

# Nottingham City Council

## Planning Committee

Minutes of the meeting held at Remote - To be held remotely via Zoom - <https://www.youtube.com/user/NottCityCouncil> on 18 November 2020 from 2.31 pm - 4.55 pm

### Membership

#### Present

Councillor Michael Edwards (Chair)  
Councillor Graham Chapman (Vice Chair)  
Councillor Kevin Clarke  
Councillor Gul Nawaz Khan  
Councillor Maria Joannou  
Councillor Pavlos Kotsonis  
Councillor Sally Longford  
Councillor AJ Matsiko  
Councillor Lauren O`Grady  
Councillor Ethan Radford  
Councillor Wendy Smith  
Councillor Cate Woodward  
Councillor Audra Wynter

#### Absent

Councillor Leslie Ayoola  
Councillor Toby Neal  
Councillor Mohammed Saghir  
Councillor Mohammed Sagir

### Colleagues, partners and others in attendance:

Ann Barrett	- Legal Team Leader, Planning and Environment
Lisa Guest	- Principal Officer, Highway Development Management
Rob Percival	- Area Planning Manager
Nigel Turpin	- Team Leader, Planning Services
Martin Poole	- Area Planning Manager
Paul Seddon	- Director of Planning and Regeneration
Kate Morris	- Governance Officer

### 30 Apologies for Absence

Councillor Leslie Ayoola – Leave  
Councillor Toby Neal – Council Business

### 31 Declarations of Interest

None

### 32 Minutes

The Committee confirmed the minutes of the meeting held on 23 September 2020 as a correct record and they were signed by the Chair.

### **33 Site Of Middletons Public House Trowell Road**

Rob Percival, Area Planning Manager, introduced application number 20/01250/PFUL3 for planning permission by Swish Architecture Ltd on behalf of Swan Homes (Nottingham) Ltd. for the proposed demolition of the existing Public House and to construct 16 dwellings. The application is brought to the Committee because it has generated significant public interest that is contrary to the officer recommendation, and at the request of a Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 21 September 2020.

The following points were discussed:

- (a) The former pub that once stood on the site has now been demolished and the site cleared. The application is for 16 properties with a mix of two, three and four bedrooms. Frontages of the proposed development are to Bridge Road and Trowell Road with a short cul-de-sac for access to the properties in the internal part of the development;
- (b) The proposed development would see the two bedroomed units front onto Trowell Road with semidetached properties specifically designed for the two corner plots. The three and four bed roomed properties would be to the north of the site, with the 2 four bed properties being detached;
- (c) Following representation from the neighbouring day nursery the property nearest to the adjacent boundary will be stepped down to ensure that the development falls into scale with existing properties, and the rear dormer units that back onto the boundary with the nursery have also been removed;
- (d) The density of the development has been questioned, it is higher than the nearest adjacent housing, however this is more to do with the size of garden space in neighbouring properties and the development falls into acceptable standards for modern housing;
- (e) The development offers an opportunity to enhance the site and represents a good alternative use. The properties sit well within the development and the character of the development is in keeping with the area. There is a traditional style to the architecture ensuring the scheme fits well with existing buildings, but there is also uniqueness and individuality within the scheme, the details and materials proposed are of an appropriate quality and style for a prominent site;
- (f) Concerns have been raised around parking and traffic, specifically on Bridge Road and that existing on-street parking would be displaced. There is parking on the site for residents and visitor parking spaces are also provided;
- (g) In terms of sustainability, the developer is committed to going beyond building regulation minimums around water consumption and thermal qualities, and the scheme also meets the Council's new policy on water consumption. All properties will have electric vehicle charging points. Final details are to be agreed as per the proposed conditions;

- (h) The two bedroom properties are single aspect, the rooms further back in the properties are utility type rooms and en-suites, which are more appropriate for being internal. The use of light wells on the staircase areas brings natural light further into the properties;
- (i) The scheme is compliant with and meets policy requirements for Section 106 contributions;
- (j) Committee members agreed that the scheme was attractive and fitted well within the local area. They agreed that the size of the units is appropriate for families, that materials proposed are of good quality and that the landscaping and layout was sympathetic to the area. They were pleased to see innovation around reducing water consumption and noted that the scheme would work towards carbon reduction too;
- (k) Councillors raised concerns about the use of render alongside brickwork on the properties due to the likelihood of it staining and looking less attractive over time. Although the use of render on these properties is not extensive materials can be agreed as part of the conditions after further negotiation with the developers;
- (l) Committee members also raised further concerns regarding the light levels for the internal areas of the single aspect 2 bedroomed properties. Officers confirmed that the properties were of a depth that light would still penetrate and that the light wells would bring additional light to the internal parts of the properties, internal rooms would be bathrooms and en-suites and utilities rooms rather than living areas;
- (m) Solar panels are not currently part of the developers package for sustainability measures. There is the opportunity to continue negotiation for these within the conditions of the planning permission and officers will raise this with developers for consideration;
- (n) Committee members questioned who would be responsible for the maintenance of the landscaped areas around the development and in particular, the areas in front of the houses. Officers confirmed that it is the intention of the developer to set up a management company that will be responsible for the general maintenance of the landscaping within the development. The areas directly outside the units will be accessible to the residents and can be used for planting boxes and seating etc;
- (o) Each unit will have an allocated parking space ensuring that all residents will have access to an electric vehicle charging point. There will also be additional communal/visitor parking on site in addition to these allocated spaces.

## **Resolved**

### **1) to grant planning permissions for the reasons set out in the report subject to:**

- (a) prior completion of a Section 106 Planning Obligation to secure:**
  - (i) A financial contribution of £121,680 towards off-site Affordable Housing provision;**



no affordable housing, nothing for the elderly, the disabled or for larger families;

Martin Poole, Area Planning Manager, introduced application number 19/01270/PFUL3 for planning permission by Steven Milan on behalf of GR No. 8 LTD for the construction of 45 new dwelling houses and associated infrastructure. The application is brought to Committee because it is a major development with important land use considerations and which has generated a significant level of public interest contrary to the recommendation.

To meet the Council's Performance Targets this application should have been determined by 10th September 2019.

Additional information, amendments and changes to the item since the publication of the agenda were included in an update sheet, which was appended to the agenda published online. It included one third party letter of correspondence received from the Registry Office, one property on Kersall Drive on behalf of 3 other dwellings with no internet access, and a statement from the developer.

The following points were discussed:

- (f) This is the site of the former Henry Mellish School situated on Highbury Road and Kersall Drive with the Heathfield Primary school situated behind it. The site has been cleared and has a mature tree line between the main part of the site and Highbury Road, there are existing gates and a wall along this boundary. The proposed development consists of 45 residential dwellings with a mix of two and three bedrooms. The developer has been working with the Council for some time and the split of two and three bedrooms properties is considered to meet a need for housing for smaller families;
- (g) The development is served by two access points onto Kersall Drive, access to the development via Highbury road will be pedestrian access only, the only vehicular access to the development will be via Kersall Drive. This is a change from the original scheme submitted in 2019. Highways colleagues have reviewed the revised scheme and whilst recognising the local residents concern they have confirmed that there is no harm caused to highway safety by this access;
- (h) The plans show recent additions to the development including street trees and road surfacing changes. These are features added since the original scheme was submitted in 2019 in response to concerns about the shared space;
- (i) The materials currently shown on CGI images and in the proposals are buff coloured bricks with darker grey brick details. The developer has confirmed that they are willing to work with Planning Officers around details of the scheme through conditions of planning permission and this will include considering an alternative palette of materials. The CGI does not show the distinction in road surfaces that the developer has proposed as part of the shared space, but these are detailed in the plans submitted;
- (j) Once the development is complete the road will be adopted by the Council. It is normal that the issue of lighting and water drainage are addressed through

the adoption process, and the planning process would not normally seek to consolidate these issues;

- (k) Some of the concerns raised are around the lack of affordable housing within the scheme. The obligation on the developer to provide 20% affordable housing will either be met through onsite provision or through section 106 contributions and this will be negotiated. The scheme will be fully compliant with the affordable housing policy;
- (l) Committee members raised concerns about the design of the shared space and the street scene, they were pleased to see some strips across the road for speed reduction, but felt that the space had not been designed as a shared space and that these elements had been added on later. They were concerned about the relatively featureless straight road and how that may affect accessibility and safety for visually impaired people, the elderly and young children. They suggested that more features indicating to drivers and pedestrians that it is shared space should be considered. Officers advised Committee members that as part of the road adoption process any shared road space would go through a safety audit to assess safety for all users. This will be the case for this scheme and any recommendations from the audit can be agreed by conditions, this would include details that announce the start of the shared space to both pedestrians and to motorists;
- (m) A Committee member suggested that additional trees on the north and east side of the development would be beneficial as an established and mature tree line already exists along the boundary with Highbury Road;
- (n) A Committee member praised the inclusion of solar panels within the scheme but questioned how many units would benefit from them, as the report was not specific. Officers advised that this was still under negotiation with the developers and would be settled within the conditions;
- (o) Committee members acknowledged that local residents were accepting of a scheme of housing on the site and that they recognised the need for housing. They agreed that the site would be a good site for housing and that the need for family housing across the city is a growing need. They further acknowledged that as a result of being a site with relatively low land value there was a need to maximise good design to ensure that the scheme is viable;
- (p) Concerns were also raised about the limited architectural features on the units, particularly the gable ends where there appears to be a lot of blank brick walls which are generally discouraged where possible in design. They also felt that the pink coloured drives were not desirable and not in keeping with the area. Officers agreed that the detailing to the eaves was not as big as some other schemes but that the detailing proposed fitted within the scheme and provided an acceptable level of detail to the build. The blank walls seen on the CGI are not representative of the build, the plans show that these would be other properties but have been omitted from CGI to allow better view of the street scene. On the plans, end wall will feature windows where appropriate rather than remaining featureless. These features are in keeping with the locality;

- (q) Committee members also felt that an entrance with more prominence would be beneficial to the development and asked that this be considered;

**Resolved to defer consideration of this item to a future meeting to address concerns raised by the Committee including, but not limited to:**

- **Road design**
- **Issue around trees**
- **Material palette**
- **Fuller information around highway safety**
- **Proper consideration of design for the entrances to the site.**

Councillor Kotsonis abstained from the vote.

Councillor Clarke voted against deferring the item.

The meeting was adjourned at 15:50 and was reconvened at 16:00

### **35 Sports Ground Junction Of Piccadilly Brooklyn Road**

Prior to the Committee's consideration of this item and with the permission of the Chair, Councillor Sam Gardiner addressed the Committee in his role as a Ward Councillor for Bulwell Forest and made the following points:

- (a) This scheme was initially submitted as a planning application in summer 2019, Ward Councillors held extensive public consultation and a number of concerns were raised at the time. This application has since been brought forward to Committee with little or no revision designed to address concerns raised by residents;
- (b) Residents accept that this site will be used for housing, they recognise the need for more housing and agree that the site should be used for suitable housing, but they want to see a suitable scheme which fits in with the local area;
- (c) The Local Plan states that application should not include entrances and exits onto the site of Jesmond Road, but this is what is currently being proposed. The Housing Policy Framework, paragraph 102, states that transport should be a consideration at an early stage of the planning process and during public consultation. Concerns around the parking issues were raised, specifically about increased congestion and increased on street parking. Although residents accept that the scheme includes allocated parking this will exacerbate existing on street parking issued by reducing the available space with the creation of driveways;
- (d) National Planning Framework Policy, paragraph 127, states that decisions on planning should add to the quality of the area, not just for the short term but for the life of the development and should be sympathetic to the character and history of the surrounding area. Materials proposed for this development do not match those used in the local area and the development is neither sympathetic to, nor in character with the surrounding area;

- (e) Other concerns raised include the proximity of the development to the existing monastery, impact on local schools, and design features such as small windows;

Martin Poole, Area Planning Manager, introduced application number 19/01271/PFUL3 for planning permission by Steven Milan on behalf of GR No. 9 LTD for the construction of 57 new dwelling houses and associated infrastructure. The application is brought to Committee because it is a major development with important land use considerations which is not fully policy compliant and which has generated a significant level of public interest contrary to the recommendation.

To meet the Council's Performance Targets this application should have been determined by 5th September 2019.

Additional information, amendments and changes to the item since the publication of the agenda were included in an update sheet, which appended to the agenda published online. It included five (two from the same household) further third party letters of correspondence.

The following points were discussed:

- (f) The proposed development is situated on sports field on Jesmond, Brooklyn and Piccadilly Roads and is surrounded by residential buildings. The Poor Clare Monastery sits to the south of the development. The existing site is currently grass land.
- (g) The proposed development is for a mix of two and three bedroom houses fronting on to Jesmond and Brooklyn Roads, with access to a small shared space cul-de-sac from Jesmond Road. The Local Plan suggests a strong preference for internal access to the site to be taken from either Piccadilly or Brooklyn Roads, it does not rule out access from Jesmond Road. Access from this road represents best use of the space and Highways colleagues have reviewed this and have found the access from Jesmond Road acceptable;
- (h) The development makes adequate provision for parking in its own right as is required by policy. The streets surrounding the site have a good amount of on street parking relative to house frontage. There is no right to on street parking, but it is accepted where there is space and where it does not interfere with the primary function of the road, to carry vehicles including access to driveways;
- (i) The road scheme for this development is more traditional with pavements and a carriageway. There is a small area of shared space at the head of the internal cul-de-sac. There is a similarity in design and materials to the previously considered item, the developer being the same and the CGI presented does not show the addition of the trees since the original application was made;
- (j) 26 individual letters and 19 comments in response to the public consultation were received in response to this application, and concerns raised within these have been addressed as far as they can be. Planning decisions should be based on planning policy assessment of the development, it is not always possible to amend a scheme in line with public preference. The scheme

complies with the Local Plan and the officers assessment is set out in the published report;

- (k) Committee members noted that the proposed scheme was close to amenities and in an area where housing was in demand. They acknowledged the difficulties in terms of land value and viability of the scheme and acknowledged that local residents accepted that a housing development would be appropriate use of the site;
- (l) The Committee echoed the Ward Councillor's concerns about the scheme not being in keeping with or sympathetic to the surrounding area. The density of the scheme is higher than that of the surrounding area and the palette of materials is not in keeping. Parking issues raised by the Ward Councillor and residents were echoed by Committee members who were concerned regarding the loss of existing on-street car parking for residents as a result of driveways and access to the development. Highways officers have considered the application and are satisfied that there is sufficiency capacity within the surrounding road network without causing significant problems and the development is policy compliant;
- (m) Concerns were also echoed around the proximity of the proposed development to the monastery and whether there would be noise impacts on the residents. Officers advised that there was a small number of buildings, 6 in total, proposed to be on the cul-de-sac part of the scheme that is closest to the boundary with the monastery. It is considered that even at the points of highest activity these residential buildings will not represent excessive disturbance. Planning officers are satisfied that the relationship between the 6 buildings and the monastery is acceptable and that the proposed buildings were not considered to be too close to the monastery building;
- (n) Committee members raised concerns about access onto Jesmond Road noting that Jesmond Road was narrow and had multiple other junctions on its length. They noted that both Picadilly and Brooklyn Road were wider and that there was no housing on the Brooklyn Road side of the site making it potentially more suitable for access;
- (o) Concerns were raised about the replacement of the green space with impermeable surfaces and what that might mean for flood risk both for local residents and for residents in other parts of the area. The Committee asked for further details on the drainage proposals and for the use of permeable surfaces to be maximised. They were pleased to see the use of trees in the development but questioned if more could be added, specifically at the south end of the development which would also serve to increase privacy and reduce noise impact on the neighbouring monastery building ;
- (p) Planning Officers advised the Committee that the proposed conditions of the planning permission detailed drainage management plans that included soak aways and other drainage features. These details are most commonly agreed as part of the conditions;
- (q) The Committee questioned the shared space element of the design, wanting reassurance that traffic calming measures would be put in place. Planning officers confirmed that these elements are covered within the conditions and

materials could be addressed at that stage. The cul-de-sac element of the proposed scheme only has 6 houses on it and additional features were not considered necessary given the likely traffic volume;

- (r) The mix of housing was also raised as a concern with a Committee member questioning whether single person accommodation should be included and other questioning if larger family units could be included as there is a need for both types of housing within the City. Officers advised the Committee that there is a possibility that some of the units may not come to sale and may be used as affordable housing options. The development does not propose any single person units as the development aims to be family orientated in keeping with the wider family orientated residential area;
- (s) Planning colleagues advised that within the scheme and on the surrounding streets there will be a number of areas where the possibility of informal on-street parking will still be available, particularly adjacent to side boundaries. The reconfiguration of the development to be one cul-de-sac with an offshoot cul-de-sac would not increase the opportunity for parking on Jesmond Road. The Committee asked that this option be explored further;

**Resolved to defer consideration of this item to a future meeting to address concerns raised by the committee including, but not limited to:**

- **Impact of the development to existing properties**
- **Impact of the development on local parking**
- **Materials and design**
- **Street Trees and road design/layout.**

The vote on this matter was unanimous.

### **36 Island Business Centre, City Link**

The Chair of the Committee agreed that this item, although not on the agenda, could be considered as a matter of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972, because a decision at the December meeting, with a further period to refer to the Secretary of State, would cause unacceptable delays to the bringing forward of this very important regeneration project

Martin Poole, Area Planning Manager, introduced application number 20/01527/PFUL3 for planning permission and 20/01528/LLIS1 for listed building consent by AXIS David Jones on behalf of Conygar Nottingham Ltd (ref Mr Chris Ware)

Application number 20/01527/PFUL3 proposes mixed-use commercial development comprising enabling works (demolition and earthworks), retail (Classes A3/A4/A5), assembly and leisure (Class D2) uses, access modifications, utility infrastructure and drainage, new areas of public realm/landscaping and alterations to the listed Turnover Bridge.

Application number 20/01528/LLIS1 proposes alterations to the listed Turnover Bridge in association with mixed-use commercial development comprising enabling works (demolition and earthworks), retail (Classes A3/A4/A5), assembly and leisure (Class D2) uses, access modifications, utility infrastructure and drainage, and new areas of public realm/landscaping

The report is brought to Committee as an urgent item because of the significant risk of a delay to the issuing of a planning permission and listed building consent pending confirmation from the Environment Agency that their objection to the applicant's Flood Risk Assessment has been overcome. The report seeks authorisation to refer the matter to the Secretary of State in the event that this may be required in order to ensure that the applicant's programme for the implementation of this major and significant first phase of development is able to be achieved.

To meet the Council's Performance Targets this application should have been determined by 3<sup>rd</sup> December 2020.

Additional information, amendments and changes to the item since the publication of the agenda was included in an update sheet, which appended to the agenda published online. It includes further observations from the Environment Agency.

The following points were discussed:

- (a) In September 2020 the Planning Committee resolved to grant planning permission and listed building consent for this development (minute 25) subject to a number of conditions, including confirmation from the Environment Agency that the objection to the applicant's Flood Risk Assessment had been overcome;
- (b) Work is ongoing on flood modelling. It is not yet entirely resolved, however it may be that there is residual risk remaining throughout this modelling;
- (c) The developer is at a critical stage of contract negotiation with construction and the contracts need to be signed as a matter of urgency to allow the developer to deliver a Christmas 2021 opening. If this cannot be achieved then it is likely to result in delays to the development of up to a year;
- (d) Proper planning consideration will be given to flood risk and the mechanism recommended to the Committee does not look to expose Nottingham citizens to unreasonable flood risk;
- (e) The process will enable a mechanism for a quick decision in consultation with the Chair, the Vice Chair and an opposition party member of the Planning Committee, when the resolution of the flood risk matters is reached;
- (f) A committee member with responsibility for flood risk (Councillor Longford) asked to be kept up to date with the decision and Chair confirmed that they would be included within the consultation process along with the Vice Chair and opposition member.

**Resolved:**

- (1) That, in the event that the Environment Agency has not been able to withdraw its objection following conclusion of further flood modelling, power to grant planning permission and listed building consent be delegated to the Director of Planning and Regeneration in consultation with the Chair, Vice Chair, opposition spokesperson, and Councillor Longford subject to:**

- i) **being satisfied that the development complies with national and local policies on flood risk, including consultation with the Secretary of State;**
  - ii) **the indicative conditions substantially in the form of those listed in the draft decision notices appended to the report to the September Planning Committee with the addition of the condition relating to the design of the linear ridge as detailed in the report on the planning permission;**
  - iii) **prior completion of a Section 106 planning obligation to secure:**
    - **a financial contribution towards highways improvements in the total sum of £1,050,000**
    - **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;**
- (2) Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration; and**
- (3) That Committee are 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.**

### **37 Planning White Paper Response - For information and to note**

Paul Seddon, Director of Planning and Regeneration, presented the paper to the Committee outlining Nottingham City Council's response to the consultation on significant changes to the Planning White Paper. Following consultation with the Portfolio Holder, Planning Committee and Officers, a robust and challenging response to the proposals has been put forward. Committee members raised the following points:

- (a) There are substantial concerns about the planning white paper. These include
  - Seeking to centralise planning policy and reduced local democratic accountability of planning decision.
  - Introducing changes making development contribution for public benefit more difficult to receive.
  - No mechanisms within the white paper to address the current climate emergency
  - Creating barriers for those people with protected characteristics to get involved with the planning process. All public engagement will have to take place on line and could lead to exclusion of those people with disabilities which prohibit or limit use of technology;
- (b) The proposed system splits development site into three zones, of most concern is the "growth zone" which allows automatic planning permission without input from the public or Councillors. This is contrary to the Raynsford Review of Planning which highlights citizens rights to be informed, right to participate and the right to challenge planning decisions.

Planning Committee – 18.11.20

**Resolved to note content of the response.**