

Nottingham City Council

Planning Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 17 November 2021 from 2.30 pm - 4.24 pm

Membership

Present

Councillor Michael Edwards (Chair)
Councillor Graham Chapman (Vice Chair)
Councillor Leslie Ayoola
Councillor Kevin Clarke
Councillor Maria Joannou (minutes 42-46 inclusive)
Councillor Angela Kandola (part of minute 45 and minute - 46)
Councillor Gul Nawaz Khan (minutes 42- 46 inclusive)
Councillor Pavlos Kotsonis (part of minute 45 and minutes 46-47 inclusive)
Councillor AJ Matsiko
Councillor Toby Neal (minutes 42-46 inclusive)
Councillor Ethan Radford (part of minute 45 and 46-47 inclusive)
Councillor Wendy Smith (minutes 42 -45 inclusive)

Absent

Councillor Azad Choudhry
Councillor Sally Longford
Councillor Mohammed Saghir
Councillor Cate Woodward

Colleagues, partners and others in attendance:

Paul Seddon	Director of Planning and Regeneration
Martin Poole	Area Planning Manager
Tamazin Wilson	Solicitor
Lisa Guest	Highways Officer
Catherine Ziane-Pryor	Governance Officer

42 Apologies for Absence

Councillor Sally Longford (unwell)
Councillor Kate Woodward (unwell)

43 Declarations of Interests

None.

44 Minutes

The minutes of the meeting held on 20 October 2021 were confirmed as a true record and signed by the Chair.

45 45 Watcombe Circus

Prior to consideration of the item, Councillor Adele Williams, Ward Councillor for Sherwood Ward, delivered a verbal representation which included the following points:

- a) residents have formally responded to planning permission consultation, submitted a petition and the local Neighbourhood Watch has submitted a report on incidents of anti-social behaviour in the area;
- b) concerns include that if the application to convert the former care home into 7 self-contained flats is granted:
 - i. the additional noise from this many units will have a detrimental impact on what is currently a family residential area;
 - ii. there is inadequate parking for the number of units proposed;
 - iii. the development would result in the permanent loss of family home;
 - iv. issues experienced with other such multiple unit properties in the area include antisocial behaviour, including the inappropriate disposal of household waste and associated issues. Residents request that whoever occupies the building, they will be provided with direct and appropriate access to household waste disposal;
 - v. the proposed units will not attract long-term residents and are aimed at transient tenants (which does not benefit the area);
 - vi. the development will result in more traffic within the immediate area;
 - vii. the proposed flats are small and the building will be over populated for its size (size concerns extend to those who would be resident).
- c) the committee is requested to consider the appropriateness of this type of accommodation in a residential area such as this and ensure that any development meets the criteria for sustainable housing.

Martin Poole, Area Planning Manager, presented Planning Permission Application No: 21/01273/PFUL3 by Allan Joyce Architects Ltd on behalf of Phil Collins, proposing a change of use from a care home (Class C2) to 7no 1 bed flats (use class C3). To include replacement windows and removal of an external staircase.

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

A PowerPoint presentation was delivered and included a roadmap of the area surrounding the property, photographs of the property including street views, the proposed floorplan. It is noted, as per the report, that there has been some discussion about the size of the units, a significant level of responses have been received from residents and resident groups.

Questions from the Committee were responded to as follows:

- d) with regard to the concerns raised around the size of the proposed units, sizes range from 31 m² to 40 m². It is acknowledged that four of the units do not meet the Government's Nationally Described Space Standard of 37 m² per self-contained

unit, but Building Design and Use Policy DE1 does not require the standard to be met if 'there is clear evidence to demonstrate that this would not be viable or technically feasible and that a satisfactory standard of accommodation can still be achieved'. This is a matter of planning judgement but, following an assessment, officers have determined that the proposal provides units of an appropriate standard of amenities, particularly given the constraints of converting an existing building;

- e) some residents have expressed concerns regarding the change of use, however, formally as class C2 residential care, the classification does not specify who the care should be provided for and would permit a variety of uses and there is no reason why the property could be used for residential care of any type, any age group under its current C2 use class without a change of use;
- f) Planning colleagues and members of the committee are only able to consider the planning application submitted and as there are no alternatives presented, such as the family use preferred by some residents, there is no value in considering alternative uses;
- g) the application is for seven flats class C3, which are normal residential units for single households, including those in need of care, which is similar to the vast amount Nottingham housing stock, so residents' concerns regarding saturation can be discounted;
- h) this is not specialist accommodation but is an application by an employee of Framework and it is anticipated that the property will be for the use of Framework clients. Class C3 includes one-bedroom property, as is common across the city, and does not conflict with any City Council Planning Policy;
- i) the care level within the class C3 is not specified, so may range between occasional or 24-hour. This classification has been designed to assist with facilitating care in the community;
- j) this application cannot be classified as providing specialist care as all seven units are completely self-contained and the building will not include any facility other than C3 units. There will be no communal areas or office. There is no indication of mixed use, or that the building will be used for anything other than C3 accommodation;
- k) support for residents of the building can be provided elsewhere and is not necessarily required to be attached to the accommodation;
- l) Highway colleagues have assessed if vehicle use by occupiers of the flats will have a significant impact and have not found this to be the case. There are good transport links within the area and generally citizens renting smaller properties do not often possess cars. However, an assessment on the possibility that there could be one car for each flat determined that these could be accommodated within the existing on-street parking facilities in the vicinity without any detriment to health and safety. Highways colleagues have requested that parking include charging points for electric vehicles;
- m) the proposed conditions require provision for bin and cycle storage, as set out in conditions 2 and 3. The City Council does have separate powers outside of

planning control enabling enforcement regarding bins left out on the pavement and in relation to antisocial behaviour. Existing Council authority should not be duplicated in the recommendations;

- n) it would not be appropriate to impose management arrangements on a residential block of this nature. It is responsibility of the owners to ensure appropriate management, it would be unusual to request a management plan for such a development and it is generally felt to be unnecessary;
- o) planning conditions have to be enforceable by the Planning Department. Some of the issues raised by residents and members of the committee fall outside the remit of the planning committee. A management plan will be very difficult to justify and establish on the current application;
- p) in addition to the bin storage area condition, consideration has been given to the implications of 3 bins per household for the site and larger but fewer communal bins have been proposed;
- q) with regard to space concerns, the Committee needs to judge and determine if there is sufficient and appropriate space for people to live, as per Policy DE1. The recommendation of Planning Officers is that there is.

Comments from the Committee included:

- a) the Committee can only consider what is in front of them and not suggest alternative options. There is a danger that if the existing use criteria is retained, future proposals may be more detrimental to the immediate area than the current proposal;
- b) it is highly unlikely that residents of the proposed development will possess vehicles and therefore the proposal is unlikely to have an impact on resident parking;
- c) the Committee can only make a decision within its remit. Residents should be assured that the decision of the Committee is the best it can make in the circumstances;
- d) members need to remember that the Council has a target to tackle rough sleeping and homelessness. This application is not for a hostel, but for single household accommodation;
- e) it is a concern that Framework have made the application in an employee's name rather than their own name to lodge the application. This is not a helpful approach and members need further assurance that this has not been due to issues which can be resolved and that further issues will not arise from this. It is suggested that informally investigating this further is delegated to planning colleagues.

It is noted that Councillors Angela Kandola, Pavlos Kotsonis, and Ethan Radford were not eligible to vote as they had not been present for the whole of the item.

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;**
- 2) for power to determine the final details of the conditions of planning permission to be delegated to the Director of Planning and Regeneration.**

The meeting was adjourned at 3:29pm to allow for a comfort break, and reconvened at 3:38pm.

46 Land At Kingsthorpe Close, Kildare Road

Martin Poole, Area Planning Manager, presented Planning Permission Application No: 21/00861/PVAR3 brought by Smith & Love Planning Consultants on behalf of Keepmoat Homes Ltd for the deletion of condition 10 (provision of memorial/artwork) and variation of condition 14 (provision of play area) of planning permission reference 13/01367/PFUL3.

The meeting was adjourned at 3:44pm to enable the update sheet to be circulated, and reconvened at 3:49pm.

The application is brought to Committee because the proposed development seeks amendments to an approved scheme that was previously determined at committee and developer contributions secured via s106 would not be policy compliant.

Martin Poole, Area Planning Manager, delivered a brief visual presentation, including a site map and aerial view of the development, which identifies the areas of flatland which had been designated for a play area and memorial.

It is noted that the applicants have stated that due to the landscape of the land, it is very challenging to provide play equipment as per the original plan, so it is proposed to contribute £40,000 to Section 106 funding in lieu of the play area, towards enhancing an existing play area in the locality, plus £1,500 towards a memorial stone/artwork to be installed on the site.

Committee members are assured that every effort has been made to secure the highest possible value for each contribution.

Members of the Committee commented as follows:

- a) it is a concern that the of original application recommendation delegated the details of the play area and memorial to Planning Officers and that the design of the play area chosen was too challenging to be provided on the site. This indicates that due diligence wasn't fully undertaken and care must be taken to ensure this does not happen again, particularly as the recommendation again includes the details to be determined by Planning Officers;
- b) the contribution in lieu of the memorial needs to be the equivalent to the cost of the original sum agreed as £1,500 is not enough;

- c) Mapperley Ward Councillors should be consulted on the type of memorial marking the Saint Ann's Well, including where it is placed;
- d) the original decision on this application was made by Committee on 18 September 2013 so it is particularly concerning that it has taken this long to resolve issues around the agreed conditions.

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 and subject to:**
 - (a) **the prior completion of a Section 106A deed of variation to amend the existing Section 106 Planning Obligation, or a further planning obligation, which shall include:**
 - (i) **a financial contribution of £40,000 towards play area enhancement in the local area;**
 - (ii) **a financial contribution of £1,500 towards provision of a memorial stone/artwork and provision for it to be installed on the land;**
 - (iii) **requirement to landscape an area of on-site open space and the on-going maintenance and management of that area.**
 - (b) **power to determine the final details of both the terms of the Section 106A deed of variation to amend the existing Planning Obligation, or a further planning obligation, and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.**

Councillors AJ Matsiko and Leslie Ayoola abstained from voting.
Councillor Maria Joannou had withdrawn from the meeting prior to the vote.

47 Informal Planning Policy Guidance on the Reduction of Carbon in New Residential and Commercial Development

Peter McAnespie, Partnerships and Local Plans Manager, presented the draft Informal Planning Policy Guidance on the Reduction of Carbon in New Residential and Commercial Development. Comments may be submitted to the consultation which closes on 28 November 2021.

It was clarified that as it would take 12-18 months to formalise as planning supplementary document and many developers were actively seeking guidance and/or keen support the City Council's drive to become carbon neutral by 2028, the document is initially circulated to bridge the gap until the policy can be formalised.

The guidance cannot be enforced and may change several times prior to formalisation, particularly if Central Government guidance/legislation changes, but this document provides some direction and will provide an indication of the areas in which developers may be struggling or meeting barriers.

Comments from members included:

- a) we should be proud of this document and the work undertaken so far;
- b) a lot of urgent progress is required to achieve the target to be carbon neutral by 2028, so a document such as this is a positive step forward;
- c) the 'check list 'approach is very useful and welcomed;
- d) there are new energy efficient ideas emerging all the time so there may well be changes to the document by the time the Supplementary Planning Document is revised and the guidance can be adopted as policy;
- e) ground and air heat source pumps along with heat reservoirs are amongst the latest developments, but further exploration is needed to ensure that homes can be heated and cooled;
- f) Nottingham needs to ensure that the energy efficient technology, skills, training and jobs are available in the City to further the city's economic development;
- g) consideration how to efficiently combine coping with weather extremes could be included.

Resolved to note the draft Informal Planning Guidance, and for any further comments to be submitted to the online consultation Committee by 29th November 2021.

Councillor AJ Matsiko abstained from voting.