

## **Nottingham City Council**

### **Planning Committee**

**Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 20 October 2021 from 2.30 pm - 4.55 pm**

#### **Membership**

##### **Present**

Councillor Leslie Ayoola  
Councillor Graham Chapman (Vice Chair)  
Councillor Azad Choudhry (Minute 32 - 39)  
Councillor Kevin Clarke  
Councillor Michael Edwards (Chair)  
Councillor Maria Joannou  
Councillor Angela Kandola (Minute 32-39)  
Councillor Gul Nawaz Khan  
Councillor Pavlos Kotsonis (Minute 32 -37 and Minute 39 - 41)  
Councillor AJ Matsiko  
Councillor Toby Neal (Minute 32 -40)  
Councillor Mohammed Saghir (Minute 32 - 38)  
Councillor Wendy Smith  
Councillor Cate Woodward

##### **Absent**

Councillor Sally Longford  
Councillor Ethan Radford

#### **Colleagues, partners and others in attendance:**

Richard Bines	Solicitor
Rob Percival	Area Planning Manager
Martin Poole	Area Planning Manager
Paul Seddon	Director for Planning and Regeneration
Nigel Turpin	Team Leader, Planning Services
Emma Powley	Governance Officer

### **32 Committee membership change**

The Committee noted that Councillor Azad Choudhry had been appointed as a Member of the Planning Committee.

### **33 Apologies for Absence**

Councillor Sally Longford (Leave)  
Councillor Ethan Radford (Other Council Business)

### **34 Declarations of Interests**

Councillor Pavlos Kotsonis declared an interest in Item 5b – 273 Castle Boulevard, Nottingham, NG7 1HA (minutes 37a) as the Ward Councillor and had engaged with residents. He left the room prior to discussion and voting on this item.

### **35 Minutes**

The minutes of the meeting held on the 22 September 2021 were confirmed as an accurate record and signed by the Chair

### **36 Planning Applications: Reports of the Director of Planning and Regeneration**

#### **37 40 and 42 Shakespeare Street**

Martin Poole, Area Planning Manager, introduced application 21/00646/PFUL3 for Planning And Design Group on behalf of Nottingham Trent University for the demolition and redevelopment of existing buildings with a School of Art and Design over 9 floors.

The application was brought to Committee because it was a major application for a prominent site with important design and heritage considerations and which had generated significant public interest and an objection from a statutory consultee that is contrary to the officer recommendation.

Details of further responses received in relation to the application since the publication of the agenda were included in an update sheet published as a supplement to the agenda.

There is an acceptance of less than substantial harm to the setting of Heritage assets including the Conservation area, as well as less than substantial harm to the character and appearance of the Conservation Area.

A finding of harm to the setting of listed buildings is a consideration to which the Committee must give "considerable importance and weight, when weighing up the harm, against any benefits or countervailing factors.

However, that does not mean to say that a strong presumption against granting permission for development that would harm the listed building and or its setting, cannot be outweighed by substantial public benefits so as to rebut that presumption. The public benefits in the report were highlighted.

The recommendation made in this instance having assessed the public benefits is that they are significant and substantial and do out weight the "less than substantial harm" that would be caused by this development to the setting of Heritage assets and to the character and appearance of the Conservation Area. This conclusion is reached notwithstanding the objections raised by statutory consultees and the local civic society and repeated in the update sheet.

Further to the report, and in response to questions from the Committee, the following points were discussed,

The application has been revised since its original submission.

- a) The existing buildings are currently vacant and are included within the boundary of the Arboretum Conservation Area. The proposal is for the redevelopment of the application site to provide a new building for the School of Art & Design at Nottingham Trent University.

- b) The proposal is for a nine storey building, with a main triple height entrance off Shakespeare Street which will include a mixed studio, laboratory, and collaborative teaching spaces.
- c) The primary materials of the proposed building would be a profiled green glazed ceramic tile system with darker green profiled ceramic tile used at the base of the building with high level picture window features being clad in an anodised aluminium cladding system.
- d) Officers considered that the harm to heritage was less than substantial and on balance, brought a number of public benefits, including significant investment into the city; the developers' commitment to attaining carbon neutrality in the fabric, construction and operation of the building was championed as being an exemplary approach in development.
- e) Some Councillors spoke in favour of the application and the progress that had been made since its original submission. There was some empathy for the concerns raised by Historic England but the benefits of development would outweigh the harm to heritage which would include the creation of jobs in the City, a home for the School of Art and Design for the University, the urban design of which some considered aesthetically pleasing.
- f) Some Councillors voiced their concerns that the development was too big, the size of the building was excessive and was an overdevelopment of the plot. It was considered out of keeping with other buildings in the area and would have a negative impact on the neighbouring residents. The proposed development further neglected the current Victorian gothic architecture and whilst the proposed building itself was not unacceptable per se, it would be more suited to an alternative area.

**Resolved:**

- 1) To grant planning permission for the reasons set out in the report, subject to:**
  - (i) the Director of Planning and Regeneration being satisfied on the quality of final design details and external materials finishes;**
  - (ii) the indicative conditions substantially in the form of those listed in the draft decision notices.**
  - (iii) prior completion of a Section 106 planning obligation to secure local employment and training benefits including opportunities in the construction phase of development together with payment of a financial contribution of £68,436 towards employment and training;**
- 2) Power to determine the final details of both the terms of the Planning Obligation agreement and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.**
- 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.**

Councillors Kevin Clarke, Graham Chapman, Maria Joannou, Angela Kandola, Wendy Smith and Cate Woodward requested that their votes against the above decision are recorded.

**38 273 Castle Boulevard, Nottingham, NG7 1HA**

Rob Percival, Area Planning Manager, introduced application number 20/02298/PFUL3 for planning permission by Freeths on behalf of Carlton St Trading/Bmor Ltd for a conversion and extension to provide 27 apartments

The application is brought to Committee because it is a major application on a prominent site where there are important land use and design considerations.

Further representation and an agreement that the development would be required to provide two affordable housing units was included in an update sheet published as a supplement to the agenda. The update sheet also included an additional suggested condition:

***"Notwithstanding the submitted information and prior to the commencement of above ground development, details of the sustainability measures to be incorporated within the development to reduce carbon emissions shall be submitted to and approved in writing by the Local Planning Authority.***

***The development shall be implemented in accordance with the approved details.***

***Reason: To ensure that the development incorporates sustainable design features to accord with Policy 1 of the ACS and Policy CC1 of the LAPP."***

Further to the report, and in response to questions from the Committee, the following points were discussed:

- a) A previous application for a 38 bedroom student scheme, including the retention of the public house on the ground and three storey extension was refused by the Planning Committee due to the impact that the proposal would have on the balance and sustainability of the community and the impact that the proposal would have on living conditions of the neighbouring property. The decision was subsequently upheld at appeal.
- b) The current application was an apartment scheme, residential throughout and it was explained that it was not a student scheme and not exclusively student accommodation. However, there were no restrictions that could be put in place to prevent student occupation but it was considered that should students occupy any units in the scheme occupation would be of a very low density.

**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, the additional condition specified in the update sheet and subject to:**
- 2) Prior completion of a Section 106 Planning Obligation which shall include:**
  - i) An affordable housing scheme or contribution for off-site provision**
  - ii) A financial contribution of £37,966.18 towards new or improved open space or public realm**
  - iii) Local employment and training opportunities during the construction of the development, including a financial contribution of £4,684**
- 3) Power to determine the final details of both of the Planning Obligation and the conditions of planning permission to be delegated to the Director for Planning and Regeneration.**
- 4) 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.**

Councillor Mohammed Saghir left the meeting.

### **39 34 Tennyson Street, Nottingham, NG7 4FU**

Martin Poole, Area Planning Manager, introduced application number 19/00771/PFUL3 for planning permission by Natalie Dear Planning Consultancy on behalf of Thorpe And Fletcher Developments Ltd for an application for the demolition of existing building and construction of ten 6-bed student accommodation dwellings.

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

Further to the report, and in response to questions from the Committee, the following points were discussed:

- a) The application site is located at the junction of Tennyson Street and Ayr Street and is currently vacant, with its last use being as a City Council community centre and associated open play space. The building was owned by the Council but is now surplus to requirements.
- b) The current building is a red brick terrace style property with a pitched roof. The proposed redevelopment comprises two short terraces of identical three storey buildings; the terraces would be built predominantly in red brick with grey bricks used for the rear elevations. They would have steep pitched roofs and with stacked triangular bay window features to their front elevations with front doors below the overhanging first floor.
- c) The Committee discussed improving the brick work so that it would be less uniform and requested that consideration be given to the inclusions of more

detailing and decorative brickwork to be included in the building. Concern was expressed about the proposal for the external walls and raised questions about whether it should be in matching brickwork rather than render. The Committee commented that rendering initially looked acceptable but that it very quickly ages and becomes unsightly.

- d) The recess of the front doors/entrances should be re-assessed as they appeared to be dimly lit and could pose a security risk to residents and questions were raised about Anti-Social Behaviour.
- e) The Committee were nevertheless content to delegate responsibility as to the satisfaction of the brick detailing, entrance recess and external finishing materials which respond to planning committee's concerns, to the Director of Planning
- f) It was noted that Student management agreements exist for the existing Purpose Built Student Accommodation (PBSA) developments in the area and it was appropriate that the managers of these developments respond to the concerns of local residents where it is reported that residents of their developments are causing nuisance to local residents.

**Resolved:**

- 1) To grant planning permission for the reasons set out in this report, subject to:**
  - i) the Director of Planning being satisfied as to the final details of the brick work (including gable ends), recessed entrance and external finishing materials, which respond to planning committees' concerns**
  - ii) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report and an additional condition requiring an acoustic sound insulation scheme to be submitted to and approved in writing by the LPA and implemented in accordance with approved details prior to occupation;**
  - iii) prior completion of an agreement under Section 111 of the Local Government Act 1972 to secure a section 106 planning obligation, which shall include:**
    - a) an off-site policy compliant Open Space contribution of £12,649.80**
    - b) a student management plan and restrictions on keeping private vehicles**
- 2) Power to determine the final details of the terms of the section 111 Agreement, Planning Obligation and the conditions of planning permission to be delegated to the Director for Planning and Regeneration.**
- 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.**

Councillor Azad Choudhry left the meeting.

Councillor Angela Kandola left the meeting.

**40 770 Wollaton Road, Nottingham, NG8 2AP**

Rob Percival, Area Planning Manager, introduced application number 21/01219/POUT for outline planning permission by Dr & Mrs AN & MC Fawcett for three dwellings, replacing existing dwelling.

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

Details of further responses received in relation to the application since the publication of the agenda were included in an update sheet published as a supplement to the agenda, which also highlighted a further recommended condition:

***Prior to the commencement of a development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of how provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning during the construction period.***

***The approved Plan shall be implemented at all times during the construction period, to protect the amenities of neighbouring residents and in the interests of traffic movement on Wollaton Road, in accordance with policies DE1 and DE2 of the LAPP***

Further to the report, and in response to questions from the Committee, the following points were discussed:

- a) The current site contains a large two storey detached dwelling located in a predominantly residential area. The dwelling is setback from the street by a large front garden; the front garden is within a Conservation Area, but the dwelling and rear garden are not.
- b) There was some concern about the potential loss of trees should approval be granted but assurance provided that all major trees of merit were to be retained. Regarding the demolition of the existing dwelling, Committee were advised that this did not in itself require permission and was not therefore a reason to resist the proposal

**Resolved:**

- 1) To grant planning permission for the reasons set out in the report, subject to:**
  - (i) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report and the additional condition in the update sheet;**
- 2) That power to determine the final details of the terms of the conditions of planning permission to be delegated to the Director for Planning and Regeneration**

Councillor Toby Neal left the meeting.

#### **41 Draft Eastside Supplementary Planning Document (SPD)**

Paul Seddon – Director of Planning and Regeneration expanded on the report of the draft Eastside Supplementary Planning Document. The following points were highlighted:

- a) The Draft Eastside Supplementary Planning Document (SPD) provides planning guidance for the development of the Eastside Area of the City.
- b) It is supplementary to the adopted Local Plan, which comprises the following two documents:
  - i) The Greater Nottingham Aligned Core Strategy (adopted September 2014) and
  - ii) The Land and Planning Policies Document (adopted January 2020).
- c) In line with Planning Regulations, following approval of the draft version of the SPD, the document must be subject to a statutory consultation period (not less than 4 weeks). All consultation comments received will be taken into account and the SPD redrafted accordingly, prior to it being adopted.
- d) A formal consultation period is currently being undertaken for the draft SPD and runs until 5pm on 29 October, 2021. Details of the consultation can be found at the following link: <https://www.nottinghamcity.gov.uk/eastside-spd>
- e) The results of the consultation will be analysed and the draft SPD will be amended where appropriate, before being reported back to Executive Board to be considered for adoption.

**Resolved:**

**To note the Draft Eastside Supplementary Planning Document**