

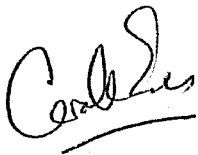
NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday 20 February 2013

Time: 2.30pm

Place: Committee Room, Ground Floor at Loxley House, Station Street

Councillors are requested to attend the above meeting on the date and at the time and place stated to transact the following business.



Deputy Chief Executive/Corporate Director for Resources

Constitutional Services Officer: Rav Kalsi Direct dial - 0115 8763759

A G E N D A

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTERESTS**
- 3 MINUTES** 1
Last meeting held on 23 January 2013 (for confirmation)
- 4 PLANNING APPLICATIONS - REPORTS OF THE HEAD OF DEVELOPMENT MANAGEMENT**
 - (a) UNIVERSITY OF NOTTINGHAM, GROVE FARM SPORTS GROUND, LENTON LANE** 7
Planning permission for the erection of 2 wind turbines, including supporting ancillary structures and the creation of new access roads
 - (b) 1 MAIDEN LANE** 35
Planning permission for the erection of student accommodation and associated works

- (c) **YEATES BUS AND COACH LTD, BEECHDALE ROAD** 51
Approval of reserved matters for the erection of 36 dwellings and associated works in connection with 11/00785/POUT
- (d) **FORMER TURKISH BATHS, VICTORIA LEISURE CENTRE, GEDLING STREET** 61
Conservation Area Consent for the demolition of former Turkish Baths building

IF YOU ARE UNSURE WHETHER OR NOT YOU SHOULD DECLARE AN INTEREST IN A PARTICULAR MATTER, PLEASE CONTACT THE CONSTITUTIONAL SERVICES OFFICER SHOWN ON THIS AGENDA, IF POSSIBLE BEFORE THE DAY OF THE MEETING, WHO WILL PROVIDE ADVICE IN THE FIRST INSTANCE

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST FIFTEEN MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

PLANS RELATING TO ITEMS ON THE AGENDA WILL BE AVAILABLE FOR INSPECTION BY COUNCILLORS BETWEEN 1.00 PM AND 1.30 PM IN THE GROUND FLOOR COMMITTEE ROOM, LOXLEYHOUSE

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<http://open.nottinghamcity.gov.uk/comm/default.asp>

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES

of meeting held on **23 JANUARY 2013** at

Loxley House from 2.30 pm to 3.28 pm

- ✓ Councillor Gibson (Chair)
- ✓ Councillor Malcolm (Vice-Chair)
- ✓ Councillor Ali
- ✓ Councillor Arnold
- ✓ Councillor Chapman
- ✓ Councillor Choudhry
- ✓ Councillor Clark
- ✓ Councillor Dewinton
- ✓ Councillor Edwards
- ✓ Councillor Khan
- ✓ Councillor Klein
- ✓ Councillor Longford
- ✓ Councillor Morley
- ✓ Councillor Steel
- ✓ Councillor Watson
- ✓ Councillor Wood

- ✓ indicates present at meeting

91 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Chapman, Councillor Choudhry, Councillor Longford and Councillor Malcolm.

92 DECLARATIONS OF INTERESTS

No declarations of interests were made.

93 MINUTES

RESOLVED that the minutes of the Development Control Committee meeting held on 19 December 2012, copies of which had been circulated, be confirmed and signed by the Chair.

94 PLANNING APPLICATION – 16 – 18 SNEINTON DALE

RESOLVED that the item be withdrawn from the Agenda to allow for further discussions to take place with the applicant.

95 PLANNING APPLICATION – LAND AT SITE OF DUFFIELD COURT, FLAXTON WAY

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on application 12/02933/PFUL3 submitted by Pelham Architects on behalf of Nottingham Community Housing, for planning permission for the erection of 22 dwellings.

The Head of Development Management reported the following, received since preparation of his report:

The report incorrectly stated that the new dwellings would be provided by Nottingham City Homes (NCH). In fact, the dwellings would be provided by Nottingham Community Housing Association (NCHA). Paragraph 7.3 stated that 9 of the dwellings would be constructed to Lifetime Homes Standards which was an error and should have read that 5 of the dwellings would be constructed to Lifetime Homes Standards.

It was reported that several versions of the site plan were submitted with the planning application however, the site plan included in the presentation is an up to date and accurate version and superseded the plan appended to the report. A query has been raised in relation to the proposed location of the site compound and it would be necessary to ensure that the compound was sensitively located to minimise disruption for the existing residents. It was therefore recommended that the wording of condition 6 be amended which required details of the construction compound to be submitted, as follows:

“The development shall not be commenced until a construction plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the location of the construction compound, the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and, a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.”

The developer had confirmed that window reveals of 75mm would be incorporated across the scheme. The following additional condition was recommended to ensure that this was achieved:

“The development shall not be commenced until cross-section drawings to show details of the window reveals have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE3 of the Local Plan.”

The Committee welcomed the design of the proposals and were pleased that residents' wishes for pedestrian only access from Whitworth Rise had been secured. In response to comments, the Committee was assured that the timber boarding proposed would be well maintained. The Head of Development Management reported that the applicants had opted for a fabric first approach which would ensure that the 10% reduction in carbon emissions would be exceeded.

RESOLVED

- (1) that planning permission be granted subject to the indicative conditions listed in the draft decision notice attached to the report and the additional conditions noted above;
- (2) that power to determine the final details of the conditions be delegated to the Head of Development Management.

96 PLANNING APPLICATION – SITE OF 1 TO 10 AND 12 TO 20 WINDMILL CLOSE

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on application 12/03076/PFUL3 submitted by Studio-G Architecture LLP on behalf of Nottingham City Homes, for planning permission for the erection of 12 semi-detached dwellings.

The Head of Development Management reported the following, received since preparation of his report:

The developer had confirmed that window reveals of 75mm would be incorporated across the scheme and to ensure that this was achieved, the following additional condition was recommended:

"The development shall not be commenced until cross-section drawings to show details of the window reveals have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE3 of the Local Plan."

In response to comments regarding the quality of materials used on the porches, the Head of Development Management confirmed that good quality materials would be used, the details of which would be secured by a condition.

RESOLVED

- (1) that planning permission be granted subject to the indicative conditions listed in the draft decision notice attached to the report and the additional conditions noted above;
- (2) that power to determine the final details of the conditions be delegated to the Head of Development Management.

97 PLANNING APPLICATION – 512 – 514 BERRIDGE ROAD WEST

Consideration was given to a report of the Head of Development Management, copies of which had been circulated, on application 12/03059/PVAR3, submitted by Karimia Institute for the variation of a planning condition on planning permission reference 01/00467/PVAR3 to allow an alteration to the opening hours.

The Committee was satisfied that approval of the application would allow the Planning Authority to secure a Travel Plan to help on-street parking and congestion in the area.

The Head of Development Management reported that, since circulation of the report, further consideration had been given to the activities that took place at the premises and the times and days of use. In order to seek to address local residents' concerns relating to the times of use late into the evening, particularly during the period of Ramadan, it was proposed that a more restricted closing time of 23:15 hours be applied.

The applicant had confirmed that, while as much flexibility as possible would be helpful, most prayers would be finished by 22:45 hours. A small number of people would typically remain on the premises until 23:15 hours for further prayers, but the applicants were happy to accept a restriction that the use did not extend beyond this time.

In addition to the revisions to the closing time, further minor changes were proposed to the wording of condition number 1 to give clarity over when the different types of uses must cease. This would help officers to monitor and enforce the activities at the premises and the hours of use. The changes would also address the ambiguity in relation to how the building would be used internally for different events. The Head of Development Management proposed the following amended recommendation in relation to the wording of condition 1:

“The premises shall not be used outside of the following times:

Day nursery - 08:30 to 16:30 hours, Monday to Friday only
Use for prayers / worship - 04:00 to 23:15 hours on any day
Other community uses - 08:30 to 21:30 hours on any day.”

The Committee broadly welcomed the reduced opening time. However concerns were expressed about the potential impact on local residents if public prayers were permitted to take place from 04:00 hours. The Head of Development Management stated that during these early morning times, the applicant had confirmed that only a small number of worshippers would attend. Furthermore, the prayers that took place from 04:00 hours were not part of a public gathering/meeting and therefore the impact upon local residents during this time was minimal.

In order to protect the amenity of local residents, the Committee considered it appropriate to distinguish between private prayers and public prayers to prevent large groups of people attending the premises before 08:30 hours. In light of these comments, the Head of Development Management proposed a minor revision to the wording of the condition as follows:

The premises shall not used be outside of the following times:

- Day nursery - 08:30 to 16:30 hours, Monday to Friday only
- Use for public prayers / worship - 08:30 to 23:15 hours on any day
- Other community uses - 08:30 to 21:30 hours on any day

RESOLVED

- (1) **that planning permission be granted subject to the indicative conditions listed in the draft decision notice attached to the report, other than in relation to condition 1, which shall be worded as set out above;**
- (2) **that power to determine the final details of the conditions be delegated to the Head of Development Management.**

4(a)

WARDS AFFECTED: Dunkirk And Lenton

Item No:

PLANNING COMMITTEE
20th February 2013

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

University Of Nottingham, Grove Farm Sports Ground

1 SUMMARY

Application No: 11/02419/PFUL3 for planning permission

Application by: AECOM on behalf of The University Of Nottingham

Proposal: Erection of 2 no wind turbines including supporting ancillary structures. Creation of new access roads.

This application is brought to Planning Committee because it is considered to be sensitive both in terms of the nature of the proposal and given the level of public interest.

To meet the Council's Performance Targets this application should have been determined by 11th November 2011

2 RECOMMENDATIONS

REFUSE PLANNING PERMISSION for the reasons set out in the draft decision notice at the end of this report.

3 BACKGROUND

The application site covers an area of approximately 1.7 hectares and is located to the south west of the City Centre bordering onto Broxtowe Borough Council (BBC). It is designated as Green Belt and Washland on the Proposals Map to the Nottingham Local Plan. It forms part of the Grove Farm Sports Ground which accommodates the majority of the University of Nottingham's sports pitches. To the north west, adjacent to Thane Road, lies the Power League Sports Centre comprising a single storey gable end ridged roof pavilion building with associated car parking spaces and 14 no. 5-a-side pitches. In the south west corner of the site lies Grove Farm Cottages comprising 4 no buildings accessed from Lenton Lane. The buildings service the playing fields and comprise two changing room buildings as well as a grounds man's store residence. Public paths run along the north western boundary of the site and there is vehicular access for servicing of the playing fields from Lenton Lane to the south east. Electricity pylons are located along the north west side of the site crossing in north eastern/south westerly direction.

4 DETAILS OF THE PROPOSAL

4.1 The application seeks planning permission for the erection of two wind turbines with a height of 126.5m to the tip of a rotating blade and a maximum hub height of 80m. The proposed turbines would have an operational life of approximately 25 years, after which time it is proposed that they would be decommissioned and dismantled unless a future application is made to extend the life of the turbines. Each turbine

would have an output capacity of up to 2.5MW. The wider scheme includes a third turbine on adjacent land within the district of Broxtowe, aligned to those proposed within the City. The application for this third turbine was refused by Broxtowe Borough Council in October 2012 and is currently the subject of an appeal.

- 4.2 As part of the application an access track from Thane Road is proposed. This would provide access to both the 2 turbines proposed within the City boundary and the recently refused turbine within Broxtowe. The proposed access tracks would be 5m in width during site preparation and construction works, narrowing to approximately 3m in width following the commissioning of the turbines with the narrowed sections being reinstated with landscaping.
- 4.3 The application has been supported by an Environmental Impact Assessment (EIA), the scope of which was agreed with the Council through a pre-application exercise involving consultation with statutory and non-statutory consultees. The Environmental Statement includes an assessment of the following potential environmental impacts:

Landscape and visual amenity
Ecology
Ornithology
Geology, Soils, Hyrdogeology and Hydrology
Archaeology and Cultural Heritage
Traffic and Transport
People & Settlements
Noise
Shadow Flicker
Electromagnetic Interference and Utilities
Aviation

- 4.4 The Environmental Statement also includes a desk study of plans showing Zones of Theoretical Visibility (ZTV) outlining from which settlements and areas the turbines might be visible, as well as visualisations and photomontages of the landscape and visual impact of the proposed development. The photomontages were produced from 27 different locations both within and outside the borough boundaries and the locations were agreed as part of the scoping exercise for the EIA prior to the submission of the application. It is accepted that, although every effort is made to ensure the accuracy of the photomontages, no photomontage could ever claim to be 100% accurate.
- 4.5 During the course of the application the applicant wrote to the Council to outline that, as part of the proposals, it would wish to make a local community contribution as a result of the successful operation of the wind turbines in light of precedents brought to its attention by the Nottinghamshire Climate Change Partnership.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 Properties within 1km radius (within the City boundary) were notified of the application by post. 6 site notices were posted and the application was advertised in the press. The consultation period, following the submission of a revised Environmental Statement, expired on 14th February 2012. A total of 481 letters of

representation have been received, 207 in support, 269 in objection and 5 making comments. The comments have been summarised in the table below:

Support

COMMENT	NUMBER OF RESPONSES
Renewable Energy the way forward	221
Good location	46
Wind Turbines attractive, more so than power lines	39
Need to send less money overseas and invest in energy production in this country	36
Renewable energy is a sector which should be encouraged	33
Wind power must be one of the most environmentally friendly ways of producing energy	22
Show that Notts is forward thinking	7
Should be glad that the country is rich enough to develop wind power	5
Noise not a problem with modern turbines	5
Do not know why people are against this?	4
Will not impact on tourism	3
Temporary in nature	2
Community fund is an important bonus for the area	2
Majority of objections are due to lack of understanding	2
Small visual impact is irrelevant in the scheme of environmental change	1
Would preserve the area as a green space	1
Potential impact upon house prices just hearsay	1
Bird kill by modern turbines very low	1
Willing to support compensation for local residents	1

Objection

COMMENT	NUMBER OF RESPONSES
Noise	154
Visual Impact	150
Impact upon Wildlife	124
Impact upon leisure pursuits and amenity	117
Too close to houses	93
Flicker	79
Decrease in property value	71
No benefit to local community	66
Health problems inc sleep deprivation	61
Impact upon Greenbelt	44
Distraction to highway users	38
Impact upon air safety	31
Impact upon floodplain	27
Impact on playground	20
Insufficient Wind resource	18
Impact on City skyline	18
Waste of money	18
Why not solar panels	11
Safety	9

Much better sites available to U of N	8
Television and radio interference	6
Precedent for more turbines	6
25 years would not feel temporary	5
Should be compensation to local residents	4
Disturbance during construction	4
Impact upon heritage assets	3
Temp aversion resulting in fog banks	3
Impact upon Boots Masterplan/Enterprise Zone	3
Why not use the new wind harvester?	2
Impact of electrical connection	2
NCC should be held responsible for any future health problems	2
Impact upon mature landscape areas	1
Impact upon improvements to A453	1
Land's agricultural viability would be impaired	1
Balloon flown to demonstrate height of the proposed turbines was done at times not good for people that work	1
Too close to schools	1

Comments

COMMENT	NUMBER OF RESPONSES
Businesses make a lot of money out of wind energy to the detriment of householders	1
What benefits will there be to the citizens of Nottingham	1
People were employed to produce letters of support from stalls in Nottingham, Beeston & Clifton	1
How did the University acquire the site? It used to be farmland	1
If approved please ensure that planting of hedgerows occurs to provide wildlife habitat and CO2 absorption	1
The invasion of giant conifer trees and hedges in small gardens is a far more serious issue than fairly remote wind turbines	1

- 5.2 Alliance Boots have responded to the consultation process and requested that permission be refused for the wind turbine proposal noting that, although there would be environmental benefits of the proposal, this must be weighted against the risk of the Boots Campus Masterplan becoming undeliverable, including prejudicing the provision of new houses and jobs on the site.
- 5.3 Clifton Grove Community Group have responded to the consultation process citing the following as grounds of objection: health; impact on sports field users; are turbines necessary for the U of N to receive funding when they are already the 'greenest university in the world'; community benefits should be offered; impact on the Boots campus regeneration; impact upon residential amenity.

Additional consultation letters sent to:

Pollution Control: No objection subject to the imposition of conditions to ensure that the wind farm is operated in such a manner to ensure the noise criteria set out in ETSU-R-97, The Assessment of rating of Noise from Wind Farms (DTI, 1996), are achieved at all times and at all properties likely and predicted to be affected. Furthermore, that mitigation measures are in place to ensure that individual turbines are automatically shut down during periods when the effects of shadow flicker affecting any existing and future properties are predicted to occur.

Highways Agency: No objection subject to the imposition of conditions to ensure safe transportation of the turbines to the site.

English Heritage: Object to the proposal on the grounds that the three proposed 125m tall wind turbines would have a profound impact on the setting of Clifton Hall, the Church of St Mary the Virgin, Clifton Hall registered park and garden (and other designated heritage assets located within it) and Clifton Village conservation area, causing substantial harm to their significance.

Environment Agency: No objection subject to the imposition of conditions to ensure the permission is carried out in accordance with the approved Flood Risk Assessment (ref 60149761 02) revised 9 January 2012.

Broxtowe Borough Council: Object on the basis that the development would prejudice the deliverability and viability of future residential development of the Boots site which is identified in the Council's emerging Core Strategy as a strategic allocated housing site. Furthermore the Council objects as the proposal would cause unacceptable harm to the visual amenity of the Trent Valley and to the openness and character of the Green Belt. The Council also requests that consideration is given to the impact on residential amenity of residents of Broxtowe, particularly those in the Beeston Rylands area, as well as residents within the City boundary, in the decision making.

Rushcliffe Borough Council: No objections to the application.

Nottinghamshire County Council: Supports the development in terms of strategic and National renewable energy policy, but objects to the proposal owing to the significant concerns over its potential impact, as yet undetermined, on the ecology and buried archaeology of the County.

English Nature: No objection on the basis that no statutory designated sites for nature conservation, protected species, bats or ornithology would be significantly adversely affected by the proposed development, subject to the mitigation measures and biodiversity enhancements which should be secured by condition.

Notts. Wildlife Trust: Object to the proposal on the grounds of the Environmental Statement (ES) failing to justify this site being the Best Practicable Environmental Option (BPEO) and due to its impact upon the strategic Green Infrastructure of the Trent River Corridor. If permission is granted, mitigation and post development surveys should be required by condition.

British Waterways: No objection subject to the imposition of conditions in relation to mitigation to reduce the risk of pollution of the local water environment and minimise noise impacts to moorings on the canal.

Sport England: Object to the proposal on the grounds that the proposal is likely to prejudice the use of the playing fields for the following reasons: Noise; Ice Throw; Distraction; Shadow Flicker and Shadow Cast.

East Midlands Airport: Object to the proposal on the grounds that more than 1 turbine would reduce the quality of radar services, increase controller workload to an unsafe level and cumulatively result in an unacceptable reduction in East Midlands Airport's ability to operate aircraft safely, in a section of controlled airspace that is used by a substantial proportion of the Airport's traffic.

Archaeology: No objection subject to the imposition of conditions requiring further investigation during excavation works due to the proximity of the site to the River Trent.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy:

- 6.1 At the time the planning application was submitted, national government policy was outlined through a series of Planning Policy Guidance (PPG) documents and Planning Policy Statements (PPS). Attached to some of these were Companion Guides or Technical Guidance. During the course of the application in March 2012 the government published its National Planning Policy Framework (NPPF) which set out its planning policies for England and how these were expected to be applied. This document replaces all of the previous PPGs and PPSs. The Companion Guides and Technical Guidance associated with the PPGs and PPSs however have not been repealed and therefore appear to be relevant documents in the assessment of planning applications. Despite the planning application being made at a time when PPGs and PPSs were government guidance, and throughout the application's submission and Environmental Statement it makes references to PPGs and PPSs, the assessment of the planning application must be made against the NPPF, extant technical guidance and companion guides to the now-repealed PPGs/PPSs as well as the development plan and all other relevant material planning considerations.
- 6.2 The National Planning Policy Framework (NPPF) sets out that there should be a presumption in favour of sustainable development in that one of the government's core planning principles is the requirement to 'support the transition to a low carbon future in a changing climate'.
- 6.3 The NPPF sets out that local planning authorities should expect new development to help increase the use and supply of renewable and low carbon energy and that local planning authorities 'should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'.
- 6.4 In relation to government policy on renewable energy and climate change, paragraph 98 of the NPPF states that local planning authorities, when determining applications should:

"Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions"

and that local planning authorities should:

“Approve the application if its impacts are or can be made acceptable”.

- 6.5 On issues of green belt, the NPPF replaced PPG2 and advises that only appropriate development should be permitted in the green belt unless very special circumstances can be demonstrated by the applicant that would outweigh the harm caused to it. It also advises at paragraph 91 that:

‘When located in the green belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources’.

- 6.6 As to matters of the historic environment and designated heritage assets, chapter 12 of the NPPF sets out the government’s position. It comments as follows at paragraph 132:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”

- 6.7 The Companion Guide to the now repealed PPS22 provides comprehensive information on how renewable energy projects should be considered. It provides information on the national and international picture before explaining how schemes should be balanced against other planning policies and strategies. It provides detailed advice on development management issues such as evaluating and determining the landscape and visual effects of a proposal. The general thrust of this government advice is to support renewable energy projects, including wind power generating equipment.

- 6.8 The White Paper on Energy entitled ‘Meeting the Energy Challenge’ published in May 2007, the UK Renewable Strategy Low Carbon Transition Plan (2009) and the Renewable Energy Roadmap of 2011 set out the government’s energy strategy. On renewable energy projects it states that individual renewable projects are part of a growing proportion of low carbon generation that provide shared benefits for all communities through reduced emissions and more diverse supplies of energy. This factor is a material consideration to which all participants in the planning system should give significant weight.

- 6.9 The UK Renewable Energy Strategy published in July 2009 reinforces the need to greatly increase the levels of renewable energy generation and the key role that the

planning system has to play. The UK needs to meet its EU target of sourcing 15% of its energy from renewables by 2020. The Energy Act 2008 strengthens the renewable energy obligation to drive greater and more rapid deployment of renewables in the UK.

- 6.10 There is a duty stated in both the 2004 Planning and Compulsory Purchase Act and the 2008 Planning Act to take sustainable development and climate change into account.

Regional Planning Policy:

- 6.11 The East Midlands Regional Plan 2009 (RS) remains part of the development plan for the area, however the government has made clear its intention to abolish regional plans. The latest legal position set down by the courts is that the government's intention to abolish the RS is a material consideration that can be taken into account. Of most relevance to this application is RS Policy 40 (Regional Priorities for Low Carbon Energy Generation), which establishes an indicative regional target for the achievement of renewable energy generation as set out in appendix 5 of the Plan and which for onshore wind is 175 MW by 2020.
- 6.12 A number of criteria to apply to the consideration of onshore wind energy schemes are landscape and visual impact, the effect on the cultural and natural environment, including historic assets and their settings, noise intrusion, cumulative effects including intervisibility of turbines, the potential contribution to regional targets and the potential contribution to national and international objectives on climate change.
- 6.13 There are a number of other relevant policies within the RS that need to be considered in the determination of this application. These include:
- Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage)
 - Policy 27 - Regional Priorities for the Historic Environment
 - Policy 31 – Priorities for the Management and Enhancement of the Region's Landscape
 - Policy SRS2 – Sub-Regional Priorities for green belt areas

Emerging Aligned Core Strategy (Broxtowe, Gedling and Nottingham City):

- 6.14 The Aligned Core Strategy was published on 11th June 2012, following two periods of consultation, at Issues and Options in 2009, and for the Option for Consultation in 2010. Submission to the Secretary of State is anticipated in early 2013. Guidance makes it clear that the plan should be considered sound by the local authority at the time it is published, and therefore the Aligned Core Strategy can be considered to be well advanced.
- 6.15 The relevant Aligned Core Strategy policies include:
- Policy 1 - Climate Change
 - Policy 2 - The Spatial Strategy
 - Policy 3 - The Green Belt
 - Policy 4 - Employment provision and economic development
 - Policy 7 - Regeneration
 - Policy 11 - The Historic Environment
 - Policy 13 - Culture, Tourism and Sport

Land and Planning Policies Document:

- 6.16 The Land and Planning Policies Document (LAPP) is at an early stage of preparation with a Preferred Option anticipated in spring 2013. No representations were made on the Boots campus as part of the Issues and Options consultation, however, this document will carry limited weight at this stage.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

R1 - The Open Space Network.

R5 - Playing Fields and Sports Grounds.

BE3 – Building Design.

BE10 – Development around Listed Buildings.

BE14 - Historic Parks and Gardens.

NE2 - Nature Conservation.

NE3 - Conservation of Species.

NE8 - Green Belt.

NE10 - Water Quality and Flood Protection.

NE14 - Renewable Energy.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- Principle of Development
- Residential Amenity
- Impact upon Playing Fields
- The Historic Environment
- The Natural Environment
- Flood Risk

Principle of Development (Local Plan policies ST1, NE8, NE14 and R1; paras 74, 91 and 98 of the NPPF)

- 7.1 Renewable Energy Development. Government policy towards the handling of planning applications for renewable energy development is laid out in the NPPF. At its heart is a presumption in favour of sustainable development, within which renewable energy is a key component. It directs planning authorities to approve development for renewable energy development, no matter how small the contribution the energy source might be to the wider demands, so long as material planning considerations do not dictate otherwise. Policy NE14 and para 98 of the

NPPF presume in favour of renewable energy developments provided any impact is, or can be made, acceptable.

- 7.2 From the direction and language used within the NPPF, it is clear that the national planning policy support for this type of development is particularly strong and that the contribution of a proposal to tackling climate change and in the production of renewable energy, should be afforded considerable weight in the decision making process.
- 7.3 Impact upon Future Development on the Boots campus. To the North West of the application site is the Boots campus which currently houses their head office, manufacturing and main logistics functions on 279 acres of land. A 'Statement of Development Principles' (SoDP) was jointly prepared by Nottingham City Council (NCC) and Broxtowe Borough Council (BBC) and adopted in June 2007 in response to Boots' changing business requirements. Improvements in business efficiencies have left around 100 acres of vacant land and several underutilised buildings available for redevelopment. In addition to this the site has now (in 2011) been designated as an Enterprise Zone (EZ). A significant section of the southern part of the campus has been identified as an area for preferred residential development.
- 7.4 Policy 2 (The Spatial Strategy) of the Aligned Core Strategy (ACS) sets out the distribution and amount of new development from 2011 to 2028. This includes provision for 1,150 homes on the Boots campus, 600 homes within NCC and 550 in BBC. It is a strategic location and is expected to deliver housing after 5 years from adoption of the ACS. Adoption is anticipated to take place in late 2013.
- 7.5 Policy 4 of the ACS (Employment Provision and Economic Development) sets out office, industrial and warehousing requirements and highlights the status of the Boots campus as an Enterprise Zone and a strategic employment site.
- 7.6 Policy 7 of the ACS (Regeneration) identifies the Boots campus to be 'developed to take full advantage of currently underused and surplus land to create a sustainable and vibrant mixed use environment, comprising of additional high quality employment facilities and new homes, established within a landscaped campus setting'.
- 7.7 NCC has received no representations on the Publication version of the ACS which question the suitability or deliverability of the Boots site. The allocation of the Boots site for employment and housing is entirely consistent with the policies of the NPPF; it is considered to particularly align with the following core principles of this document:
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the Country needs;
 - Encourage the effective use of land by reusing previously developed land;
 - Promote mixed use development; and
 - Conserve heritage assets in a manner appropriate to their significance.
- 7.8 Paragraph 216 of the NPPF states that, from the day of publication, decision makers may give weight to relevant policies in emerging plans according to i) the stage or preparation of the emerging plan, ii) the extent to which there are

- unresolved objections to relevant policies, and iii) the degree of consistency of the relevant policies in the emerging plan to the policies within the NPPF.
- 7.9 Given the advanced stage of its preparation, the lack of unresolved substantive objections and its consistency with the NPPF, it is felt that significant weight can be given to the policies in the emerging Nottingham City Aligned Core Strategy.
- 7.10 So far as the Land and Planning Policies Development Plan (LAPP) is concerned, this is at an early stage of preparation, with a Preferred Option anticipated in spring 2013. There were no representations made on the site as part of the Issues and Options consultation. It is acknowledged the LAPP will carry limited weight at this stage.
- 7.11 Nonetheless, the principle of development at the Boots site is already established through the ACS and the LAPP's role is to provide more detailed guidance on the extent, form and mix of development. The LAPP will draw on the SoDP.
- 7.12 The designation of the area as an Enterprise Zone is a matter of fact, and not subject to the planning system. It opens up opportunities for significant funding to ensure early delivery. The D2N2 Local Enterprise Partnership has identified the Boots Enterprise Zone as priority for funding and intend to allocate a significant proportion of Growing Places Funding to secure delivery of the site.
- 7.13 In addition, residential development at the Boots Campus is anticipated as an early phase of the development of the wider site to support the delivery of the Enterprise Zone. Although no layout exists for residential development of the site, the SoDP appears to steer residential development to the south of the site, fronting towards the Beeston Canal, and in turn towards the application site. It is considered that a likely and viable development of the site would have residential properties facing towards the canal or at least have primary windows facing that direction. If the planning application for the wind turbines was to be approved and constructed, this would be situated within direct view of a proposed residential development of the site and also in immediate proximity, with likely development being approximately 250m from the proposed turbines.
- 7.14 Such a short separation distance between the turbines and the proposed residential site would either curtail or seriously restrict successful residential development of the site owing to the overpowering dominance of the structures and the unacceptable impact on residential amenity that would result. Noting the importance of the Boots campus as a proposed strategic housing allocation site, and the substandard proximity between it and the proposed turbines, it is not considered that the site could be suitably developed or be a viable option for housing development were the wind turbines to be in place owing to the impact it would have on the amenity of future residents of the site. At this point it should be noted that the noise assessment as carried out as part of the ES included noise monitoring locations at Eighth Avenue within the Boots campus, which concluded that the noise impact of the turbine on the Boots campus and any future housing development thereon would be acceptable. This is addressed further at paras 7.35 – 7.42.
- 7.15 The applicant's agent, noting the concerns raised by Alliance Boots in their consultation response, has commented that the visual effects of the wind turbines on the Boots site could be mitigated through careful siting and design of potential buildings, that they be set back sufficiently from the canal and that existing

vegetation be reinforced in order to act as a screen. The agent also points out that the deliverability of residential development on the Boots site is uncertain, as is any timescale for the site being developed, while the Grove Farm Wind Energy Project is a current and viable proposal with plans drawn up and presented for consideration by the relevant planning authorities. It is also suggested that there is no guarantee that the Boots campus will be developed within the 25 year life of the wind turbines proposed and it therefore does not appear reasonable to withhold planning permission for the turbine on the assumptions of residential development on the Boots site.

- 7.16 Nevertheless, 25 years is a considerable length of time and, were planning permission to be granted for the turbines, it is expected that the earliest that they would be decommissioned could be 2038. The ACS that has been published by the Council aims to allocate land for housing to satisfy the period up until 2028. The proposed wind turbines would therefore potentially prevent the bringing forward of housing on this key brownfield site for the entire plan period of the CS and, as such, is contrary to the aims of the CS. It is therefore considered that the proposal should be refused on this basis and that there is sufficient planning policy support for such.
- 7.17 Aviation Safety. The application site is located in a highly traffic sensitive area for East Midlands Airport (EMA) with approximately 30% of inbound air traffic (approx. 12,000 aircraft movements per year) flying over, or just to the north east of the site. The area is a critical point in the approach itself; aircraft at this point are being strictly controlled to ensure correct sequencing with other aircraft arriving from the south so as to maintain safe separation distances as stipulated by the Civil Aviation Authority. This has to be done while ensuring that correct separation distances with other traffic from the north are also being adhered to. The airspace above the application site is also a high transit area for smaller light aircraft which are not directly under EMA's control, from such places as Nottingham Tollerton Aerodrome. Given the low level of controlled airspace in the region, 762m AMSL, it is an area whereby smaller aircraft can quite easily infringe controlled airspace and as such lead to avoiding action with other controlled traffic. The introduction of 2 wind turbines on this site would result in radar degradation, increased controller workload to an unsafe level and cumulatively result in an unacceptable reduction in EMA's ability to operate aircraft safely in a section of controlled airspace that is used by a substantial proportion of the Airport's traffic.
- 7.18 EMA have stated that a single wind turbine on this site (i.e. that in BBC) would be manageable from an Air Traffic Controller workload perspective. The basis for this is the risk assessment that must be undertaken by a controller for all unknown radar returns. The return of one turbine can be managed from a risk assessment perspective in a quicker time than two or three returns. The reason for this is that the display of more than one return will require the controller to increase the weighting of the possibility of those returns being an aircraft and as a result, increase the likelihood of avoiding action being required for other known traffic in the area.
- 7.19 The applicant has put forward information on potential mitigation measures that are available and currently being developed. These have been considered by EMA but they do not offer appropriate solutions either due to the type of radar used at EMA or the lack of suitability from a safety point of view.
- 7.20 The applicant also suggested that a Grampian condition could be used allowing construction of all 3 turbines (including the BBC site) but only 1 being operated,

with the remainder being brought into operation upon the availability of suitable and agreed mitigation measures. The applicant has put forward measures which are not currently commercially available, as coming forward within the next 3 -5 years. EMA consider 3 years to be extremely optimistic given the stringent regulation and certification required to get new radar equipment agreed by the Civil Aviation Authority, and therefore a Grampian condition which relies upon such technologies is considered to be unreasonable.

- 7.21 Landscape and Visual Impact: The Landscape and Visual Impact Assessment (LVIA) has been drawn up within the ES on the basis of this proposal and the single wind turbine proposed on adjacent site within BBC. The LVIA therefore is based on a worse case scenario and the impact of three 126.5m wind turbines.
- 7.22 There is a noteworthy distinction between the consideration of landscape impact as opposed to the visual impact of a wind turbine proposal. Landscape impact relates to the impact that a proposal may have on the character of the landscape, while visual impact is the impact of the turbines on the visual amenity of surrounding areas and how they would be perceived by viewers (residents, footpath users). The landscape and visual effects of particular renewable energy developments will vary on a case by case basis according to the type of development, its location and the landscape setting of the proposed development.
- 7.23 The LVIA is structured by first identifying the sensitivity or importance of a particular landscape or view, including designated landscapes, sites or national regional or local importance etc. Such an assessment includes townscapes and urban areas, their character and quality as well as more open landscaped areas and their intrinsic aesthetic appeal as demonstrated by a character area definition.
- 7.24 The Environmental Statement confirms that there are no national, regional or local landscape designations on the application site and that the nearest designated landscapes are Derwent Valley Mills (World Heritage Site) lying approximately 20km to the west of the site in Derby, the Peak District National Park and the National Forest, both of which are nationally designated areas.
- 7.25 It is established that, from many public vantage points and from residential areas and private properties such as Clifton Grove, the turbines would be clearly visible. However, it would be seen in the context of surrounding urban development including major industrial and infrastructure development. Localised effects on visual amenity, both from within residential areas and from recreational rights of way, appear inevitable when considering a development of this nature and scale. The fact that it can be seen from public or private vantage points does not however make a proposal for a wind turbine unacceptable. It is considered that the sensitivity and quality of the views are not so sensitive that the turbines would result in serious harm to visual amenity when taken in the context of the surrounding landscape and the mitigating effect of existing nearby development.
- 7.26 As with other considerations regarding visual impact, such as on Green Belt, heritage assets or similar, it could be argued that the visual impact of the proposal would be reversible owing to the fact that the application seeks permission for a 25 year period for the turbine, something which is common for planning applications for wind turbines and wind farms of this scale. Although the reversibility of the proposal might be true, albeit after a considerable period of time, this argument has little weight. Whilst a condition requiring the decommissioning of the turbine after 25 years is regularly attached to planning permission of this type to secure its removal

from the site, having established the principle of renewable energy development on this site it would not be unreasonable to conclude that further development may be proposed at least on a like for like basis.

- 7.27 Impact upon Open Space Network and Green Belt: Policies R1 and NE8 and paras 74 and 91 of the NPPF presume against development within the Open Space Network and Green Belt in order to maintain its openness.
- 7.28 The character of this part of the Open Space Network and Green Belt is flat landscape utilised as sports facilities in close proximity to the River Trent and acting as floodplain for this waterway. To the north west of the application site is an industrial backdrop, with the Boots campus and American Tobacco factory dominating Thane Road. There are also large pylons and lighting columns for street and sport occupying the site. To the north east is the Clifton flyover structure with the City beyond it. When viewing the application site from the north of the River Trent the infrastructure of the A453 is clearly visible against the back drop of Clifton.
- 7.29 The applicant, within the ES, acknowledges that the wind turbines are inappropriate development in the Green Belt and submits what they consider to be the very special circumstances that counter this presumption within the Design and Access Statement. This focuses on the environmental benefits associated with increased production of energy from a renewable source and the contribution this makes to meeting the UK government's commitment to tackle climate change and deploy cleaner sources of energy. It will also contribute to the University of Nottingham's carbon reduction targets. The ES spells out that climate change is regarded as one of the planet's most serious issues.
- 7.30 The ES also comments that there would be little overall physical change to the site, except for the foundation footprints and access track, with the primary function of sports facilities being retained. Furthermore, it is argued that owing to the design of the turbine, it would be visually permeable and retains the openness of the landscape and views beyond. Finally, the applicant argues that by its very nature the wind turbine development would be temporary and, once decommissioned, the Green Belt can be fully restored to its original condition. It also points to a number of cases and precedents including those below:
- Planning case law, with particular reference to an appeal decision for 26 turbines in the boroughs of Rossendale and Rochdale, some of which were in the Green Belt. In this case the Inspector concluded that, whilst turbines may be visible, they do not obstruct views or visual permeability which is relevant when considering openness, and that turbines are slim by design which again helps retain openness.
 - Other local planning authorities have agreed that very special circumstances exist for wind turbines in the Green Belt with Doncaster Borough Council being given as an example.
- 7.31 The NPPF advises that where renewable energy development is located within the Green Belt, very special circumstances necessary to grant planning permission may include the wider environmental benefits associated with increased production of energy from renewable sources. The significant weight given to the environmental benefits of a wind turbine development in the NPPF should not automatically override any level of harm to the green belt. However, the government's stance on tackling climate change is clear.

- 7.32 The applicant submits that the footprint of the development is small and must be considered in the wider context of the landscape within which it would be located. The ES states that the landscape and visual effects have been minimised and that the impact on urban sprawl, the prevention of which is arguably the main driver behind Green Belt policy, does not exist. Whilst the total height of the structure at 126.5m would undoubtedly impact on openness, the association of a wind turbine as contributing to urban sprawl is debatable and it is not considered, having particular regard for the footprint of the development, that it would result in coalescence with surrounding urban areas and the river and canal both act as natural buffers preventing such coalescence between these two distinct areas.
- 7.33 The contribution of the development to renewable energy targets should be given significant weight in the determination of this application in accordance with both national and regional policy. Although at 2.5MW rated capacity the contribution is relatively modest, even small scale input to renewable energy generation can make a valuable contribution. Accordingly, substantial weight is placed on the renewable energy contribution of the proposed wind turbine.
- 7.34 On balance, it is concluded that the contribution of the proposal to tackling climate change and producing renewable energy carries such weight as to outweigh any harm to the Open Space Network and Green Belt that might result from the proposal.

Residential Amenity (Local Plan policies BE3 and NE14; para 98 of the NPPF)

- 7.35 The hub of turbine 2 would be set at a distance of approximately 450m to the rear site boundaries of properties on Wichnor Close and approximately 500m to the rear site boundaries of properties on Fabis Drive. The impact of the turbines on nearby residents should therefore be carefully assessed, with particular consideration of visual impact, noise and shadow flicker. The distance to the closest properties within BBC would be in excess of 1 km and has been assessed in the refusal of the linked application for 1 turbine.
- 7.36 A number of objections have commented on statutory minimum distances between wind turbines and residential dwellings. Although statutory minima do exist in some other countries, there is no such minimum in place within the United Kingdom.
- 7.37 With regard to the assessment of visual impact/harm on nearby residents, an important distinction is required to be made and has been established and repeated in recent planning appeal decisions on wind turbines. This distinction is between the significance of a visual effect on one hand (ie whether and to what extent it can be seen) and if such an effect would have an unacceptably harmful impact on living conditions on the other. This is also distinct from the assessment of the visual impact of the proposed turbine in terms of whether it can be viewed from within the residential streetscenes and from public vantage points within these areas and whether it affects the visual amenity of these areas. In brief, the ability to be able to see a wind turbine from residential properties is not in itself objectionable. What is objectionable is if such a view results in significant harm to the living standards of the occupants of nearby properties and if the properties would be widely regarded as an unattractive and unsatisfactory place to live as a result of the proposal.
- 7.38 It is clear that a number of properties within Clifton would have views towards the turbines. The majority of properties on Wichnor Close and a number on Fabis Drive

would have direct views towards the proposed turbines from main habitable room windows as they are set at a similar level to the application site and do not have the benefit of the screening from the Clifton Grove woodland. The distances from such vantage points to the proposed hub of turbine 2 would be between approximately 500 – 530m. In addition to this turbine 3 would also be clearly visible, albeit at a greater distance, approximately 700m to the rear of the closest property. The situation is exacerbated by the fact that most of the properties on Wichnor Close were designed to benefit from the views and have their living areas to the 1st floor rear, many incorporating full height patio doors and balconies. It is therefore considered that the proposed wind turbines would be so dominant in the outlook from these properties as to be oppressive and overbearing to such a degree that they would unacceptably damage the outlook from the properties and significantly diminish the enjoyment and benefit of the dwellings.

- 7.39 The issue of noise has featured within a number of objections that have been received as part of this planning application, with views being held that the turbines would be so noisy that they would be unduly disturbing to the nearby residents throughout the day and night. It is commented by objectors that noise would emanate from the turbines by way of air movement from the turning of the blades, as well as the noise of the gearbox and rotor equipment.
- 7.40 It is recognised, and agreed by the NCC's Pollution Control section, that the most appropriate measure and assessment of noise from wind turbines and their impact is contained within ETSU-R-97 *The Assessment and Rating of Noise From Wind Farms*. It is on this basis that the applicant has provided technical information and on which the Council has assessed the issue of noise. The Companion Guide to PPS22 also states that since the early 1990s, owing to technological progression, the mechanical noise from the operation of a wind turbine has reduced significantly and "*noise levels from wind turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind generated background noise*".
- 7.41 In preparing the technical information included within the Environmental Statement, the applicant identified eight locations identified for the installation of noise monitoring equipment, representing locations of nearest residential properties as well as equipment on the Boots campus, to consider the impact on any future residential development of this particular site. Predictions of potential wind turbine noise have been calculated based on ETSU-R-97 and a noise prediction criteria considered to be 'worst-case'. The information has been assessed by the NCC's Pollution Control section and they consider that the background information and data submitted with the application has been appropriately measured and prepared and has raised no objection to the proposal. In doing so they have confirmed their satisfaction that there would not be a material harm to the residential amenity of nearby residents on noise grounds. Should the turbines generate a materially greater degree of noise than has been predicted in the noise report, then a restrictive condition, were permission to be granted, ensuring that the turbines comply with the data as set out in the Environmental Statement (Tables 12.7 and 12.8), would appear necessary and reasonable to safeguard residential amenity and limit noise levels emanating from the proposed turbines.
- 7.42 Within representations made to the Council on this planning application regarding the issue of noise, the question of whether the impact of 'low frequency' noise from wind turbines represents a damage or hazard to human health has been raised. The Companion Guide to PPS22 states within chapter 8 that, after a

comprehensive study of vibration measurements in the vicinity of a modern wind farm in 1997 by ETSU:

"There is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health."

- 7.43 The Environmental Statement contains an assessment as to the potential impact of shadow flicker. Shadow flicker occurs under certain combinations of geographical position, time of day and year and wind speed and direction whereby the sun may pass behind the rotor and cast a shadow over nearby residential properties' windows. When the blades rotate the shadow passes a window and to any person occupying that room the shadow appears to flick on and off. The shadow flicker assessment contained within the Environmental Statement identified 14 clusters of dwellings as being most susceptible to potential shadow flicker.
- 7.44 It appears evident that, in accordance with the assessment included within the Environmental Statement, there is a potential for shadow flicker to cause a nuisance, but, that such a potential is limited. Nevertheless, despite its limited nature, there is a potential for residential amenity to be negatively impacted by such a nuisance. In such cases it is commonplace to mitigate against such an occurrence via planning condition. Although there are a number of ways to minimise or mitigate against shadow flicker, the applicant has suggested an automatic 'shutting down' system whereby individual turbines are switched off during periods when shadow flicker could theoretically occur. The shut down of the turbines would be automatic based on sensor information located on the turbines. Such equipment is readily available and often used and its control is regularly required via condition by Local Planning Authorities and the government's Planning Inspectorate. The issue of shadow flicker therefore seems to have been satisfactorily assessed and safeguards can readily be put into place so as to ensure that such a phenomenon does not impact on the residential amenity of nearby residents.
- 7.45 Staying with the consideration of the movement of blades, comments have been received from residents regarding a concern that the turbines may bring about epileptic seizures. The Environmental Statement advises that around one in two hundred people in the UK have epilepsy, although only 3-5% of these suffer from photosensitive epilepsy (National Society for Epilepsy, 2002). The frequency at which photosensitive epilepsy might be triggered varies from person to person, though generally it is between 2.5 and 30 flashes per second (hertz Hz). The proposed wind turbine would operate between 6 to 20 revolutions per minute (rpm) and given that the turbine would have 3 blades, the frequency at which a blade will pass a particular point will be in the order of between 18 and 60 times a minute, which equates to between 0.3 and 1.0 Hz and is significantly less than the 2.5 and 30 Hz frequency range generally thought to induce photosensitive epilepsy. Based on this information it is not considered that the application could be refused on the basis of the turbine being a trigger for epileptic seizures.

Impact upon Playing Fields (Local Plan policy R5; para 74 of the NPPF)

- 7.46 Policy R5 of the Local Plan, supported in general terms by para 74 of the NPPF, presumes against the development of playing fields and sports grounds, including those at educational establishments, unless:
- a) There is no existing or future need for the facility;
 - b) The loss resulting from the proposed development would be replaced by

equivalent or better provision in terms of quantity and quality in a suitable location;

- c) The proposed development only affects land incapable of forming, or forming part of a playing pitch;
- d) The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 7.47 The applicant's agent has submitted a layout plan to show that all of the existing sports pitches can be accommodated within the site along with the proposed wind turbines and associated infrastructure. Whilst the turbines themselves would not actually occupy any of the sports pitches they would be in close proximity to them and it is considered that detrimental impact through noise, ice throw, distraction, shadow cast and wind turbulence would result.
- 7.48 Noise: Whilst an assessment of operational noise impacts has been made on the residents of nearby existing and proposed dwellings and the Riverside Golf Centre the applicant's agent has advised that as the playing fields surrounding the proposed turbines belong to them, they do not consider that noise is an issue. However, it is considered that noise may be issue with regard to the playing of sport with particular reference to the issue of blade swish for those pitches in close proximity to the turbines.
- 7.49 Ice Throw: The sports pitches are in close proximity to the proposed wind turbines and whilst the applicant's agent is suggesting that a protection zone of 45m would be sufficient, in other locations, such as schools, which could be considered comparable, protection zones are much greater at fall over distance + 10% (i.e. 138m). If such protection zones were implemented a significant number of pitches would be affected.
- 7.50 Distraction: The applicant has accepted that a distraction would result from the turning blades as they have shown all three existing cricket wickets as being relocated. Sport England however do not consider this overcomes the distraction fully and would also impact upon the adjacent Nottingham Unity Casuals Cricket Ground. Whilst cricket is one of the main sports for which distraction can result, it is also considered that the close proximity of turning turbine blades and the sheer scale of the turbines would be a distraction and impact upon the playing of sport. This is a concern supported by the Football Association (FA) and the England and Wales Cricket Board (ECB).
- 7.51 Shadow Cast: Assessment has been undertaken via modelling of the shadow cast of the mast and the turbine blades as a disc. This clearly shows that the mast will cast a shadow over pitches at various times of the day throughout the year. The submitted additional information does not, however, deal with the impacts of the movement of this shadow (know as shadow throw) across the pitches as the blades turn and the resultant impact upon people either playing sport or spectating.
- 7.52 Wind Turbulence: The applicant's agent has stated that it is not anticipated that any turbulence would be perceptible to players of sport. However, Sport England remain concerned that those pitches which are immediately adjacent to the turbines will be affected and the construction of the turbines may ultimately lead to impact on those pitches and a resultant loss or reduction in the usability of those pitches.
- 7.53 Overall it is considered that the wind turbines would have an apparent detrimental impact on the playing of sport and therefore prejudice the use of or lead to the loss

of the use of land as a playing field, contrary to Policy R5 of the Nottingham Local Plan and para 74 of the NPPF.

The Historic Environment (Local Plan policies BE10, BE14; para 134 of the NPPF)

- 7.54 The Environmental Statement sets out and describes the cultural heritage assets within 2km and 5km of the application site, including listed buildings, scheduled ancient monuments, registered parks and designated conservation areas. The Statement noted the presence of 188 heritage assets within the 2km study area which include six Grade I listed buildings and six being Grade II*.
- 7.55 Within table 9.7 of the Environmental Statement, which outlines the Operational Impacts on Heritage Assets, it notes that the proposal would have a major negative impact on Clifton Hall (Grade I Listed), Clifton Hall Registered Park and Garden (Grade II on Register of Park and Gardens) and on D6 and D10 Boots Factory Buildings (Both Grade I Listed Buildings).
- 7.56 Clifton Hall is a Grade I Listed multi phase building dating back to the late 13th century and subject to later remodelling and extensions. It is set on an elevated level in relation to the River Trent and to Clifton Wood to the south. The Hall itself is situated approximately 1.4km from the proposed wind turbine, with the Clifton Conservation Area Character Appraisal noting that impressive views of the Hall can be achieved from across the River Trent at Beeston, from where their prominence and location on top of a cliff above the river can be fully appreciated.
- 7.57 English Heritage recommend that the application should be refused on the grounds of the profound impact of the proposal upon the setting of the Grade I listed Clifton Hall, its grounds which are listed (Grade II) in the Register of Parks and Gardens, the Church of St Mary the Virgin (Grade I listed) and Clifton Village Conservation Area, which would cause substantial harm to their significance. Due to the proximity and size of the proposed turbines English Heritage consider that they would be intrusive and dominant in the landscape introducing a modern, industrial element into a scene that is still essentially rural in character, diminishing the perceived scale and impact of the topography. The tranquillity of the setting would also be adversely affected through the movement of the turbines. Overall English Heritage do not consider that the proposal would constitute a public benefit that would outweigh the substantial harm to the historic environment that they would cause.
- 7.58 The City Council's Conservation Officer has recommended that a critical examination of the public benefits should be undertaken to determine the justification for harm to the settings of nearby designated heritage assets which, along with Clifton Hall, its grounds and the Church of St Mary the Virgin, also include Boots D6 and D10 factories, Wollaton Hall and The Castle. The original buildings at Grove Farm were also considered but these are not Listed and of modest heritage value.
- 7.59 The setting of a heritage asset is not confined simply by views towards it but is also defined by the experience of the land which surrounds it, which in some cases can extend for many miles. Although there has been obvious change in the character over the years, it can be argued that in some part the riverbank provides for a tranquil setting to Clifton Hall which would undoubtedly be affected by the proposal. Whilst it is considered that there would be some impact on the setting of heritage assets mentioned in 7.54 above, the assets' settings have evolved noticeably from

their original historic surroundings, e.g. Ratcliffe on Soar Power Station, the Clifton flyover, the Horizon Tobacco Factory, pylons, high rise buildings to name but a few, and the introduction of wind turbines would not provide such a radical, significant or total loss of their setting.

- 7.60 It is concluded that any harm to heritage assets would be less than significant. As such, Paragraph 134 of the NPPF applies which states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”*. Noting the strong policy presumption in favour of renewable energy generation and sustainable development by government, on balance it is concluded that the benefits of the proposal outweigh the less than significant harm that would be caused to nearby heritage assets.

The Natural Environment (Local Plan policies NE2 and NE3; para 118 of the NPPF)

- 7.61 The updated Environmental Statement includes within chapters 6 and 7 Ecology and Ornithology reports based on desktop and field surveys carried out in 2010 and 2011. The reports are therefore considered to be appropriately up-to-date and have been carried out in accordance with guidelines set out by the Institute for Ecology and Environmental Management (IEEM). Surveys have been undertaken for hedgerows, amphibians (great crested newts), badgers, bats, birds, otter and water vole. On these matters Natural England has been consulted. In addition, Nottinghamshire Wildlife Trust has commented on the application’s proposals.
- 7.62 Nottinghamshire Wildlife Trust notes that the University has carried out a study for alternative sites for wind turbines within its estate in order to identify suitable or preferable sites based on factors such as, inter alia, wind levels and availability. Nottinghamshire Wildlife Trust object to this, commenting that such a study should also include ecological and wildlife impact as material factors in order to establish if any preferable, alternative sites exist.
- 7.63 In terms of the likely impact that has been established in the Environmental Statement, the conclusions of Natural England are summarised below. The proposed wind turbines would not have a significant impact on habitats present on the site or on adjacent designated sites such as nature reserves. Aside from birds and bats, no impact on protected species is predicted. From the survey information provided there will be no significant impact on birds as a result of the proposals and the risk of collisions by species studied for is considered to be low with no significant effects predicted. As to bats, it is the view of Natural England that the surveys found a diverse number of species across the site, however the findings within the ES demonstrate that there are relatively low levels of bat activity across the site, with the majority of activity comprising of bats foraging/commuting above hedgerow and tree canopies at relatively low height.
- 7.64 Natural England does object to the proposal and request that, if planning permission be granted, then conditions be attached relating to the provision of biodiversity enhancements as well as a post construction monitoring scheme in order to gather evidence of any collision.

Flood Risk (Local Plan policy NE10; para 103 of the NPPF):

- 7.65 The application site is situated within an area of High Flood Risk: Flood Zone 3 and a floodplain for the River Trent as designated by the Environment Agency (EA). The EA originally objected to the application on the grounds that they were not satisfied that sufficient information had been provided in order to establish that there would be no net loss of floodplain storage as a result of the proposal and that it would not impede water flows and displace flood waters elsewhere. In addition, information was required to show that either there would not be an increase in impermeable materials on the site and, if there were, then there should be a scheme to manage the increase in surface water run off. Concerns were also expressed regarding the proposals to de-water excavations and the impact this could have on local groundwater abstractions.
- 7.66 As part of the works to update the Environmental Statement, additional information was provided on the concerns raised by the EA and, subject to the imposition of conditions requiring that mitigation and compensation works are carried out in accordance with the prescribed requirements, the EA has removed their objection to the proposal.

Other Matters

- 7.67 **Electromagnetic Interference and Utilities** Concerns have been raised by some residents with regard to potential interference on television and broadcasting signals. The Environmental Statement has suggested that some nearby residential properties may require use of an alternative off air service. The impact of turbines on electromagnetic interference is often difficult to assess prior to their installation and only when they have been constructed can the true impact be assessed. Whilst it is not clear to what extent mitigation, if any might be required, it appears clear from similar planning decisions that such mitigation is possible and could be ensured via planning condition. Finally, it would appear as though digital signals are less susceptible to electromagnetic interference than analogue signals and, owing to the fact that the analogue signal has now been switched off for nearby residents, the potential for impact on broadcast signals from the turbines is significantly less than might have been previous to the digital switchover. It is not therefore considered that there would be a material impact on the television and broadcasting network to nearby residents and properties.
- 7.68 **Highways** Highway issues relate to two separate matters. Firstly there is the impact of the turbines in terms of driver distraction, particularly as the application site is in close proximity to parts of the major road network within Nottinghamshire. Secondly, there is the question of adequate vehicular access to the site for construction and maintenance and decommissioning purposes. As to the issue of driver distraction, the proposed turbines would be particularly visible to drivers on nearby sections of the A453 and A52 trunk roads. On this matter the Highways Agency has been consulted and the issue of visual distraction assessed with no objections raised. In terms of accessing the site, where a new access road would be required to be constructed to accommodate the safe transportation and maintenance of the turbines, the Highways Agency note that access works will be required in order to allow the transportation of wind turbine components to the site and, although it does not object to the proposal and considers the access arrangements to be satisfactory, it does request that a condition be attached to any planning permission requiring the mitigation works. These include the provision of a traffic management plan relating to the transportation of abnormal load movements

and works to provide access arrangements be carried out prior to the commencement of development.

- 7.69 **Safety** Concern has been expressed by a number of residents and contributors that the turbine may well fall and therefore represent a safety hazard. The issue of public safety is of course a material planning consideration. Guidance as to what might be considered a suitable separation distance for the wind turbine can be found within section 51 of the PPS22 Companion Guide which states that a "fall over distance (ie the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance". In this case therefore, there should be a distance of 139m between the base of the turbine and any rights of way or property. There is no evidence to suggest that wind turbines have a tendency to fall or represent a threat to public safety in this regard. In any case, the turbine would not over sail public rights of way or be within falling distance of rights of way or public or private land beyond that under the ownership of the applicant.

8. SUSTAINABILITY / BIODIVERSITY

The proposal raises significant issues for consideration in respect of Sustainability and Biodiversity, both of which are discussed at length in the main body of the report.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

World Class Nottingham:

Neighbourhood Nottingham: requirement to provide high quality and sustainable development

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 11/02419/PFUL3 - link to online case file:
[http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=11/02419/PFUL3;](http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=11/02419/PFUL3)

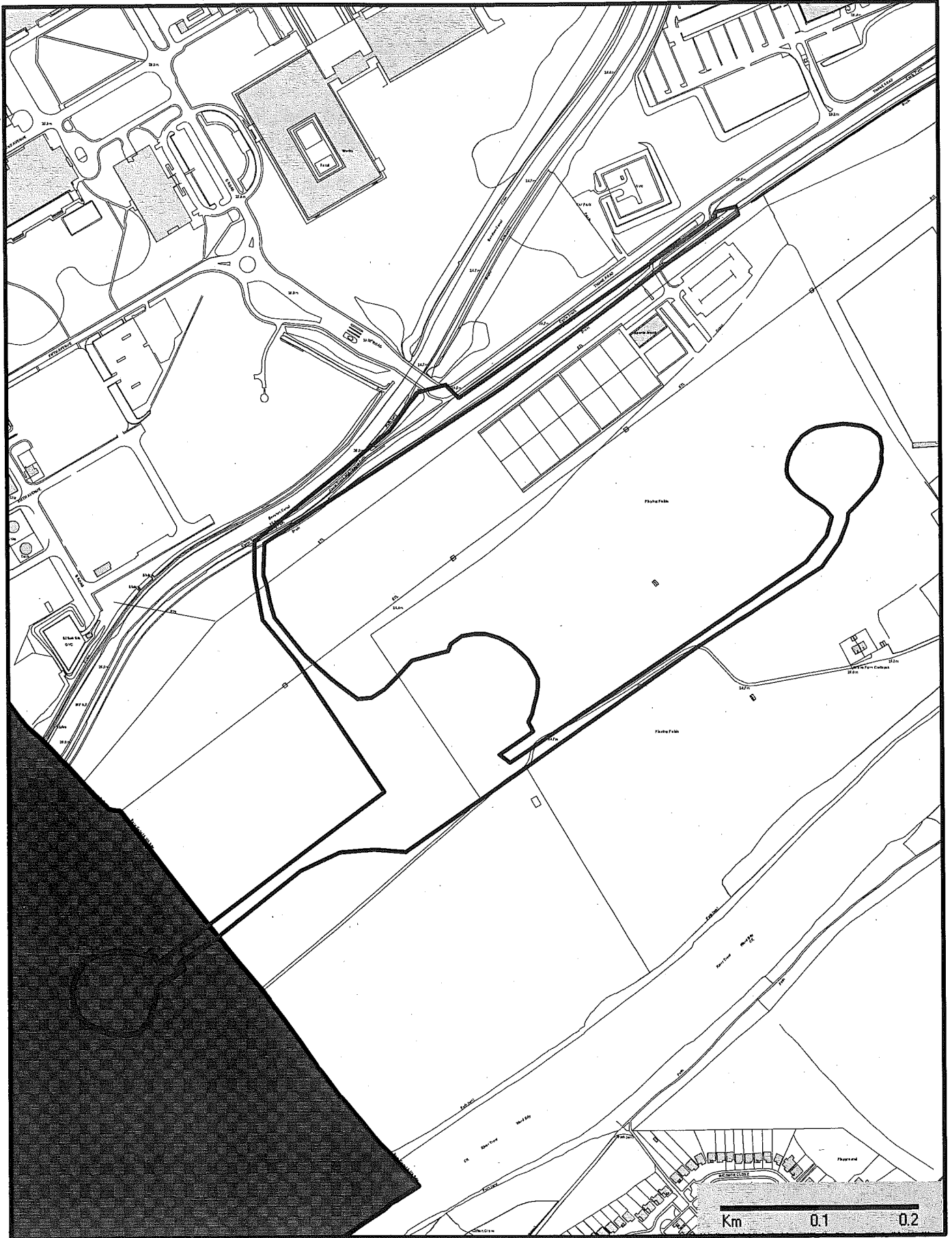
1. Local residents' comments (x481) between 23.08.11 – 26.10.12
2. Natural England comments 27.09.11 and 13.03.12
3. Environment Agency comments 27.09.11, & 13.03.12
4. NCC Noise and Pollution Control comments 03.10.11, 25.01.12 & 28.02.12
5. NCC Open Space and Biodiversity comments 22.09.11 & 16.03.12
6. Nottinghamshire Wildlife Trust comments 03.10.11 & 17.02.12
7. NCC Archaeologist comments 13.03.12
- 8.. English Heritage comments 11.10.11 & 16.02.12
9. Sport England comments 15.09.11 & 13.03.12
10. British Waterways comments 19.09.11 & 13.02.12
11. East Midlands Airport comments 16.09.11 & 29.02.12
12. NCC Heritage & Design comments 30.11.11 & 21.01.13
13. Defence Infrastructure Org comments 28.09.11
14. Airspace Directorate comments 27.09.11 & 23.01.12
15. Severn Trent Water comments 25.01.12
16. Rushcliffe BC comments 21.02.12
17. Nottinghamshire CC comments 17.11.11
18. Highways Agency comments 16.09.11
19. Broxtowe BC comments 15.09.11 & 05.12.12

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
National Planning Policy Framework
East Midlands Regional Plan 2009
Emerging Greater Nottingham Aligned Core Strategies (Published Version, 2012)
Emerging Land and Planning Policies (Preferred Options Version Spring 2013)
UK Renewable Strategy Low Carbon Transition Plan (2009)
Statement of Development Principles (June 2007)

Contact Officer:

Mrs Rachel Gaskell (Mon, Tue And Fri), Case Officer, Development Management.
Email: rachel.gaskell@nottinghamcity.gov.uk. Telephone: 0115 8764052



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Nottingham
City Council

My Ref: 11/02419/PFUL3 (PP-01519233)

Your Ref:

Contact: Mrs Rachel Gaskell (Mon, Tue And Fri)

Email: development.management@nottinghamcity.gov.uk



Nottingham
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AECOM
FAO Mr David Cassells
The Johnson Building
77 Hatton Garden
London
EC1N 8JS

Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION

Application No: 11/02419/PFUL3 (PP-01519233)
Application by: The University Of Nottingham
Location: University Of Nottingham, Grove Farm Sports Ground, Lenton Lane
Proposal: Erection of 2 no wind turbines including supporting ancillary structures. Creation of new access roads.

Nottingham City Council as Local Planning Authority hereby **REFUSES PLANNING PERMISSION** for the development described in the above application for the following reason(s):-

1. The proposed wind turbines would prejudice the deliverability and viability of future residential development of a site identified in the City Council's emerging Core Strategy as a strategic allocated housing site. The proposal is, therefore, contrary to the aims of policies 2 and 7 of the Greater Nottingham Aligned Core Strategies (Submission Version Feb 2013), guidance in the National Planning Policy Framework and Policy NE14 of the Nottingham Local Plan (2005).
2. The development, if permitted, would result in radar degradation, increased air traffic controller workload to an unsafe level and cumulatively result in an unacceptable reduction in East Midland Airport's ability to operate aircraft safely in a section of controlled airspace that is used by a substantial proportion of the Airport's traffic. As such the proposal would be contrary to para 98 of the National Planning Policy Framework.
3. The development, if permitted, would result in the erection of wind turbines that would be overbearing to and so dominant in the outlook from properties on Wichnor Close and Fabis Drive as to be oppressive and overbearing to such a degree that they would unacceptably diminish the enjoyment and benefit of these dwellings and result in demonstrable harm to residential amenity of the occupants. As such the proposal would be contrary to Policies BE3 and NE14 of the Nottingham Local Plan (2005) and para 98 of the National Planning Policy Framework.
4. The development, if permitted, would result in a detrimental impact upon the playing of sport by virtue of noise, ice throw, distraction, shadow cast and wind turbulence from the proposed wind turbines. This would therefore prejudice the use of, or lead to the loss of the use of the land as a playing field. As such the proposal would be contrary to Policy R5 of the Nottingham Local Plan and para 74 of the National Planning Policy Framework.



DRAFT ONLY
Not for issue

Continued...

Notes

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision. Your attention is drawn to the rights of appeal set out on the attached sheet.



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Nottingham
A city we're all proud of

DRAFT ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 11/02419/PFUL3 (PP-01519233)

If the applicant is aggrieved by the decision of the City Council to refuse permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pins.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.

4(b)

WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
20 February 2013

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

1 Maiden Lane, Nottingham

1 SUMMARY

Application No: 12/03334/PFUL3
Application by: Walker & Sons (Hauliers) Ltd
Proposal: Erection of student accommodation and associated works (re-submission of planning application reference 12/02506/PFUL3).

The application is brought to Committee because it is for a major student development within a Conservation Area and involves a Section 106 Agreement.

To meet the Council's Performance Targets this application should be determined by 11 March 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- (a) prior completion of a Section 106 Planning Obligation which shall include:
 - (i) A financial contribution for the provision or improvement of open space or public realm;
 - (ii) A student management agreement including a restriction on car ownership.

(b) the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of both the terms of the Planning Obligation and conditions the of planning permission be delegated to the Head of Development Management.

That Councillors are 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.

3 BACKGROUND

Site

- 3.1 The application relates to a broadly rectangular site of approximately 0.06 Ha that has frontages onto the western side of Belward Street and the eastern side of Maiden Lane within the Lace Market Conservation Area. There is a change in level across the site, with the street level at Belward Street lying approximately 2 metres

below that of Maiden Lane. Vehicular access to the site is available via Maiden Lane only. The site has been cleared following the demolition of a former industrial property. The previous two / three storey factory building was constructed in the 1950's as a lace warehouse and offices for B. Siegel Ltd. The company vacated the building in 2003, following the cessation of a lace manufacturing operation.

- 3.2 The surrounding area is of mixed character and includes a range of buildings in terms of age, scale and use. To the north is a substantial five-storey former mill building with adjacent surface car parking, which has been sub-divided to comprise several rented units that are occupied by a range of small businesses. Adjoining the site's southern boundary, there is a four-storey building that was originally constructed as offices in the late 1980's, but subsequently converted to 16 self-contained apartments in the late 1990's. There is a pair of vacant, listed properties, at the corner of Belward Street and Barker Gate that are separated from the site by this converted building. Barker Gate Rest Garden lies beyond Maiden Lane to the west and is bounded by several properties, including the Habitat apartment building to the north, the small scale St Mary's Hall to the south east, and the substantial Gothic House to the south-west that is in predominantly office use, with penthouse apartments. On the opposite side of Belward Street is the Bowling Alley and beyond this is the National Ice Centre.

Planning History

- 3.3 In October 2006 planning permission (reference 06/01494/PFUL3) was granted for a nine-storey building comprising 41 apartments and 36 associated car parking spaces. Conservation Area Consent (reference 06/00496/LCAC1) for the demolition of the former factory was granted in August 2006.
- 3.4 In June 2008 planning permission (reference 08/00589/PFUL3) was granted for the erection of an 8 storey building to accommodate offices and associated parking.
- 3.5 In August 2011 a planning application (reference 11/02650/PFUL3) for a serviced apartment complex was submitted comprising 51 units. Committee resolved to grant planning permission subject to the completion of a Section 106 Agreement to secure an off-site public open space payment. However, the applicant has chosen not to complete this Agreement and accordingly permission has not been granted.
- 3.6 In August 2012 a planning application (reference 12/02506/PFUL3) for a 122 bed student development (all studios) was submitted. This was subsequently withdrawn due to concerns about the internal arrangement and the level of amenity that would be afforded for some of the future occupiers of the development.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission for a student complex providing 113 bedspaces. The accommodation comprises 82 studios and 10 cluster flats (9 x 3 bed and 1x 4 bed) and is arranged over 10 floors. The ground floor includes a small retail unit of 103m² fronting onto Belward Street, a common room, laundry room, plant, a cycle store and the main reception.
- 4.2 The design of the building is based very closely on the previously approved office and residential schemes, with virtually the same ground level footprint other than some minor reconfiguration along the frontage with Belward Street. The overall external envelope would be also very similar to the earlier schemes.

- 4.3 As per the previous schemes the building would be divided into three distinct elements to reflect the contrasting characteristics of Maiden Lane and Belward Street, to provide a transition between them and to create articulation and interest to the building form and roofline. The stepped arrangement of the previous schemes would be retained, with a taller element fronting onto Belward Street and progressive cutting back of the upper floors facing the rest garden at the rear. The overall form of the building would therefore be very similar to the earlier schemes. The main difference to the external appearance is some enlargement of windows to provide higher levels of amenity for occupiers. Consequently this has resulted in the feature metal cladding on the east elevation (Belward Street) being narrowed, albeit by a small amount.
- 4.4 As part of the development package the developer is to deliver local employment and training opportunities during both the construction and subsequent operation of the development, including a financial contribution towards pre-employment training and recruitment costs. This will be secured through the Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by site notices and press advert. In addition the following neighbours have been directly consulted:
- 5.2 The Residency Gothic House, Eviva Taverna, (Flats 1 - 34) 21, 23, 23a Barker Gate. Premier Apartments The Ice House, AMF Bowling Belward Street. 27 – 29 Ristes Place. Flats 1- 4 The Mill, 1-23 Hockley House, No 23, Sir Richard Arkwright House 25, Flats 1-14, No 27, 30, Flat s 1 - 80 The Habitat, Woolpack Lane.
- 5.3 Two letters of objection have been received. One letter of objection from the owner of an adjacent site and local landlord centres around the principle of purpose built student accommodation, stating that the City is at saturation point for this type of accommodation and ultimately these types of facilities will become under used and could fall into disrepair and dereliction over time. The objector advises that students largely prefer the space and flexibility offered by HMO's and that these are more competitive in terms of rent. The second objection letter is from a neighbouring resident and is concerned that the development will completely block out a window immediately to the south of the site.

Additional consultation letters sent to:

- 5.4 **Highways:** No objections to the application. Conditions are recommended to secure a traffic management scheme, appropriate surface water drainage, a construction management plan and the implementation of the cycle storage proposals.
- 5.5 **Noise and Pollution Control:** No objection subject to conditions relating to a noise assessment, sound insulation, plant and deliveries.
- 5.6 **Heritage and Urban Design:** No objections to the external aspect of the scheme which largely conforms with the previously approved design. Provides advice and recommendations on the internal configuration.

- 5.7 **English Heritage:** Advises that for the reason of scale the proposals would adversely affect the character and appearance of the conservation area and the setting of two nearby listed buildings, Nos. 22 and 23a Barker Gate. **Comment:** *The building envelope is very similar as that previously approved.*

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to encourage the effective use of land that has been previously developed (brownfield land).
- 6.3 In regard to the historic environment, the NPPF advises that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. They should seek to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities. Complies

ST2 – Successful Economy. Complies

ST3 – City Centre. Complies

BE1 - Design Context in the Public Realm. Complies

BE2 - Layout and Community Safety. Complies

BE3 - Building Design. Complies

BE4 - Sustainable Design. Complies

BE10 – Development within the Curtilage or Affecting the Setting of a Listed Building. Complies

BE12 - Development in Conservation Areas. Complies

BE16 - Archaeological Constraints. Complies

H2 – Density. Complies

H6 – Student housing. Complies

S5 – New Retail Developments on the edge of or outside of Existing Centres.
Complies

NE9 - Pollution Control. Complies

R2 - Open Space in New Development. Complies

T3 - Car, Cycle and Servicing Parking – Complies

Building Balanced Communities Supplementary Planning Document

Monitoring of Student Households report (November 2011)

Planning Guidance for the Provision of Open Space within Developments
Supplementary Planning Guidance

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of student accommodation
 - (ii) The design of the development and whether it would preserve or enhance the character and appearance of the Lace Market Conservation Area, and the impact on the setting of nearby listed buildings;
 - (iii) Impact on the amenities of neighbouring occupiers;
 - (iv) Amenity of occupiers
- (i) **Principle of student accommodation and retail provision (Policies ST1, H6, S5 and the Building Balanced Communities SPD)**

- 7.1 The latest Monitoring of Student Households report (October 2012) suggests that, despite the number of purpose-built student bed spaces having increased significantly over the last few years, general housing stock in the monitoring areas remains attractive to students. Whilst the report advises that the policy of encouraging students towards purpose-built accommodation can be seen to have stemmed large increases in student households in the general housing stock, a steady supply of new bed spaces in attractive purpose-built accommodation is required if there is to be a significant reduction in these numbers. It should also be noted that a range of other permissions have been granted on this site including for residential, office and an apart hotel scheme (resolution to grant permission subject to S106 in the case of the latter). It appears that these solutions are not viable and therefore weight should be afforded to a proposal that should see a long term derelict site being re-developed.
- 7.2 The percentage of households being occupied by students in the local vicinity of the building and adjoining areas is 23.1% which is below the 25% threshold included within the Building Balanced Communities Supplementary Planning Document. It is therefore concluded that the principle of the development for student occupation is acceptable and the proposal accords with the Building Balanced Communities Supplementary Planning Document and Policies ST1 and H6.
- 7.3 In terms of the retail offer proposed, the scale of this is acceptable and is proportionate to serving local need in accordance with Policy S5 of the Local Plan. Furthermore a retail presence, although small, will add some interest and activity to

the Belward Street frontage, at ground floor level which, additionally, would not be suited to residential use.

ii) The design of the development and the impact on the character and appearance of the Conservation Area, and the setting of nearby listed buildings (Policies BE1, BE2, BE3, BE10 and BE12)

- 7.4 The design of the development, which is based closely on that of the previously approved schemes, is considered to make a positive contribution to the character and appearance of the Lace Market Conservation Area. As was the case with the previous schemes, the footprint of the building steps back away from the adjoining mill building to the north. The division of the building into distinct elements respects the contrasting environments of Maiden Lane and Belward Street, whilst also reducing both the actual and perceived scale and bulk of the development. This configuration is considered to assist in creating a building that would be of significantly more quality and presence than the previous building, whilst also respecting key aspects of the surrounding context.
- 7.5 The materials palette proposes copper coloured metal panels for the distinctive curved feature to the Belward Street elevation, which will create depth and interest and a strong presence on this prominent frontage. The deep balconies to the Maiden Lane elevation also add depth and interest to this elevation.
- 7.6 The ground level main entrance to Belward Street, including the retail element would create active frontage and increased surveillance to a stretch of road that is currently dominated by blank walls and surface parking.
- 7.7 Overall, in terms of design, scale and mass it is considered that the development would accord with Policies BE1, BE2, BE3 and furthermore make a positive contribution to the character and appearance of the Lace Market Conservation Area in accordance with Policy BE12.
- 7.8 There are two listed buildings at the corner of Belward Street and Barker Gate, separated from the application site by 21 Barker Gate. Whilst the objection from English Heritage is noted, in view of the scale and design of the current proposal, the previous permissions and the distance and separation of the listed buildings from the proposed development, it is not considered that the development would have a detrimental impact on the setting of the listed buildings and therefore would not be contrary to Policy BE10 of the Local Plan.

(iii) Impact on the amenities of neighbouring occupiers (Policy BE3, H6 and NE9)

- 7.9 The external form of the building and its window and balcony positions are very similar to previously approved schemes and consequently it is considered that in relation to Policies BE3 and H6, the scheme would not have an unacceptable impact on the amenity of neighbouring occupiers in terms of loss of privacy, light, outlook or overbearing impact.
- 7.10 The objection from a local resident that the development will obscure a window on the north elevation of 21 Barker Gate is noted. There are three small square windows on the fourth floor of this elevation which appear to be secondary windows. This issue has been raised on previous applications and it appears from the planning history that the windows on this building were inserted without the

benefit of planning permission. It has also been established, by reference to the Local Land Charges Register, that a valid Light Obstruction Notice exists in respect of the windows. In view of this, it is not considered appropriate to prejudice the satisfactory development of the application site by affording weight to any amenity loss arising from loss of light, outlook or views from these windows, which in any event is considered to be low given their size, position and that the properties in question benefit from other primary windows.

- 7.11 A student management agreement is to be provided as part of the S106 planning obligation. Amongst other aspects, the terms of this agreement aims to limit noise, disturbance, or nuisance to neighbouring occupants and a point of contact is provided for the reporting of any disturbances caused by occupiers of the development. The management agreement will contribute to compliance with Policies H6 and NE9 and will help safeguard nearby residents amenity.

(iv) Amenity of Occupiers (BE3 and H2)

- 7.12 The size of the studios generally range between 20m² and 27m², though there are a couple of duplex units which are substantially larger. In terms of the space they provide, all studios are considered to be acceptable and in many cases are generous and should contribute to a good standard of amenity. The previous application demonstrated some unacceptable internal arrangements which would have resulted in some of the occupiers of the studios having a poor level of amenity through unacceptable levels of natural light and sub-standard outlooks. In part, to address this, window openings have been enlarged. However, the middle section of the building close to the southern boundary is arranged around a small courtyard. For the first five levels of the development this will receive reduced natural light and will not have the benefits of the outlook afforded the majority of the other units. The applicant has therefore revised the development model to include an element of cluster flats. This has resulted in bedroom sizes for these flats only marginally smaller than the size of the proposed studios but with the enhancement of communal lounge/kitchen areas in parts of the building that benefit from higher levels of natural light and reasonable outlooks. It is considered that this represents a significant improvement on the previous scheme and the occupants of this development will have a good standard of amenity in accordance with the aims of Policies BE3 and H2.

OTHER ISSUES

- 7.13 Policy T3 seeks to preclude development that would be detrimental to highway safety. There is no parking provision for this development and there will be a restriction within the Section 106 Obligation to prevent residents from bringing vehicles to the development. A condition is recommended with regard to drop off and pick up arrangements and Highways are satisfied that this should not pose a risk to highway safety. In addition the application proposes 30 cycle spaces in an accessible store on the ground floor which will encourage sustainable travel. In light of these factors the development is considered to accord with Policy T3.
- 7.14 Policy BE16 requires that an archaeological evaluation be carried within areas of archaeological constraint, prior to the commencement of development. This work has already been conducted in respect of the application site.
- 7.15 A public open space contribution of £10,000 has been secured with the developer through negotiation. This figure represents a reduction from the £45,500 that would be required based on the formula set out in the Open Space SPG. The applicant

has supported their case through the submission of a viability appraisal but ultimately what is driving the viability issues on this site is the date and purchase price of the site, which was prior to the economic downturn. The applicant recognises a need to contribute to public open space and has therefore offered £10,000 in line with the level of contribution agreed on the previous scheme (11/02650/PFUL3). However, to justify a lower contribution the developer will be required to commence development within six months of the decision notice, with the aim of delivering the re-development of this long derelict site at the earliest opportunity. If this fails to materialise, the applicant will be bound by a clause within the Section 106 Agreement requiring a payment of £45,500. Government guidance advises that Local Planning Authorities should have due regard for viability issues and this solution is considered an acceptable compromise in this instance and complies with the aims of Policy R2.

8. SUSTAINABILITY / BIODIVERSITY

An Energy Statement has been submitted with the application which proposes to achieve the 10% reduction in carbon emissions through the use of an air-source heat pump. Subject to planning conditions requiring the provision of further details and implementation of this scheme, it is considered that the proposed measures accord with Policy BE4.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Developing a prominent and long term vacant brownfield site.

Working Nottingham: The development will deliver local employment and training opportunities during both the construction and subsequent operation of the development.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 12/03334/PFUL3

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=12%2F03334%2FPFUL3&action=Search>

2. Comments from NCC Highways dated 28/12/12

3. Comments from NCC Noise and Pollution Control dated 14/12/12

4. Comments from English Heritage dated 10/10/12 (carried forward from previous scheme)

5. Comments from local residents/owner of adjacent property both dated 14/01/13

17 Published documents referred to in compiling this report

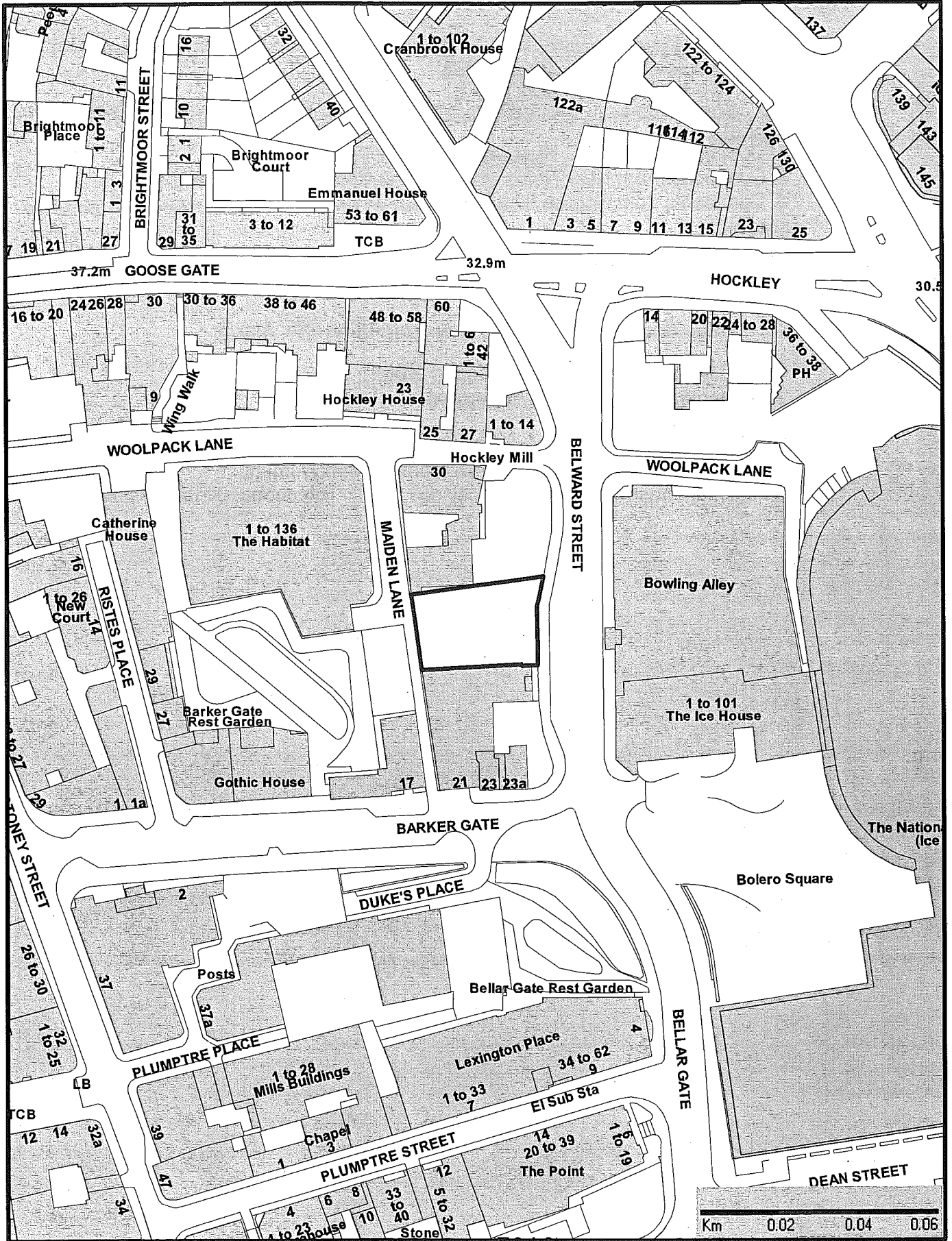
1. Nottingham Local Plan (November 2005).

2. National Planning Policy Framework.

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Nottingham
City Council

My Ref: 12/03334/PFUL3 (PP-02233480)
Your Ref:
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Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION

Application No: 12/03334/PFUL3 (PP-02233480)
Application by: Walker & Sons (Hauliers) Ltd
Location: Site Of B Siegel, Maiden Lane, Nottingham
Proposal: Erection of student accommodation and associated works (re-submission of planning application reference 12/02506/PFUL3).

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:
- a) Samples of all the materials to be used in the construction of the external surfaces of the development hereby permitted.
 - b) Large scale (e.g. 1:10 - 1:20) drawings including sections showing details of the design, materials and finishes of the elements of the scheme listed below:
 - i. windows, glazing systems and external doors;
 - ii. enclosures;
 - iii. roof details (including projecting elements), terraces, balustrading and plant housing; and
 - iv. junctions with adjoining buildings.

The development shall be carried out in accordance with the approved details.

Reason: To ensure the appearance of the development is satisfactory in accordance with Policies BE3 and BE12 of the Local Plan.

3. Notwithstanding the noise report submitted, an environmental noise assessment shall be carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall be suitable and sufficient and shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. The submission shall include 1/3rd octave band analysis, and state all assumptions made (e.g. glazing and façade areas).

The results of the noise assessment and proposals for sound insulation measures and any complementary acoustical ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The approved sound insulation scheme shall be designed to achieve the following internal noise levels:

- i. Not more than 35dB LAeq(1 hour) for bedrooms between the hours of 23.00 and 07.00; and not more than 40dB LAeq(1 hour) for living rooms between the hours of 07.00 and 23.00.
- ii. Not more than 45dB LAmax (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.
- iii. Not more than 55dB LAeq (1 hour) for private residential garden areas (including garden areas associated with residential homes and similar properties).

Where noticeable low frequency noise is present, the submission shall also be designed to achieve the following internal noise levels:

- i. Not exceeding NR30 for living rooms between the hours of 07.00 and 23.00.
- ii. Not exceeding NR25 for bedrooms between the hours of 23.00 and 07.00.

The development shall be carried out in accordance with the approved details.

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy NE9 of the Local Plan.

4. Prior to the commencement of development, details of external lighting and security measures, including any means of enclosing the external parts of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of crime prevention and community safety, and to ensure that the appearance of the development will be satisfactory] in accordance with Policy BE3 of the Local Plan.

5. Prior to the commencement of development, details of surfacing of the external parts of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development will be satisfactory in the interests of the character and appearance of the Lace Market Conservation Area and the setting of neighbouring listed buildings in accordance with Policies BE10 and BE12 of the Local Plan.

6. Prior to the commencement of development a Construction Management Plan detailing how the proposed development works are to be carried out, including details of the type, size and frequency of vehicles arriving and leaving the site, how the site will be accessed by construction vehicles, contractor parking provision, traffic management plans, and the phasing of works, has be submitted to and approved by the Local Planning Authority. The approved Construction Management Plan shall be implemented throughout the period of construction.

Reason: In the interests of highway safety and to protect the amenities of neighbouring occupiers in accordance with Policies BE2 and BE3 of the Local Plan.

7. Notwithstanding the details provided in the submitted Energy Statement and prior to the commencement of the development, a detailed scheme identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of an on site renewable energy supply shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and machinery to be provided in this regard and where and how this is to be installed on the buildings.

Reason: To provide 10% of energy by renewable means in accordance with Policy BE4 of the Local Plan.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

8. No part of the development hereby permitted shall be brought into use until such time that a traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of the academic terms has been submitted to and approved in writing by the Local Planning Authority. The traffic management scheme shall be carried out in accordance with the approved details unless first varied by the prior written consent of the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety in accordance with Policy BE2 of the Local Plan.

9. The development shall not be occupied until facilities for refuse storage and cycle storage have been provided in accordance with the details shown on the approved plans or other such details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there are adequate facilities for the storage of refuse bins and cycles in the interests of the amenities of the occupiers of the development, adjoining residential occupiers and the character and appearance of the Lace Market Conservation Area in accordance with Policies BE2, BE3, BE12 and T3 of the Local Plan.

10. The development shall not be occupied until:

a) the sound insulation scheme and complementary acoustical ventilation scheme for the development have been implemented in accordance with the details approved pursuant to condition 3;

b) the external lighting and security measures, including any means of enclosure, have been implemented in accordance with details approved pursuant to condition 4;

c) the external parts of the site have been surfaced in accordance with details approved pursuant to condition 5; and

d) the renewable/low carbon energy scheme has been implemented in accordance with details approved pursuant to condition 7.

Reason: To ensure that the appearance of the development will be satisfactory in the interests of the character and appearance of the Lace Market Conservation Area and the setting of neighbouring listed buildings, to ensure a satisfactory standard of accommodation is provided, in the interests of a sustainable development and to ensure that the occupiers of the development do not experience noise nuisance in accordance with Policies BE2, BE4 BE10, BE12 and NE9 of the Local Plan.

11. Details of the siting of any plant and equipment, the acoustic specification of the plant, air handling or any other noise generating equipment and shielding proposed shall be submitted to and approved in writing by the Local Planning Authority prior to being installed on site.

Reason: In the interests of amenity of residents of the development and nearby residents and in accordance with Policy BE3 and NE9 of the Local Plan.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

Standard condition- scope of permission

S1. Unless otherwise agreed in writing by the Local Planning Authority or modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 10 December 2012.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 12/03334/PFUL3 (PP-02233480)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pcs.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT**Yeates Bus And Coach Ltd, Beechdale Road****1 SUMMARY**

- Application No: 13/00002/PRES4 for approval of reserved matters
- Application by: Carlton Design Architecture Ltd on behalf of Oakdale Homes Ltd
- Proposal: Erection of 36 dwellings and associated works (reserved matters for to 11/00785/POUT).

The application is brought to Committee because it relates to the reserved matters of an outline application that was previously considered at the Development Control Committee.

To meet the Council's Performance Targets this application should be determined by 10th April 2013

2 RECOMMENDATIONS

APPROVE subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

3 BACKGROUND

- 3.1 The proposal site comprises 0.94 Ha and is located to the east side of Beechdale Road. The site was previously occupied by Dunnline. The site has been vacant for several years.
- 3.2 The north eastern boundary of the site is formed by a thin strip of woodland which is now covered by a Woodland Tree Preservation Order and is partly in the grounds of EMFEC, a training and educational facility. To the rear of the site there is a culverted stream with a 7.5 metre easement to either side. The site slopes marginally towards the rear. The existing houses adjacent to the site sit level with the site at the front, falling to approximately 1 metre below the level of the site at the rear. The levels of the industrial unit and educational facility match that of the site.
- 3.3 Rear gardens and gable elevations of two storey residential properties located on Clough Court are situated to the south eastern boundary of the site. The north western boundary is formed by an industrial unit. The building is situated away from the boundary with the site, separated by an access road and car parking. Opposite the site is residential.
- 3.4 The site is within an area of mixed uses comprising residential, industrial and commercial premises, along with some community facilities.

- 3.5 It was resolved to grant outline planning permission (11/00785/POUT) for 36 new dwellings and associated works at Committee in September 2011. Permission was finally issued following completion of the S106 Agreement in November 2012. Details of access, layout and scale were included in the submission with matters relating to appearance and landscaping being reserved.
- 3.6 The approved scheme includes a new central access road into the site with rear and side gardens backing onto existing gardens. Houses are positioned fronting on to Beechdale Road in order to continue the street frontage of the adjacent housing development.
- 3.7 The approved dwellings ranged from 2 - 2.5 storeys in height and comprised a mix of semi-detached and short runs of terraced properties.
- 3.8 The permission was granted subject to a S106 Agreement requiring the provision of 20% affordable housing on site and a financial contribution towards the maintenance of existing on-site public open space. The S106 also included a clause relating to the provision of local employment and training opportunities during the construction of the development, including a payment of £10,536.

4 DETAILS OF THE PROPOSAL

- 4.1 (As amended) The current application is for the approval of outstanding reserved matters relating to appearance and landscaping.
- 4.2 The development includes a mix of dwellings including linked detached properties, semi-detached houses and some terraces. Seven different house types are proposed with all dwellings two storeys in height. The proposed dwellings would be served by two parking spaces each in a mix of parking solutions.
- 4.3 Front gardens of corner properties would be enclosed with a dwarf brick wall with railings above. The remaining properties, fronting the main spine road (and one cul de sac) would be enclosed with a mix of 1.8 metre high brick walls and 900mm railings. The rear garden areas would be enclosed with 1.8 metre close boarded timber fences unless there is an existing wall to the site boundary, which will be retained. There is rear access to all gardens, where bins are to be stored.
- 4.4 It is proposed to have a shared surface for the spine road and cul de sac. Access paths and driveways will also be blocked paved. In terms of landscaping, a number of street trees are proposed along with some trees within individual curtilages. Front and rear gardens are to be turfed and planting is proposed at the front of properties to provide separation and delineation from the highway and adjacent properties.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised by site notice. The following neighbours have been consulted on the plans and the overall consultation period expires on the 18th February 2013.

Wild Clothing Staffordshire House, Trent Shopfitters Ltd Gateway House, Rentokill

Ltd Rentokil House, W T Burden Ltd, Fletcher And Company Staffordshire House, Sadlers Waste Staffordshire House, EMFEC Part Offices. 251 – 255 (Odds) 340 - 378 (evens) Beechdale Road. 21 – 35 (Odds) Chapman Court. 18 – 26 (Evens) 33 -37 (Odds) Clough Court. Offices Robins Wood House and 92 - 96 Robins Wood Road.

Additional consultation letters sent to:

Pollution Control: No comments.

Highways: There are no highway objections to the reserved matters application. However it is recommended that alterations to the main junction, the highway materials, the inclusion of tree build-outs and the scaling back of the turning head are incorporated into the scheme, to enhance the appearance of the road layout.

Severn Trent Water: No objection subject to the inclusion of a condition requiring drainage plans for the disposal of surface water and foul sewerage. *Comment: This would be addressed under Building Regulations. Furthermore, surface drainage conditions were included on the outline approval.*

Heritage and Urban Design: Welcome the amendments made to the scheme in terms of access, tree planting, means of enclosure and details. The roads are well designed to keep speeds low and give cycles and pedestrians priority. The trees lining the road will provide a gateway into the site and soften the environment. The various boundary treatments will provide a robust edge to the public and private elements of the scheme. The elevations provide enough detail to give visual interest and contribute to the character of the development. The scheme would achieve Silver Standard in terms of a Building for Life assessment.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

BE2 - Layout and Community Safety. Complies.

BE3 - Building Design. Complies.

BE4 - Sustainable Design. Complies.

H3 - Appropriate Housing Types. Complies.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Housing Design, and Landscaping (Policies H3, BE2, BE3, BE4)

- 7.1 The development comprises four x 2 bed properties, twenty seven x 3 bed properties and five x 4 bed dwellings in a range of linked detached, semi-detached and some smaller terraced properties. All properties would be two storeys in height and comply with the Homes and Community Agencies Housing Quality Indicator standards (2008), relating to their internal size. The larger dwellings have garages and off-street parking spaces, whilst the smaller house types have two dedicated in-curtilage parking spaces.

- 7.2 The dwelling types have been mixed to give a varied street scene, particularly with the varied roof styles including gables, hips and pitched forms. Dwellings occupying corner plots have been designed to address both road frontages.
- 7.3 Window proportions and arrangements are considered to be appropriate and overall provide balanced elevations to the range of house types. In terms of detailing, stone heads and cills are proposed to front and exposed side elevations, with brick heads and cills to the rear elevations. Brick 'over-sailing' verges and corbels are proposed at eaves level. Entrance porches vary from plot to plot to add variety and interest to the elevations.
- 7.4 It is proposed to use three varying red brick types with all houses in each block to be constructed of the same brick type, rather than varying between each house, thus resulting in a more cohesive approach. There would be three varying roof tile colours but with the same smooth profile being used throughout.
- 7.5 In light of the above, the appearance of the housing scheme is considered to be appropriate to the local context. Furthermore, the scheme has been assessed under Building for Life Criteria and would achieve silver standard.
- 7.6 With respect to landscaping, a number of street trees are proposed along with some trees within individual curtilages. The tree planting at the front of the site will help to create a gateway into the development. A number of tree build-outs within the shared surface will also help with traffic calming and help to soften the appearance of the scheme. Front and rear gardens are to be turfed and shrubbery planting is proposed at the front of properties to provide separation and delineation from the highway and adjacent properties. The existing wooded area to the east of the site is to be retained and a grass verge is proposed between the existing vegetation and the new kerb line.
- 7.7 In conclusion, the amount and type of landscaping is considered to be appropriate to the local context and will help to soften the scheme and provide screening in some instances.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 The scheme will de-contaminate the site and introduce a significant proportion of soft landscaping, with the sustainable drainage and biodiversity benefits that this would bring, in place of what is currently extensive hard surfacing. The development would retain the woodland and new street trees are proposed which will help contribute toward the City's green infrastructure.
- 8.2 It is intended that 10% of the developments energy supply (interpreted through carbon emissions) will be provided by way of a renewable energy supply. This matter is covered by a condition on the original outline approval. The need for a surface water drainage system based on SUDS principles is also covered by a condition on the original outline approval.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham – Providing a high quality and sustainable residential development, promoting housing for families.

Safer Nottingham – Maximising community safety with secure property boundaries and streets and spaces that facilitate good natural surveillance.

Working Nottingham – Securing training and employment for local citizens through the construction of the development.

14 CRIME AND DISORDER ACT IMPLICATIONS

Providing a residential development with secure property boundaries and streets and spaces that facilitate good natural surveillance in comparison to the current situation of a vacant vulnerable site.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 13/00002/PRES4 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/00002/PRES4>;

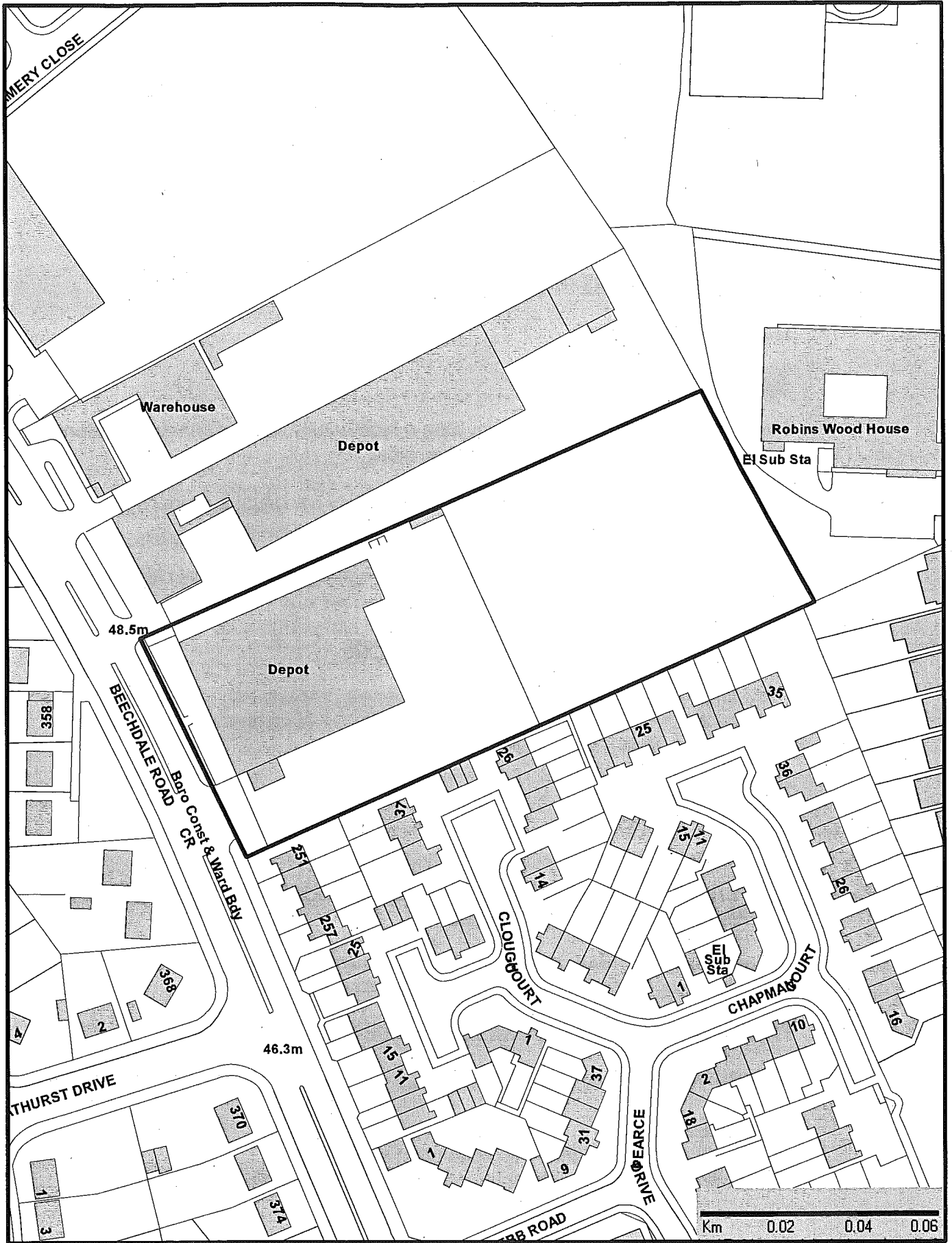
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs N Tyrrell, Case Officer, Development Management.

Email: nicola.tyrrell@nottinghamcity.gov.uk. Telephone: 0115 8764082



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Nottingham
City Council

My Ref: 13/00002/PRES4

Your Ref:

Contact: Mrs N Tyrrell

Email: development.management@nottinghamcity.gov.uk



Nottingham
City Council

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City Planning
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Tel: 0115 8764447
www.nottinghamcity.gov.uk

Carlton Design Architecture Ltd
FAO Mr Sean Lammiman
Unit 7
The Old Dairy Buildings
Winkburn
Notts
NG22 8PQ

Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR APPROVAL OF RESERVED MATTERS

Application No: 13/00002/PRES4
Application by: Oakdale Homes Ltd
Location: Yeates Bus And Coach Ltd, Beechdale Road, Nottingham
Proposal: Erection of 36 dwellings and associated works (reserved matters for to 11/00785/POUT).

Nottingham City Council as Local Planning Authority hereby **APPROVES** the reserved matters described in the above application subject to the following conditions:-

Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
There are no conditions in this section.
Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)
There are no conditions in this section.
Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)
There are no conditions in this section.
Standard condition- scope of permission
S1. Unless otherwise agreed in writing by the Local Planning Authority or modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 9 January 2013. <i>Reason: To determine the scope of this permission.</i>



DRAFT ONLY
Not for issue

Continued...

Informatives

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

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DRAFT ONLY

Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 13/00002/PRES4

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The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

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Not for issue

4(d)

WARDS AFFECTED: St Anns

Item No:

PLANNING COMMITTEE
20th February 2013

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

Former Turkish Baths, Victoria Leisure Centre

1 SUMMARY

Application No: 13/00021/LNCAC for Conservation Area Consent

Application by: NRL on behalf of Nottingham City Council

Proposal: Demolition of former Turkish Baths building (Bath Street)

The application is brought to Committee because it is a sensitive application for the demolition of a building within the Sneinton Market Conservation Area.

To meet the Council's Performance Targets this application should be determined by 4th March 2013.

2 RECOMMENDATIONS

That the Council be minded to **GRANT CONSERVATION AREA CONSENT** and that the application be referred to the Secretary of State for a decision, with the following recommended conditions;

1. The works hereby authorised shall be begun before the expiration of three years from the date of this consent.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the indicative details of the proposed hoarding treatment for the Bath Street boundary of the site, no demolition shall commence until revised details of the realignment of this hoarding to match the alignment of the Bath Street elevation of the existing building, and further details of the finish of the hoarding including proposals for the use of any art or images, have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented immediately upon the completion of the demolition of the existing building.

Reason: In the interest of ensuring the provision of an appropriate boundary treatment to the site, and to preserve the character of the Sneinton Market Conservation Area in accordance with Policy BE13 of the Nottingham Local Plan.

3 BACKGROUND

3.1 The Turkish Baths building was part of the Victoria Leisure Centre prior to its recent redevelopment. It now has no connection with the Centre and is currently

vacant. It is dated 1928 and is a single storey red brick building with classically styled stone end pediments, a stone cornice, and a slate roof with gable ends.

- 3.2 The building fronts onto Bath Street and Victoria Park to the north, Park Row flats (Grade II listed) to the east, and cleared land to the south. It is located within the Sneinton Market Conservation Area and the Eastside Regeneration Zone. It is allocated in the Local Plan as a site for mixed-use redevelopment (MU5.1).

4 DETAILS OF THE PROPOSAL

It is proposed that the building be demolished in order to implement the second phase of a new link road that will connect Bath Street with Brook Street (11/02459/NFUL3). It is advised that the link road is being delivered using Growth Point funding, which has a final spend date of April 2013 and that progress needs to be exhibited by this date. The remaining area of the site would be cleared and surfaced in a finish to be agreed. A section of brick boundary wall would be retained onto Bath Street. The site would be secured with a solid painted plywood hoarding along the rest of the Bath Street frontage. There would be a wire security fence along the edge of the new link road.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised by a site and press notice. Consultations have also been sent to:

Victoria Park Tenants and Residents Association
Chair of former 'Save Victoria Baths' campaign
Nottingham Civic Society
English Heritage

Additional consultation letters sent to:

English Heritage: To be added

Conservation Officer: No objection. The building is currently unoccupied and is in a deteriorating state of repair. It is not considered to be of historic or architectural interest and does not actively contribute to the special character of the Sneinton Market Conservation Area. However, it does provide much needed enclosure to the southern side of Bath Street, and a new development should be of a similarly low rise nature and aim to discreetly enhance the current street scene.

Biodiversity and Greenspace Officer: No objection. Site survey has confirmed that there is no evidence of bats.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

BE13 - Demolition in Conservation Areas. Partially complies.

MU5 - Eastside Regeneration Zone Sites. Complies

7. **APPRAISAL OF PROPOSED DEVELOPMENT**

Main Issues

Whether the development will:

- (i) preserve or enhance the character or appearance of the Sneinton Market Conservation Area
- (ii) assist the further regeneration of site and area

Issue (i) Character or appearance of the Sneinton Market Conservation Area (Policy BE13 and NPPF)

- 7.1 The NPPF advises that, in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The NPPF also advises that local planning authorities should not permit loss of the whole or part of a heritage asset without taking reasonable steps to ensure new development will proceed after the loss has occurred.
- 7.2 Policy BE13 states that development involving the demolition or substantial demolition of unlisted buildings which make a positive contribution to the special character of Conservation Areas will only be granted in exceptional circumstances. The policy also states that demolition will not normally be allowed unless a full planning application is submitted, showing the proposed new buildings, and that consent will be subject to conditions to ensure that demolition does not take place until a satisfactory form of contract has been entered into for redevelopment.
- 7.3 It had been anticipated that a scheme for the redevelopment of the building would have been brought forward prior to the submission of this application. Whilst an architectural design competition was commissioned by Nottingham Regeneration Limited in 2010, it is not yet able to be confirmed if the successful (residential) scheme is to be taken further forward. However, there are ongoing discussions with a potential developer and it is considered that the demolition of the buildings and implementation of the link road will benefit the prospect of redevelopment taking place
- 7.4 Whilst forming an appropriate edge and means of enclosure onto Bath Street, it is considered that the building is of not of any particular significance. The report accompanying the designation of the Conservation Area in October 2004 did not identify the building as making a positive contribution to the special character of the area. A historic building assessment carried out by English Heritage in May 2008 also commented on the various later additions to the principal clock tower and entrance block to the Victoria Leisure Centre as having 'debased the architectural presence of the whole'.
- 7.5 It is considered that demolition of the building is justified by allowing the implementation of the approved link road, which will assist towards the future redevelopment of the site.

Issue (ii) Further regeneration of site and area (Policy MU5)

- 7.6 Sneinton Market Conservation Area covers the core of the Eastside Regeneration Zone. In designating the Conservation Area it was intended that this would assist with a regeneration strategy based on the enhancement of its key heritage assets and the promotion of high quality new developments.
- 7.7 As above, it had been anticipated that a scheme for the redevelopment of the building would have been brought forward prior to the submission of this application. It is considered that, on balance, the demolition of the buildings and implementation of the link road will improve the viability and prospect of redevelopment taking place. It is, therefore, considered that the demolition of the building would assist the future redevelopment of the site and further regeneration of the area in accordance with Policy MU5.
- 7.8 The intention to erect a temporary boundary hoarding and fence is appropriate and will secure the site and will provide a degree of enclosure to Bath Street. A condition is recommended to ensure that the details of this enclosure are agreed and implemented.

8. SUSTAINABILITY / BIODIVERSITY

None.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Improving pedestrian movement between Bath Street and Brook Street.

14 CRIME AND DISORDER ACT IMPLICATIONS

The site will be secured by a hoarding and fence until such time as a redevelopment scheme is brought forward and implemented.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 13/00021/LNCAC - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/00021/LNCAC>;
2. Application No: 11/02459/NFUL3
3. English Heritage (Listing) Report on the Victoria Leisure Centre (28 May 2008)

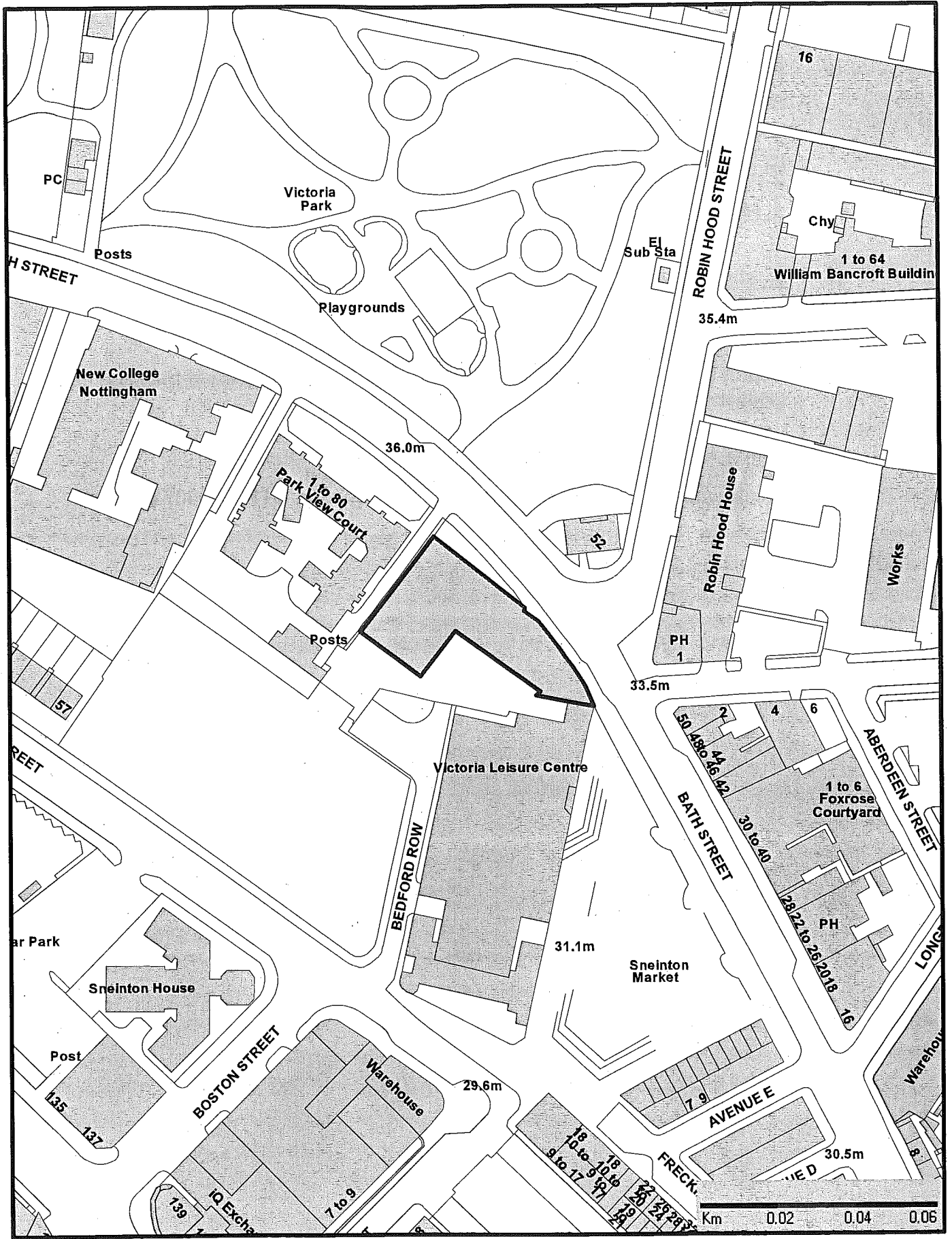
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
National Planning Policy Framework (March 2012)
Report to Development Control Committee on the Designation of Sneinton Market Conservation Area (18 August 2004)

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