

Nottingham City Council

Planning Committee

Minutes of the meeting held at The Ballroom - The Council House, Old Market Square, Nottingham, NG1 2DT on 25 May 2021 from 2.30 pm - 4.33 pm

Membership

Present

Councillor Michael Edwards (Chair)
Councillor Graham Chapman (Vice Chair)
Councillor Kevin Clarke
Councillor Maria Joannou
Councillor Pavlos Kotsonis
Councillor Sally Longford
Councillor AJ Matsiko
Councillor Toby Neal
Councillor Ethan Radford

Absent

Councillor Leslie Ayoola
Councillor Angela Kandola
Councillor Gul Nawaz Khan
Councillor Mohammed Saghir
Councillor Wendy Smith
Councillor Cate Woodward

Colleagues, partners and others in attendance:

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

1 Appointment of Vice Chair

Resolved to appoint Councillor Graham Chapman as Vice-Chair of this Committee for this municipal year (May 2021 to April 2022)

2 Apologies for Absence

Councillor Leslie Ayoola - Work Commitments
Councillor Angela Kandola - Council Business
Councillor Gul Khan - Unwell
Councillor Mohammed Saghir - Unwell
Councillor Wendy Smith - Council Business
Councillor Cate Woodward - Council Business

3 Declarations of Interests

Councillor Sally Longford declared an Other Registerable Interest in agenda item 5a, 152 London Road, Nottingham, NG2 3BQ (minute reference 5) because she is a member of the Board of MOZES (the Meadows Community Energy Group). She left the meeting prior to discussion and voting on this item.

In relation to agenda item 5a, 152 London Road, Nottingham, NG2 3BQ (minute reference 5) Councillor Michael Edwards felt that there was a conflict of interest for him as both Ward Councillor and Chair of Planning Committee, given the strong public interest in the matter, and so left the meeting prior to discussion and voting on this item.

4 Minutes

The Committee confirmed the minutes of the meeting held on 21 April 2021 as a correct record and they were signed by the Chair.

5 152 London Road Nottingham NG2 3BQ

Councillor Sally Longford declared an Other Registerable Interest in this item because she is a member of the Board of MOZES (the Meadows Community Energy Group). She left the meeting prior to discussion and voting on this item.

Councillor Michael Edwards felt that there was a conflict of interest for him as both Ward Councillor and Chair of Planning Committee, given the strong public interest in the matter, and so left the meeting prior to discussion and voting on this item.

Prior to the Committee's consideration of this item, and with the permission of the Chair, Councillor Nicola Heaton addressed the Committee in her role as a Ward Councillor for Meadows and made the following points:

- i) A number of concerns have been raised by citizens about the design of this scheme. The main concerns are around the height and design of the building as the proposed building is not comparable to others in the immediate vicinity. Although the design is innovative it does not reflect the character of existing buildings in the area in style or in materials;
- ii) Many residents in neighbouring buildings will be overshadowed by this construction and the height of the building will act as a barrier giving a "penned in" feel to the area;
- iii) There are concerns around the carbon neutrality of this scheme and how the energy appraisal has been conducted, with the appraisal quoting figures for all residential floor space rather than the mix of residential and non-domestic use proposed;
- iv) Further concerns have been raised around the low carbon and renewable energy elements of the development. The Committee was asked to seek assurance that the photovoltaic cells and the ground source heat system were further explored before permission granted;
- v) Concerns were also raised about the upkeep of the living walls element of the development; the committee was asked to assure itself that there were sufficient plans for their upkeep, unlike other schemes in the city where the failure of upkeep has been detrimental to the site.

Rob Percival, Area Planning Manager, introduced application number 20/02756/PFUL3 for planning permission by CBP Architects on behalf of C&T Bailey Properties for the erection of nine storey residential development with basement parking with ground floor gym and food and beverage facilities. The application is brought to the Committee because it is a major development on a prominent site where there are important land use and design considerations. In addition, it is proposed that the planning obligations typically required by adopting planning policies be waived in this case.

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. This includes a summary of the revised Energy Statement, further representations in response to the Energy Statement, additional representation from members of the public, and updated Legal comments.

The following points were discussed:

- (a) The site sits between London Road and Meadows Way. Half of the site is occupied by a former petrol filling station that is currently used as a hand car wash, and the other half is cleared land, that used to be a restaurant and a public house;
- (b) There have been extensive discussions with the developers around this scheme with it moving through a number of iterations prior to this application being submitted in its current form. Development of this longstanding site is welcomed and the proposed use is compatible with long term goals for the area;
- (c) The scheme is mixed use, with a gym, a café and a restaurant on the ground floor and mainly one and two bedroom residential units above. There is a basement car park and cycle parking with ground level cycle parking also proposed. Service vehicle access and disabled access to the building is all at ground level. The scheme varies from 3 storeys to 9 stories, with the building stepping down towards the front and western side on to Meadows Way where it would be 3 to 5 stories;
- (d) Previous iterations of the design were taller, more linear and abrupt. The proposed design has been refined further during the life of the application with curved balconies introduced to the north eastern and western corners, the top floor being pulled in from the northern elevation and the span of the upper floors reduced in width;
- (e) Meadows Way and London Road are both busy roads, creating an island site set away from the edge of the Meadows. The mass of the building is considered by Planning colleagues to be appropriate for its setting;
- (f) It is accepted that there will be some shadowing to neighbouring properties as a result of this scheme. In particular Ryehill House to the west of the site will be overshadowed in the early morning in spring/autumn months for a limited time. This is not considered to be a significant impact by Planning colleagues;

- (g) The proposed scheme is considered to be appropriate in terms of its impact on the Meadows Conservation Area and adjacent listed buildings. Appropriate and reasonably standard distances would be created between the development and neighbouring buildings to ensure overshadowing and privacy issues are minimised;
- (h) The proposals set out in the update sheet seek to expand the condition of the planning application relating to the development's sustainability measures to include specific references to a BREEAM assessment in regards to the non domestic elements of the scheme. Agreement of these measures would need to be met prior to commencement of the development;
- (i) Committee members expressed reservations about the environmental elements of the development with a number indicating that they felt the development did not go far enough with environmental elements to support the Council's ambition to become carbon neutral by 2028;
- (j) Committee members proposed to defer to the next planning committee so that further work could be done to address environmental issues. Particular points of interest for improvement highlighted were:
 - Minimising embodied carbon in the materials used in the development
 - Reduction of water usage
 - Maximising renewable energy.
- (k) Access to the site has been difficult to establish given the existing road layout and one way system in place. Concerns were raised about the management of access to the site and the potential for people to find a "work around" when egressing the site . Highways colleagues confirmed that although site constraints were recognised, the access proposed within the application was safe and not felt to negatively impact those accessing/leaving the site;
- (l) Committee members voiced concerns around waiving the section 106 contributions as detailed in the viability assessment. The contributions would have been large sums of money for affordable housing, open spaces and education/training. Further clarity on the viability of the scheme was requested;
- (m) The Vice-Chair highlighted that the Planning Committee works within a set of national regulations established by the Government. The Committee can encourage developers to consider elements of the development, for example ground source heat pumps and solar panelling, but it cannot compel developers to incorporate these elements. Failure to act within these regulations could result in appeals found in favour of developers against decisions made at Committee which would incur significant cost and would damage good relationships with developers.

Resolved to defer this item to the next planning committee meeting to clarify the following issues

- **Traffic management associated with the development,**
- **Energy and sustainability measures to be incorporated into the scheme;**
and
- **Viability**

The meeting was adjourned at 3.31pm to allow members of the public to leave and members of the committee to return and reconvened at 3:40pm.

6 Westbridge House Holland Street Nottingham NG7 5DS

Martin Poole, Area Planning Manager, introduced application number 20/02618/PFUL03 for planning permission by Hockley Development Ltd on behalf of Forsyth for the conversion of existing warehouse to 12 apartments, a new three storey building of 15 residential apartments on the site of a previously demolished warehouse.

The application is brought to the Committee because it is an application recommended for approval, but where any planning obligations are proposed to be waived, or are substantially less than typically required by adopted planning policies.

The following points were discussed:

- (a) This site is a small site consisting of a two storey industrial building with a more contemporary element to the rear. It is located on Holland Street, close to Radford Road. As part of a separate planning application, already granted, work has commenced on site with the demolition of some existing buildings;
- (b) The proposal for consideration is the conversion of further existing buildings and the erection of a new, three storey building replacing the previously demolished warehouse. The new building would retain the industrial aesthetic seen in the building on site and in the surrounding area;
- (c) The application seeks to reduce the section 106 contributions. The newly proposed figures have been assessed independent and although not the full amount as set out by planning policy, they are more than those initially proposed by the developer, including an off site affordable housing contribution of £53,000 and an open space contribution of £45,453;
- (d) Committee members expressed disappointment that the full policy compliant figure of £219,385 for affordable housing could not be achieved from (this development).

Resolved:

- (1) **To grant planning permission subject to:**
 - (i) **the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report;**
 - (ii) **prior completion of an agreement to secure a Section 106 planning obligation to secure the following:**
 - (a) **an off-site Open Space contribution of £45,453, and;**
 - (b) **an off-site Affordable Housing contribution of £53,000**

- (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; 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.**

7 Playworks Alfred Street North Nottingham NG3 1AE

Martin Poole, Area Planning Manager, introduced application number 21/00230/PUFL3 for planning permission by Hockley Development Ltd Mr Lavan Siva on behalf of Mr Alan Forsyth for the change of use of existing rehearsal and recording studios (D1 use class) to 16 apartment units (C3 use class)

The application is brought to the Committee because the application is recommended for approval, but where any planning obligations are proposed to be waived, or are substantially less than typically required by adopted planning policies.

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. This includes an additional condition proposed to secure a high quality finish to the development.

The following points were discussed:

- (a) This site consists of an existing buildings, previously used as a recording and rehearsal studios. The building fronts on to Alfred Street North with a grand double fronted brick built Victorian 2 storey element, with a less attractive single storey infill element added onto the elevation fronting St Ann's Way. Directly adjacent to the site is a car park and a slim area of scrubland.
- (b) The character of the area is mixed with both residential properties, and commercial properties in the vicinity;
- (c) The scheme proposes to convert the rehearsal studios into 16 apartments. The external elements of the conversion will include new windows on the less desirable frontage onto St Ann's Way and a change to the roof line whilst focusing on retention of the character of the building. The window design is subjected to an additional condition outlined in the update sheet;
- (d) Committee members commented that although not on the Local List the building has a degree of historic value and the external changes need to be done carefully but work to improve the single storey infill element through sympathetic window design is welcomed. The Civic Society has confirmed it supports the scheme;
- (e) Members expressed disappointment that the full section 106 contributions for affordable housing and open space could not be met by this scheme. However

they acknowledge that the scheme is situated in an area where viability is an issue and accepted the £10,000 contribution as identified by independent assessment;

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 this report and detailed in the update sheet, and subject to:
 - (a) Prior completion of a Section 106 Planning Obligation which shall include:
 - (i) A financial contribution of £5,000 towards affordable housing**
 - (ii) A financial contribution of £5,000 towards open space improvement******
- (2) 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**
- (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.**

8 450-452 Nottingham Road Nottingham NG6 0FU

Martin Poole, Area Planning Manager, introduced application number 20/01868/VS106A by Jackson Design Associates on behalf of Federici Brothers for variation of the Section 106 agreement dated 27 December 2019 to reduce contributions due to commercial viability constraints.

The application is brought to the Committee because it relates to the discharge of an existing planning obligation and therefore waiver of obligations normally required by adopted planning policies.

The following points were discussed:

- (a) Planning permission for this scheme was originally granted in December 2019 subject to conditions and the prior completion of planning obligations which completed and provided contributions for affordable housing (£234,000) open space (£22,773) and employment and training (£6,736) .Following a viability assessment the scheme has been deemed unviable with this level of contribution**
- (b) Following discussions with the applicant they have indicated there may be speculative interest from developers to enter into a joint venture which is an option currently being explored. Independent assessment has suggested that based on land value the site would be financially unattractive for future development;**

- (c) Committee members queried what had changed to make the scheme no longer viable with the agreed contributions. Officers informed the Committee that scheme was originally drawn up with a focus on design to meet planning objectives, rather than what would be viable once implemented. Officers informed the committee that following their assessment the best chance for the scheme to be brought forward to development would be to discharge the section 106 obligations, however this would not guarantee that the scheme would progress;
- (d) Legal advice highlighted that the decision was not focused on whether the scheme was brought forward but whether the obligations should be discharged, and that that decision should be reasonable and exercised within planning law. The Committee received confirmation that the proper process had been followed and that the assessment of viability had been concluded independently and that these were the points the Committee must base its decision on;
- (e) Committee members agreed that it was disappointing to lose such a large section 106 contribution and voiced concerns that if it went ahead with altered funding arrangements the scheme could stand to make significant profit without having to make section 106 contributions.

Resolved to grant authority to enter into a Deed under section 106A(2) of the Town and Country Planning Act 1990, to discharge by agreement the planning obligation dated 27 December 2019 subject to which planning permission (ref 18/01382/PFUL3) was previously granted