

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 16 January 2019 from 2.30 pm - 4.23 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Brian Parbutt (Vice Chair)
Councillor Leslie Ayoola
Councillor Cheryl Barnard
Councillor Graham Chapman
Councillor Azad Choudhry
Councillor Josh Cook
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Andrew Rule
Councillor Mohammed Saghir
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Steve Young

Absent

Councillor Cate Woodward

Colleagues, partners and others in attendance:

Councillor Michael Edwards
Paul Seddon - Chief Planner
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Richard Bines - Solicitor
Nigel Turpin - Heritage and Urban Design Manager
James Ashton - Traffic Management Officer
Catherine Ziane-Pryor - Governance Officer

59 APOLOGIES FOR ABSENCE

Councillor Cate Woodward - unwell

60 DECLARATIONS OF INTEREST

None.

61 MINUTES

Subject to listing Councillor Gul Khan's apologies for absence for leave and within minute 56, Land between Clifton Wood and Clifton Phase 4 Development Yew Tree Lane, showing that Councillor Josh Cook and not Councillor Malcolm Wood requested that his vote against the resolution was recorded, the minutes of the meeting held on 18 December 2018 were confirmed as a true record and signed by the Chair.

62 SITE OF MULTI STOREY CAR PARK SOVEREIGN HOUSE AND FACTORIES, QUEENS BRIDGE ROAD

Prior to the Committee's consideration of this item and with the permission of the Chair, Councillor Michael Edwards addressed the Committee in his role as a Ward Councillor and made the following points:

- (a) Whilst following some disappointing historic decisions to approve some applications, the Committee's approach and design requirements have improved, the existing tax office buildings are a good example of this where an interesting, attractive, environmentally sensitive building which was the ground breaking for its time, was sited in Nottingham. However, the design proposed for this site is basically a block with no shape, visual interest or distinction for a building which is expected to last decades with a lease period of 25 years;
- (b) Whilst complying with current building regulations and required CO2 emission limits, we know that this building will not meet the projected CO2 limits which will come into effect in 2020, in effect being environmentally out-of-date by the time of its completion. Whilst meeting the need for Grade A office space, the building disappointingly does not provide the widely available environmentally sound features and considerations;;
- (c) The application for what is proposed to be an East Midlands Regional Hub for Government Services refers to the local benefit of providing jobs but is not clear if there will be substantial transfers of staff from Derby and Leicester and where the jobs referred to in the second phase of development will come from. There is no guarantee that Nottingham citizens will benefit from these job projections;
- (d) It is frustrating that as a local Ward Councillor, documentation and planning proposal details were not initially made available, particularly with regard to the striking sightline impact of the proposal from the Meadows and Embankment, which will effect local residents;
- (e) Committee members are asked to pause and question if enough is known regarding the long-term environmental impact of this application before making a decision on the basis of jobs.

Rob Percival, Area Planning Manager, introduced application 18/02277/POUT by WYG Planning Limited on behalf of Peveril Securities Limited, for a Hybrid office development (Use Class B1), comprising two buildings totalling up to 58,360 sqm (GIA) together with access and public realm improvements. Phase 1 building (full application) of 36,519 sqm (GIA) and phase 2 building (outline application with access, layout and scale to be considered at this stage) of 21,841 sqm (GIA).

The application is brought to Committee as this is a major application which departs from some policies of the Development Plan, is of strategic importance and which is on a prominent site where there are complex design and heritage considerations.

Further information, including summaries of representations from Bridge Ward Councillors, Lillian Greenwood MP, local residents, and the Greenspace Biodiversity Officer, and a draft decision, is included in the Update Sheet which was circulated at the meeting and attached to the online agenda.

Rob Percival provided a brief presentation on the application which included floor plans, current aerial and street level photographs of the site and computer generated images (CGIs) of the proposed building from a variety of short and long viewpoints, including from the Meadows and the Embankment, Arkwright Street and Trent Bridge.

The following points were highlighted:

- (a) The proposal is for a Regional Hub for Central Government Services in the East Midlands which at maximum capacity could host up to 7,000 employees;
- (b) The first phase block would be largely glazed with anodized cladding and a masonry base;
- (c) Since the original application, and following the concerns of Committee members, the height of the Phase II building has been reduced by two floors;
- (d) Assessment has been undertaken and Historic England conclude that that the proposed development's impact on the heritage assets of the City, including the Castle and Station, would be at the upper end of 'less than substantial'.;
- (e) The public benefits of the development to the City are outlined in paragraph 7.6 of the report.

Paul Seddon, Chief Planner, informed the Committee that with regard to timescales, there was no capacity for the application to be redesigned but the Committee does have influence with regard to materials and details such as solar panels and lighting. In addition, it should be noted that the developer has agreed to work with the Council to deliver local employment and training opportunities in connection with the scheme.

Comments from the Committee included:

- (f) This is a hard decision as although valuing the historical skyline of Nottingham, as seen in the CGIs, not all views of the City are significantly affected and the historical buildings still stand proud;
- (g) This needs to be a quality building and the attention to detail in the zig-zag design of elevations panels which throw shadows and provide visual texture, is innovative;
- (h) This building will be an iconic view to the front the station. Formerly it was one of the ugliest views in the city so this will very much be an improvement;
- (i) As a Regional Government Hub which provides the opportunity of bringing up to 7,000 jobs into the City, establishing Nottingham as a regional capital and business hub and generally raising the profile of Nottingham, this application is supported;
- (j) Increasing the number of high quality jobs in the City, and the associated social and economic benefit, is welcomed but this proposal is disappointingly unambitious with regard to environmental standards and will have an environmentally negative impact on the City, country and world with regards to its CO2 impact. The original Inland Revenue building was iconic in its environmentally ground breaking approach and won several awards, so the environmental proposals for this development are particularly disappointing, especially as a Government building at a time when the City is under pressure from Central Government to improve air quality and significantly cut CO2 emissions by 34% by 2020. On this basis alone the application cannot be supported

unless significant, yet feasible changes are made to reduce the building's environmental impact;

- (k) For an office block the design and detail is pleasant and the work of Planning Officers and the concessions to date of the developer are acknowledged, but the top storey, although now receded, is strikingly similar to a shipping container so should be reconsidered, possibly to include an angled detail to prevent it appearing so 'blocky';
- (l) It is frustrating that although the environmental standards applied to this development will soon be outdated, they currently meet the required standards and so the application cannot be declined on this basis or changes required to be made;
- (m) It is appreciated that all new Government buildings have to be 'bomb proof' and that this restricts the application of some environmentally beneficial features to this design. Planning officers are asked to try and improve the environmental standards of this development;
- (n) Environmental concerns are acknowledged but with the benefit of so many local jobs (including associated with the supply chain) the Committee should be sympathetic to the developer and so the application is supported;
- (o) Once established, the Hub will be a catalyst for regeneration in the City. If Nottingham doesn't approve the application then it's possible that Derby or Leicester will welcome the proposal in their Cities and Nottingham will miss out. Nottingham is the natural site for the Hub, particularly on this site which has is particularly well placed for access to sustainable transport;
- (p) This development is expedient to bringing large companies into the City or risk losing out to another local City if an alternative site was to be favoured. The City is restricted by its boundaries and so building upwards is required but these buildings need to have integrity. Although the environmental concerns of Councillor Sally Longford as Portfolio Holder for Energy and Environment are acknowledged and shared, approving the application will bring employment opportunities into the City and so it is supported;
- (q) Buildings often look better in reality than depicted in CGIs and this design isn't bad and is far better than the building which it replaces;
- (r) It is requested that planning colleagues work with Historic England with regard to the progression of Phase 2 of the development;
- (s) Despite reservations, the amendments to date, including the lowering of the phase 2 building, are welcomed but improvements can still be made. The environmental sustainability points raised are understood but at the risk of potentially losing additional employment opportunities if the Hub were to be sited elsewhere, the application is supported;
- (t) The decision on this application is a balance between jobs and the environment. The City needs to accept the changing nature of employment. This development will provide the number of jobs equivalent to 6 collieries. The decision makers in London don't care where this Regional Hub is based so if the application is declined or made too awkward in Nottingham then the Hub will be sited elsewhere and Nottingham will lose out on additional jobs, and may even lose existing jobs. The economic importance of this decision is very significant to the economy of the City;

- (u) This development will provide a good quality building built to current building standards with attractive cladding which has successfully been used elsewhere. The site is close to the station within easy access of sustainable transport and will encourage further redevelopment of the area so is supported;
- (v) There is sympathy for the residents of the Meadows who will lose their current view of the City, but views are not legally protected.

RESOLVED to approve the recommendations as set out in the report and amended in the update sheet as follows:

- 1) That the submitted Environmental Statement contains all the information specified in regulation 18(3) or (4), of the Town and Country Planning (Environmental Impact Assessment) Regulations “the 2017 Regulations” as appropriate, and any additional information specified in Schedule 4 to the 2017 Regulations which is relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected. No further information is required;**
- 2) That in making the decision on this application, the environmental information, namely the Environmental Statement, any representations made by any body required by the 2017 Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development, has been examined and considered;**
- 3) That the reasoned conclusion outlined in this Committee Report and Update Sheet, is up to date as it addresses the significant effects of the proposed development on the environment, taking into account the examination referred to above, that are likely to arise as a result of the development and subject to any mitigation measures proposed in terms of flood risk concludes, any significant effects do not amount to major adverse effects that would justify the refusal of the planning application, be integrated into the decision to grant planning permission;**
- 4) that appropriate monitoring measures under regulation 26 (1)(d) and (3) of the 2017 Regulations do not need to be imposed given the nature, location and size of the relevant project and its effects on the environment;**
- 5) for Regulation 30(1) of the 2017 Regulations be complied with as soon as reasonably practicable and the Director of Planning and Regeneration be delegated authority to undertake the necessary requirements, namely in relation to paragraphs (a)-(d) therein, in particular making available the necessary information to accompany a decision as set out in regulation 29 (2) of the 2017 Regulations to include a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been incorporated or otherwise addressed;**
- 6) to grant planning permission for the reasons set out in the Committee Report and Update Sheet, subject to the conditions substantially in the form of those listed in the draft decision notice at the end of the report and additional conditions as noted in the Update Sheet. Power to determine the final details of the conditions is delegated to the Director of Planning and Regeneration.**

Councillor Sally Longford, Portfolio Holder for Energy and Environment, requested that her abstention from voting is recorded.

63 FACTORY BETWEEN 42 TO 98 MORLEY AVENUE

Martin Poole, Area Planning Manager, introduced planning application 18/01789/PFUL3 by Letts Wheeler Architects on behalf of Nottingham Community Housing Association for a development of 24 family houses and 7 supported housing flats with associated staff office/overnight accommodation.

The application is brought to Committee because policy compliant S106 contributions may not be achieved on the grounds of viability depending on the awaited conclusion of the District Valuer.

Martin Poole delivered a brief presentation which included a plan of the proposed development, photographs of the current site from different angles, floor plans of the 1, 2 and 4 bedroom houses, plans of the flats, and GCIs of the completed development from different angles.

The following points were highlighted:

- (a) At the request of officers, amendments have been made to the original plans including an amendment to the design of the roof of the flats;
- (b) The view of the District Valuer has been sought with regard to the potential of a S106 contribution, but due to a backlog in valuations and time constraints of the developer, the Housing Association has requested that the application is put before the Committee to consider delegation to the Director of Planning and Regeneration for the negotiation of the value determination and allocation of any S106 financial contributions;
- (c) Representations have been received from local residents raising concerns around parking but each proposed dwelling is provided with a car parking space and there is further capacity on site for visitor parking. The current space at the front of the site which is often used by neighbouring residents is part of the site and offers no parking rights;
- (d) Further information is provide in the update sheet, including comments from Highways colleagues who, having assessed the site access and parking within the area, did not raise any objections.

Members of the Committee commented as follows:

- (e) Whilst not objecting to the development, the request for delegation to Officers regarding the approval of the level of S106 funding is not acceptable as this is for the determination of the Planning Committee;
- (f) The development of the site is welcomed, as is clarification on the concerns raised about parking;
- (g) The determination of S106 funding should be brought back to Committee for approval;
- (h) The agreement to maintain the steep bank on the edge of the development is welcomed;

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- (i) Each house should be provided with a car charging point and if there is capacity, solar panels should be installed on the roofs where possible;
- (j) Planning Officers are requested to ensure that boundary treatments are carefully considered, adequate and durable;
- (k) Further clarity needs to be sought as to why the developer believes that a S106 contribution is not viable;
- (l) Rather than delay the progress of the development by requiring it to return to Committee for S106 approval, the Committee could delegate approval to the Director of Planning and Regeneration in consultation with the Chair, Vice-Chair, Lead opposition spokesperson on the Committee, and Councillor Leslie Ayoola as a ward councillor.

RESOLVED

(1) to grant planning permission subject to:

a) the District Valuer viability assessment being reviewed by, and final power to determine any financial contributions under a section 106 Agreement being delegated to, the Director of Planning and Regeneration in consultation with the Chair, Vice-Chair, Lead Opposition Spokesperson on the Committee, the prior completion of an agreement under section 106 of the Town and Country Planning Act 1990 to include:-

- (i) a financial contribution towards off-site public open space and/or**
- (ii) a financial contribution towards education provision.**

and subject to the Director of Planning and Regeneration being satisfied that the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 are met;

b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report and referred to in the Update Sheet, including:

- (i) the submission of a lighting scheme;**
- (ii) the submission of electric vehicle charging points;**
- (iii) to change the trigger for the submission of details to pre-occupation rather than pre-commencement;**
- (iv) consideration of solar panels;**

(2) The power to determine the final details of the conditions are delegated to the Director of Planning and Regeneration.

Councillor Malcolm Wood requested that his vote against the recommendations was recorded.

64 LAND NORTH EAST OF VICTOR HOUSE, CROCUS STREET

Rob Perceval, Area Planning Manager, introduced application 18/00131/PFUL3 by Stephenson Studio on behalf of Sheriff Way Nottingham Ltd, for planning permission for a mixed residential development of student accommodation (420 beds), apartments (149) and associated works.

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The application is brought to Committee because it relates to a major development with important land use, design and regeneration considerations, and where the planning obligations were initially proposed to be waived for viability reasons.

To support the information provided in the report, Rob Perceval delivered a brief presentation which included:

- Street views of the current site from different positions
- a plan of the area
- aerial photographs
- floorplans of the proposed development
- CGI views of the building from different directions
- 3-D images to illustrate the height and impact of the building in its future context.

It is noted that the update sheet informs the Committee that since the report was issued, although the assessment of the District Valuer has determined that a S106 contribution is unviable, the developer has agreed to make a contribution of £100,000.

Whilst there are six disabled car parking spaces, there is no provision for resident parking, but the development does include 105 secure cycle parking spaces for the student accommodation, which equates to one cycle space per four rooms, and 1 space for each of the apartments. A pickup and drop-off point is provided for students and residents of the apartments.

Members of Committee made the following comments:

- (a) The provision of further student accommodation is opposed as surely there will come a point when there will be a surplus which won't be appropriate for any other use;
- (b) Several student accommodation schemes have already been considered by the Committee in recent months and it is a reasonable concern that the City Centre may be nearing saturation point. It would be helpful if information on current and projected student numbers, alongside projected accommodation demand, should be made available to the Committee;
- (c) The scheme is pleasing in several ways as the design is clean and crisp with some curves. The building may be imposing but it works well on that site;
- (d) The design is quite good, unusual and a reasonable size for the location;
- (e) Student accommodation is welcomed as there still is a need and it will reduce the housing pressure in residential areas with high concentrations of HMOs;
- (f) Consideration should be given to ensuring that the disabled parking spaces each have car charging points;
- (g) The courtyard element is welcomed;
- (h) The S106 contribution is not enough once the value and sale price of properties is considered. The District Valuer's opinion on rental values for these properties, given that the market in this area is unknown, does not provide confidence in their judgement for a scheme of this scale. £100,000 appears very modest and should be renegotiated;

- (i) overall the scheme is acceptable except for the 'hooded' features on the upper floors which appear to emulate gun turrets.

Rob Percival informed the Committee that student numbers within the City continue to increase and it is important to ensure that sufficient purpose built student accommodation is available to prevent the use of traditional family housing. Provision is only just starting to catch up with demand.

Nigel Turpin, Heritage and Urban Design Manager, informed the Committee that his team had worked with the architects for several months on the scheme which he believes is a unique and interesting design that has addressed massing constraints whilst also meeting the client's needs. It is believed that the hoods work well as they use different materials and ensure the appearance of the building is neither boring nor mundane.

Rob Percival requested an amendment to revised Recommendation in the Update Sheet to split the financial contribution between public open space and affordable housing, as set out below:

RESOLVED

(1) to grant planning permission subject to:

(a) prior completion of a Section 106 Planning Obligation to secure:

- (i) a student management plan, to include restrictions on car use;**
- (ii) a contribution of £89,492 for public open space for improvements to the public realm within the vicinity of the site;**
- (iii) a contribution of £10,508 for off-site affordable housing**

(b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report and including the following additional conditions:

- (i) Prior to the commencement of development, a scheme to achieve a 10% reduction in carbon emissions over and above the Building Regulations Approved Document L2A Conservation of Fuel and Power 2013 shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall take account of the recommendations made with the Energy Statement prepared by Mullins Associates dated January 2019.**

Reason: In the interests of the sustainable development of the site in accordance with Policy 1 of the Aligned Core Strategy;

- (ii) Prior to the commencement of any above ground works, a scheme of off-site highway works to include the upgrade of footways surrounding the site, works to facilitate a pedestrian crossing of Meadows Way (if feasible), the removal of any redundant crossovers and the provision of street trees, together with details for the ongoing maintenance of the works proposed, shall be submitted to and approved in writing by the Local Planning Authority;**

Reason: In the interests of the appearance of the site, to encourage more sustainable forms of travel and to assist with the regeneration of the area, in accordance with Policy MU3 of the Local Plan and Policy 10 of the ACS;

- (iii) Prior to first occupation of the development, the off-site highway works shall be provided in accordance with the scheme approved pursuant to the above condition.**

Reason: In the interests of the appearance of the site, to encourage more sustainable forms of travel and to assist with the regeneration of the area, in accordance with Policy MU3 of the Local Plan and Policy 10 of the ACS;

- (iv) Prior to first occupation of the apartments, the disabled parking spaces shall be provided, including the provision of electric vehicle charging points, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.**

- (2) to delegate the power to determine the final details of the planning obligation and conditions to the Director of Planning and Regeneration;**
- (3) that the 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.****
- (4) that the Committee is satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations in accordance with Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.**

Councillor Andrew Rule requested that his objection to the granting of planning permission was recorded.

Councillor Malcom Wood requested that his abstention from voting was recorded.