

Nottingham City Council

Planning Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 22 November 2023 from 2.02 pm - 3.58 pm

Membership

Present

Councillor AJ Matsiko (Chair)
Councillor Sam Lux (Vice Chair)
Councillor Graham Chapman
Councillor Kevin Clarke (Agenda Items 1 - 4a only)
Councillor Faith Gakanje-Ajala (Agenda Item 4b only)
Councillor Sam Harris
Councillor Imran Jalil
Councillor Kirsty L Jones
Councillor Anwar Khan
Councillor Gul Nawaz Khan (Agenda Items 1 - 3 only)
Councillor Pavlos Kotsonis
Councillor Ethan Radford (Agenda Items 1 – 4a only)

Absent

Councillor Samina Riaz
Councillor Naim Salim

Colleagues, partners and others in attendance:

Lisa Guest	- Principal Officer, Highway Development Management
James Lavender	- Governance Officer
Chris Matthews	- Conservation Officer
Rachel Mottram	- Head of Development Management
Rob Percival	- Area Planning Manager
Martin Poole	- Area Planning Manager
Paul Seddon	- Director of Planning and Regeneration
Nigel Turpin	- Team Leader, Planning Services
Tamazin Wilson	- Solicitor

16 Apologies for Absence

Councillor Samina Riaz – Personal
Councillor Naim Salim – Unwell

17 Declarations of Interests

None.

18 Minutes

The minutes of the meeting held on 19 July 2023 were confirmed as an accurate record and signed by the Chair.

19 Planning Applications: Reports of the Director of Planning and Regeneration

20 Land Southeast Of Park View Court, Bath Street

Paul Seddon, Director of Planning and Regeneration, and Rachel Mottram, Head of Development Management, left the room for this item due to having a shareholder interest in Blueprint Regeneration Ltd, who are the Applicant in this planning application.

Martin Poole, Area Planning Manager, presented planning application 23/01379/PFUL3, which sought full planning permission for the construction of twenty-two townhouses, four duplex apartments and an ancillary commercial building located between Bath Street and Brook Street and south-east of Park View Court. The following information was highlighted:

- (a) the site lies within the setting of Grade II listed buildings (including The Ragged School, Park View Court and the Bath Inn) and it falls partly within the Sneinton Market Conservation Area;
- (b) the area is allocated for residential development within the Council's Land and Planning Policies Document (LAPP);
- (c) site photographs, dwelling designs and CGI renderings were presented to the Committee;
- (d) the townhouses consist of two residential blocks, with the duplex apartments contained within two four-storey buildings on the corners of Bath Street and Brook Street. Each of the townhouses will have a small private back yard area at the rear of the property;
- (e) the published update sheet addresses concerns from the City Archaeologist and recommends conditions regarding flood risk management and highway parking arrangements;
- (f) one public objection was raised around the lack of sustainable travel options for the development, for example, no provision for cycle parking;
- (g) the application is referred to the Committee due to the proposed waiving of S106 contributions due to the conclusion of the viability appraisal which was independently assessed by the Council's consultants and concluded that no S106 contributions are justified in this instance;

Members of the Committee made the following comments:

- (h) any potential flood risks should be mitigated;
- (i) the Council should aim for 10% green space on new residential developments;
- (j) conditions for cycling parking and storage should be provided;

- (k) parking spaces should be allocated for the development;
- (l) CP Viability, the independent viability assessors for the Council, should attend the Committee to explain the reasoning behind their conclusions of the Developer's viability appraisal;
- (m) the roof of the corner building on Bath Street which houses the duplex apartments should be modified as it is not aesthetically pleasing to look at;
- (n) the development should make more use of solar panels;
- (o) a deeper understanding of what the Council's Carbon Neutral Team expect from a new residential development would be beneficial;
- (p) more background documents regarding the criteria of viability appraisals would be useful for future Planning Committee meetings;

The following responses were provided by Officers:

- (q) the request for a detailed surface water drainage scheme is included in the update sheet;
- (r) various protection measures and ecological enhancement measures have been recommended through a planning condition to enhance the biodiversity of the site, including bird nest boxes, bat bricks, and holes in the fences for hedgehogs;
- (s) the development was designed to be car-free, with residents encouraged to use public transport and no spaces are proposed within the curtilage of the proposed dwellings. However, parking would be available on the adopted highway and it is proposed that on-street parking provision will be controlled through Council parking permits subject to the making of a resident parking scheme. A resident parking scheme can be applied for by the Applicant, but the decision whether or not to make such a scheme is subject to a separate legal process and public consultation;
- (t) cycling storage will be included in the conditions of the planning permission;
- (u) the Council cannot require a developer to provide EV charging points along a public highway, however the Council may be able to provide EV charging points in the future and would be a separate scheme;
- (v) planning officers are acutely aware of councillor concerns regarding waiving S106 contribution requirements. Where developers submit viability appraisals as part of their application, as per Government guidance, the Council instruct an independent consultant, CP Viability, who are experts in their field, to assess the developers' viability appraisal. CP Viability agrees that the scheme is unable to provide a policy compliant S106 and that no S106 contributions are justified in this instance. There are no real grounds to challenge the expert opinion. A separate training session with CP Viability could help the Committee understand how viability appraisals are conducted;

- (w) The building on the corner of Bath Street could feature a flat roof;
- (x) solar panels can be requested of the Developer but not required; it is noted that these dwellings already exceed building regulations and are of a high-standard. The costings involved may be difficult due to the current viability issues already identified;
- (y) the dwellings do contain air source heat pumps.

The Committee felt that it was unable to take a decision on this application and requested that CP Viability be invited to attend a future meeting to answer questions about how it came to agree with the Developer's viability appraisal that the development would not be viable if any S106 contributions were required by the Council. The Committee also requested that the developer should be approached in relation to whether solar panels can be provided on the roofs of each dwelling.

Resolved to defer the application to a future meeting.

The Chair called for a comfort break at 3:10pm. The meeting resumed at 3:15pm.

21 8 Clinton Terrace

Rob Percival, Area Planning Manager, presented planning application 22/00587/PFUL3 which sought full planning permission for the demolition of existing offices and the erection of a four-storey building in its place, which would be comprised of fifteen apartments. The following points were highlighted:

- (a) the site is a two-storey flat roof office block from the 1960s/1970s, which lies on the western end of Clinton Terrace, a prominent four-storey Victorian terrace. To the west of the site is a modern apartment block known as The Octagon. The site lies within the northern periphery of the Park Conservation Area;
- (b) site photographs, maps, dwelling designs and CGI renderings were presented to the Committee;
- (c) a pre-application proposal for a 48-bed student accommodation was submitted to the Planning Department, however these proposals were revised in favour of the current proposals;
- (d) Clinton Terrace has been used for architectural reference and the some of the characteristics of the building reflect this;
- (e) a number of objections have been received from the residents of Western Terrace, Clinton Terrace and the Octagon which are based on the impact upon residential amenity resulting from this development;
- (f) the update sheet notes that the description of the proposal has been altered from a part demolition of existing offices to the complete demolition of existing

offices on the site, and that the new building will be all electric, feature a flat roof, EV charging points and water saving features;

Members of the Committee made the following comments:

- (g) can the Council require a revaluation of whether S106 contributions should be sought at a later date in the event that the development is more profitable than currently projected;
- (h) the development lay within the Castle Ward and the designs were favourable to the area;
- (i) solar panels should be included on the 150 sqm of flat roofing;
- (j) local authorities do facilitate good developments such as this, in the right economic environment;

The following responses were provided by Officers:

- (k) re-visiting viability would create uncertainty for the developer. Requiring a re-evaluation of a viability appraisal of a development is possible, but only where a development is proposed over a number of phases to be built over a period of multiple years. The current scheme is a 'one start, one finish' development;
- (l) if approved, the final detail of the scheme, to include the amount of solar panels on the roof, would need to be submitted to the Council by the Applicant and agreed by the Council as a condition of planning permission;
- (m) the viability appraisal and independent assessment of the viability appraisal set out the costs and values of the assessed scheme. In the event that this scheme's proposed flats were sold on the open market the assessed profit margin would be at the lower end of the usual profit margin sought by developers. However, that margin would be considerably lower if the flats were retained and rented out as the profit margin is lower where the asset is retained. This is a complex issue and both options have been considered in detail in the viability appraisal and subsequent independent assessment, which concluded that there are insufficient profits to justify requiring any S106 contributions are payable in relation to this scheme;
- (n) the building materials for the top floor can be negotiated with the developer. The aim of using a dark cladding is to reduce the scale of the building. An alternative-coloured brick can be used. Building materials are dealt with through the conditions of the planning permission. The contrast of dark cladding on brick buildings is typical of this sort of residential development;
- (o) part of the hard surfacing could be removed to provide gardens or green space which will be a biodiversity net gain;
- (p) the Council is in a good position in finding a developer willing to invest and build residential properties in a site which is otherwise vacant.

Resolved to:

- (1) grant planning permission subject to the conditions listed in the draft decision notice in the report;**
- (2) delegate the power to determine the final details of the conditions of the planning permission to the Director of Planning and Transport.**