

## NOTTINGHAM CITY COUNCIL

### PLANNING COMMITTEE

**MINUTES of the meeting held at The Ballroom - The Council House, Old Market Square, Nottingham, NG1 2DT on 23 June 2021 from 2.30 pm - 3.13 pm**

#### **Membership**

##### Present

Councillor Graham Chapman (Vice Chair)  
Councillor Kevin Clarke  
Councillor Maria Joannou  
Councillor Pavlos Kotsonis  
Councillor Toby Neal  
Councillor Ethan Radford  
Councillor Wendy Smith

##### Absent

Councillor Michael Edwards  
Councillor Angela Kandola  
Councillor Gul Nawaz Khan  
Councillor Sally Longford  
Councillor AJ Matsiko  
Councillor Mohammed Saghir  
Councillor Cate Woodward

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

Paul Seddon  
Rob Percival  
Judith Irwin  
Lisa Guest

Director of Planning and Regeneration  
Area Planning Manager  
Senior Solicitor  
Principal Officer, Highways Development Management  
Governance Officer  
Interim Governance Officer

Kate Morris  
Emma Powley

### **9 APOLOGIES FOR ABSENCE**

In the absence of Councillor Michael Edwards, the Vice Chair, Councillor Graham Chapman assumed the Chair.

Councillor Leslie Ayoola	Work Commitments
Councillor Michael Edwards	Personal (see minute 10 below)
Councillor Angela Kandola	Council Business
Councillor Gul Khan	Personal
Councillor Sally Longford	Personal (see minute 10 below)
Councillor AJ Matsiko	Personal
Councillor Mohammed Saghir	Council Business
Councillor Cate Woodward	Personal

### **10 DECLARATIONS OF INTERESTS**

None - (Councillors Michael Edwards and Sally Longford having respectively declared interests in relation to agenda item 12, 152 London Road, Nottingham NG2 3BQ at the meeting on 25 May 2021 when consideration of that item was deferred to this meeting (minutes 3 and 5) and both having absented themselves from the meeting on 25 May 2021 during discussion and voting on that item).

## **11 MINUTES**

The Committee confirmed the minutes of the meeting held on 25 May 2021 as a correct record and they were signed by the Chair.

## **12 152 LONDON ROAD NOTTINGHAM NG2 3BQ**

Rob Percival, Area Planning Manager, introduced application number 20/02756/PFUL3 for planning permission by CBP Architects on behalf of C&T Bailey Properties - Erection of nine storey residential development with basement parking with ground floor gym and food and beverage facilities.

The application was brought to Committee because it was a major application on a prominent site where there was important land use and design considerations. In addition it was proposed that the planning obligations typically required by adopted planning policies be waived in this case. To meet the Council's Performance Targets the application should have been determined by 12th April 2021. An extension of time was agreed with the applicant until 30th June 2021.

This application was reported to the 25 May 2021 Planning Committee where members resolved to defer consideration of the application pending resolution of the energy and sustainability measures of the scheme, a review of the traffic management measures and in particular the possibility of making Ryehill Street partially two-way, and for further information regarding the viability of the scheme.

A list of additional information, amendments and changes to the report since the publication of the agenda was included in an update sheet, specifically addressing issues including sustainability, vehicular access and biodiversity.

The following points were discussed:

- a) The site sits between London Road and Meadows Way. Half of the site is occupied by a former petrol filling station that is currently used as a hand car wash, and the other half is cleared land, that used to be a restaurant and a public house;
- b) The application was for a mixed use scheme (including a gym, café, restaurant and 100 apartments) which had been subject to lengthy negotiations;
- c) The application included a basement car park and cycle parking with ground level cycle parking also proposed; service vehicle access and disabled parking would be provided at ground level. The scheme would vary from 3 storeys to 9 stories.
- d) The proposed sustainability measures to be incorporated within the scheme had been amended by the applicant. Key changes were listed as follows:

- i) A commitment to provide an array of photovoltaic panels to the roof area.
  - ii) A fabric first approach is being adopted with higher than Building Regulation standards being achieved
  - iii) Vegetation coverage would be incorporated with plants to the terraces, balconies and external area of the site around the building
  - iv) Betterment on Building Regulations for the commercial units
  - v) A BREEAM pre-assessment had been carried out for the commercial units which indicated that an Excellent rating could be achieved
  - vi) Retractable canopies to be used for those apartments where a risk of overheating had been identified
  - vii) Smoke ventilation system is to double as a “smart stack”, thereby drawing natural air through the apartments and venting at roof level
- e) Concern had been expressed about vehicular access to and from the proposed development site; the applicant’s transport consultants and the Council’s Highways team had reviewed a possible amendment to the vehicular access/egress arrangements for the development. It was noted that an alternative arrangement may be possible and further consideration would be given, but without a commitment that it should be implemented at this stage, delivery of which could not be guaranteed through the planning process alone, with works to the public highway also being subject to a separate consultation and approval process. An additional condition (within the update sheet) was suggested requiring proposed access/egress arrangements to be submitted to the local planning authority for its approval.
- f) Committee members expressed their disappointment that there would be no S106 contributions from the developer. An independent assessor for the Council had determined that the scheme to be unviable and no planning obligation would be sought in this instance.
- g) In response to requested reassurance that the BREEAM rating be ascertained, enforced and checked reference was made to revised condition 10 (within the update sheet) which required approval of both the pre-commencement BREEAM assessment and also verification of measures to achieve the approved BREEAM rating prior to occupation.
- h) In response to a query about the securing of other sustainability measures now proposed, two additional conditions (detailed in the update sheet) were proposed, one of which would require verification of installation of photovoltaic panels.
- i) In response to a query about management and maintenance of the external areas of the building, including the living wall, reference was made to condition 17 in the draft decision notice. The landscaping plan required by that

condition would also include details of foliage types and the upkeep of balcony plants.

- j) The Vice-Chair expressed thanks to the officers for the progress made on the development design and to the developers for their flexibility and commitment to ensuring the development was as sustainable as possible. The valuable contributions made by members of the public, through written submissions, were also recognised.

**Resolved:**

- 1) **To grant planning permission subject to:**
  - i) **the Director of Planning and Regeneration, in consultation with the Biodiversity Officer, being satisfied that any potential impacts of the development on protected species, can be avoided or mitigated sufficiently by appropriate measures including additional conditions if necessary;**
  - ii) **the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report subject to the revised and additional conditions detailed at 3) below and any further conditions arising from the further ecological survey work.**
- 2) **Power to determine the final details of the conditions of planning permission to be delegated to the Director of Planning and Regeneration.**
- 3) **The following revised and additional conditions were approved:**

**Sustainability Measures**

**Revised condition 10:**

**Prior to the commencement of development, a BREEAM assessment with regards the non-domestic element of the scheme shall be submitted to and approved in writing by the Local Planning Authority, based upon the targeted pre-assessment rating of Excellent.**

**Prior to first occupation of the non-domestic element of the development, verification that the measures required to achieve the approved BREEAM rating have been incorporated within the scheme, shall have been submitted to and approved in writing by the Local Planning Authority.**

**Additional conditions:**

- i) **Prior to first occupation of the development, verification that the proposed sustainability measures set out in the 'London Road Nottingham Energy Appraisal & Statement' (ref: 21\_03\_08\_LRN, dated 11.6.2021) have been incorporated within the development,**

**shall have been submitted to and approved in writing by the Local Planning Authority.**

- ii) Prior to first occupation of the development, verification that the proposed photovoltaic (PV) panels have been installed on the building in accordance with the details set out in the letter from Viridis Building Services Ltd dated 18 June 2021, shall have been submitted to and approved in writing by the Local Planning Authority.**

### **Vehicular Access/Egress**

**Additional condition:**

**Notwithstanding the approved drawings and prior to the commencement of development, details of the proposed vehicular access/egress arrangements to/from the development, including consideration being given to part of Ryehill Street being made two-way, shall be submitted to and approved in writing by the Local Planning Authority.**

**The development shall be implemented in accordance with the approved details, including all necessary off-site works within the public highway, prior to first occupation of the development.**