

## NOTTINGHAM CITY COUNCIL

### PLANNING COMMITTEE

**MINUTES of the meeting held in the Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 17 April 2019 from 2:31pm to 4:15pm**

#### **Membership**

##### Present

Councillor Chris Gibson (Chair)  
Councillor Brian Parbutt (Vice Chair)  
Councillor Cheryl Barnard  
Councillor Graham Chapman  
Councillor Josh Cook  
Councillor Gul Nawaz Khan  
Councillor Sally Longford  
Councillor Andrew Rule  
Councillor Wendy Smith  
Councillor Malcolm Wood  
Councillor Cate Woodward  
Councillor Steve Young

##### Absent

Councillor Leslie Ayoola  
Councillor Azad Choudhry  
Councillor Mohammed Saghir

Councillor Michael Edwards (Substitute  
for Councillor Leslie Ayoola)

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

James Ashton	-	Transport Strategy Manager
Judith Irwin	-	Senior Solicitor
Adrian Mann	-	Governance Officer
Martin Poole	-	Area Planning Manager
Paul Seddon	-	Director of Planning and Regeneration
Nigel Turpin	-	Team Leader, Planning Services

#### **76 APOLOGIES FOR ABSENCE**

Councillor Leslie Ayoola	-	Council business
Councillor Mohammed Saghir	-	Council business

#### **77 DECLARATIONS OF INTERESTS**

None.

#### **78 MINUTES**

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

**79 ISLAND SITE, CITY LINK, NOTTINGHAM**

Martin Poole, Area Planning Manager, introduced application number 18/01354/POUT for outline planning permission by Axis (Mr David Jones) on behalf of Conygar Nottingham Limited, for a mixed-use development comprising: 17,274sq.m of Creative Market uses (5,182sq.m of Class A1 (comparison), 3,455sq.m of Class A3/A4 and A5, 8,637sq.m of Class B1/B2 and Class D1 (exhibition) uses); 58,885sq.m of offices (Class B1); 14,413sq.m of non-residential institution (Class D1); 91,888sq.m of residential (Class C3); 4,153sq.m of local retail (Classes A1, A3, A4 & A5); 8,118sq.m of hotel (Class C1); 27,030sq.m of student accommodation (Class C3 and sui generis); and 1,796 car parking spaces. This will require facilitating works including: site clearance, demolition and groundworks, and site remediation; on and off-site highway works; pedestrian and cyclist facilities; new and enhanced areas of public realm, incorporating hard and soft landscaping; foul and surface water drainage works, incorporating sustainable drainage system features; and all necessary new, diverted and upgraded utility infrastructure, including a gas compound and substations.

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 updates includes further responses to consultation. It has been agreed that the maximum parameter height for the proposed residential tall building BG7 (Manvers Street) will be reduced by approximately 16 metres (or five residential storeys) to ensure that it is no taller than the proposed hotel tall building BG1 (London Road).

The application is brought to the Committee because it involves the redevelopment of a prominent brownfield site of strategic importance that has been vacant for many years. The application proposes a major, mixed-use scheme and potential significant extension of the city centre, where there are important land-use and heritage considerations. The following points were discussed:

- (a) the 11.4 hectare, brownfield site is defined by London Road and the Nottingham-Beeston Canal to the west, Manvers Street and Sneinton Hermitage to the east, the railway to the south and Poplar Street, Evelyn Street and Biocity to the north. The Grade II listed Great Northern Warehouse and Virgin Active/Low Level Station buildings are excluded from the application, as are other existing buildings within the Island Quarter, including the BBC's East Midlands headquarters, Apex Court, Equinox House, Premier Lodge Hotel and NHS Direct's Seaton House walk-in centre. The site has a long planning history, reflecting various phases of piecemeal development. Planning permission was granted in 2008 for a mixed development around a central park, but the project was not carried out;
- (b) parameter plans and elevations have been produced to set the maximum sizes and heights of the buildings in the development. The potential visual effects on the city's significant views have been assessed, with some changes made to ensure that the impact is acceptable. At this outline stage, the current plans are illustrative only. The design detail will be established as part of future permissions, though the Planning Officers feel that the proposed linear park through the development is fundamental to the project and must come forward in the future

designs. The timescale for completing the proposed development is likely to be over 15 years, though a series of phases;

- (c) Historic England has been consulted and raised some concerns relating to the possible impact on the historic environment. Any potential harm to heritage assets must be mitigated against by a high quality design and materials for the development. The Planning Officers feel that the proposed linear park through the development is fundamental to the project and must come forward in the future designs;
- (d) the proposals to build a 5-star hotel, expand Biocity and provide office space are very positive. The hotel and the Creative Market are likely to form an early stage of the project, which should have some flexibility in the phasing of the work in the north and south areas. It is vital that this major project moves forward in a systematic, holistic and planned way through its long development process. Conditions must be put in place to ensure a 'master plan' approach to ensure comprehensive development, with each agreed phase providing an appropriate mix of proposed uses, to mitigate any risk of the site and its usage being developed selectively or in a piecemeal way;
- (e) the project will affect current local residents in terms of overshadowing and through an increase in traffic in the area. Shading assessments have been computer-modelled and the Planning Officers consider that these are acceptable, even on the basis of the previously-proposed height for the tallest building. The reduction in height of this building is welcome to residents and to Committee members, even though it is still taller than the buildings proposed in the 2008 planning permission. Every effort should be made to engage effectively with these residents and their ward councillors as the development progresses. So far, the proposed envelopes for the buildings can be agreed, but due to their visibility, the buildings on the development must be of the highest standard of architectural design, using high-quality materials that will have a long life, and meet with the principles set by the Urban Design Guide and respect the protected views across the city;
- (f) in recent years, the Urban Design Guide and the existing expired permission have anticipated that tall buildings will be constructed on this site, but they must earn their place in the skyline and, as such, the developer will establish an overall quality control panel to ensure that an excellent standard of design and materials is delivered;
- (g) concerns have been raised relating to the retail elements of the development and their position within the wider city economy. It is undesirable for the development to become an out-of-city retail park, which would affect the Victoria Centre and the recently regenerated Sneinton Market. The Creative Market will be limited by planning conditions as an outlet of creative trades to the public, which will not be in direct competition with other retailers as this type of business is not present in the city to a high or concentrated degree. The developer has engaged with the owner of the Sneinton Market to ensure that the development does not have an adverse effect on this important regeneration initiative;

- (h) the wider retail provision on the site is relatively limited to small-scale and size-limited units designed to meet the needs of residents and businesses on the development. Restrictions will be put in place to ensure that the small retail units cannot be merged together to form much larger outlets. A retail impact assessment has been carried out on these terms and professional advice has been taken at every stage, and the Planning Officers consider that the assessment is appropriate and satisfies the policy tests;
- (i) the Council's formal policy is to achieve a carbon neutral city by 2028. Measures taken as part of this development will have a major impact on the success of this policy, which will require the construction of sustainable buildings and green architecture in the city, going forward. Provision should be made for the site to be able to use the District Heating Scheme if the capacity becomes available and the installation of green roofs is important. There is also an opportunity to introduce solar panels and bee-friendly habitats. Flood prevention must be to a high standard, with good floodwater storage capacity. The proposed cleaning up of the old gas pipes is a positive step. The issues of environmental sustainability must be addressed explicitly and in a focused way in the planning conditions, to create a green strategy across each mixed phase of the development project. Conditions must also secure delivery of rising environmental standards over the 15-year period of the development, to take advantage of emerging technological advances and to comply with increasingly demanding legislative requirements as the phases are built out;
- (j) the current site has a small bus service that stops to the north but, with the development, it is likely to need a service of large, biofuel buses, and the road infrastructure must accommodate this effectively. Pedestrian access should be straightforward and pleasant, with a good through-route to and from the city centre. Provision for pedestrians around the London Road roundabout junction with Canal Street should be looked at carefully, with measures put in place to make the environment for pedestrians as positive as possible. The local park established recently at the east end of the site must be treated sensitively in the context of any proposed changes to the road layout. Although Highways traffic detail and the connectivity of the site are not addressed in the current application for outline planning permission, they must be resolved satisfactorily, in detail, at a future stage. The planning of the travel system should bear in mind the possibility of high-speed train infrastructure entering the city from the east, in the future;
- (k) the architecture for the development should be aspirational and reflect the principles of the Urban Design Guide, to create a pleasant and light environment with inventive design and decoration, and a focus on sustainability. A developer design panel should be established to ensure quality across the mixed phases, and the running of a design competition would be a positive step forward;
- (l) the future responsibility for the management of the public realm green spaces in the development must be established clearly, in discussion with the developer and the Council's Public Realm team.

**RESOLVED to:**

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

- (a) prior completion of a Section 106 planning obligation (to include those matters identified in paragraph 7.56 of the Report of the Director of Planning and Regeneration);**
- (b) planning conditions (to include those relating to the matters outlined in the list at Appendix A to the Report of the Director of Planning and Regeneration, together with conditions to address those matters identified by the Committee, above);**
- (2) delegate power to determine the terms of the planning obligation at (1)(a) above to the Director of Planning and Regeneration, provided that:**
  - (a) unless, in relation to any phase of the development, the applicant has demonstrated to the satisfaction of the local planning authority that the development would not otherwise be viable, the obligations secured thereby shall not be substantially less than typically required by adopted planning policies;**
  - (b) the Director of Planning and Regeneration is satisfied that:**
    - (i) Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ('the 2010 Regulations') is complied with, in that the planning obligation sought is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development;**
    - (ii) insofar as the planning obligation sought will relate to infrastructure, that it would not exceed the maximum number of obligations according to Regulation 123(3) of the 2010 Regulations;**
- (3) delegate power to determine the planning conditions at (1)(b) above to the Director of Planning and Regeneration.**
- (4) The Committee is satisfied that the requirements of regulations 18(3) and (4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the 2017 Regulations') are met by reason of the submission of the Environmental Statement and the Environmental Statement Addendum as part of the application, which includes at least the following information:**
  - (a) a description of the development comprising information on the site, design, size and other relevant features of the development;**
  - (b) a description of the likely significant effects of the proposed development on the environment;**
  - (c) a description of the measures envisaged to avoid, prevent or reduce and offset likely significant adverse effects on the environment;**

- (d) a description of the alternatives studied by the developer and an indication of the reasons for the option chosen, taking into account to environmental effects;**
  - (e) a non-technical summary of the information referred to at paragraphs (4)(a)-(d).**
- (5) The Committee recorded in its resolution that:**
- (a) the environmental information being the Environmental Statement and Environmental Statement Addendum has met the requirements of schedule 4 to the 2017 Regulations;**
  - (b) no further information pursuant to regulation 25(1) of the 2017 Regulations is required;**
  - (c) the environmental information (namely the Environmental Statement and the Environmental Statement Addendum together with 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;**
  - (d) as required by regulation 26(1)(b) of the 2017 Regulations, the Committee has reached a reasoned conclusion on the significant effects of the proposed development on the environment, as contained in the Report of the Director of Planning and Regeneration;**
  - (e) it is of the opinion that the reasoned conclusion referred to in paragraph (5)(d) above addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the development and the Committee is therefore satisfied pursuant to regulation 26(2) of the 2017 Regulations that the reasoned conclusion is up to date;**
  - (f) it does not consider it appropriate to impose monitoring measures pursuant to regulation 26(1)(d) and regulation 26 (3) of the 2017 Regulations given the nature, location and size of the proposed development and its effects on the environment;**
  - (g) following the determination of the application, the publicity and notification requirements pursuant to 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.**

**Councillor Malcolm Wood requested that his vote against the above decision was recorded.**

**80     STUDIO HOUSE, 22 MOUNT STREET**

Martin Poole, Area Planning Manager, introduced application number 18/01998/PFUL3 for planning permission by Hockley Developments Limited on behalf of Mr Alan Forsyth for the conversion from office (B1) and recording studio (D2) to 31 residential apartments (C3).

The application is brought to the Committee because it is an application recommended for approval where planning obligations are proposed to be waived on the grounds of viability. The following points were discussed:

- (a) the site is a three-storey, brick factory built in the 19th Century. It is proposed to convert the building into 31 apartments. The applicants submitted an appraisal indicating that the proposed development would not be viable if it was required to meet the full range of Section 106 developer contributions. This has been agreed by the District Valuer, who considers that an allowance for developer's profit based on 20% of the gross development value is reasonable.

**RESOLVED to:**

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

**Councillor Josh Cook requested that his abstention from voting on the above decision was recorded.**