

Nottingham City Council

Planning Committee

Minutes of the meeting held at Loxley House, Nottingham on 20 December 2023
from 2.03 pm - 2.45 pm

Membership

Present

Councillor AJ Matsiko (Chair)
Councillor Sam Lux (Vice Chair)
Councillor Faith Gakanje-Ajala
Councillor Graham Chapman
Councillor Imran Jalil
Councillor Kirsty L Jones
Councillor Anwar Khan
Councillor Samina Riaz

Absent

Councillor Kevin Clarke
Councillor Sam Harris
Councillor Gul Nawaz Khan
Councillor Pavlos Kotsonis
Councillor Ethan Radford
Councillor Naim Salim

Colleagues, partners and others in attendance:

Beth Brown	- Head of Legal Services
Rachel Mottram	- Head of 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
Tamazin Wilson	- Solicitor
Phil Wye	- Governance Officer

22 Apologies for Absence

Councillor Kevin Clarke – work commitments
Councillor Sam Harris – other Council business
Councillor Pavlos Kotsonis – other Council business
Councillor Ethan Radford – other Council business

23 Declarations of Interests

None.

24 Minutes

The minutes of the meeting held on 22 November 2023 were confirmed as an accurate record and signed by the Chair

25 Site Of St Matthew On The Hill Church, Padstow Road

In a change to the published agenda order the Chair took this item first for consideration.

Martin Poole, Area Planning Manager, presented planning application 23/01745/PFUL3, which sought full planning permission for 15 units of supported accommodation and communal facilities on the site of the former St Matthews Church, external cycle and refuse storage proposed alongside landscaping and 6 parking spaces. The following information was highlighted:

- (a) the application site is the former site of the St Matthew on The Hill Church, which was demolished in 2019 following damage from an arson attack in 2009. The site has four individual trees and an area of woodland that are protected by a Tree Preservation Order;
- (b) to the north of the site are two storey residential dwellings along Peary Close with an intervening footpath. These dwellings have their front elevations facing towards the application site (onto the footpath) and their rear elevations to the road. The footpath is approximately 4.4m lower than the ground floor of the proposed building;
- (c) to the west of the site are two storey dwellings at 12-24 Padstow Road. To the south of the site is an intervening paved access track. This provides pedestrian access into the new build housing, although it is not adopted highway or a public right of way;
- (d) beyond this access track will be a small group of new build affordable housing which is part of the wider new build housing to the east of the application site. To the south of this housing is Henry Whipple Primary School with a pedestrian entrance to the school 5m from the access track that leads to the application site. To the east of the site is also part of the new build development currently being developed by Countryside Properties (UK) Limited, but the land directly adjacent to the site will be retained as scrub and grassland;
- (e) the proposal is for the erection of a two/three storey building to provide 15 studio/one bedroom supported accommodation units along with communal facilities along with external cycle and refuse storage, landscaping and six parking spaces;
- (f) the building is proposed to be located centrally within the site, 5.4m from the southern boundary with the new build housing. It would be 58m from the eastern boundary, 21m from the northern boundary with the footpath along Peary Close and 54m from the boundary with the properties along Padstow Road;
- (g) the southern side of the building would be three storeys, stepping down to two storeys towards the north. It would have mono-pitched south sloping roofs with photovoltaic panels. The roof would have a maximum height of 10.5m. The majority of the windows would be on the east (rear) and west (front) elevations, with upper floor side elevation windows serving hallways. The maximum width would be 34m and depth of 14m;
- (h) the accommodation would be on the ground, first and second floors with each unit being 30sqm and either a one-bedroom (single bed) unit with its own bathroom and living space, or an open-plan studio with space for a double bed which is used for the two accessible units on the ground floor. The ground floor also has a

laundry room, a resident's day room leading to a secure garden space, a training room for residents and various staff facilities such as offices and a kitchen;

- (i) 14 objections have been received raising concerns about security and safety, parking and road safety, amenity/overlooking issues, biodiversity and sustainability issues, and impact on the wider area;
- (j) the development is intended to be all-female which may allay some of the concerns around security and safety. This cannot be insisted upon by condition. However, if permission is granted, a condition is proposed to require that a Management Strategy is submitted prior to commencement requiring direct consultation with Henry Whipple Primary School and setting out how the development will work and how the Applicants will engage with the school;
- (k) the update sheet notes that the Applicants (Framework Housing Association) have met with Henry Whipple Primary School's Safeguarding Officer and Headteacher and state they have been able to address most of the school's concerns by making the vehicle access gate to the site electric and introducing a separate pedestrian gate (with access control intercom);
- (l) the proposed residential units are 7sqm (19%) smaller than the 37sqm minimum required by the Nationally Described Space Standards, which the agents have stated is due to funding restraints, and on balance given the need for supported accommodation, the availability of shared facilities within the building and the significant area of external amenity space, it is considered the future occupiers would have an acceptable standard of amenity;
- (m) the update sheet also notes that a Biodiversity Management Plan was submitted 15th December 2023. Given the close proximity to the determination date, the agent has agreed for condition 6 (Biodiversity Management Plan) to remain and for this Plan to be re-submitted as a discharge of condition application to avoid delays to determination.

Members of the Committee made the following comments:

- (n) these types of facility are much needed in the city with rising homelessness. The design looks good quality for the client group, particularly homelessness women with complex needs;
- (o) boundary treatment needs to be taken into consideration so that neighbours feel protected from the site, and the applicant should be liaising with local residents about this.

Resolved to grant planning permission subject to conditions substantially in the form listed in the draft decision notice at the end of the report and update sheet, with power to determine the final details of the conditions to be delegated to the Director of Planning and Transport.

Paul Seddon, Director of Planning and Regeneration, and Rachel Mottram, Head of Development Management, left the room for this item due to having a shareholder interest in Blueprint Regeneration Ltd, who are the Applicant and Developer in this planning application.

It was noted by the Committee that the report was presented in the name of the Planning Area Manager and not the Director of Planning and Regeneration (as stated on the report), due to his shareholder interest in the planning application.

Martin Poole, Area Planning Manager, presented planning application 23/01379/PFUL3, which sought full planning permission for the construction of twenty-two townhouses, four duplex apartments and an ancillary commercial building located between Bath Street and Brook Street and south-east of Park View Court. The following information was highlighted:

- (a) the application before Committee forms part of a development known as “the Fruit Market”. Outline Planning Permission for the development of the application site and associated area was granted on 30.11.2018. Approval of Reserved Matters for Phase 1 was subsequently granted on 02.05.2019 and is close to completion. The period for submission of further Reserved Matters under the Outline Planning Permission has expired and therefore this application seeks to re-establish a planning permission for the redevelopment of the next two phases of the development on the remaining areas of the site;
- (b) at the previous meeting on 22 November, the Committee resolved to defer a decision on this application and requested that CP Viability be invited to attend a future meeting to answer questions about how it came to agree with the Developer’s viability appraisal that the development would not be viable if any S106 contributions were required by the Council. The Committee also requested that the developer should be approached in relation to whether solar panels can be provided on the roofs of each dwelling;
- (c) the Developer has confirmed that solar panels are to be offered as an optional extra to customers purchasing a home at this development along with a system that would connect the panels to the hot water cylinder. To include solar panels as standard would result in a blanket increase in pricing that would impact the affordability of the homes and is thought to be difficult to achieve in current market conditions;
- (d) the Developer has also pointed out that the proposals already go above and beyond the performance offered by a typical new home and is well above and beyond Nottingham City’s Local Plan Policy requirements. The building fabric is significantly more thermally efficient than the minimum standards required by Building Regulations and the heating and hot water is provided by air source heat pumps that are up to 300% efficient;
- (e) with respect to viability, the financial appraisal provided by the Developer in support of the application has been independently and rigorously evaluated in accordance with national and local planning policy and the conclusion was clear;

- (f) it was not possible to facilitate the attendance of CP Viability at the Committee meeting, however their assessment had been circulated to Members prior to the Meeting with an opportunity for questions in respect of this, but no specific question had been received. Member's attention was drawn to the conclusion of CP Viability's assessment, namely that the scheme was not viable if S106 contributions were sought, and that Members must consider the weight given to the policy compliant S106 contributions in the planning balance. The development would provide large, low-carbon, high-quality townhouses in the City Centre where market provision is currently limited to apartments and student accommodation, but cannot afford the S106 obligations which the Council would normally seek in respect of open space, employment and training, affordable housing or education. It was noted that it is doubtful that any other developer would promote a scheme of such high standards of sustainability in the absence of a Local Plan Policy requiring such performance standards, and that it was the scheme before them which members must consider. It was drawn to Member's attention that they could either grant or refuse the application for planning permission. The Officer's recommendation was that the application should be granted and that although Members have the ability to overturn the recommendation they would need to put forward reasons for departing from this, and that should the application be refused the Council may be unlikely to be successful at any subsequent appeal and in which case could risk an award of costs against the Council.

Members of the Committee made the following comments:

- (g) this development provides an excellent opportunity to develop more family housing in the city centre;
- (h) although S106 contributions should always be sought wherever possible, the low margins of profit on this scheme make this unrealistic;
- (i) it would be useful for future reports to include a more detailed breakdown of requirements for energy efficiency and sustainability so that the Committee can easily determine if these have been met. Some additional training for Committee members on sustainability, the design quality framework, and viability may be useful;
- (j) the butterfly roof is outmoded and does not fit in with the rest of the development or surrounding area.

Resolved to grant planning permission subject to conditions substantially in the form listed in the draft decision notice at the end of the report, with power to determine the final details of the conditions to be delegated to the Planning Area Manager.