

Nottingham City Council

Planning Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 22 September 2021 from 2.33 pm - 5.27 pm

Membership

Present

Councillor Leslie Ayoola (minute 23-28)
Councillor Kevin Clarke
Councillor Michael Edwards (Chair)
Councillor Maria Joannou (minute 23-30)
Councillor Angela Kandola
Councillor Pavlos Kotsonis
Councillor Ethan Radford (minute 23-30)
Councillor Mohammed Saghir
Councillor Wendy Smith
Councillor Cate Woodward

Absent

Councillor Graham Chapman
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor AJ Matsiko

Councillor Toby Neal (minute 29-30) – present and spoke as a ward councillor

Colleagues, partners and others in attendance:

Richard Bines	- Solicitor
Rob Percival	- Area Planning Manager
Martin Poole	- Area Planning Manager
Paul Seddon	- Director for Planning and Regeneration
Nigel Turpin	- Team Leader, Planning Services
Jane Garrard	- Senior Governance Officer

23 Apologies for Absence

Councillor Graham Chapman - leave
Councillor Gul Khan - personal
Councillor Sally Longford – leave
Councillor AJ Matsiko – personal
Councillor Toby Neal - personal

24 Declarations of Interests

None

25 Minutes

The minutes of the meeting held on 18 August 2021 were confirmed as an accurate record and signed by the Chair.

26 King Edward Court King Edward Street Nottingham

Martin Poole, Area Planning Manager, introduced application number 21/01033/PFUL3 for planning permission by Pearce Planning Ltd on behalf of Fusion Nottingham Devco Limited for a full application for demolition of existing offices onto King Edward Street, Glasshouse Street and Kent Street, and new build purpose built student accommodation of up to eight storeys with communal facilities, and associated works; and an outline application for demolition of existing offices onto Huntingdon Street and King Edward Street and new build residential apartments (Class C3) of up to eight storeys, with ground floor offices and retail (Class E) and associated works.

The application was brought to the Committee because it is a major application for a prominent site with important design and heritage considerations.

Details of further responses received in relation to the application since the publication of the agenda were included in an update sheet published as a supplement to the agenda.

Further to the report, and in response to questions from the Committee, the following points were discussed:

- a) The application includes an access way from King Edwards Street. An entrance to the student block is on this access way, and this will be useful in giving activity to the access way. To address any concerns about the potential for anti-social behaviour in that area it is expected that there will be 24 hour supervision as part of management of the block. There will also be a student management plan in place.
- b) The development is set back slightly from the road and could potentially accommodate street tree planting. Tree planting is not part of the proposal, but some landscaping could be explored to help soften the look of King Edwards Street. One of the challenges in doing this is the nature of the road with numerous underground services and bus stops.
- c) The main entrance to the building is on a corner, and is two storeys high with detailed brickwork to differentiate it from the rest of the building. Alternative entrances have been discussed with the developer but it is felt that the architecture is sufficient to distinguish it as the main entrance and the design works well with the rest of the building.
- d) The Section 106 offer is fully compliant and includes off-site open space and an element for employment and training. The proposed new build residential apartments generate a requirement for on-site affordable housing, which the applicant has confirmed policy compliant provision for. The number of bedrooms is not known at this stage and detail on this will be secured through the Section 106 agreement. The application for student accommodation pre-dates the Supplementary Planning Document relating to affordable housing in relation to student accommodation developments.
- e) Concerns have been expressed about the scale of the scheme and the potential impact on occupiers of the Litmus Building on Huntingdon Street. These

concerns have been considered and, while it is acknowledged that views from apartments in the Litmus Building will be affected, it is felt that the development does address the relationship with other buildings successfully. The proposed development is set back on a wide pavement, across a wide road in a city centre environment. It is not unreasonable for buildings in that context to be facing each other at the proposed distances and the resulting views are acceptable in a city centre context.

- f) The buildings on either side are locally listed and consideration has been given to the proposed development's relationship to these buildings, particularly the difference in height. The Civic Society had also raised concern about the height of the development on Glasshouse Street. The height of the development is felt to be an appropriate scale for the context.
- g) There are known caves in the area and the potential for other, as yet, unknown caves to be in existence. A response had been received from the City Archaeologist and there is a proposed condition requiring the submission and approval of a written scheme of investigation.

Resolved

(1) to grant planning permission for the reasons set out in the report, subject to:

- (i) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;**
- (ii) prior completion of a Section 106 planning obligation:**

arising from the proposed purpose built student accommodation element of the proposed development to secure:

- a. an off-site Open Space contribution of £569,112**
- b. a student management plan and restrictions on keeping private vehicles**
- c. local employment and training benefits including opportunities in the construction phase of development together with payment of a financial contribution of £70,382.40 towards local employment and training**

and arising from the proposed new build residential apartments element of the proposed development to secure:

- d. an off-site Open Space financial contribution of £145,628**
- e. on-site affordable housing provision of 18 new build residential apartments (20% of the total number of proposed apartments), with the mix to be a 50/50 split between social rented units and shared ownership units**
- f. local employment and training benefits including opportunities in the construction phase of development together with payment of a financial contribution of £47,806 towards local employment and training.**

- (iii) the Director for Planning and Regeneration being satisfied that the possibility of street tree planting has been explored.**
- (2) to delegate authority to the Director of Planning and Regeneration to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission, including wording of Condition 27 to address the Committee's concerns about general management of the area.**
- (3) that the Committee is satisfied the 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.**

27 3 Triumph Road Nottingham

Rob Percival, Area Planning Manager, introduced application number 21/01558/PRES4 for approval of reserved matters by Desg on behalf of Cassidy Group (Triumph House) Ltd. The reserved matters relate to condition 2 (details of appearance and landscaping) of Section 73 application reference 20/02228/PVAR3 (Demolition of existing buildings and erection of student accommodation – revisions to site layout, footprint and scale of the proposed building of outline planning permission reference 19/02581/POUT).

The application was brought to the Committee at its request, following approval of application reference 20/02228/PVAR3 on 21 February 2021, on the basis of this being a major development on a prominent site with important design considerations.

Information about an additional consultation response received from the Highways Team was included in an update sheet published as a supplement to the agenda.

Further to the report, and in response to questions from the Committee, the following points were discussed:

- a) There has been refinement in the proposed brick detailing and further consideration given to use of materials. There are different options for the brick colour, and samples will be looked at.
- b) Concerns were raised about the potential impact on the adjacent Alms Houses and, while recognising that measures are proposed to reduce this impact for example having a green buffer, some councillors were concerned that the mitigations may not be sufficient.

The Chair asked the Director for Planning and Regeneration to note that, amongst Committee members who expressed a preference, there was a general preference for red brick to be used.

Resolved to

- (1) grant reserved matters approval subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report; and**
- (2) delegate authority to determine the final details of the conditions to the Director for Planning and Regeneration.**

28 Site of 135-137 Lower Parliament Street Nottingham

Martin Poole, Area Planning Manager, introduced application 21/01294/PFUL3 for planning permission by DLP Planning Ltd on behalf of LPS Nottingham Limited for erection of purpose built student accommodation, together with a basement car park to provide public car parking spaces and a ground floor commercial unit, landscaping, public realm and associated works.

The application was brought to the Committee because it is a major development on a prominent site owned by the City Council.

Details of further responses received in relation to the application and changes to proposed conditions since the publication of the agenda were included in an update sheet published as a supplement to the agenda.

Further to the report, and in response to questions from the Committee, the following points were discussed:

- a) The Council is selling the site for development, and the proposed development largely follows the design brief produced for that sale.
- b) The proposed development includes two blocks: a taller block of red/ orange brick and a shorter block of dark blue/ grey engineering type brick to give contrast, while retaining the same architectural elements.
- c) Representation from Royal Mail, who operate from an adjacent site, has been received highlighting the 24 hour nature of their operation and the need for the development to have sufficient noise insulation to prevent noise complaints from residents in the future.
- d) Concerns have been raised about the height and scale of the buildings and their relationship to other buildings on Lower Parliament Street. It is felt that, given the city centre context and the variety of heights of buildings already in existence, the proposed buildings fit well within the urban context and views from existing apartments will be acceptable.
- e) While the shorter block has a setback roof to add interest, some councillors felt that the taller block was very plain and lacked architectural interest. Officers responded that they had worked hard on the design with the architects and it meets the design brief set by the Council. Officers consider that the contrast between the two buildings adds interest and they work well together. They suggested that the simplicity of the taller building is an asset to the overall appearance and, while the brickwork detailing could be looked at, they would be reluctant to overcomplicate the taller building.

- f) Some councillors raised concerns about the colour of the building, particularly the dark blue/ grey brick colour proposed for the shorter block. Officers advised that conditions will be used to ensure the brick colours of the different buildings work well together, with adjacent buildings and across the City as a whole. In finalising the detail, consideration could be given to bricks with more patterning.
- g) The two blocks will be managed as one and the entrances will be opposite each other on a new pedestrian routeway. The taller block has a commercial unit on the ground floor and this will have a separate entrance from Lower Parliament Street. Officers advised that the location for the entrances is rational and appropriate.
- h) The applicant has confirmed full policy compliance with Section 106 requirements, including contributions to open space, employment and training, affordable housing and having a student management plan in place. As the Council is the owner of the site at present an agreement under s111 of the Local Government Act 1972 to secure the Section 106 planning obligations will be required.

Resolved

- (1) 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 but amended in light of the condition wording specified in the update sheet regarding condition 4 and subject to prior completion of an agreement under s111 of the Local Government Act 1972 to secure Section 106 Planning Obligations which shall include:**
 - a. a financial contribution of £621,298 towards affordable housing;**
 - b. a financial contribution of £364,822 towards open space improvement;**
 - c. a financial contribution of £47,900 towards local employment and training, and provision of employment opportunities during construction works; and**
 - d. a student management plan.**
- (2) to delegate authority to the Director for Planning and Regeneration to determine the final details of the terms of the s111 Agreement, Planning Obligation and the conditions of the planning permission.**
- (3) that 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.**

Councillor Kevin Clarke requested that his vote against the above decision was recorded.

The meeting adjourned at 15:56 and resumed at 16:08pm.

Councillor Neal joined the meeting.

Councillor Ayoola left the meeting.

29 248-262 Huntingdon Street Nottingham NG1 3NB

Rob Percival, Area Planning Manager, introduced application 21/01023/PFUL3 for planning permission by Franklin Ellis Architect on behalf of Bildurn (Properties) Ltd for demolition and redevelopment including retention of corner façade to Huntingdon Street/ Howard Street frontage to provide purpose built student accommodation.

The application was brought to the Committee because it is a major application on a prominent site where there are important land use and design considerations.

Further to the report, and in response to questions from the Committee, the following points were discussed:

- a) The art deco façade of the building is locally listed and will be retained. It has influenced the style and design of the proposed new development. Councillors generally welcomed the retention of the façade and the art deco style and detailing of the proposal.
- b) There is a green roof element shown on the application but some councillors felt that greater use could be made of the roofs for environmental benefit, for example solar panels.

Resolved

- (1) to grant planning permission for the reasons set out in the report, subject to:**
 - i. the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report; and**
 - ii. prior completion of a Section 106 Planning Obligation to secure the following:**
 - a. an off-site Open Space contribution of £302,987**
 - b. local employment and training during construction, including a financial contribution of £42,316**
 - c. a student management plan and restrictions on occupants keeping private vehicles within the City**
- (2) to delegate authority to the Director for Planning and Regeneration to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission.**
- (3) that 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.**

30 The Island Quarter - Phase 2 Nottingham Evelyn Street NG2 4LA

Martin Poole, Area Planning Manager, introduced application 21/01032/PFUL3 for planning permission by AXIS on behalf of Conygar Nottingham Ltd for construction and operation of purpose built student accommodation and associated hard and soft landscaping, foul and surface water drainage infrastructure, and local highway improvement works.

The application was brought to the Committee because it is a major application for a prominent site with important design and highways considerations.

Details of additional information and amendments since the publication of the agenda were included in an update sheet published as a supplement to the agenda.

Further to the report, and in response to questions from the Committee, the following points were discussed:

- a) The proposal for purpose built student accommodation is in line with the principles agreed as part of the outline scheme but this is a full application because it differs slightly in the number of student bedrooms and the separation of public car parking from student accommodation.
- b) Officers have worked with the applicant to address concerns about the proportions of different sections of the building. This has resulted in a change to the mix of materials in the building, including a reduction in the use of cladding and extending the use of red brick, and reducing the size of the crown of the building to two storeys.
- c) While welcoming development of a site that has been derelict for many years, some councillors raised concern that the application feels rushed through, with a lack of detail on a number of areas including flood risk management, Section 106 compliance and documents relating to lighting and landscaping plans. Officers acknowledged that drawings provided to the Committee are not as detailed as usual due to the number of very recent changes to the application and the timescale for determining the application, however they assured the Committee that the application had been thoroughly assessed, robust conversations had been held with the developer about the quality of the scheme and that the final details can be worked through, with any concerns addressed through the conditions. Officers also emphasised the importance of maintaining momentum in development of the Island Quarter site.
- d) Officers advised that the applicant had stated that the development will be fully compliant with Section 106 policy requirements. The exact value has not yet been confirmed but this will happen prior to issuing permission. Richard Bines, Solicitor, advised that there has been no indication that agreement on compliance with Section 106 requirements will not follow policy requirements and that any deviation from policy would have to come back to the Committee.
- e) Officers advised that matters relating to flood risk management and mitigation, lighting and landscaping can be addressed in the detail of conditions.

Resolved

- (1) to grant planning permission for the reasons set out in the report, subject to:**
 - i. further response of the Highway Authority confirming that the objection to the applicant's proposed junction layout has been overcome**
 - ii. the indicative conditions substantially in the form of those listed in the draft decision notices at the end of the report**
 - iii. prior completion of a Section 106 planning obligation to secure:**
 - a. a financial contribution of £724,460 towards the provision of off site Open Space**
 - b. local employment and training benefits including opportunities in the construction and operational phases of development together with payment of a financial contribution towards employment and training**
 - c. a student management plan and restrictions on keeping private vehicles.**
- (2) subject to the Director for Planning and Regeneration being satisfied that the flood risk management plan deals with flood evacuation and mitigation measures and that these are fully implemented prior to occupation of the development, to delegate authority to the Director for Planning and Regeneration to determine the final details of both the terms of the planning obligation and the conditions of planning permission.**
- (3) that 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.**

The meeting adjourned at 16:58pm and resumed at 17:11pm.

31 Val Roberts House 25 Gregory Boulevard Nottingham NG7 6NX

Prior to consideration of the application, Councillor Toby Neal, councillor for Berridge ward, addressed the Committee. He made the following points:

- a) The site is in a diverse, mixed community that is fragile and suffers from issues such as noise disturbance and anti-social behaviour. The proposed development will cause problems for that community.
- b) Berridge ward has 21 supported accommodation developments, which is the second highest of all wards in the City; and the street itself is 50% owner occupied with a large number of houses of multiple occupation.
- c) The application is for use as flats within Use Class C3 (Dwelling houses) of the Town and Country Planning (Use Classes) Order 1987, but Framework's approach, which supports the Housing First model, doesn't suggest that this will be the reality.

Councillor Toby Neal left the meeting.

Councillor Maria Joannou left the meeting.

Martin Poole, Area Planning Manager, introduced application 21/00726/PFUL3 for planning permission by Allan Joyce Architects Ltd on behalf of Framework Housing Association for a three storey building to provide six 1 bedroom self-contained flats.

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

Further to the report, and in response to questions from the Committee, the following points were discussed:

- d) There has been significant local concern about the proposal because of the activities of the applicant with their user base.
- e) The application is for a use within Use Class C3 (Dwelling houses) - six one bedroom flats, which could be occupied by anyone albeit that the flats are likely to be occupied by Framework clients.
- f) Officers have asked Framework to confirm that there will be no other use than Use Class C3 and Framework has stated that the occupiers of the flats will have individual tenancies and will be living independently with low levels of support.
- g) Given that Framework has stated that occupiers will only require a low level of support, the risk of anti-social behaviour arising from the site is relatively low. There is a low risk of anti-social behaviour from any residential accommodation.
- h) As the proposed building will be within the car park of Framework Headquarters, Framework employees will be well-placed to provide day-to-day management and monitoring of the site.
- i) There is no requirement for Use Class C3 flats to have social facilities and most such flats do not have communal social facilities. Therefore, it is not unreasonable for there to be no social facility in this development.
- j) Officers advised that consideration has to be based on the application use and not the applicant or their clients, and the application is policy compliant for Use Class C3 flats.

Resolved to:

- (1) 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**
- (2) delegate authority to the Director for Planning and Regeneration to determine the final details of the conditions for planning permission.**