

# Nottingham City Council

## Planning Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 21 December 2022 from 2.31 pm - 4.01 pm

### Membership

#### Present

Councillor Michael Edwards (Chair)  
Councillor Graham Chapman (Vice Chair)  
Councillor Leslie Ayoola (minutes 45-50 inclusive and part of 51)  
Councillor Azad Choudhry  
Councillor Kevin Clarke  
Councillor Angela Kandola (minutes 45-part 51)  
Councillor Gul Nawaz Khan  
Councillor Salma Mumtaz  
Councillor Cate Woodward

#### Absent

Councillor Jay Hayes  
Councillor Corall Jenkins  
Councillor Sally Longford  
Councillor AJ Matsiko  
Councillor Toby Neal  
Councillor Ethan Radford  
Councillor Mohammed Saghir

### Colleagues, partners and others in attendance:

Paul Seddon - Director of Planning and Transport  
Martin Poole ) Area Planning Managers  
Rob Percival )  
Nigel Turpin - Principal Design and Conservation Officer  
Tamazin Wilson - Senior Solicitor, Planning, Environment and Leisure  
Catherine Ziane-Pryor - Governance Officer

### 45 Apologies for Absence

Councillor Jay Hayes – unwell  
Councillor Corral Jenkins (Councillor Jawaid Khalil substituting but not in attendance)  
Councillor Sally Longford – unwell  
Councillor AJ Matsiko – personal  
Councillor Toby Neal – personal  
Councillor Ethan Radford – leave

### 46 Declarations of Interests

None.

### 47 Minutes

The minutes of the meeting held 23 November 2022 were confirmed as a true record and signed by the Chair.

### 48 Former Site Of Chronos Richardson Ltd, Wyton Close, Nottingham, NG5 5GW

Martin Poole, Area Planning Manager, presented application 22/00675/PFUL3 by Ms Julie White on behalf of MyPad 2020 Ltd, for planning permission for the development of 62

dwelling, with access from Wyton Close and Belconnen Road, landscaping, drainage and open space.

Martin Poole provided a brief presentation, which included a plan of the site in context of the local area, and aerial view, street views from Arnold Road, Belconnen Road and Wyton Close. Also included was a plan of the application, which is proposed to include 12 apartments and 50 houses, elevation plans of the houses and flats, and street view computer generated images (CGIs) of the development from different angles.

Further information is provided within the update sheet and is noted that a separate application is submitted regarding the proposal for a food store.

The following points were highlighted and responses provided to members questions:

- a) the proposed development is policy compliant in relation to section 106 planning obligations, including at least 20% on site affordable housing provision;
- b) the site is not within a conservation area and the trees which have already been removed from the site were not subject to preservation orders. As a result of an ecological appraisal of the site, which could not achieve a balanced biodiversity, an off-site biodiversity contribution is proposed as part of the section 106 planning obligations;
- c) the images within a presentation show a knee-high rail around the 'attenuation pond', but this is to be revised and it is noted that the area will be dry for the majority of the time.

Members of the committee commented as follows:

- d) this appears to be a good scheme but the large areas of tarmac requires visual variation, but with robust materials;
- e) wooden knee-high railing does not last, especially in areas where cars are parking;
- f) whilst the boundary treatments to the front of properties are sensible, there is a longevity concern regarding the boundary treatment between properties. To include wooden palisade fencing is to build in unattractive obsolescence, and so this needs to be addressed with durable and attractive materials;
- g) whilst there appears to be conflicting information regarding whether the 'attenuation pond' will be wet or dry, there is concern that litter could collect in this area, so it is welcomed that the update sheet now refers maintenance within a management agreement, but this needs to include the 'attenuation pond' area;
- h) it is suggested that planners and developers liaise with local ward councillors with regard to the design of a suitable play area for such a limited space.

## **Resolved**

- 1) to grant planning permission subject to:**

**prior completion of a planning obligation which shall include:**

- (i) a financial contribution of £151,110.69 towards off-site Open Space;
  - (ii) a financial contribution of £52,546.44 towards off-site Biodiversity gain;
  - (iii) a financial contribution of £338,875 towards Education Provision;
  - (iv) provision of local employment and training including a financial contribution of £19,128 towards its delivery;
  - (v) provision of 20% Affordable Housing of which 10% is to be affordable ownership;
- 2) for the power to determine the final details of the planning obligation and conditions of planning permission to be delegated to the Director of Planning and Transport;
- 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.

**49 Former Site Of Chronos Richardson Ltd, Belconnen Road, Nottingham, NG5 5HZ**

Martin Poole, Area Planning Manager, presented application 22/00709/PFUL3 by Ms Julie White on behalf of Lidl GB Ltd for planning permission for the development of food store with car park, landscaping, plant and associated works, accessed from Belconnen Road.

Martin Poole delivered a brief presentation, which included a plan of the site, including the surrounding streets area, several street view images, a plan and CGI of the food store application, including the parking proposals and main entrance from Belconnen Road.

The following points were highlighted and members' questions responded to:

- a) two further letters from MRPP on behalf of Tesco Stores have been received since the agenda was published and are included, with responses, within the update sheet. The ongoing issue highlighted has been that the site had been allocated for housing within the Local Development Plan, and granting an application for a food store is a departure from this allocation. However, the development of the broader site does provide the estimated unit allocation issued for the overall site. In recommending the application as a departure from the Local Development Plan, officers have had regard to the duty to determine applications in accordance with the policies of the local plan unless material considerations support a different decision, and consider that the balance of considerations as set out in the report and update sheet support such a decision. ;
- b) one of the letters from MRPP referred to above suggested that the application should be withdrawn, but officers have determined that the applicant has satisfied all statutory requirement for publicity and the publishing of background papers requirements have

been met and consider that there are no grounds for deferral of consideration of the application;

- c) all issues highlighted in the update sheet in relation to this application have been raised with the Council's Legal Team, which has indicated that the approach taken by Planning Officers to them appears reasonable;
- d) the car park includes trees within the landscaping proposal and further negotiation may take place to include additional planting;
- e) the report references that the food store will provide local employment opportunities by way of approximately 40 full-time equivalent posts.

## **Resolved**

- 1) to grant planning permission subject to:**
  - prior completion of a planning obligation which shall include:**
    - (i) a financial contribution of £35,503.57 towards off-site Biodiversity Net Gain;**
    - (ii) provision of local employment and training including a financial contribution of £10,660 towards its delivery;**
- 2) for the power to determine the final details of the planning obligation and conditions of planning permission to be delegated to the Director of Planning and Transport;**
- 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.**

## **50 Units 1 To 4 Queens Road Nottingham**

Rob Percival, Area Planning Manager, presented application 22/00593/PFUL3 by Lichfields on behalf of C/O Agent, for planning permission for the redevelopment of part of the site to provide student accommodation (Phase One) with associated infrastructure, works and landscaping.

This application was previously considered at the October 2022 Planning Committee meeting and deferred at the request of the committee.

Rob Percival delivered a brief presentation, which included aerial plans of the site, street views from different angles prior to clearance of the site and showing the neighbouring developments under construction, a CGI overview comparison with the initially proposed three buildings, along with a site plan and CGI street views.

The following points were highlighted and members' questions responded to:

- a) following concerns of committee members regarding the 'mass impact' of the initial proposal, it has now been amended and permission is currently only sought for the student accommodation block to the rear of the site, bordering the railway station, and is referred to as Phase One;
- b) the footprint and size of the Phase One building remains the same as the initial application, but there has been significant revision to the exterior appearance, following committee members' concerns;
- c) the design now benefits from a stronger definition between the top, middle and base of the building; the location of the main entrance has been moved; curved corners and additional detailing have been added; proposed materials comprise two-tones of grey brick and stone detailing which runs around the building; an element of green roof is included; windows are recessed and the treatment of window frames revised;
- d) landscaping in front of the building, as outlined in the CGIs, will be interim as further permission for development of the rest of the site will be pursued in due course;
- e) long view CGI's from the castle and different approaches show that the proposal is compatible with comparable surrounding buildings;
- f) other information, including new representations, are included within the update sheet;
- g) the level of section 106 planning obligation has been challenged, details of which are set out within the report;
- h) the site is allocated for mixed use development including student accommodation within the development plan and the balance of student accommodation within the area is considered to be acceptable;
- i) the level of students within the City continues to be monitored, as outlined in paragraph 7.4 in the report, and consideration given to any fluctuating numbers and vacant accommodation to ensure that student accommodation is not oversupplied. The vacancy rate for student accommodation in 2021/22 stood at 1.1%;
- j) the student population within the city continues to increase and with the need and demand for further purpose-built student accommodation also rising;
- k) the additional City Centre footfall and economic benefits provided by the student population is welcomed and purpose-built student accommodation in this area fits well with the policies of the Local Plan;
- l) Paul Seddon, the Director of Planning and Transport, confirmed that students are also citizens of the City and require accommodation. The City Council has to have policies to accommodate housing needs across all citizens, including students. Refusing the application would be contrary to those policies and is not advised unless resulting harm can be evidenced, which it cannot, so there are formally no grounds to refuse the application regarding the type of accommodation proposed without challenge, and potentially significant financial penalty.

Members commented as follows:

- m) this application is a vast improvement on the initial proposal;
- n) concern remains that the area has reached saturation point for student accommodation, therefore, the application cannot be supported;
- o) this is a good piece of architecture, much improved on the previous scheme, and it is evident that much thought has been given to it. Officers and developers should be congratulated on the improvements. The enormous amount of cooperation which is taken place to achieve the current proposal is recognised and applauded;
- p) the design revisions and inclusion of details are very much welcomed;
- q) it is essential that high-quality materials are used to ensure the scheme remains as attractive as is proposed, as staining of stone work can be very unattractive;
- r) concerns by some councillors regarding the saturation of student accommodation within some areas of the City is acknowledged, but the City Council has a duty to accommodate students, and areas within and directly around the City Centre are considered mutually beneficial as an attractive place for students and benefitting the City Centre economy. This type of accommodation offers an attractive alternative to family housing within the suburbs being used as HMOs. If purpose-built student accommodation is not provided, students would have to seek alternative accommodation, which would impact on availability of family housing for families;
- s) this scheme proposes good quality accommodation for students and is welcomed;
- t) saturation concerns are understood but any formal objection by the Committee must be legitimate in planning terms. This scheme fits well with the policies of the Local Plan and it should be noted that many of the neighbouring developments provide accommodation which is not targeted at students;
- u) high demand for family housing within the City, including the Meadows Ward which incorporates this site, is increasing and to prevent this development would not be helpful. There are approximately 70,000 students across both of the city's universities, and they need to be accommodated;
- v) it is frustrating that more family housing isn't been provided, but the council doesn't own the land and cannot dictate that it is used as such, besides which, the size of the plot would not facilitate many homes, whilst the provision of student accommodation will house 426 individuals in need of accommodation;
- w) whilst not all housing issues can be easily resolved, the Council should feel proud that it has such a good mix of accommodation across the City.

Members of the committee requested a recorded vote.

**Resolved**

- 1) to grant planning permission for the reasons set out in the report, subject to:
  - a) no adverse, material comments being received by the 28th December 2022 which arise from further publicity associated with revisions to the planning application and consist of issues other than those already addressed by the report;
  - b) prior completion of a Section 106 Planning Obligation to include:
    - i. a financial contribution of £200,000 toward the provision or enhancement of off-site Public Open Space/Public Realm;
    - ii. targets associated with Local Employment and Training opportunities;
    - iii. a Student Management Scheme, which shall include a restriction on car usage, mitigation and management of potential noise nuisance, security details, cleaning and refuse management;
  - c) 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 of planning permission to the Director for Planning and Transport;
- 3) to delegate power to determine the final details and terms of the Planning Obligation to the Director of Planning and Transport, and subject to him being 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;
- 4) the Committee is satisfied that the requirements of regulations 18(3) and (4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“the 2017 Regulations”) are satisfied by reason of the submission of the Environmental Statement and the Supplementary Environmental Statement as part of the application which includes at least the following information:
  - a) a description of the development comprising information on the site, design, size and other relevant features of the development;
  - b) a description of the likely significant effects of the proposed development on the environment;
  - c) a description of the measures envisaged to avoid, prevent or reduce and offset likely significant adverse effects on the environment;
  - d) a description of the alternatives studied by the developer and an indication of the reasons for the option chosen, taking into account to environmental effects;

- e) a non-technical summary of the information referred to at paragraphs 4(a) – (d);
- 5) the Committee recorded in its resolution that:
- a) the environmental information being the Environmental Statement and Environmental Statement Addendum has met the requirements of schedule 4 to the 2017 Regulations;
  - b) no further information pursuant to regulation 25(1) of the 2017 Regulations is required;
  - c) the environmental information (namely the Environmental Statement, Supplementary Environmental Statement, Statement of Conformity and Environmental Statement Addendum together with any representations made by anybody required by the 2017 Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development) has been examined and considered;
  - d) as required by regulation 26(1)(b) of the 2017 Regulations, the Committee has reached a reasoned conclusion on the significant effects of the proposed development on the environment, as contained in this report;
  - e) it is the opinion of the Committee the reasoned conclusion referred to at paragraph 4(d) above addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the development and the Committee is therefore satisfied pursuant to regulation 26(2) of the 2017 Regulations that the reasoned conclusion is up to date;
  - f) Committee does not consider it appropriate to impose monitoring measures pursuant to regulation 26(1)(d) and regulation 26 (3) of the 2017 Regulations given the nature, location and size of the proposed development and its effects on the environment;
  - g) following the determination of the application, the publicity and notification requirements pursuant to regulation 30(1) of the 2017 Regulations be complied with as soon as reasonably practicable and the Director of Planning and Regeneration be delegated authority to undertake the necessary requirements.

**Members of the Planning Committee voted as follows:**

**In favour of granting the application:**

- Councillor Michael Edwards (Chair)
- Councillor Graham Chapman (Vice Chair)
- Councillor Leslie Ayoola
- Councillor Graham Chapman (Vice Chair)
- Councillor Azad Choudhry
- Councillor Kevin Clarke
- Councillor Michael Edwards (Chair)

**Councillor Angela Kandola  
Councillor Gul Nawaz Khan  
Councillor Salma Mumtaz  
Councillor Cate Woodward**

**Against the application:**

**Councillor Kevin Clarke**

**Councillor Salma Mumtaz was not present during the whole consideration of the item and therefore was not eligible to vote.**

**51 10 Woodborough Road, Nottingham NG3 1AZ**

Martin Poole, Area Planning Manager, presented application 22/00676/PFUL3 by Mr Simon Henderson on behalf of Nottingham City Homes (NCH), for planning permission to construct 24 houses and flats.

A brief presentation included aerial images and street views of the cleared site, a plan of the proposal, which consists of 15 two and three bedroom houses and 9 one-bedroom flats, street elevation CGI views and a plan of building floor plans.

The following points were highlighted and responses provided to committee members' questions:

- a) a previous planning application for apartments was approved for the site under delegated powers, but the applicant, NCH, decided not to proceed and the current application is for council housing;
- b) the site has good public transport links and whilst each house will have one allotted parking space, there is no parking allowance for flat occupants;
- c) the application is brought before the committee due to the proposal to waive the section 106 planning obligation contribution as this development consists of 100% affordable housing and finances are being drawn from the section 106 funding planning obligations from other developments to assist the funding of this scheme. If the section 106 planning obligation were imposed on this development to make the scheme more challenging and would effectively result the transfer of section 106 funds;
- d) the update sheet provides further information on the pre-application public consultation, and a separate query in relation to the naming of the building. Whilst the naming of the building is not a planning consideration, NCH have confirmed that they are happy to take suggestions from the local community in relation to this;
- e) the final details, including materials and colour are yet to be determined, but consideration of more varied or mottled brickwork and good quality materials can be undertaken;
- f) management of communal parking will be for NCH managers to determine.

Members of the committee welcomed the development of affordable housing.

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

Councillors Angela Kandola and Lesley Ayoola were not present for the whole consideration of the item and therefore were not eligible to vote.