

Nottingham City Council Planning Committee

Minutes of the meeting held remotely via Zoom and live-streamed on YouTube on Wednesday 22 July 2020 from 2:35pm to 4:13pm

Membership

Present

Councillor Michael Edwards (Chair)
Councillor Graham Chapman (Vice Chair)
Councillor Kevin Clarke
Councillor Maria Joannou
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor AJ Matsiko
Councillor Toby Neal
Councillor Lauren O`Grady
Councillor Ethan Radford
Councillor Mohammed Saghir (items 11-14)
Councillor Wendy Smith
Councillor Cate Woodward
Councillor Audra Wynter

Absent

Councillor Leslie Ayoola
Councillor Pavlos Kotsonis

Colleagues, partners and others in attendance:

Adrian Mann - Governance Officer
Peter McEvoy - Environmental Health Officer
Rob Percival - Area Planning Manager
Paul Seddon - Director of Planning and Regeneration
Nigel Turpin - Team Leader, Planning Services
Tamazin Wilson - Solicitor

8 Apologies for Absence

Councillor Leslie Ayoola - Council business
Councillor Pavlos Kotsonis - work commitments

9 Declarations of Interest

None

10 Minutes

The Committee confirmed the minutes of the meeting held on 17 June 2020 as a correct record and they were signed by the Chair.

11 Land to the South of 106 Thoresby Road to 82 Appledore Avenue, Nottingham

Rob Percival, Area Planning Manager, introduced application number 19/01564/PFUL3 for planning permission by Geoffrey Prince on behalf of Bramcote Unity Park (CIO) for the construction of eleven dwellings and the provision of infrastructure works to facilitate the creation of a community park. The application is brought to the Committee because it has generated a significant level of 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 further statement from the applicant.

The following points were discussed:

- (a) the application relates to a site of approximately 4.7 hectares that lies within both Nottingham City and Broxtowe District Council. The site is undeveloped, green-field land, comprising woodland with areas of bracken, brambles and tall herbs. Although the development site may appear to be part of the adjoining public open space, with no clear boundaries in place, it is nevertheless privately owned;
- (b) the application seeks planning permission for the erection of eleven dwellings and associated enabling works, and for the provision of infrastructure works for the creation of a community park including new footpaths; the planting of 1072 new trees; and recreation, education and biodiversity infrastructure and facilities. The dwellings will all be large, detached and two storeys in height, each with a garage with off-street parking;
- (c) the nine dwellings on the Nottingham City side will be located to the northern side of the Bramcote Ridge on sloping land that comprises woodland and open areas of bracken. As such, their construction will involve significant cut-and-fill and retaining structures. The houses will be built to the south side of a new access road proposed off Edenbridge Court and will border numerous properties located off a number of cul-de-sacs that are accessed from Appledore Avenue. The total area of residential development in Nottingham City would be approximately 1.16 hectares;
- (d) a community park is proposed on the remaining area of land, which would sit between the two areas of residential development. The indicative park layout shows a series of footpaths that would provide an east to west link to the wider area and existing paths serving the two neighbouring Local Nature Reserves (LNRs). Features such as gated entrances, an apiary, bird hide and viewing point, along with ponds benches and signage, are proposed within the community park;
- (e) the Nottingham City part of the site is designated as Open Space Network (OSN) and is also a Local Wildlife Site (LWS). The south-western edge of the site is designated as a Biological Site of Importance for Nature Conservation. The LWS designation in both the Nottingham City and Broxtowe areas forms part of a wider LWS that incorporates the Alexandrina LNR to the west of Thoresby Road, and the Sandy Lane LNR. As such, there is a presumption against the development of

the site in the current Local Plan, due to the need to protect the OSN and its ecology, unless it can be demonstrated that the need for the development outweighs any harm caused and that adequate mitigation measures are in place;

- (f) the site is part of Bramcote Ridge (a tree-lined high point that is a local landmark and is the backdrop to many views across the local landscape), which runs in an east/west direction and is part of a green corridor that incorporates the application site, the Sandy Lane LNR, Alexandria Plantation, Deddington Plantation and Bramcote Hills Park. These LNRs and plantations are managed by Broxtowe District Council and the Nottingham Wildlife Trust as open space, and have a number of public footpaths running through them that link into a wider public footpath network serving local residents in both Broxtowe and Nottingham City;
- (g) the surrounding area to the north of the site (located in Nottingham City) is typified by a 1970s development of two-storey and single-storey detached housing built in a series of cul-de-sacs off Appledore Avenue. There is also a mix of terraced, semi-detached and detached properties to the southern side of the site, within Broxtowe, which vary in age from the interwar period to more recent additions, such as 66 to 70 Sandy Lane;
- (h) the applicant asserts that there is no authorised public access within the application site, though there is a claimed public right of way across the land. This issue is being addressed as part of an ongoing, separate process. Should the applicant seek to take steps to fence off their privately-owned part of the site, there will still be open public access routes across the full length of the ridge;
- (i) a large area of Japanese Knotweed is present on the application site, which is an invasive, non-native species that spreads rapidly and out-competes native species, reducing the biodiversity of flora and fauna over time. Japanese Knotweed is controlled through Environmental and Wildlife Legislation, which is separate to the planning system;
- (j) overall, for the Nottingham City part of the site, around 30% would form part of the residential element and about 70% would form part of the community park. However, the general public has been using the general open space for a long period of time and, although there are some advantages to a managed park and amenities, there appears to be high level of local objection to the proposals, due to the loss of open space and the fact that the new houses will overlook the existing properties, due to their position up the ridge;
- (k) the protected green site represents a diverse ecosystem, which should be protected as much as possible. The development would diminish its size further, and it has already been squeezed by other developments. Flooding has also occurred in the area recently, and this may be exacerbated by the further expansion of hard surfaces and additional water run-off. The cut-and-fill work required to create the properties seems invasive, and means that the development of a large piece of land is required to construct a small number of houses, which may become dominant features on the ridge;
- (l) the Committee considered that, given the protected, open, green and undeveloped nature of area (and the fact that there is a presumption against its

development in the current Local Plan), the overall principle of the proposed development is not acceptable, as it would be likely to have a negative impact upon the character, amenity and ecology of the site and, when taken on balance, the advantages brought by the development and the measures proposed to mitigate this loss do not offset the damage that would be caused.

Resolved to refuse planning permission, for the following reasons:

- (i) the proposal, by virtue of the housing development element, would result in unacceptable harm to the Open Space Network (OSN), including a loss of part of the OSN, and by having a detrimental impact on the quality of environment, landscape character and wildlife value of the OSN. The benefits of the development would not outweigh the harm to the OSN. The proposal is therefore contrary to Policies A, 2 and 16 of the Aligned Core Strategy (ACS), and to Policies EN1 and EN7 of the Land and Planning Policies (LAPP) document;**
- (ii) the proposal, by virtue of the housing development element, would result in unacceptable harm to a Local Wildlife Site, with no demonstration that the need for the development outweighs the need to safeguard the nature conservation value of the site. Additionally, it has not been demonstrated that the development would secure measurable net gains for biodiversity. The development is therefore contrary to Policy 17 of the ACS and Policy EN6 of the LAPP, as well as the aims of the Biodiversity Supplementary Planning Document and Section 15 of the National Planning Policy Framework (NPPF);**
- (iii) the proposed housing development, by virtue of its layout and design, would be poorly related to its context and result in poor legibility, natural surveillance, community safety and ease of access for pedestrians, visitors, deliveries and waste collection. It would also be harmful to the local townscape and amenities of neighbouring residents. The proposal is therefore contrary to policy 10 of the ACS, policies DE1 and DE2 of the LAPP, and Section 12 of the NPPF.**

12 Wollaton House, 43 Radford Bridge Road, Nottingham, NG8 1NB

Rob Percival, Area Planning Manager, introduced application number 20/00563/PVAR3 for the variation of Condition 2 to planning permission 12/01800/PVAR3 by Mr Rehmat Khan for the extension of the hours of use of the learning and prayer centre. The application is brought to the Committee because of the significant level of 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 further representations against the proposals by local residents.

The following points were discussed:

- (a) the Committee considered that the application represents a sensitive local issue, as demonstrated by the high level of representations received. It requested that, to have the fullest detail possible, two considerations must be resolved between planning officers and the applicant before the Committee can make a fully informed decision. Firstly, the proposals relating to the building extension must be fully resolved in terms of its use and purpose, so that the full implications of the operation of the premises are known and can be evaluated. Secondly, the traffic management plan must be resolved and completed, to show that the traffic issues and their impact on the area can be managed effectively.

Resolved to defer resolution of the application, pending resolution of the issues relating to the usage of the extension and the traffic management plan between planning officers and the applicant.

13 Car Park, South Side of Traffic Street, Nottingham

Rob Percival, Area Planning Manager, introduced application number 20/00592/PFUL3 for planning permission by Planning And Design Group (UK) Ltd (Mr Chris Jesson) on behalf of Jensco (Nottingham) Limited (Mr Bobroff) for the demolition of an existing office building and the erection of two part 3, 5 and 6-storey buildings for student accommodation, along with associated access, ancillary communal facilities and a flexible cafe and event space. The application is brought to the Committee because it represents a major development on a prominent site with important design and regeneration considerations, where the Planning Obligation may include contributions less than required by planning policy.

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 further information relating to the Section 106 Planning Obligation, a bat survey, means of enclosing the proposed plaza, cycle parking and delivery vehicle drop-off and pick-up arrangements.

The following points were discussed:

- (a) planning permission is sought for the construction of two part 3, 5 and 6-storey buildings, to provide up to 522 rooms for student accommodation. In addition, communal and flexible café and event space is proposed within part of the ground floor area of both buildings. The proposed buildings are largely rectangular, with central courtyard areas. A central landscaped plaza will run between the buildings from Traffic Street through to Waterway Street West. The main entrance to the development will be accessed from Traffic Street;
- (b) historically, the development site has been put to commercial uses, notably as a textile mill, warehouse, girder and timber yard, and a car park. It is also understood that residential properties once occupied part of the site, prior to this commercial use. However, the long, rectangular and flat site has now been vacant for many years and was largely cleared of industrial buildings around 2009, though part of an office building still remains in the north-eastern corner of the site (which will be demolished as part of the scheme);

- (c) the Church of God, a commercial art studio and Karlsruhe House (with its associated car park) are to the east of the site. A number of commercial premises, notably Enterprise rent-a-car, ABB Furze Ltd and the Castle Rock brewery are to the north side of Traffic Street. Construction of 62 apartments has recently commenced on the former Hindle House site, to the east of the Enterprise premises. To the west is the former Plumb Centre site, currently being developed for student accommodation (known as the Vantage). To the south is Waterway Street West, which contains bus stops running to the city centre, and the tram line lies beyond this, on Meadows Way;
- (d) the site is located within the Canal Quarter Regeneration Zone, and is an important initiative for the regeneration of this area. Ultimately, there is an aspiration to make Traffic Street a pedestrianised area, paved in a shared surface material – though this will need to be considered very carefully due to its use for traffic access to the Castle Rock brewery and Queen’s Bridge Road. The introduction of further dedicated student accommodation will also contribute to reducing pressure in the private housing market, in an attempt to decrease the number of family homes being converted to use as houses in multiple occupation;
- (e) in terms of their design, the mass of the buildings has been broken down by recessing the ground and top floors, the introduction of texture and decoration within the brickwork, changes in brick colour and the use of an accent cladding material. Deep window reveals are incorporated throughout the development. The two buildings rise from three to six storeys, stepping down to the level of the existing adjacent buildings. To create distinction, the two buildings will use different colours for their brickwork. The exact materials and colours to be used will need to be agreed on site with the developer, and this will form part of the planning conditions. Care will be taken with the brick types and colour, to avoid a dark and oppressive environment at ground level. The currently suggested brick colours are buff and grey, but it may be more appropriate for a red brick to be used in place of one or both of these. Consideration will also be given to the right material for the areas proposed to be finished in a metal cladding;
- (f) although this is a dense city centre site and it is difficult to carry out street tree planting due to the presence of services underneath the pavements, there is potential for planters to be installed in the building courtyards and the central plaza. Consideration is also being given to the introduction of vegetation on higher parts of the building. It is important that the ultimate planting scheme reflects native biodiversity, and this will be reflected in the planning conditions. The central plaza will be accessible to non-residents during the day. It will be closed off during the late evening and early morning, but large gateways will be used within open railings, to give the sense that the area is part of the public realm at other times. The entrances to the two buildings have also been designed to create a sense of open interactivity between the buildings and the central plaza;
- (g) given the location and nature of the development, no vehicle parking is proposed. An initial 132 secure cycle spaces were put forward, but this has been increased to a minimum of 235 spaces, also incorporating electric bike charging points. Solar panels will be installed on the flat roofs of the development. It is not clear at this stage what provision will be made for natural ventilation of the building, but opening windows and vents will be considered during the mechanical and

electrical planning phase of construction. As it stands, the proposals are currently to limit the buildings' capacity for solar gain through the use of appropriately insulated glazing;

- (h) the Committee recommended that, due to progressing climate change and the potential for solar gain to increase as a management issue in the operation of buildings, consideration should be given to the installation of shading features to shield the southern elevations of the buildings from direct sunlight, so there is a decreased demand on air conditioning units to cool the building during the summer. It requested that the consideration of this issue should be added as a condition to any planning permission granted;
- (i) the Committee felt that the use of the word 'Project' for a new housing development had fallen out of use, and suggested that an alternative was considered for the branding on the buildings' exterior. It hoped that the development would also boost the usage of the Queen's Walk recreation park, and queried whether this would be able to benefit from funding from the Section 106 obligation.

Resolved:

(1) to grant planning permission, subject to:

- (i) prior completion of a Section 106 Planning Obligation to secure Local Employment and Training opportunities, a student management plan and restrictions on car use, and financial contributions towards Public Open Space and Local Employment and Training;**
- (ii) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report of the Director of Planning and Regeneration and amended as per the update sheet;**
- (iii) an additional condition as follows: notwithstanding the approved drawings, and prior to the commencement of development, details of the strategy to address solar gain shall be submitted to, and approved in writing by, the local Planning Authority;**

(2) to delegate power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to the Director of Planning and Regeneration.

(3) The Committee is satisfied that Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are:

- (i) necessary to make the development acceptable in planning terms;**
- (ii) directly related to the development; and**
- (iii) fairly and reasonably related in scale and kind to the development.**

Planning Committee – 22.07.20

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

Councillor AJ Matsiko requested that his decision to abstain from voting on the above decision was recorded.

14 Future Meeting Dates

- **Wednesday 19 August at 2:30pm**