought.

RESOLVED to:

(1) GRANT OUTLINE PLANNING PERMISSION subject to:

- (a) **Prior completion of an agreement under Section 111 of the Local Government Act 1972 to secure a Section 106 planning obligation upon the subsequent disposal of the site to the developers, which shall include:**
 - (i) **a financial contribution towards off-site public open space;**
 - (ii) **a financial contribution towards off-site affordable housing;**
 - (iii) **a financial contribution towards education uses.**

Subject to the conclusions of the District Valuer's independent assessment of the developer's viability appraisal as to whether the whole or part of the policy compliant section 106 contributions should be required

- (b) **The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.**
- (2) **Power to determine the final details of the conditions, the section 111 agreement and the 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.**
- (4) **That Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.**

45 LAND NORTH OF CANAL, CASTLE BOULEVARD

Rob Percival, Area Planning Manager introduced application 17/00882/PFUL3 by Bricross Developments Limited for planning permission for the erection of a purpose built student accommodation scheme and associated works. The application is brought before the Committee because it is a major development on a prominent site where there are important land-use and design considerations. An update sheet was circulated containing four additional conditions. . The following points were highlighted:

- (a) this site is a long and very narrow site which sits between Castle Boulevard and the canal, situated opposite the Park Rock residential development. On the opposite side of the canal is a large supermarket and apartment complex;
- (b) the local area has a number of older canalside mill buildings and the area in general has a historical feel;
- (c) the site is currently scrub land. Trees which were previously on the land were in poor condition and have been removed;
- (d) development of the site would require recreation of the canal side edge to facilitate the development of three separate buildings bringing 66 student bed spaces;
- (e) the 2 main buildings would be on the widest part of the site, with the third building slightly removed. The spaces between the buildings would be developed to include public realm access to the canal side;
- (f) the proposed scheme has been through many iterations and has been reduced in mass and scale to respond more appropriately to the site;

The Committee had a number of questions and comments responses to which provided the following information:

- (g) as is common with student accommodation schemes it will be the responsibility of the developer to ensure that an appropriate management scheme is in place;
- (h) there is no provision of car parking in this development. There are existing traffic regulation orders in place in the surrounding areas and the developer will be required, as is usual in student schemes, to take steps to ensure that student occupiers do not bring and keep cars within the City of Nottingham;
- (i) concerns were raised that a green corridor would be lost despite the sympathetic but limited landscaping to mitigate the loss. The Biodiversity report states that the mitigation is sufficient and the open spaces between the buildings are designed to preserve the wider canal side character. Additional conditions to preserve natural habitats were proposed;

RESOLVED to:

- (1) GRANT PLANNING PERMISSION subject to:**
 - (a) Prior completion of a section 106 planning obligation which shall include:**
 - (i) A public open space contribution of £13,914.78 towards improvement to play area provision in Highfields Park;**
 - (ii) A student management scheme, which shall include a restriction on car usage; and**
 - (iii) A public transport contribution of £5,000 towards improved signage of the cycle way along Castle Boulevard.**
 - (b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report together with the four additional conditions in the update sheet regarding (i) the design of upper floors to the 4 storey blocks (ii) the construction environment management plan (iii) provision ecological enhancements and (iv) compliance with the recommendations of the ecology report..**
- (2) Power to determine the final details of both the terms of the planning obligation and the conditions 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.**
- (4) That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.**

Councillor Josh Cook asked that his vote against the scheme be recorded.

Councillor Andrew Rule asked that his abstention from voting on the scheme be recorded.

46 100 - 104 DERBY ROAD

Martin Poole, Area Planning Manager introduced application 17/01999/PFUL3 by GraceMachin Planning & Property on behalf of Mr K Tang for planning permission for the demolition of former restaurant building and construction of a 5 storey building comprising of retail ground floor use (class A1) with student accommodation above in a mix of studios and cluster flats. The application is brought before the Committee because it is a major application on a prominent city centre site where there are important design considerations. An update sheet was circulated which recommended an additional condition. The following points were highlighted:

- (a) the site sits between Derby Road and Wollaton Street with frontages to both sides. The existing three story building was previously used as a restaurant but has been vacant for several years. The site falls within the Canning Circus conservation area;
- (b) the proposed development would have the retail unit fronting onto Derby Road and the scale and style of the proposed building would be comparable to those surrounding it on both frontages given the height difference between Derby Road and Wollaton Street;
- (c) the proposed building would be brick built with gabled treatment reflective of the older buildings. Brick detailing would further reflect the style of existing buildings;
- (d) the update sheet draws attention to the alteration of the design of the light well and shows design regard for the neighbouring recording studio business with noise mitigation/sound insulation being addressed by condition;

The Councillors had a number of comments and questions and the following points were highlighted:

- (e) Councillors welcomed the design and commented specifically on the brick banding detail. They felt that the design could go a little further with details and whilst they appreciated the subtly they felt that further detailing of the gables and fenestration to make the overall appearance less flat would enhance the application even further. Councillors were in agreement that the additional condition recommended in the update sheet should be imposed to ensure that these additional design features were included;
- (f) Councillors also appreciated the scaling of the proposed building and were satisfied that it would fit in with the existing properties on both Derby Road and Wollaton Street;

RESOLVED to:

- (1) GRANT PLANNING PERMISSION subject to:**
 - (a) prior completion of a Section 106 planning obligation to secure:**
 - (i) a public open space contribution of £11,595.65 towards the creation of a new garden area at the former rose garden area of the Arboretum; and**
 - (ii) a student management plan, to include restrictions on car use.**
 - (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and the additional condition in the update sheet relating to brickwork and gables**
- (2) Power to determine the final details of both the conditions and the section 106 obligation to be delegated to the Chief Planner.**

- (3) That Committee 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.**
- (4) That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.**