

## **NOTTINGHAM CITY COUNCIL**

### **PLANNING COMMITTEE**

**MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 20 March 2019 from 2:30pm to 3:49pm.**

#### **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 Andrew Rule  
Councillor Wendy Smith  
Councillor Malcolm Wood  
Councillor Cate Woodward  
Councillor Steve Young

##### Absent

Councillor Sally Longford  
Councillor Mohammed Saghir

Councillor Michael Edwards (Substitute  
for Councillor Sally Longford)

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

Adrian Mann - Governance Officer  
Rob Percival - Area Planning Manager  
Martin Poole - Area Planning Manager  
Paul Seddon - Director of Planning and Regeneration  
Tamazin Wilson - Solicitor

#### **70 APOLOGIES FOR ABSENCE**

Councillor Mohammed Saghir - Council business

#### **71 DECLARATIONS OF INTERESTS**

None.

#### **72 MINUTES**

The minutes of the meeting held on 20 February 2019 were confirmed as a true record and signed by the Chair.

#### **73 SITE OF YORK HOUSE, MANSFIELD ROAD**

Martin Poole, Area Planning Manager, introduced application 18/02566/PFUL3 for planning permission, made by Freeths LLP on behalf of HYDROGEN YORK STREET LIMITED, for a purpose-built student accommodation building with cluster bedrooms, studios and associated amenity areas, over 4 to 10 storeys.

The application is brought to the Committee because it is a major application, with Section 106 obligations, which raises important local issues. The following points were discussed:

- (a) the cleared site is located on the east side of Mansfield Road. It is within the city centre Local Plan area. Flats with a retail/commercial ground floor are immediately to the north and a listed public house is immediately to the south, forming the corner with Union Road. The Intu Victoria Centre is further to the south and east, with the Victoria Bus Station also to the east and opposite the site across York Street. Terraced shops with residential accommodation on some upper floors are across Mansfield Road, to the west. An eight-storey 1960s office building that occupied the site was demolished in 2014 and the area was last used for car parking;
- (b) the application is for the redevelopment of the site for a purpose-built student accommodation building with a total of 422 bedrooms over 4 to 10 storeys, with a large ground floor communal amenity area with external courtyards and a gym. The proposed buildings are in a series of interconnected blocks of varying heights arranged around internal courtyard spaces, with a primary entrance from Mansfield Road. Cycle storage for 105 bikes is proposed, but no car parking will be provided on site;
- (c) the Civic Society raised concerns about the potential impact on a view towards the Council House dome. This has been reviewed using 3D modelling and the development will not obstruct this view. The parts of the cave system around the development are well-documented and the design has been checked by the City Archaeologist, to ensure that the level of impact upon them is limited;
- (d) the site was included within proposals for the northern extension of the Intu Victoria Centre, where it would have been developed as part of a reconfigured bus station, an enclosed service yard and a health club entrance, within a short terrace of three-storey buildings;
- (e) concerns were raised over whether greater capacity for student accommodation was required and sustainable in the long term, as the previously approved development of the site would have provided important facilities for the city centre. The projected need for student accommodation has been investigated in detail and it is considered that the proposals meet a clear demand, which is likely to continue to rise. The level of student accommodation available is not able to keep pace with current demand and conversations are underway with the local universities to put strategies in place, as students represent a positive contribution to the local life and economy. Intu is selling the land to the new developer as it was secondary to the core parts of the shopping centre expansion, for which there was still capacity in the future;

- (f) designated student accommodation is intended to free up housing in the wider city area for families and the simple fit-out could be converted into single-occupancy dwellings for people like young workers in the city in the future, if required. Other city centre residents are often concerned that student accommodation creates anti-social behaviour around it and a number of representations against the scheme have been made in this context. However, designated student accommodation has management structures and an on-site manager in place to limit such behaviour in a way that it is not possible with students living in other types of housing;
- (g) a representation from the adjacent public house expressing concerns about the blockage of light was raised. The pub used to sit tightly adjacent to the old York House offices and, in planning terms, it is appropriate for structures to be built closely together in an urban context, with the level of available natural light considered to be acceptable. The new building would not encroach beyond the previous envelope of York House and its overall massing is similar, stepping down in height towards the pub. Any matters of a particular property's legal right to light falls outside of the planning system;
- (h) effort has been put into the design of the bottom tiers of the proposed new building but, from the visuals used in the presentation to Committee, the top levels lack architectural interest. There are also solid square colour blocks of grey and yellow brickwork on the York Street elevation, which could benefit from further detailing to break up their mass. There is opportunity for a high-quality brick finish and it was felt that the proposed materials should be provided for review.

**RESOLVED to:**

**(1) grant planning permission subject to:**

- (a) the expiry of the response period for the additional consultation letters that have been issued and no further material planning issues being raised;**
  - (b) prior completion of a Section 106 planning obligation to secure:**
    - (i) a public open space contribution of £88,970.26 towards improvements to Elm Avenue, Corporation Oaks and Robin Hood Chase open spaces;**
    - (ii) a student management plan, to include restrictions on car use;**
  - (c) the indicative conditions substantially in the form of those listed in the draft decision notice;**
- (2) delegate authority to the Director of Planning and Regeneration, in consultation with the Chair, Vice Chair and Opposition Spokesperson, to determine the final approval of:**
- (a) the design and appearance of the exterior elevations of the top levels of the building;**

- (b) the detailing of the brickwork and the brick colour for the York Street exterior elevation;**
- (3) delegate power to determine the final details both of the conditions and the Section 106 obligation to the Director of Planning and Regeneration.**
- (4) The Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 has been 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;**
  - (c) fairly and reasonably related in scale and kind to the development.**
- (5) The Committee is satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.**

**Councillor Josh Cook and Councillor Malcolm Wood requested that their votes against the above decision were recorded.**

#### **74 SITE OF BEECHDALE SWIMMING CENTRE, BEECHDALE ROAD**

Rob Percival, Area Planning Manager, introduced application 18/02651/PFUL3 for planning permission, made by Lidl UK GmbH, for the erection of a Lidl store (use class A1), 4 shop units (use class A1/A2/A3/sui generis (nail salon and/or tanning salon)), 2 shop units (use class A1/A2/A3/A5), a drive-through coffee shop (use class A1/A3/A5) and associated car parking, servicing, infrastructure works and landscaping.

A list of additional information, amendments and changes to the item since publication of the agenda was included in an update sheet, which was circulated at the meeting and appended to the agenda published online. This update includes additional conditions and further comments on the Retail Sequential Test and Highways Impact.

The application is brought to the Committee because it relates to a major development with important land use and design considerations. The following points were discussed:

- (a) the vacant, cleared site was occupied by the Beechdale Baths. It is located at the corner of Beechdale Road and Western Boulevard. It is allocated to retail in the emerging Local Plan. The new access will be from Beechdale Road to the north and there is a pedestrian subway from the eastern boundary that goes beneath Western Boulevard. The main part of the site sits approximately 2m below road level and slopes downwards from north to south, with a landscaped embankment on the eastern boundary with Western Boulevard;**

- (b) the application is for the erection of a Lidl supermarket to a standard design, with a parade of 6 shop units and a drive-through coffee shop, along with 153 car parking spaces (including 10 disability spaces, 8 parent and child spaces, and additional accommodation for up to 26 bikes), servicing, infrastructure works and landscaping. The supermarket will employ 40 staff and the other retail units are likely to create around 44 full-time equivalent jobs. Vehicular and pedestrian access will be retained from Beechdale Road with a single access/egress point at the north-west corner of the site. Separate pedestrian accesses will be provided in a more central position on the Beechdale Road frontage and from the subway beneath Western Boulevard;
- (c) 97 responses were received in support of the application, with 1 representation made raising concerns about the traffic impact. At a prior public consultation event, 520 responses were returned, with 97% in support of the development. The impact on other retail has been assessed: representations have been received from Asda objecting to the proposal in terms of retail and highway impact. Discussions have been held with the Local Highway Authority to overcome the road access challenges of the site. Councillors have received and considered representations on the application from both Asda and Lidl;
- (d) it is felt that the proposed development will create important facilities for local residents. Concerns were raised that, as the supermarket is set back from the site boundary, it is not sufficiently encouraging to public transport-using and pedestrian customers. The general principle is that shops should front onto the site boundary where possible, but the supermarket requires a flat surface for the whole of its floor area and the 2m level drop from the pavement means that this cannot be achieved closer to the site boundary. It is considered that the pedestrian entrances proposed are the best achievable in the context;
- (e) given that the traffic usage of the site will be different to when it was swimming baths, the Local Highway Authority has investigated the potential impact of the right-hand turn onto and off the site in some detail. It is felt that the current junction is suitable for the proposed usage following an update of the road markings and signage. The shopping development is intended to meet the needs of a local catchment, rather than to draw people in by car from the wider city area. A bus stop is adjacent to the site and, due to the drop in level from the pavement, the shop frontage should be more visible set further back from the road. There will be a ramp down into the site from the pavement, with a safe pedestrian route through the car park to the shops. A wall along the whole length of the front boundary should be considered, rather than merely the use of shrubs in some sections, to limit littering.

**RESOLVED to:**

- (1) grant planning permission subject to the indicative conditions substantially in the form of those listed in the draft decision notice and in the additional update sheet;**
- (2) delegate power to determine the final details of the planning obligation and conditions to the Director of Planning and Regeneration.**

**75 WILLIAM OLDS YOUTH CENTRE, 84 CHILTERN WAY**

Martin Poole, Area Planning Manager, introduced application 18/00143/POUT for outline planning permission (details of access, appearance, layout and scale submitted for approval with landscaping reserved), made by Tang and Associates Ltd (Chartered Architects) on behalf of LCAM (Nottingham) Ltd and Mr M. Aggarwal for the demolition of a building and the erection of 22 three-storey dwellings with associated car parking.

The application is brought to the Committee at the request of local Ward Councillors. The following points were discussed:

- (a) the site of the former William Olds Youth Club is located on the east side of Chiltern Way, adjacent to the Sandy Banks Local Nature Reserve. The west side of Chiltern Way is residential. There are some level changes across the site, which is owned by Nottingham City Council currently, but it has been vacant for more than 2 years and declared surplus, so the Council is in the process of disposal;
- (b) the application is for 22 houses on the site following the demolition of the existing youth centre building. A revised vehicular access is proposed so that it does not require land beyond the current site and the dwellings will be laid out in a cul-de-sac arrangement, with one car parking space per unit. The proposed dwellings will be two stories with dormers to provide additional accommodation in the roof space, and will be of a brick and render construction with pitched, tiled roofs;
- (c) concerns were raised about the parking impact on Chiltern Way, due to potential overspill. One parking space per unit is regarded as appropriate in planning terms within a development of this type and, although Chiltern Way is relatively narrow, it has houses on one side only, so this does not raise safety concerns for the Local Highway Authority.

**RESOLVED to:**

**(1) grant planning permission subject to:**

**(a) the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to include:**

- (i) a financial contribution of £31,561.20 towards off-site public open space;**
- (ii) a financial contribution of £59,418.39 towards education provision;**

**(b) the indicative conditions substantially in the form of those listed in the draft decision notice;**

**(2) delegate power to determine the final details of the planning obligation and conditions to the Director of Planning and Regeneration.**

**(3) The Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 has been 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;**

**(c) fairly and reasonably related in scale and kind to the development.**

**(4) 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.**