

## **Nottingham City Council**

### **Planning Committee**

**Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 20 April 2022 from 2.30 pm - 4.51 pm**

#### **Membership**

##### **Present**

Councillor Michael Edwards (Chair)  
Councillor Graham Chapman (Vice Chair) (minutes 59-62 inclusive)  
Councillor Azad Choudhry  
Councillor Kevin Clarke  
Councillor Gul Nawaz Khan  
Councillor Pavlos Kotsonis  
Councillor Sally Longford (minutes 59-62 inclusive)  
Councillor AJ Matsiko  
Councillor Ethan Radford  
Councillor Mohammed Saghir  
Councillor Wendy Smith  
Councillor Cate Woodward

##### **Absent**

Councillor Leslie Ayoola  
Councillor Angela Kandola  
Councillor Toby Neal

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

Paul Seddon	-	Chief Planner
Rob Percival	)	Area Planning Manager
Martin Poole	)	
Nigel Turpin	-	Heritage and Urban Design Team Leader
Scott Talbot-Hartshorne	)	Highways Officers
Lisa Guest	)	
Richard Bines	-	Solicitor
Catherine Ziane-Pryor	-	Governance Officer

#### **59 Apologies for Absence**

Councillor Toby Neal – other council business  
Councillor Angela Kandola – other council business  
Councillor Leslie Ayoola - Leave

#### **60 Declarations of Interests**

None.

#### **61 Minutes**

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

**62 Site of Former Padstow Secondary School South of Eastglade Road, Gainsford Crescent**

Martin Poole, Area Planning Manager, presented planning application 21/02506/PFUL3 for planning permission by Countryside Properties (UK) Limited, to erect 291 dwellings, associated works including engineering works and drainage, demolition of part of the existing school, new roads, landscaping, and public open space. Diversion of public rights of way at Land at Former Padstow School, Eastglade Road, Bestwood, Nottingham.

The following points were highlighted:

- a) the proposed development is on the site of the former Padstow primary school which has been allocated for housing development use within the local plan;
- b) Nottingham City Council are selling the land with an agreement that no less than 75 affordable dwellings consisting of a mix of detached, semi-detached and terraced housing will be provided within the total of 291 1-4 bedroom dwellings;
- c) a presentation to the committee provided aerial views and plans of the site, and computer-generated images (CGI) of the proposed Street views and various elevations;
- d) the proposed development provides significant areas of open space, including around the existing popular trees, which will be retained;
- e) a green corridor runs north to south through the development to assist with biodiversity;
- f) planning officers have done a lot of work predevelopment with the applicant, and although there have been some objections and concerns from citizens, officers believe that this application is appropriate with regard to biodiversity requests;
- g) the update sheet provides further details, including Highway Section recommendations, which are yet to be formally resolved, but the applicant is happy with the conditions;
- a) although depicted in the CGI street views, details such as traffic calming, servicing, and transitions from pedestrian areas to roads, are yet to be determined;
- b) regarding sustainability, there is an obvious absence of solar panels. This has been raised with the developer and applications for subsidy encouraged. The developer is not proposing to amend their plans to include solar panels but is providing other sustainable details in the proposal. Solar panels are not a specific requirement of local planning policy and cannot be insisted upon.

Committee members' comments included:

- c) affordable housing is welcomed, but it's sad to see the loss of such a large area of green space;

- d) the area with verges and trees is not recognised as an effective green corridor as it's not wide enough and too fragmented. Basically it is a of verge with trees and should not be presented as anything more;
- e) the omission of solar panels from the development is a disappointment which may be alleviated a little if the developer were to agree to put infrastructure in place to enable the easy retrofit of solar panels;
- f) the provision of heat pumps instead of gas central heating would be preferred;
- g) ensuring that the nature reserve area is protected is important;
- h) hedgehog friendly fencing is mentioned, but there is no reference of habitat for the bird population, such as bird boxes and/or bricks. These would be welcomed as the standard enhancement;
- i) resident groups have raised concerns regarding how existing animal populations, such as badgers and bats will be catered for;
- j) ecological safeguards need to be put in place for this site, including tree preservation orders and less hard surfaces would encourage more biodiversity;
- k) although referenced within the report, as there is no specific mention of a green corridor within in the conditions, its inclusion would be welcomed;
- l) with regard to biodiversity and having discussed the proposal with Planners and the Wildlife Trust over several months, it is disappointing that there appears to have been little actual progress regarding biodiversity from the initial application;
- m) this is practically a trade-off between the number of houses and the viability of the development. Whilst formally the committee can't demand an improved green corridor, it can ask that the officers urge the developer to undertake their 'best endeavour' to further improve what is proposed;
- n) the committee may consider losing space elsewhere to accommodate an improved green corridor. The issue is not to achieve more green space but ensuring that what is provided is of an appropriate quality and purpose;
- o) the design of the houses is very pleasant with brick detailing welcomed;
- p) the window design is not attractive, but suits the overall design, and details such as the overhang of the eaves are welcome;
- q) with the significant impact of rapidly rising energy prices, inclusion solar panels is particularly poignant, especially with regard to affordable housing;
- r) the inclusion of a range of property sizes is welcomed, as are some significant and advantageous amendments since the initial proposals;
- s) condition 19 should be amended to ensure enhanced landscaping is achieved and can approved by the Chief Planning Officer in consultation with the Chair and

another member of the Committee, or, alternatively, the decision is delayed until further negotiations with the developers have taken place.

Committee members' questions were responded to as follows:

- t) tree preservation orders are not usually made on council owned land;
- u) a preliminary ecological appraisal was submitted by the developer with details regarding swift and bird bricks to be included in the development, which officers will ensure are included;
- v) the green corridor is 5 metres wide, interspersed with drives. Officers consulted believe the proposal acceptable and meets the criteria. Full details of ecological planting are yet to be determined, but the area will not just be a grass verge;
- w) the committee is being asked to approve the layout of the development, which officers believe is a good scheme. Amending condition 19 (regarding planting and landscaping quality) will not alter the layout;
- x) it is not always possible to achieve everything requested, and developers manage a balance between value and viability;
- y) officers have worked hard with developers to ensure connectivity and retain joined-up green space, which is the result before you. The green corridor design cannot be easily tweaked and will require a fundamental redesign of the scheme which is not possible at this stage. The proposal provides an efficient solution and is as viable as possible;
- z) as the requirement for green corridors is not included in the Council's Planning Policy, there are effectively no grounds for the Committee to demand that one is included or amendments made to the proposals, although officers can try to further negotiate amendments with the developers;
- aa) the CGIs do not always provide an exact illustration of the proposal but do provide an overview. With regard to house windows, they will not necessarily be as narrow as they appear on the CGI and the elevation plans provide a more accurate indication;
- bb) committee member's concerns regarding surface materials for the roads, pathways and long-lasting boundary treatments for defensible space are noted, but the final use of materials, including brick and tile, are still being discussed;
- cc) with regard to insulation and energy efficiency, these lay within the remit of Building Control. Whilst developers are being encouraged to make more ecologically sound decisions, the committee cannot insist on inclusion of solar panels, which come at a significant additional cost and could influence the viability of the development. However, it can be requested that properties are future proofed and wiring or the facility for retrofitting solar panels is included in the build;
- dd) determining the responsibility for management of shared spaces is not within the Committee's remit, but clarity will emerge at a later stage;

- ll) the committee should be assured that all roads will be accessible and suitable for refuse collection and other heavy goods vehicles;
- mm) the implications of delaying a decision should not concern the committee, but in rejecting the proposal on the grounds of an inadequate green corridor will require a fundamental redesign of the scheme, which may have a serious impact on its delivery. The layout is compliant with the Local Plan and members desire to maximise biodiversity and ecology is noted.

### **Resolved**

- 1) **to grant planning permission subject to:**
  - (a) **the prior completion of an agreement under s111 of the Local Government Act 1972 to secure a Section 106 Planning Obligation in respect of:**
    - (i) **a financial contribution of £1,911,255 towards new and enhanced primary and secondary education facilities;**
    - (ii) **a financial contribution of £85,764 towards employment and training and provision of employment opportunities during construction works;**
  - (b) **the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;**
- 2) **for the power to determine the final details of both 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, in consultation with the Chair, Councillor Sally Longford, the opposition spokesperson and Cllr Pavlos Kotsonis being satisfied the green corridor credentials and other ecological concerns are maximised (through the conditions);**
- 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.**

### **63 Wollaton House , 43 Radford Bridge Road**

Rob Percival, Area Planning Manager, presented application 22/00055/PVAR3 by Mr Rehmat Khan for a permanent variation of condition 2 of planning permission reference 12/01800/PVAR3, for a variation of hours of use to 06:30 to 23:00 daily (subject to seasonal variation and core hours between 09:00 to 21:00), excluding Ramadan (with 6:30 to 09:00am and 21:00 to 23:00 being for prayer only).

A brief presentation provided aerial and street views of the site, including the car park.

The following points were highlighted:

- a) whilst the core opening hours are from 9am to 9pm, the current extended opening hours of 6.30am to 9am and 9pm to 11pm were temporarily extended for one year and are due to expire on 30 April 2022, so the applicant is seeking approval to make the extended hours permanent for prayer use only, without the restriction on the number of attendees that was a condition of the temporary permission;
- b) initially a request to open at 4am was made and subsequently withdrawn;
- c) 8 individual objections have been received along with a petition containing 71 signatures;
- d) 7 letters of support been received along with a petition of support signed by 155 attendees;
- e) for the initial application the Environmental Health Officer had raised concerns around potential noise and disturbance, but there has been minimal officer involvement during the temporary extension period, with the exception of limited noise following lockdown release and during Ramadan, as outlined in the report;
- f) consideration for this application is purely with regard to the extension of the opening hours and nothing else as the operation of the facility already has permission. When this was granted, full consideration was given to the impact on residents in the surrounding area;
- g) Planning Officers believe that although concerns have been raised by some residents, these do not raise matters of sufficient weight to justify recommending the refusal of the application;
- h) the update sheet provides additional information.

Members of the committee commented as follows;

- i) there have been some minor infringements, but in general it appears that the establishment has been trying to maintain consistent order, which can be difficult with groups of people, so there is not enough evidence to justify refusing the application;
- j) having been extensively lobbied prior to last year's extension of opening hours, it is a concern the police have apparently had to attend establishment and that this is not reflected in the report. Further photographic evidence of infringements and suspected infringements had not initially been circulated to the committee. As such, a further year temporary extension is suggested;
- k) some residents have expressed concern that opening times would be earlier than approved and that the restriction of numbers has not been observed, however, there are residents who support the application and it should be noted that if any public venue car park were full, there would also be impact on the surrounding on-road parking;

- l) if police were called to the establishment (allegedly twice), then it's a concern that ward councillors have not been informed;
- m) the committee cannot reject the application on planning grounds and there are no significant elements raised within the committee's remit that could justify the committee rejecting the application;
- n) the site has been running for 11 years with no significant issues raised and efforts have been made to manage parking, including a parking marshal on duty at busy periods. There may have been occasional mistakes, but the establishment's committee is very committed to abiding by the law and permission should be granted.

Officers responded to members' questions as follows:

- o) the photographs and video submitted by objectors are referred to in the update sheet, but do not provide enough compelling evidence of excessive activity to suggest that the application should be declined;
- p) there appears not to be any direct correlation between numbers in attendance and any noise issue;
- q) Friday prayers are always busy, but the establishment does have permission to operate during these times;
- r) ultimately, if the application is granted and issues of noise and disturbance do occur, then these will need to be addressed by Environmental Health.

## **Resolved**

- 1) to grant planning permission subject to the conditions listed in the draft decision notice at the end of the report;**
- 2) for the power to determine the final details of the conditions to be delegated to the Director of Planning and Regeneration.**

## **64 Burrows Court, Windmill Lane, Nottingham**

Martin Poole, Area Planning Manager, presented application 17/00648/PFUL3 by CPMG Architects on behalf of Landmark Capital Investment, for planning permission for a residential development comprising fifteen houses and an apartment block containing 41 flats. Associated roads, parking and landscaping.

The update sheet corrects an error regarding reduced the Planning Obligation as follows:

- i. a financial contribution of £136,234 towards affordable housing;
- ii. a financial contribution of £27,136 towards open space improvement;

- iii. a financial contribution of £3,930 towards employment and training;

A brief presentation provided aerial and street views of the current site with plans and CGIs of the proposed development.

The following points were highlighted:

- a) the tower block, which has been refurbished, is not part of the application which refers to the land at the base of the tower, fronting onto Windmill Lane;
- b) previous applications had been proposed but only now are officers in a position to recommend approval;
- c) an independent viability assessment has been undertaken and concluded that the development would not be viable if subject to the full Planning Obligation, so a reduced contribution is recommended;
- d) the application consists of 15 houses and a complex of 41 apartments with associated parking;
- e) whilst there is no renewable energy on site, enhanced biodiversity has been agreed and is confirmed within the conditions, as are electric vehicle charging points.

Member of the committee commented as follows;

- f) the effective loss of more than £420,000 of Section 106 funding as a result of the reduced Planning Obligation is a disappointingly significant sum of money;
- g) the committee has previously agreed, with assurance from officers, that viability reports would be sent to members of the committee where the planning obligation of a development has been found not to be viable and therefore reduced or removed. This has not happened;
- h) committee members need to see the complete information regarding the viability assessment before making a decision when such sums of money are in question. The ability of councillors to comprehend such documents must not be discounted, so a decision on the application needs to be deferred;
- i) the development is welcomed, particularly in this area of the city and especially with such substantial housing waiting lists;
- j) the scheme has some positive characteristics with large windows and preserves some green space.

Questions from committee members were responded to as follows:

- k) with regard to the viability of this scheme, Planning Officers can never be confident that a scheme will progress. Achieving planning permission merely enables progress but does not guarantee it;
- l) it is disappointing that the full obligation has not been achieved but the process of viability assessments is allowed in National Planning Policy;



- m) apologies that members have not received the viability assessment. There have been fewer obligation reductions and confidence was rising in the assessments;
- n) the houses are of a modern, contemporary design with eaves without soffits and the low key appearance of the flats is acceptable but the entrance may benefit from a lip feature;
- o) with regard to a green wall, the details in condition 2 need to be clarified to ensure the best possible chance of survival;
- p) biodiversity has been considered as outlined in the report and the development will include bird and bat boxes;
- q) although the CGI shows the car park surfaces with a concrete parking grid, the final details are yet to be determined;
- r) members of the committee should be assured that with regard to viability assessments, the City Council engages independent assessors.

**Resolved to defer the item to the next meeting to allow members to examine the planning obligation viability assessment which recommends a reduction in Section 106 funding of £425,000.**