

# Nottingham City Council

## Planning Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 18 May 2022 from 2.32 pm - 5.04 pm

### Membership

#### Present

Councillor Michael Edwards (Chair)  
Councillor Graham Chapman (Vice Chair)  
Councillor Kevin Clarke  
Councillor Corall Jenkins  
Councillor Angela Kandola (minutes 1-7 inclusive)  
Councillor Gul Nawaz Khan  
Councillor Sally Longford  
Councillor Cate Woodward

#### Absent

Councillor Leslie Ayoola  
Councillor Azad Choudhry  
Councillor Jay Hayes  
Councillor Dave Liversidge  
Councillor AJ Matsiko  
Councillor Mohammed Saghir

### Colleagues, partners and others in attendance:

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

### 1 Appointment of Vice-Chair

Resolved to appoint Councillor Graham Chapman as Vice-Chair for the 2022/23 municipal year.

### 2 Apologies for Absence

Councillor J Hayes - unwell  
Councillor Ayoola - other Council business  
Councillor AJ Matsiko - other council business  
Councillor David Liversidge – personal

### 3 Declarations of Interests

None.

### 4 Minutes

The Minutes of the meeting held on 20 April 2022 will be provided at the next meeting.

## **5 Northern Part of Former British Gas Works Site Radford Road Nottingham**

Martin Poole, Area Housing Manager, presented application 21/01786/PFUL3 by Marrons Planning on behalf of Strata Homes, Patrick Anthony Ryan & Margaret Anne Ryan, for planning permission for a residential development of 114 build-to-rent dwellings alongside associated site infrastructure, open space, and landscaping.

A brief presentation, a copy of which was circulated with the update supplement, provided current street and aerial views, plans and elevation drawings of the proposed development, and computer generated images (CGIs) of how the proposed development will appear.

The update sheet provides an additional recommendation and specifies changes to conditions 9, 13, 14 and 15, and proposes further conditions as a result of advice provided by Highways Section colleagues.

The following points were highlighted:

- (a) the development is on the site of the former gasworks;
- (b) houses are constructed back to back, so rear gardens are not provided. This style of housing has been used previously within the city;
- (c) Highway Section colleagues have advised that a 'ghost island' is required;
- (d) flood risk remains a concern so final approval is subject to the outcome of ongoing discussions;
- (e) a reduced section 106 contribution has been agreed, which reflects the outcome of a viability assessment.

Committee members' comments included:

- (f) this is a welcome development on a long-term vacant site;
- (g) housing development is welcomed, as is the detailed brickwork and colour of the brick;
- (h) it's a concern that the entire estate will be private rented which may result in a high turnover of residents, which doesn't support the building of community and can mean that people do not take ownership of the gardens and open spaces to the same extent as privately owned properties;
- (i) if there is to be no mix of tenure then responsibility for boundary and opens space management and maintenance needs to be specifically allocated;
- (j) ideally, the development would include some housing association properties, but it is understood that this cannot be dictated;
- (k) when starting work, developers need to be mindful of bird breeding season between March and September, particularly with regard to the schedule 1 protected species;

- (l) the report references green space, but there is no detail of landscaping and any consideration to biodiversity beyond the provision of bird and bat boxes. This needs to be addressed;
- (m) the risk of flood must be taken into account future for residents of the site and surrounding properties;
- (n) ward councillors are fully aware that some private rented landlords are not as diligent as social housing landlords. Conditions for maintenance need to be set from the very start to prevent longer term maintenance and anti-social behaviour issues evolving.

Committee members' questions were responded to as follows;

- (o) the CGI's provide an overview of the proposed developments so some details may alter, including the narrowing of the vehicular entrance to the site following advice from Highways Colleagues to ensure the junction is more pedestrian friendly;
- (p) a ghost island consists of white lining which will provide guidance for drivers to get in lane and a pedestrian refuge partway across the junction. Traffic speeds are not enough to justify a pedestrian crossing;
- (q) the developer aims to make extensive use of hedging, so boundary treatment will be further considered and maintenance can be covered within the terms and conditions;
- (r) with regard to the protected species, the site has already been extensively cleared, so nesting birds is not currently an issue;
- (s) landscaping provision for pollinators, bat and swift boxes and hedging have all been considered with regard to ecology and biodiversity;
- (t) a normal approach towards alleyways has been taken for this type of housing which is not anticipated to attract antisocial behaviour and fly tipping. Locking gates may be considered but as the overall management of the site will be central, tenants can raise any concerns with the landlord;
- (u) a range of controls are proposed which will provide a clear message from the committee regarding treatments, management and biodiversity. A management plan will allow some control on how this happens and will be subject to the controls of responsible landlords;
- (v) this institutional investment type of tenure is new in Nottingham but is similar to other social providers.

## **Resolved**

### **1) to grant planning permission subject to:-**

- (a) further testing and investigative work being undertaken concluding with a Remediation Method Statement being submitted to the satisfaction of the Environmental Health Officer prior to any consent being issued and with the Director of Planning and Regeneration having delegated authority to determine the final details of any appropriate linked conditions;**



- a) this is the second part of the scheme of land disposed of by the Council as part of an affordable housing deal;
- b) the scheme proposed 71 dwellings, a new no through way access road at Ridgeway and 3 private access drives onto Ridgeway;
- c) the rights of way across the site sought to be diverted;
- d) a consultation response has been received from the Coal Authority raising an objection and requiring submission of a coal mining risk assessment so further investigative work is required;
- e) the site is close to the school and concerns had been raised with regard to the impact on school related traffic but this can be addressed separately if it later becomes an issue and car parking restrictions considered;
- f) post code analysis of students attending the school shows that the majority will be travelling to the school from the other side of the development site on Beckhampton Road so school related traffic shouldn't be an issue but Highway colleagues have offered to work with the school and parents if problems emerge;
- g) the CGIs provide an overview what the scheme would like but details are yet to be determined, although it has already been agreed that the road surface will be tarmac and not block paving;
- h) to support the longevity of the development and minimise anti-social behaviour, brick walls have been widely proposed and it requested that for boundaries, railings are installed behind the hedges in case the hedges are removed in future, as required by the design quality framework;
- i) many ecologically sound elements of this scheme are similar to the Padstow Road scheme but without the green corridor although further green areas have been requested and those included do not show up well on the CGIs. As a result of an ecological assessment, condition 9 regarding landscaping, has been amended.

## **Resolved**

- 1) **to grant planning permission subject to:**
  - (a) **prior completion of an agreement under s111 of the Local Government Act 1972 to secure a Section 106 Planning Obligation in respect of:**
    - (i) **an off-site Public Open Space financial contribution of £161,872 towards enhancement in the surrounding area;**
    - (ii) **a financial contribution of £181,546 towards new and enhanced secondary education facilities;**
    - (iii) **a financial contribution of £20,420 towards employment and training and provision of employment opportunities during the construction phase of the development;**

- (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report (as amended and added to within the Update Sheet);**
- 2) for the power to determine the final details of the terms of the agreement under s111 of the Local Government Act 1972, Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration;**
- 3) that Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (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 Phase 1b of the Island Quarter Island Business Centre City Link Nottingham**

Martin Poole, Area Planning Manager, presented application 20/02790/PFUL3, by AXIS Mr David Jones on behalf of Conygar Nottingham Ltd. Mr Christopher Ware, for mixed-use commercial development comprising enabling works (demolition and earthworks), hotel, buy-to-rent apartments, co-working and retail uses, access modifications, utility and drainage infrastructure, new areas of permanent and temporary public realm/landscaping and off-site highway improvements.

Martin Poole delivered a brief overview presentation, a copy of which was circulated with the agenda supplement, which included street views of the site in its current state, plans of the proposed development, including the proposed roof features, along with Computer Generated Images (CGIs) of the proposed elevations and street views.

Highlighted points included the following:

- a) this is a comprehensive proposal for regeneration of long-term redundant land;
- b) the application proposes a mixed-use development of the site for a hotel tower of 18 storeys with a further block of 9/10 storey apartments and a connecting atrium space, an 223-room hotel with roof terrace, co-working office space, along with 247 build-to-rent apartments with a podium roof terrace;
- c) the arch motif is reflects the railway and industrial heritage of the site;
- d) the long view of the landscape is important and whilst the initial outline proposed a taller hotel, it has since been lowered and moved more to the east of the site which provides better views from the southern skyline;
- e) with regard to detail and materials, a precedent has been set within the city for precast concrete. Whilst there have been concerns regarding the longer term appearance of large areas of precast concrete beneath overhanging structure which do not always weather well, the architects for this development have worked hard to minimise such issues and ensure that surfaces weather gracefully;

- f) with regard to a section 106 funding contribution, the applicant had submitted a viability appraisal with the application, which, within the normal process, has also been independently reviewed by the Council's consultants who concluded that the scheme is unviable and not able to support any planning policy contributions;
- g) some concerns have been raised regarding vehicle accessibility to the hotel, including for taxis, which will mainly be via the western end of the site, whilst access to the city will be via Queens Road, which is not a direct route. Traffic management colleagues have considered the proposal and believe that it is an acceptable compromise which may encourage people to walk into the city. There are further taxi pickup points on the other side of the site. Alternative vehicle and taxi access could result in the loss of the linear park, which is not considered acceptable by the applicant.

Committee members' comments included:

- h) the application is welcomed. It complies with the outline planning permission granted in June 2020. There has been adequate consultation and the development will greatly improve the area, provide jobs and benefit the city;
- i) this significant development is welcomed, but, with regard to biodiversity, whilst the potential of the developer's green proposals are also welcomed, there is no explanation as to why the initially proposed green and brown roofs are no longer mentioned, which is very disappointing and would have been evidence of a green commitment for the site;
- j) the linear park was supposed to be a major feature of the development for people to relax and enjoy, however, it appears to have reduced in size since it is presented as a more formal space which will not so easily support the biodiversity vision initially proposed;
- k) with some minor adaptations this development could be a perfect showcase for the city's carbon neutral ambition;
- l) the overall design is striking and attractive and the use of the arches is an excellent feature but it is a shame that the entrance arches are enclosed behind an industrial style glass structure;
- m) the horizontal character of the tower crown section detracts from the elegant vertical focus;
- n) use of concrete is a concern as it is not sustainable and long-term, becomes harder to maintain, and unless sealed with a protective coating, it becomes unsightly when stained;
- o) this is an exciting project. The mixture of materials and features provides character and is overall considered well thought out;
- p) vehicle access, especially to Queens Road remains a concern and needs to be resolved, particularly for taxi access;
- q) neither the crown of the tower nor the enclosure of the entrance arches raise any concerns, and the inclusion of industrial style design architecture for the glass entrance is welcomed;

- r) there is still capacity on the site to introduce further environmental diversity;
- s) while it is appreciated that the main entrance needs strong definition, the proposal for the glazed main entrance feature detracts from the quality of the overall design.

The following officer responses were given to committee members' questions:

- t) the linear park was agreed as a feature in the outline planning permission and remains within the boundaries of that application. Although the outline planning permission has been superseded and amendments made to some elements, the linear park size has not been reduced from that of the initial application;
- u) the developer is keen to revise the master plan of the site and increase its 'greenness' beyond the linear park, with a green approach to the greater development. Although discussions are still taking place and nothing has been formally agreed, this may include further hard landscaping and significant green space within the greater site. Improved planting schemes for the scheme to increase biodiversity, including the reasons why the green/brown roofs are not included in this application, will be discussed with the applicant and the responses fed back to Councillors, although the Committee has no formal grounds to insist on the inclusion of green and brown roofs, only encourage their inclusion;
- v) with regard to the use of concrete, weathering is inevitable, especially if exposed to the elements. Appearance can also depend on lighting and shade. The developer and officers have examined the use of concrete and are confident that the proposed materials will age gracefully and mature acceptably, but detailed treatment can be controlled via the conditions;
- w) whilst there are several colours of brick across the development, all of which have been carefully considered with regard to tone and texture, the comment that more colour contrasts for the concrete surfaces would be welcomed, will be noted;
- x) whilst more detail is required the points raised regarding the entrance area, including the possibility of it being set back to retain the elegance of the arches, are interesting, and, amendments to refine the entrance feature can be discussed with the applicant.

Councillor Angela Kandola withdrew from the meeting prior to the Committee determining the resolution.

### **Resolved**

- 1) **to grant planning permission for the reasons set out in this report, subject:-**
  - (i) **to the resolution of green and brown roof use being to the satisfaction of the Director of Planning and Regeneration, following consultation with Cllr Sally Longford;**
  - (ii) **to the indicative conditions substantially in the form of those listed in the draft decision notices at the end of the report subject;**

- 2) **for the power to determine the final details of the conditions of planning permission to be delegated to the Director of Planning and Regeneration.**

**8 Burrows Court Windmill Lane Nottingham Ng3 2db**

This item was withdrawn from the agenda prior to the meeting.

**9 2A Triumph Road NG7 2GA**

Rob Percival, Area Planning Manager, presented application 22/00001/PFUL3 by DPP Planning on behalf of Cassidy (Triumph Road) Ltd. for planning permission to demolish the existing structures and the construction of new purpose-built student accommodation, associated ground floor indoor/external amenity areas, access, landscaping, car parking and associated infrastructure.

A brief presentation, a copy of which was circulated with the update supplement, provided current street and aerial views, plans and elevation drawings of the proposed development, and computer generated images providing an indication of how the proposed development will appear from different directions.

The applicant provided comments in favour of the development, which are included within the update sheet.

The following points were highlighted and responses provided to member's questions:

- a) the application proposes 169 student bedrooms consisting of 25 cluster flats and 34 studio flats with associated amenity facilities;
- b) the scheme is 5 and 6 stories high, which is similar to adjacent student schemes;
- c) the elevations have been revised with additional brick detail, and also include the use of an accent colour to the corners of the front elevation;
- d) although concerns have been raised by a ward councillor regarding the level of student accommodation in the area, the site is within the Jubilee Campus where land has been identified for education related development, including student accommodation, in the local plan, so the development is appropriate in land use terms;
- e) the scheme is fully planning obligation compliant;
- f) there is an outstanding issue which is yet to be resolved regarding the potential flood risk from the River Leen, which will need to be resolved before the development can proceed;
- g) the Development Brief for the Jubilee Campus is not a statutory policy document and was produced in 2006 before the Jubilee Campus was developed. However, the local plan allocates this area for educational use including ancillary development such as student accommodation; ;

- h) the growth of universities is an important part of the city and quality purpose built student accommodation is encouraged in preference to students occupying shared houses in local communities;
- i) student numbers and the accommodation available are measured and monitored to ensure there is an understanding of the pressures. Planners work closely with the universities and are now looking to develop a student living strategy to help manage some of the more challenging issues of hosting a large student population;
- j) the Carbon Neutral Team has only recently been established and some of their comments are of a very general nature and not specific to the sustainability credentials of the building itself. Planners can only encourage inclusion of additional sustainable features and not insist on them;
- k) Planning Officers do negotiate additional environmental features, often to a higher standard than existing policies allow, but cannot insist on their inclusion. However, a carbon neutral design panel has been introduced to help raise standards in this regard.

Members of the committee commented as follows:

- l) residents of the area are opposed to purpose built student accommodation in their midst and feel that there are too many students in their neighbourhood. The site is close to the university but some residents don't want further students moving into the area and drawing on local resources. It isn't understood that the Council do not have control on the number of students in the city and that it's the universities who decide to recruit further student numbers;
- m) the provision of purpose built student accommodation complies with the local plan;
- n) the ecological merits of the scheme are disappointing. The Carbon Neutral Team's remarks show that this is an unsustainable building with no mention of green credentials such as solar panels. More progress is required with regard to biodiversity;
- o) it is disappointing that there aren't more incentives for ecologically sound heating etc when the technology is available;
- p) it's disappointing that the process enables further student accommodation in the heart of communities;
- q) all schemes in this area are at a serious flood risk which will cause future problems;
- r) the committee understands that it cannot make demands, but Planning Officers need to push for the inclusion of environmental technology and provide a response to the committee as to why it is not included;
- s) it's gross negligence on the behalf of Central Government not to require the inclusion of solar panels for new build properties;
- t) Committee members require a checklist for each application submitted to committee, to show what elements, including biodiversity, have been considered and discussed with developers, and what has been achieved.

**Resolved**

- 1) **to grant planning permission subject to:**
  - (a) **the Environment Agency withdrawing their objection upon provision of a satisfactory Flood Risk Assessment (FRA) and Surface Water Drainage Strategy to secure implementation of mitigation to ensure the development is safe for its lifetime from flooding and would not result in flooding elsewhere; and with the Director of Planning and Regeneration having delegated authority to determine the final details of the appropriate conditions;**
  - (b) **prior completion of a Section 106 Planning Obligation to secure:**
    - (i) **a commuted sum of £296,601 in lieu of on-site affordable housing provision;**
    - (ii) **a financial contribution of £174,166 towards the enhancement of public open space/public realm in the surrounding area, in lieu of onsite provision**
    - (ii) **a student management plan and restrictions on keeping private vehicles;**
    - (iii) **local employment and training benefits including opportunities in the construction and operational phases of development, together with payment of a financial contribution of £24,504 towards their delivery;**
  - (c) **the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;**
- 2) **that the Committee is 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;**
- 3) **for the power to determine the final details of the conditions of planning permission to be delegated to the Director of Planning and Regeneration.**

**10 Future Meeting Dates**

The Committee agreed to meet at 2.30pm on the following dates:

22/06/22	21/12/22
20/07/22	18/01/23
17/08/22	22/02/23
21/09/22	22/03/23
19/10/22	19/04/23
23/11/22	