

Nottingham City Council Planning Committee

Minutes of the meeting held remotely via Zoom and live-streamed on YouTube on Wednesday 17 February 2021 from 2:32pm to 4:02pm

Membership

Present

Councillor Michael Edwards (Chair)
Councillor Graham Chapman (Vice Chair)
Councillor Leslie Ayoola
Councillor Kevin Clarke
Councillor Maria Joannou
Councillor Gul Nawaz Khan
Councillor Pavlos Kotsonis
Councillor AJ Matsiko
Councillor Toby Neal
Councillor Lauren O`Grady
Councillor Ethan Radford
Councillor Mohammed Saghir (items 52-53)
Councillor Wendy Smith
Councillor Audra Wynter

Absent

Councillor Sally Longford
Councillor Cate Woodward

Colleagues, partners and others in attendance:

Adrian Mann - Governance Officer
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Scott Talbot-Hartshorn - Service Manager - Road Safety
Nigel Turpin - Heritage and Urban Design Manager
Tamazin Wilson - Solicitor

49 Apologies for Absence

Councillor Sally Longford - Council business

50 Declarations of Interests

None.

51 Minutes

The Committee confirmed the minutes of the meeting held on 20 January 2021 as a correct record and they were signed by the Chair.

The Committee noted that it is often requested to delegate authority to the Director of Planning and Regeneration to determine the final details of the conditions to a planning permission. It agreed that, immediately before the making of its resolution, the Committee should confirm the specific issues arising from its consideration of the

case that it has asked officers to review with the applicant before the proposed conditions are determined by the Director of Planning and Regeneration, and that these points should be recorded clearly in the minutes.

52 3 Triumph Road, Nottingham, NG7 2GA

Rob Percival, Area Planning Manager, introduced application number 20/02228/PVAR3 for the variation of condition S1 to planning permission 19/02581/POUT by DPP Mr Thomas Ryan on behalf of Cassidy Group (Triumph House) Ltd for changes to the position, footprint, scale and internal arrangement of the proposed building for dedicated student accommodation, with a landscape buffer and easement to the River Leen, and changes to the access, vehicle and cycle parking. The application is brought to Committee at the request of a ward councillor, who has raised valid planning considerations.

A list of additional information, amendments and changes to the report since the publication of the agenda was included in an update sheet, which was appended to the agenda published online. This includes a written representation from Councillor David Trimble, Ward Councillor for Lenton and Wollaton East, and an additional proposed condition relating to new sustainability measures that have been confirmed with the applicant.

The following points were discussed:

- (a) the application site comprises two industrial buildings that have been vacant for some time, and is adjacent to other industrial premises. The site falls within an area designated for the expansion of the University of Nottingham's Jubilee Campus, under Part 2 of the Local Plan. It also lies within Flood Zone 2 of the River Leen, which runs along the southern boundary of the site and, to the south of the river, there are properties fronting onto Derby Road, including a terrace of alms houses and a pub;
- (b) an outline planning application was submitted in 2018, with the proposed layout, scale and means of access provided for consideration at that time. The application was subject to an appeal against non-determination, which was dismissed in November 2019. However, the Planning Inspector concluded that the development was in fact acceptable, but that the appeal failed on the grounds of a technical flaw in the draft Section 106 agreement. An otherwise identical outline application, but with this technical flaw resolved, was submitted for a 204-bed student accommodation comprised of a mix of studios (including wheelchair accessible studios), cluster flats and one-bedroomed apartments, with communal facilities on the ground floor. The footprint of the building was 'H' shaped. The central spine and the front wings were to be five storeys high, with the rear wings stepping down to two storeys, adjacent to the river. A service road ran along the northern and western sides of the building to provide access to a Severn Trent pumping station adjacent to the river. Nine disabled car parking spaces and 142 cycle parking spaces were included;
- (c) this outline application was granted permission in February 2020. The outline approval concerns only the proposed development's layout, scale and access – approval of the appearance and landscaping is reserved pending the submission

of a future, detailed ‘reserved matters’ application. The current application seeks to vary a condition of the approved outline permission so, if the current application is granted, approval of the appearance and landscaping would still require a further application for ‘reserved matters’ approval. As such, the elevations provided in support of the current application are for context and illustration, only;

- (d) the current application seeks to vary the plans approved under the outline planning permission. The depth of the building has been reduced and reconfigured to extend further towards the south-west boundary, and the south-west wing has also been set back further from the river, opposite the alms houses. The whole building is now five storeys in height, though the overall footprint and volume has decreased, as has the total hard-surfaced area of the site. A vehicle underpass in the south-west wing has also been removed;
- (e) the internal floor plans of the building have been revised to accommodate more cluster bedroom flats and fewer studios, and the one-bedroom flats have also been omitted. The floor plans are now more efficient in layout, and the re-planning has resulted in an increase in bed spaces from 204 to 270. The amount of communal amenity space for residents has also increased significantly;
- (f) the Environment Agency requires an 8 metre easement adjacent to the River Leen for access and maintenance – the outline scheme approved originally only provided for 6 metres. A landscaped buffer zone has been introduced along the south-east boundary between the easement and the new building, to soften the outlook from the alms houses. The access road along the south-west boundary has been removed and the number of car parking spaces reduced from 9 to 6. A secure store for 72 cycles has been provided and the external cycle stands removed, reducing the number of cycle spaces from 142 to 72. However, this proposed provision is not considered to be compliant with the specifications set out in the current planning policy and, if granted, the indicative conditions will require that 122 cycle spaces are provided;
- (g) as indicated in the update sheet, it is proposed to add a new condition to the outline planning permission regarding sustainability measures to be incorporated within the development to reduce carbon emissions, and the applicant has confirmed these sustainability measures. Otherwise, it is proposed that the conditions to the outline planning permission remain the same as set out in the draft decision notice at the end of the report;
- (h) the Committee acknowledged the representation made by Councillor David Trimble as Ward Councillor for Lenton and Wollaton East and felt that, in these cases, full consideration must be given to ensuring balanced communities and limiting the potential for anti-social behaviour wherever possible;
- (i) some members of the Committee held the view that the removal of the stepping down of the building’s height, leaving all of it at five stories, represents a material change to the development, which will have a negative effect on other residents in the area and increase anti-social behaviour. They regarded it as being counter-intuitive that the proposed occupancy should rise, but that the number of vehicle and cycle parking spaces should decrease. They felt that, in the context of the proposed changes, the development is now not comparable to that of the original

application. They argued that the buildings should be no more than four stories high, and that parking provision should be increased. As such, they did not consider the development as now proposed to be acceptable;

- (j) the Committee was advised that currently, it is Council policy to support the construction of purpose-built student accommodation, in order to limit the number of students taking up residence in family housing that has been converted into houses in multiple occupation (HMOs). The proposed site is considered appropriate for such accommodation, and has been designated in the Local Plan for the expansion of the University of Nottingham's Jubilee Campus. Due to its proximity to the University, Lenton is an attractive area to students and there is a large volume of student accommodation in the area, already. However, there remains high student demand for HMOs, so further dedicated student accommodation is still required to decrease this demand;
- (k) the proposed scale of five stories is considered to be appropriate in planning terms. This was established by the 2019 appeal decision and the approved outline permission and, in addition, the building is now set back further from the river and the alms houses. The current outline planning permission does not define or approve the number of bedrooms for the development, nor does it set an upper limit, and the number of beds was not a point addressed as part of the appeal relating to the earlier version of the outline planning application. The number of bed spaces set out in the outline plans remains indicative and will be subject to final approval pending the submission of a future application for full planning permission;
- (l) the Committee queried whether the current industrial buildings, or the facades, could be preserved as part of the development, as they were of some visual interest. It expressed concern at the loss of an industrial site in the area, and as to whether this development would set a precedent for the loss of further commercial and industrial sites along Triumph Road in the future;
- (m) the Committee was advised that, although the buildings have some architectural interest, it is not sufficiently high as to justify statutory protection. The buildings have been vacant for some time and it is unlikely that they could be made suitable for future industrial use. Furthermore, the demolition of the buildings of itself does not require planning permission, so there is no current barrier to their being removed. Outline planning permission has been granted already for the erection of a new-build student accommodation on the site, as part of the allocated expansion of the University's Jubilee Campus;
- (n) the Committee noted that the scope of the current application relates to outline planning permission for the development's layout, scale and access only, and that issues such as the design of its elevations and landscaping, and the final number of bedrooms, are reserved matters to be decided as part of a future, detailed application.

Resolved:

(1) to grant outline planning permission, subject to:

- (i) **prior completion of a variation to the existing Section 106 Planning Obligation to secure: (a) the transfer of the completed S106 Obligation relating to planning reference 19/02581/POUT to the current application, which includes the provision of local employment and training opportunities, a financial contribution towards the operation of the Council's Employer Hub and a student management plan, including a restriction on car usage; and (b) an increased financial contribution of £258,390 towards the provision or improvement of open space or public realm within the City of Nottingham;**
 - (ii) **the indicative conditions listed in the draft decision notice at the end of the report and amended as per the update sheet, to include a condition to ensure that carbon reduction and sustainability measures are integrated into the scheme;**
- (2) to delegate power to determine the final details of both the terms of the Planning Obligation and the conditions of outline planning permission to the Director of Planning and Regeneration.**
- (3) The Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are: (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) The Committee requested that any subsequent application for planning permission relating to the reserved matters is brought back to the Committee, for its consideration.**

Councillor Maria Joannou, Councillor Pavlos Kotsonis and Councillor Lauren O'Grady requested that their votes against the above decision were recorded.

Councillor Kevin Clarke requested that his decision to abstain from voting on the above decision was recorded.

53 Retail Unit, Corner of Berridge and Leslie Roads, Nottingham, NG7 6HT

Martin Poole, Area Planning Manager, introduced application number 20/02497/PFUL3 for planning permission by Mr Nick Baseley on behalf of Mr A. Akhtar for the change of use of the ground floor from four retail units to a single retail unit, with a new shopfront. The application is brought to the Committee because it has generated significant public interest.

A list of additional information, amendments and changes to the report since the publication of the agenda was included in an update sheet, which was appended to the agenda published online. It includes a correction to the number of objections received, and the final comments from Highways officers.

The following points were discussed:

- (a) the application site is a two-storey brick building with a gated service yard and car parking area, for which planning permission was granted in December 2010 for the “Erection of mixed use development comprising 4 retail units (Use Class A1) with 4 self-contained apartments above following demolition of garage, workshop and two houses”. There are other retail units, food outlets and financial services uses in the immediate area, which is otherwise largely residential, with terraced houses to the north-east and north-west of the site, and a mosque located to the west;
- (b) although the building is substantially complete, it has never been occupied. The planning permission was subject to a number of conditions, with Condition 19 stating that “The retail units shall not be combined into units larger than those indicated on the approved plans. Reason: In the interests of the Council's retail strategy in accordance with Policy S5 of the Local Plan.” This refers to Policy S5 of the Nottingham Local Plan 2005, which has now been superseded by the current Local Plan. As such, planning permission is now sought to change the ground floor from four units to a single retail unit, with a new shopfront. The proposed opening hours are from 8:30am to 8:00pm Monday to Saturday, and 11:00am to 5:00pm on Sundays and Bank Holidays. The application has been assessed against the retail context of the new Local Plan, which requires a demonstration that the applicant has reviewed all of the potential sites for the development, and that the site chosen is the most appropriate. Officers are satisfied that this does represent the best site in the area for this development;
- (c) the application has drawn significant local interest, with 174 objections received. This number was recorded incorrectly as 51 in the original report. However, the substance of all 174 of the objections is set out and considered in the report. In total, 608 representations have been received in favour of the proposal, though approximately 30 of the emails in support of the application could not be acknowledged, as they appear to have been sent from invalid email addresses;
- (d) the objections relate primarily to whether the single, larger retail unit will create problems in the local area due to the patterns of usage and parking. However, despite the amalgamation of the four units into one, the overall floor-space of the site devoted to retail purposes will not increase. Highways officers have reviewed the size of the proposed single unit and its relationship to the potential highway impact of the four separate units as approved, and have recommend approval subject to conditions relating to the production of a delivery management plan, that the forecourt gates remain open, and the introduction of bollards to prevent casual parking on the pavement in front of the shop. Highways officers acknowledge the constraints of the site and the concerns relating to traffic and parking, so Traffic Regulation Order provision for the area will be reviewed in the future;
- (e) officers are satisfied that service vehicles will be able to use the service yard and will not park in the street to load and unload, and the situation should benefit from the fact that service vehicles will be organised by and supply one operator. As such, one unit is likely to require less service traffic than four. Due to the constraints of the site, it can only accommodate four customer car parking spaces, though the availability of on-site parking is not affected by the combination of four units into one. The issues of customers parking in the wider

area have been assessed. There are double yellow lines in front of the shop, and bollards will be used to demarcate the line of the private land ownership and the adopted highway. Street parking is not restricted otherwise – though it is in high demand. However, the single retail unit is designed to service the local area only, and it is not anticipated to have a large catchment that might bring in traffic from outside the area;

- (f) the objections also raise concerns about the impact of the single retail unit on the 'village' feel of the area, and on other existing small businesses. Business competition is not an element that is considered by the planning permission process, but businesses of equivalent scale and type do co-exist effectively in similar contexts elsewhere in the city;
- (g) the Committee felt that there was a need for this type of retail unit in the area, and that it was a positive step to bring a vacant building into use as a community amenity. The shop appears to be locally sustainable, and will reduce the need for residents to have to shop further away. The unit is likely to provide more shopping choice, benefit the local economy and improve both employment and business prospects in the local area. The proposed opening hours are now shorter than those previously approved. Detailed work has been done to plan for and mitigate the potential traffic issues, though these will need to be monitored by Highways officers, going forward;
- (h) the Committee noted that, given the confines of the site, the shop front and the forecourt, effective management should be in place to ensure that any external produce displays do not encroach on the pavement, as this could be potentially hazardous for pedestrians in front of the shop due to the close proximity to the road;
- (i) the Committee was advised that the introduction of bollards at the front of the shop, along with the double yellow lines on the road, should create a clear demarcation and prevent both customer and service vehicles parking in the area. Although it is not uncommon for there to be displays in retail forecourts, given the confines of the site, this is not considered to represent such a substantial potential issue in this case to justify management through a condition to the planning permission, as such conditions should only be introduced when they absolutely necessary;
- (j) the Committee noted that the conditions recommended by Highways officers in the update sheet are included in the indicative conditions in the draft decision notice at the end of the report, and that Highways officers will keep the traffic situation under review, going forward.

Resolved:

- (1) to grant planning permission for the reasons set out in the report, subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;**
- (2) to delegate power to determine the final details of the conditions to the Director of Planning and Regeneration.**