

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 17 May 2017 from 2.30 pm - 4.24 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold (Vice Chair)
Councillor Graham Chapman
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford (minutes 1 onwards, withdrawing prior to consideration of minute 9)
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Linda Woodings
Councillor Mohammed Saghir
Councillor Josh Cook

Absent

Councillor Azad Choudhry
Councillor Alan Clark
Councillor Brian Parbutt
Councillor Steve Young
Councillor Andrew Rule

Councillor Michael Edwards (as a substitute for Councillor Brian Parbutt)

Colleagues, partners and others in attendance:

Tamazin Wilson - Solicitor
Paul Seddon - Chief Planner
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Nigel Turpin - Heritage and Urban Design manager
Sarah Hancock - Technical Officer Development Control - Highways
Catherine Ziane-Pryor - Governance Officer

1 APPOINTMENT OF VICE-CHAIR

Councillor Cat Arnold is appointed Vice-Chair for the 2017/18 municipal Year.

2 APOLOGIES FOR ABSENCE

Councillor Steve Young)
Councillor Brian Parbutt) Personal Reasons
Councillor Alan Clark)
Councillor Andrew Rule - Leave
Councillor Georgina Culley (as Substitute for Councillor Rule) - Health Issues

3 DECLARATIONS OF INTERESTS

Although not formally required to do so, Councillor Gibson wished to make the Committee aware that with regard to agenda item 5a (minute 5) '23 Goldsmith Street', NET (Nottingham

Express Transit) had commented on the application and he is a member of the NET Partnership Board. This did not preclude him from speaking or voting.

Although not declaring an interest during this item, Councillor Sally Longford declared an interest prior to the Committee's consideration of agenda item 5f (minute 9) '8 Charnock Avenue' as she intended to deliver a Ward Councillor representation and would then withdraw from the meeting prior to the Committee's consideration of the application.

4 MINUTES

The minutes of the meeting held on 19 April 2017 were confirmed as a true record and signed by the Chair.

5 23 GOLDSMITH STREET

Marin Poole, Area Planning Manager, introduced application 17/00565/PFUL3 by CPMG Architects Ltd (Matt Greenhalgh) on behalf of Nottingham Trent University (Jill Marlow), for planning permission for a 4 storey new build office and education building.

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

Martin Poole delivered a brief presentation which included photographs and plans of the current site, plans and computer generated images (CGIs) of the proposed development, the details of which are within the report.

It is noted that the development proposes to build to the limit of the site and that the context in which the building would sit has been considered, including the styles and heights of surrounding properties which vary significantly in age, design and height. As a result substantial amendments to the original plans have been agreed including a reduction in height.

Councillors' comments included:

- (a) this site has been derelict for several years so a high quality development of the site is welcomed where there is already a mix of building styles;
- (b) Goldsmith Street is important in the history of Nottingham. Its unique buildings include Nottingham's first playhouse. The design of this application is unattractive, disappointing and not sympathetic to the street scene;
- (c) the site needs to be developed with a high quality structure but the scale, particularly the height of the proposal is not appropriate for this site. A reduction in height and slightly setting back the frontage would greatly improve the appearance;
- (d) the design is bold, brave and innovative, reflecting the lines of the adjacent Newton Building and should be applauded. The application is welcomed and not out of keeping with the broader street view;
- (e) development of the site is welcomed but the height of the proposed building needs to be reconsidered;

- (f) it's evident that there has been a lot of care, attention and thought dedicated to the design, but it needs to be of a less intrusive scale to avoid visually overpowering the surrounding buildings;
- (g) the variation of building styles and heights provides character to the street, but this design is too extreme for this site and dominates the street view instead of complementing it;
- (h) the ground floor entrance to the building is unattractive;
- (i) it would be difficult to try and match the styles of the existing buildings but this is a bold and imaginative statement which would be attractive in a different setting. If the design was lower, slightly stepped back and the entrance reviewed, the design would be much improved;
- (j) consideration of the longevity of the design of this building and the surrounding buildings must be undertaken. Eclecticism is not necessarily unattractive but the impact on the skyline and of the building elevations need to be reconsidered.

Paul Seddon, Chief Planner, noted that whilst Planning Officers are satisfied with the amendments already made to the design, the constructive comments of the Committee are welcomed. The variation in height and design of the buildings in the immediate area contributes to the character of the street and it's important that the building provides what is required by the applicant to ensure that development progresses. It is agreed that the issues raised and the concerns of the Committee are too significant for the final details of the application to be dealt with by delegation.

RESOLVED to defer determination of the application to the June meeting of the Committee, to see if revisions can be made to address the issues raised by the Committee.

6 SITE OF TRENT WORKS, WILFORD CRESCENT EAST

Rob Percival, Area Planning Manager, introduced application 16/01986/PFUL3 by Mr Mike Askey on behalf of Mr Alec Hamlin, Blueprint (General Partners) Limited, for planning permission for the construction of 20 houses and 4 apartments, associated parking and external works.

The application is brought to Committee because the application is a major development which has generated public interest that is contrary to officer recommendation. 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.

Rob Percival delivered a brief presentation which included current street level photographs of the site, the proposed plans and CGIs of the proposed development, the details of which are included within the report.

To ensure the development is sensitive to surrounding properties, the contemporary design includes traditional elements such as red brick and pitched roofs with the height of the buildings slightly varied, along with the design detailing of the properties on the street

frontages. Due to the potential flood risk of the area, the ground level of the properties has been raised and the design of the dwellings amended to respond to this and the development's impact on adjacent residents. .

Councillors comments included:

- (a) parking is already an issue in this area and the development will compound the problem. Reference is made to a residents parking scheme but one is not in place and would cost a significant sum to establish and maintain;
- (b) the addition of faux chimneys would further enhance the development;
- (c) with regard to the Section 106 contribution, the local park already has health and fitness equipment but needs to be floodlit so funding towards that would be welcome;
- (d) longer views of the city centre are not impeded by this development which is not out of keeping with the architecture of the local area.
- (e) provision of refuse bin storage space is important.

Rob Percival responded to the Committee's questions and comments as follows:

- (f) all properties with rear gardens have access to the street and can store waste bins in these areas. Some of the elevated properties fronting the street have bin storage incorporated beneath the steps to the front door;
- (g) if a resident's parking scheme were to be introduced, the on-street parking bays would be included within the scheme;
- (h) as there is a lot of variation of height and frontages, the addition of chimneys was not felt to be necessary here.

RESOLVED

(1) to grant planning permission subject to:

a) prior completion of a planning obligation which shall include

(i) an off-site financial contribution towards public open space;

(ii) a financial contribution towards education

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 listed in the draft decision notice at the end of this report. Power to determine the final details of the conditions and the obligation to be delegated by the Chief Planner. Power to determine the final details of the obligation to be delegated by the Chief Planner in consultation with the Committee Chair, Vice-Chair and opposition spokesperson.

- (2) 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.
- (3) 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.

7 FORMER PEACEMILLS SITE, PERRY ROAD

Martin Poole, Area Planning Manager, presented application 17/00487/PFUL3 by Mr Simon Henderson on behalf of Mr Dominic Waters for planning permission to construct 21 homes with associated car parking including a new access and car parking for the neighbouring business to the west.

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

Martin Poole delivered a brief presentation which included photographs of the current vacant site, along with plans and CGIs of the proposed development, the details of which are within the report.

It is noted that the application has altered since the original submission as a result of concerns raised by neighbours and as a result amendments have been made to the property elevations to the rear of the site.

Representations have also expressed concern at the loss of on street parking capacity on Perry Road but Planning Officers have responded that whilst a proportion of that parking will be displaced, the issue is not significant enough to request that the developers reconsider parking facilities. There currently is not a resident's parking scheme in operation in the area and some of the current problems experienced by some neighbouring properties are purely a result of inconsiderate drivers. It may be possible that the Veterinary Surgery car park may be abused by visitors to the Prison, but that is for the Veterinary Surgery to address.

Members of the Committee commented:

- (a) this site has been vacant for at least ten years so development is welcomed;
- (b) the design and colouring of the properties is attractive and the building of new homes is welcomed;
- (c) the displacement of parking is a concern and may cause further problems in the future so solutions need to be explored now.

RESOLVED

- (1) to grant planning permission subject to:**
 - a) prior completion of a Section 106 obligation which shall include:**
 - (i) a financial contribution towards off site public open space improvements at Woodthorpe Grange Park;**
 - (ii) a financial contribution towards the provision of school places at Seeley Primary School and Oakwood Secondary School;**
 - b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report. Power to determine the final details of the conditions to be delegated to the Chief Planner;**
- (2) 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;**
- (3) 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.**

8 FLOOD LIGHTING OF TENNIS COURTS, THE PARK, NOTTINGHAM

At the request of the Chair, Rob Percival, Area Planning Manager, jointly introduced application 16/00603/PFUL3 and application 16/00604/PFUL3 by Ecologic Homes on behalf of Nottingham Lawn Tennis Association, for planning permission to erect floodlights at two sites in the area known as the Park Bowl. The resolution of each application is contained within minutes 93a and 93b.

Application 16/00603/PFUL3, relating to the Southern end of the Park Bowl (Corner of Clare Valley and Tattershall Drive), for floodlights that retract from 8.3m to 2.6m, is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

Application 16/00604/PFUL3, relating to the Northern end of the Park Bowl (Tennis Drive), for floodlights at a fixed height of 8.3m is brought to Committee because it has generated significant public interest and objections, some of which are contrary to the officer recommendation.

Rob Percival delivered a brief presentation which included photographs, aerial views, street level views and mapped illustrations of the luminance levels of the proposed flood lighting at both sites.

The majority of representations questioned the appropriateness of floodlighting within a conservation area, the impact of the lights on neighbouring residents, the impact of the additional use of the facilities as a result of floodlighting, including additional traffic, and the impact on biodiversity, including the local bat population. Comments and concerns have been discussed with the applicant and amendments made, including limiting evening lighting to 9pm.

Councillor's comments included:

- (a) the recommendations of the Planning Officers, as set out within the reports, are supported. The impact of the Clare Valley/Tattershall Drive court lighting on neighbouring properties would be noticeably less than that of the proposed Tennis Drive court lighting, and the retractable nature of the former would result in less of an impact than fixed height lights;
- (b) these facilities are an asset to the City and whilst there has been a concerted effort to minimise the impact of the lighting in the application for the Clare Valley/Tattershall Drive court, the same cannot be said for the Tennis Drive court application, so the Planning Officers' recommendations are supported;
- (c) having visited the site, further consideration needs to be given to the impact of the Tennis Drive court lighting during winter when the trees are without the leaves.

a NOTTINGHAM LAWN TENNIS CLUB CORNER CLARE VALLEY, TATTERSHALL DRIVE (Agenda Item 5d)

RESOLVED to grant planning permission to application 16/00603/PFUL3 (by Ecologic Homes on behalf of Nottingham Lawn Tennis Association) for 8no. 8.3m high retractable floodlights subject to the conditions listed in the draft decision notice at the end of the report, and for the power to determine the final details of the conditions to be delegated to the Chief Planner.

b NOTTINGHAMSHIRE LAWN TENNIS ASSOCIATION, TENNIS DRIVE (Agenda Item 5e)

RESOLVED to refuse planning permission for application 16/00604/PFUL3 (by Ecologic Homes on behalf of Nottingham Lawn Tennis Association), for 8no. 8.3m high floodlights, and for the final details of the reasons for refusal to be delegated to the Chief Planner.

9 8 CHARNOCK AVENUE

Prior to consideration of the item, and with the agreement of the Chair, Councillor Sally Longford, Ward Councillor for Wollaton East and Lenton Abbey Ward, delivered a Ward Councillor representation, during which the following points were made:

- i. following wide consultation, the area in which this property is sited is now a conservation area. Residents felt strongly about preserving the identity of the area, and this included preventing the installation of unsightly side and rear dormer windows. Dormer windows had already been installed in some properties and whilst

the work complied to planning regulations, the appearance is wholly inappropriate for the style of the property and not in keeping with the architecture of the local area;

- ii. as the conservation area requires specific planning permission for dormer windows, it is difficult to understand and explain to residents why Planning Officers are recommending that this application, which is for a side protruding dormer window, is approved;
- iii. whilst the application is not for a high impact dormer window, to approve it would send a negative message that the rules of the conservation area are not rigid and this will result in further similar applications.

Councillor Longford then withdrew from the meeting.

Rob Percival, Area Planning Manager, introduced application 17/00358/PFUL3 by Mr Alexander Williams for planning permission to install a dormer to the side of the property.

The application is brought to Committee due to a representation by a Ward Councillor that is contrary to the officer recommendation.

The presentation included plans of the property with and without the proposed dormer. It was explained that the application had been assessed on its merits and the proposed dormer believed to be sensitive and appropriate in terms of its design and materials, in line with the requirements of the conservation area.

It was explained that the conservation area classification arose following issues with inappropriate box dormer windows fitted to bungalows with very high pitched roofs, and not specifically the houses in the area, of which this property is one. Without the conservation area, planning permission would not be required for such dormer installations. It is noted that there have been very few applications regarding dormers for houses in the area but that those for the bungalows have often been associated with a change to a House in Multiple Occupation (HMO), which has generally been resisted.

If the application is to be approved, it is possible that other similar properties (houses) in the area, may lodge applications but each will be judged on their own merits with consideration to scale, proportion and how the materials would blend with the current buildings.

The legislation regarding conservation areas requires that any development must enhance the area and not negatively impact on the character of the property and conservation area. This will not be undermined by the approval of this application, which complies with the legislation.

Representations have been received and are summarised within the report. A response from the applicant is included within the Update sheet.

Councillors' comments included:

- (a) the original concerns regarding dormer windows in the area relate to the high pitched bungalow roofs where there would be a greater impact than this application;
- (b) there is an expectation that each application will be considered on its own merits;

- (c) the size of the dormer is modest and proportionate to the building. It would not be inappropriate to set a precedent for such future applications;
- (d) it is a concern that there may be a perception of inconsistency against what residents of the area believed to be the rules for dormers, so it must be clear that the decision is not discarding the requirements of the conservation area.

RESOLVED 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, and for the power to determine the final details of the conditions to be delegated to the Chief Planner.

It is noted that Councillors Josh Cook, Michael Edwards and Wendy Smith abstained from voting.

10 FUTURE MEETING DATES

RESOLVED to approve the following future meeting dates on Wednesdays at 2.30pm:

2017

21 June
19 July
16 August
20 September
18 October
15 November
20 December

2018

24 January
21 February
21 March
18 April