

**PLANNING COMMITTEE
17 July 2013**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

608 Adams Hill

1 SUMMARY

Application No: 13/00951/PFUL3
Application by: Baca Architects on behalf of Mrs Topham
Proposal: Erection of a new dwelling following the demolition of the existing property.

The application is brought to Planning Committee because it is considered to be sensitive and given the level of public interest. A separate report on the agenda considers an application for conservation area consent to demolish the building.

To meet the Council's Performance Targets this application should be determined by 23 July 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

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

3 BACKGROUND

Site

- 3.1 The site comprises 0.49ha of land at 608 Adams Hill and contains an Art Deco style residential dwelling known as 'Rainbow House' and surrounding gardens. The building was constructed in 1935-36 and was designed by Reginald W. Cooper, who designed a number of other buildings in the area in the Art Deco style, including the Savoy Cinema on Derby Road. The house is a two storey dwelling situated towards the rear boundary of the site with a large front garden. The property occupies a large footprint and is approximately 50m in width and has a maximum depth of 13.5m, providing a linear form with a gentle curve. The building has a flat roof set behind a parapet wall, with the main part of the house having a maximum height of 7.2m. The property is finished in render, painted grey and one of its main characteristics are a number of semi-circular protruding bay windows. The swimming pool situated on the west side of the building is a 1980s extension. Internally the accommodation is largely provided over two floors and includes three reception rooms, seven bedrooms, a games room, a gymnasium and a swimming pool. There is a cellar at sub ground level.

- 3.2 The majority of the garden area is situated to the front/south of the building with a distance of approximately 35m between the house and the front boundary. The site is enclosed with a perimeter of tall mature trees and the Adams Hill boundary is marked with a stone wall and railings. The boundary treatment with 606 Adams Hill is a timber fence largely screened by vegetation, whilst there is a mix of timber and palisade fencing on the boundary with 610 Adams Hill. The rear garden of the house which borders onto Wollaton Park is marked with a timber fence. Vehicular access is achieved off Adams Hill on the east side of the site with a driveway flanked by trees opening out into a hard surfaced parking area. The site is generally flat, though is raised above Adams Hill by approximately 1.2m with some marginal variations along the front boundary.
- 3.3 Adams Hill is part of the Wollaton Park Conservation Area and is characterised by large dwellings set in spacious plots, with a variety of architectural styles. The road is situated parallel to Derby Road (A52), which is to the south and is separated by a long brick wall abutting the Derby Road pavement, with a deep grass verge behind containing a large number of mature trees. To the immediate north-east and south west of the application site are 606 and 610 Adams Hill, which are large residential properties set forward of Rainbow House and generally in line with the established pattern of development along Adams Hill. 608 Adams Hill is unusual in terms of its positioning within the plot and its architectural style and benefits from the largest plot within the row. To the rear of the site is Wollaton Park, with the golf course immediately adjacent to the rear boundary. Wollaton Hall, a Grade I listed building, is located approximately 750m to the north west of the application site. Wollaton Park is Grade II listed in English Heritage's Register of Parks and Gardens of Special Interest.

Relevant Planning History

- 3.4 In 2005 two planning applications (references 05/01044/PFUL3 and 05/01045/PFUL3) were submitted for redevelopment of the site. Application 05/01044/PFUL proposed to demolish the existing building and construct twenty apartments on the site and was refused planning permission on the grounds that the proposal would be out of character with the area, would have an adverse impact on occupiers of neighbouring properties amenity, would cause a detrimental impact to existing trees and shrubbery and would have an adverse impact on the Wollaton Park Conservation Area. Application 05/01045/PFUL3 proposed to erect eight new houses on the site but was subsequently withdrawn.

In 2008 a planning application (reference 08/02129/PFUL3) was submitted but subsequently withdrawn to construct a new dwelling within the curtilage of the existing dwelling.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes to demolish the existing 1930's property and construct a new large ultra-modern property. It is proposed to locate the new dwelling in the centre of the site and the form of the building evolves around four wings or hubs, which are internally connected with the exception of the annex hub, which is the southernmost part of the proposed development, and connects to the main building at roof level. It is proposed to set the house part into the ground and the building form is based around a central sunken courtyard. The basement level contains a large garage, accessed via a ramp to the south west of the proposed building, a swimming pool, a gym, an orangery and family accommodation. The ground floor includes dining and entertainment space, a games room and five out of the seven

bedrooms. Two of these bedrooms are within the annexe which also has a kitchen and living area. The first floor is confined to the two northern most pods and provides the remaining two bedrooms and a cinema.

- 4.2 The four main sections of the building are covered with a flowing curved roof that rises from a low eaves level over the pods and falls over the inter-connecting lower level elements of the building. It is proposed that the roof will be constructed using a mix of ceramic tiles and photovoltaic panels, the latter of which is proposed to form a solar brow for the building as part of the environmental strategy for the development. Below the roof the building's wall will be finished with a framed glazing system, comprising clear, semi-transparent and opaque panels to regulate light and solar control. The frame structure of the building is proposed to be constructed in either timber or steel.
- 4.3 In addition to the internal courtyard, it is proposed to have a terrace area to the north west of the entertainment hub. The external area around the building will be landscaped and this includes sculpting of the land to accentuate the profile of the roof.
- 4.4 Proposed to be situated in the central part of the site, the main building has a maximum width (measuring from west to east and from the entertainment hub to the family hub) of approximately 39m and measuring north to south (excluding the annexe and connecting canopy) covers a maximum distance of approximately 33m. The annexe is proposed at 9.5m in length by 11m in width and is sited 11m from the front boundary with Adams Hill. The building has a variety of heights with the maximum height of the tallest part of the building being approximately 7.3m and the shortest section (the annexe) having a maximum height of 5.15m. It is proposed to move the vehicular access to the western side of the Adams Hill elevation, with a new gated entrance set 8m into the site.
- 4.5 The application is supported by a Design and Access and Heritage Statement and a protected species and tree appraisal and a structural survey.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by a site notice and press advert. In addition the following neighbouring properties have been directly consulted:

604, 606, 610 and 612 Adams Hill, Wollaton Park Golf Club.
- 5.2 There have been nineteen letters/emails of support for the application. These responses generally applaud the ambition, design quality and environmental performance of the proposed development, with many of the responses commenting that it represents a significant improvement on the existing property. It should be noted that the submissions of support have not been from local residents in the immediate vicinity but from interested parties further afield in Nottinghamshire and Derbyshire.
- 5.3 There have been letters/emails of objection received to the planning application from eight addresses and two letters objecting to the application for conservation area consent. In addition two letters of observation in respect of the application for conservation area consent have been submitted. Six of the objections on the planning application are directly from residents on Adams Hill, one is on behalf of

members of The Oundle Drive & Three Closes Residents' Association (signed by four residents from separate addresses), and the other objection is submitted by Anthony Aspbury Associates on 'behalf of residents of Adams Hill'. The letter from Anthony Aspbury Associates does not qualify who the objection represents and clarification has been sought on this matter. Emails have been received on behalf of six addresses on Adams Hill stating that the comments from Anthony Aspbury Associates do not represent them. The reasons for objection include:

- the modern design is completely alien to the character of the area and does not respect the scale, massing, rhythm or materials of the local townscape.
- the proposal would have a detrimental impact on the setting of Wollaton Hall
- the proposal would have a detrimental impact on the character and appearance of the conservation area.
- the footprint of the building and the courtyard is excessive covering the majority of the plot. The size of the plot is not sufficient to accommodate the size of the proposed house. The massing, scale and height of the building is inappropriate.
- the design is inward facing and neither addresses Wollaton Park or Adams Hill.
- the development in part breaks the established building line, which breaches a restrictive covenant.
- there has been no regard for local distinctiveness.
- the development has the potential to be easily sub-divided into a series of dwellings given its size and how the various elements are connected. The creation of additional dwellings on this site is something that the Council has consistently resisted in the past.
- any sub-division of the building would set a dangerous precedent and would destroy the character of the area.
- the external lighting scheme will be excessive, intrusive and detrimental to residential amenity.
- the materials proposed including their colours, are entirely inappropriate and coupled with the concerns over the footprint and massing of the building will result in a highly conspicuous development, particularly when viewed from the adjacent Hall and park.
- removal of an unacceptable number of trees.
- the sustainability credentials should not override the principle issues with this application which are the harm caused to the conservation area and the setting of the listed building (Wollaton Hall)
- reference is made to an appeal at 610 Adams Hill concerning an application for an additional dwelling. The appeal was dismissed on the basis that the scheme failed to preserve or enhance the conservation area.
- lack of consultation with residents and local resident associations.
- if granted permission the development may attract a high number of curious visitors and therefore increased traffic.
- The construction works including demolition should have regard for existing residents in terms of traffic, noise, dust and parking of construction traffic. No construction parking should be allowed on Adams Hill and the development should adhere to a Code of Conduct.
- With regard to the above issues, some objectors quote that the proposal is contrary to the NPPF and Policies BE3, BE10, BE12, BE13 and BE14 of the Local Plan.
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Additional consultation letters sent to:

- 5.4 **Highways:** No objection subject to the inclusion of conditions that cover the provision of a dropped vehicular footway crossing, that the redundant crossing be reinstated as footway and the disposal of surface water.
- 5.5 **Heritage and Urban Design:** The conservation officer comments that 608 Adams Hill was built in the Art Deco style but has suffered from unsympathetic alterations which have harmed its character and appearance. He advises that the proposed replacement dwelling through its unconventional architectural form, modest height and flowing curved roofline allows the proposal to successfully integrate into the landscape setting, as well as the Adams Hill street-scene. It is also noted that the proposal includes an impressive array of green technology. It is considered that the exceptional quality of the design justifies the loss of the existing building and the proposal is sympathetic to the setting of Wollaton Hall and the Conservation Area.
- 5.6 **English Heritage:** Advise that 608 Adams Hill is a building of local interest and its loss would represent harm to the significance of the conservation area, though this harm is categorised as being less than substantial. Accordingly English Heritage advise that for permission to be granted, the Council need to be satisfied that the degree of harm is outweighed by the public benefit.
- 5.7 **Noise and Pollution Control:** No objection but recommends a condition to ensure that the development achieves the required sound insulation levels.
- 5.8 **Tree Officer:** Satisfied with the recommendations of the tree report and requests conditions relating to landscaping and an arboricultural method statement.
- 5.9 **Biodiversity and Green Space Officer:** Recommends that the ecological report is supplemented by a visit to Wollaton Hall Park to see whether there are any badger setts within proximity to the proposed development.

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, to conserve heritage assets in a manner appropriate to their significance and, supporting the transition to a low carbon future.
- 6.3 Paragraph 60 of the NPPF advises that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is however appropriate to promote or reinforce

local distinctiveness. Paragraph 63 adds that great weight should be attributed to outstanding or innovative designs.

- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraphs 128 to 134 sets out the key considerations in determining applications relating to heritage assets. These include:
- identifying and assessing the particular significance of any heritage asset
 - in considering the impact on the heritage asset, local planning authorities should have regard for its level of significance. The greater the significance of the asset, the more weight should be attributed to its protection.
 - if a proposal causes significant/substantial harm it should be resisted unless it can be demonstrated that substantial public benefits outweigh the harm.
 - where a proposal causes less than substantial harm it should be weighed against public benefits including securing optimum viable use.

Paragraph 138 acknowledges that not all elements of a Conservation Area will necessarily contribute to its significance.

Nottingham Local Plan (November 2005):

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 a Conservation Area. Complies

BE13 – Demolition in Conservation Areas. Complies

BE14 – Historic Parks and Gardens. Complies

NE3 – Conservation of Species. Complies

NE5 – Trees. Complies

NE9 - Pollution Control. Complies

T3 - Car, Cycle and Servicing Parking – Complies

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Impact on the character and appearance of Wollaton Park Conservation Area.
- (ii) Impact on nearby listed buildings and registered historic parks and gardens
- (iii) Impact on amenity of neighbouring properties
- (iv) Sustainability

(i) Impact on the character and appearance of Wollaton Park Conservation Area (Paragraphs 128-134 & 138 of the NPPF and Policies BE3, BE12 and BE13 of the Local Plan)

- 7.1 The NPPF requires an assessment of the significance of a heritage asset in determining development proposals. The heritage statement that accompanies the application identifies that Rainbow House, whilst being in an Art Deco style, is a poor example of this type of architecture. The statement considers that the building fails to demonstrate the strong horizontal lines and regularised windows typified by this period of architecture. The statement submits that the loss of the original 'crittal' steel framed windows, the replacement with white UPVC windows and the grey render colour all further contribute to this building being of limited merit.
- 7.2 The Conservation Officer's view is consistent with that presented in the heritage statement with the unsympathetic alterations, particularly the replacement windows but also the disproportionate swimming pool extension, being the main contributing factors to a loss of significance. However, whilst English Heritage acknowledge that the alterations have diluted the original design, with the loss of historic materials and finishes, they consider that the building retains historic and architectural value. This is only broadly justified by English Heritage in their response on the basis that the building is an example of Art Deco style, which was a most fashionable artistic statement of its time. Whilst this is noted, it is also separately recorded that in the consideration of a listing application in 2005 for Rainbow House, it was the conclusion of English Heritage that the building did not exhibit sufficient high quality and was too far altered to fulfil the selection criteria for listing. It is acknowledged that an assessment for listing is a different process to considering the merits of demolition but the 2005 decision from English Heritage is useful to any assessment. The Adams Hill section of the Wollaton Park Conservation Area is characterised by large, high status dwellings in a variety of architectural styles. Rainbow House is the only example of Art Deco architecture along this row and was built as a unique building of its time, within a very large plot. However, the building's character has been diminished through alterations and though English Heritage consider that some merit remains, it is considered that the building does not make a positive contribution to the conservation area and any harm would be very limited. Nevertheless, given the view of English Heritage it is considered that in accordance with paragraph 134 of the NPPF, this harm should be weighed against the public benefits of the proposal.
- 7.3 Policy BE12 of the Local Plan requires new development within a conservation area to preserve or enhance its character and appearance and furthermore this is a duty on local planning authorities as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. The NPPF puts in place a requirement to establish the significance of the heritage asset and that the level of significance and any harm that may be caused should be given appropriate weight. The proposed dwelling is unmistakably and deliberately different to the established pattern and style of development along Adams Hill. The ultra-modern form and appearance mean that assessment against the criterion listed in Policy BE12, which include, but are not limited to, siting, scale, urban grain, building form, massing, height, materials and quality of detail, will inevitably distinguish significant differences between the proposal and existing development along Adams Hill. However, as a starting point it is evident that the existing building on the site represented a unique development within this part of the conservation area, not merely in terms of architectural style but also the size of its curtilage and where the building is sited

within the plot. It is reasonable to argue that the proposal submitted is a modern day unique development and in this context any such development should be considered capable of enhancing the conservation area should it achieve sufficiently high quality standards of design without causing harm to key characteristics of the conservation area.

- 7.4 It is considered that as an individual piece of architecture, the proposal submitted displays some innovative and outstanding qualities in terms of its form, style and appearance. The large footprint and internal floor space of the dwelling is accommodated without appearing unduly bulky through partially being set into the ground, but more fundamentally through the design being based around distinctive and soft curves, which allows the mass of the building to flow effectively around the perimeter of the central inner courtyard. The proposed roof of the building provides a striking shell in terms of its shape and form and the use of ceramic tiles, subject to the right choice and blend of colours, will ensure a high quality finish. It is noted that there is a criticism that the development fails to address Adams Hill. Whilst this is not achieved in a traditional manner through for example front entrances and gables features, the form of the development and its intrinsic curves and shapes will provide a good degree of interest through the glimpses that will be afforded of the building through the tree lined boundary. The design rationale presented through the Design and Access Statement demonstrates a holistic approach to the development, harnessing the requirements of the applicant, the constraints of the site and incorporating a comprehensive environmental strategy which aspires to achieve Passivhaus standard (the environmental qualities of the proposal are explored in further detail later within the report). It is considered that the proposal justifies the 'great weight' paragraph 63 of the NPPF attributes to outstanding and innovative design, and perhaps the concepts projected through this proposal could help raise the standard of design and environmental performance more generally across the City of Nottingham. This assessment of the design of the proposal is supported by the comments of the Design Review Panel, an independent panel who appraise development proposals within the City from a design perspective. The Panel welcomed the aspiration for exceptional quality and high ambition for sustainability and saw no case for the retention of the existing building. The importance of the roof was emphasised and in particular materials. The Panel confirmed that the finished detail and juncture of the different materials are considered to be fundamental and must be well executed to ensure smooth connections between the materials / forms to reinforce the gentle and elegant curvature of the roof.
- 7.5 It is recognised that a judgment on the acceptability of the proposal based on individual design merit alone would be flawed. Policy BE12 sets out the type of issues that should be considered in assessing an impact of a development within the conservation area and Policy BE3 provides broader context to development enhancing the environment. It is apparent from the objections presented that there are significant concerns about how this proposal will integrate with the character and appearance of the conservation area.
- 7.6 In terms of siting, existing development along Adams Hill is characterised by buildings being set generally in the middle of the plots and significantly back from the road. Whilst there are some variations on the building line of development this allows large front gardens and a feeling of spaciousness. Rainbow House is an exception in that it is sited much closer to the northern boundary, providing an even larger frontage. The majority of the built form is proposed to be sited in a similar position to Rainbow House but also protrudes south, level and beyond the existing

pattern of development. The amount of development that is sited materially forward of the neighbouring properties is limited to the annexe and the connecting canopy. The notion of a building line in planning terms is not absolute but should be assessed in the context of the surroundings and the historic street pattern. Whilst the proposed development will protrude further forward than existing buildings, the annexe is still well set back into the site from the street boundary. Given the width of the plot, the level of screening through mature trees and the relatively modest massing and bulk of this structure, it is considered that the siting of the building does not unduly conflict with the historic street pattern, nor cause harm to the character and appearance of the conservation area.

- 7.7 The scale of the building draws interesting comparisons with existing development. The footprint is extensive and significantly larger than surrounding properties. In plan form the arrangement around the central courtyard perhaps inflates the perceived size of the footprint. However, as demonstrated on the street elevation drawings, compared to the existing house it has a lesser overall width and the majority of the proposed building will be at a lower level than Rainbow House and consequently other existing development. Most significantly, it is considered that the proposed building sits comfortably within the plot with sufficient space on all sides to ensure that it does not appear cramped and has sufficient room to breath. The details of any landscaped scheme, including any sculpting of the land will be important and will need to be secured by condition, but the application demonstrates that in terms of siting, scale, massing and height, it will preserve the character of the conservation area.
- 7.8 As acknowledged previously in some respects the proposed building is significantly different to existing development and this is most apparent in its building form, architectural style and materials. These elements of the building are out of character with the conservation area but given the architectural quality exhibited by the flowing form of the building and how the individual sections integrate, it is not considered that this would cause harm to its character and appearance. The ceramic tiles proposed are not a material that is native to the conservation area but have been chosen as a modern palette and to enable a colour mix which reflects the surrounding tree canopies and integrates the development into the landscape. In assessing the impact on the conservation area, it is relevant that this is not a highly prominent site given the location and the amount of screening around the perimeter of the plot. Therefore any conflicts in terms of style with the historic environment would not be pronounced and the ambition of the design to blend into the landscape helps further in this regard.
- 7.9 It is evident from the submission that Adams Hill contains properties in variety of styles. Whilst there are specifically influences from the Arts and Crafts period, there is no overriding character in terms of architectural style and it is considered that this supports permitting the proposed development. It is considered that the proposal will preserve the character and appearance of the conservation area through the exceptional quality of the design and through the careful consideration of its scale, massing and height. Whilst it is evident that there are elements of the scheme that are incongruous to the conservation area, any very limited harm is significantly outweighed by the overall design merit of the proposal. In this regard it is considered that the public benefit of the scheme, as required by paragraph 134 of the NPPF when less than substantial harm exists, is in the form of the exceptional architectural design and environmental performance of the development. The scheme embraces high quality architectural and environmental techniques which could act as exemplars and have the potential to raise design and environmental

standards in the area. Given that the harm to the conservation area is considered to be very limited, this is considered an appropriate level of public benefit. Accordingly it is considered that the application accords with paragraphs 128-134 & 138 of the NPPF and Policies BE3, BE12 and BE13 of the Local Plan. In reaching this conclusion it is evident that the proposal submitted is markedly different to previous attempts for re-development on this site which sought to increase, significantly in most cases, the amount of development on the site. Comparisons with the appeal decision at the neighbouring property, 610 Adams Hill, are also given little weight, as the proposal sought to sub-divide the plot in that case.

(ii) Impact on nearby listed buildings and registered historic parks and gardens (Paragraphs 128 to 134 of the NPPF and Policies BE10 and BE14 of the Local Plan)

- 7.10 The proposed development is located approximately 750m to the south east of Wollaton Hall, which is Grade I listed building. It is recognised that Wollaton Hall is a building of the highest significance and any harm to its setting would be given substantial weight. However, the proposed development does not cause any harm to the setting of Wollaton Hall, partly due to the distance between the Hall and the site and partly through the design of the development which is relatively low lying, with materials that are proposed to integrate with the mature landscaping of the site. The existing landscaping will largely screen the development from views from the north west though it is proposed to remove two trees along the north boundary to provide a view of Wollaton Hall from the site. Wollaton Park is Grade II Listed in English Heritage's Register of Parks and Gardens of Special Interest and similarly to the impact on the Hall itself it is not considered that the proposal will cause harm to the character, setting or appearance of the Park. English Heritage and the Council's Conservation Officer do not raise any concerns in this regard and therefore it is considered the proposal complies with Paragraphs 128 to 134 of the NPPF and Policies BE10 and BE14 of the Local Plan.

(iii) Impact on amenity of neighbouring properties (Policy BE3 of the Local Plan)

- 7.11 The proposed dwelling is located within the centre of a large plot and therefore despite having a large footprint the building will be sited a significant distance away from either neighbouring property. The proposed dwelling is 20m from the boundary with 606 Adams Hill and 18m from the boundary with 610 Adams Hill. Although the proposed dwelling protrudes well beyond the rear elevations of both neighbouring properties, the distance to the boundary, combined with its modest massing and overall height will ensure that the occupiers of the neighbouring properties are not overbearing or overshadowed by the proposal. The retention of the trees on the boundaries further safeguards amenity. In terms of privacy the distance to the boundaries will again largely reduce any prospect of any overlooking. The proposal is to install glazing with varying degrees of opaqueness, which is designed to strike the right balance in terms of natural light and solar control, but notwithstanding the distances to the boundaries the glazing will also be conditioned to ensure that privacy of neighbouring residents is protected. It is noted that no objections have been presented on amenity grounds and having regard for the above issues it is considered that the proposal will have an acceptable impact on the amenity of neighbouring residents.

iv) Sustainability (Paragraph 96 of the NPPF and Policy BE4 of the Local Plan)

- 7.12 The environmental performance of the proposed development has been central to the evolution of its design. In order to minimise carbon emissions, the orientation and form of the building has been optimised for passive solar heating and cooling. Photovoltaics and solar thermal panels are proposed to be incorporated into the roof and landscape to provide both electricity and thermal energy to serve the house. The development will also incorporate the principles of good insulation, minimise thermal bridging, increase thermal mass, provide excellent air tightness and use mechanical ventilation and heat recovery. Generation of the heating and cooling of the building will be via an integrated heat transfer system (ICAX) that uses the drive surface to absorb heat from the sun and transfer this into the house (working in a similar to Ground Source Heat Pumps), combined with a thermal store in the form of a vertical borehole below the building.
- 7.13 The application is striving to be an exemplar in low energy design for a luxury house and aspires to achieve the Passivhaus Standard (*Passivhaus buildings achieve a 75% reduction in space heating requirements, compared to standard practice for UK new build*) for the occupied portion of the house. It is considered that the proposed development exhibits the potential for exemplar environmental performance. Therefore, subject to conditions to ensure delivery of the package of measures proposed, it is considered that the proposal complies with and significantly exceeds the expectations and requirements of paragraph 96 of the NPPF and Policy BE4 and is afforded significant weight in favour of the development.

OTHER ISSUES

- 7.14 Several of the objections have expressed concerns that the proposed development is actually more than a single dwelling and at the very least has the potential to be sub-divided into several dwellings which would harm the character of the conservation area. The proposed dwelling has an extensive floor space, which in theory has the potential to be sub-divided to provide separate self-contained units. However, the same is true about many large properties and the applicant is applying for this development on the basis of it being a single dwelling. The creation of additional dwellings through sub-division would require planning permission and given the character of the conservation area, this is unlikely to be considered acceptable, as supported by previous decisions, including an appeal. It is acknowledged that the annexe building could be self-contained but a detached building (in terms of internal access) within the grounds of a larger house is not uncommon and a condition is recommended to ensure that it remains as part of the main house and does not form an independent dwelling.
- 7.15 The vast majority of the trees on the site are being retained and it is proposed to mitigate the small number of losses with replacement planting. The tree officer is satisfied in this regard and the retention of the vast majority of the trees is considered necessary in preserving the character and appearance of the conservation area and providing an instant maturity for the setting of the development. It is considered that the proposal accords to Policy NE5 of the Local Plan.

8. SUSTAINABILITY / BIODIVERSITY

The issues relating to sustainability are appraised in paragraphs 7.11 and 7.12 and are considered acceptable. In terms of biodiversity the protected species report does not identify any constraints to the development, though recommends that works to trees and shrubs should avoid the nesting season. However, although the report has not raised any issues with regard to badgers, it is known that this species is active in the adjacent Wollaton Park. It is therefore considered appropriate as a precautionary measure to require a condition to secure a further survey at the pre-commencement stage. It is considered that the proposal accords to Policy NE3 of the Local Plan.

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

None.

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. <http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F00951&action=Search>
2. Comments from NCC Highways dated 07 May 2013
3. Comments from Heritage and Urban Design dated 20 May 2013
4. Comments from Noise and Pollution Control dated 08 May 2013
5. Comments from English Heritage dated 25 June 2013
6. Comments from Tree Officer dated 08 May 2013
7. Comments from Biodiversity and Green Space Officer dated 21 May 2013
8. Comments from or on behalf of local residents/public (x33) between 08 May and 08 July 2013.

17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005).
2. National Planning Policy Framework.

Contact Officer:

Mr Mark Bassett, Case Officer, Development Management.

Email: mark.bassett@nottinghamcity.gov.uk Telephone: 0115 8764193

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

608 Adams Hill

1 SUMMARY

Application No: 13/00952/LCAC1
Application by: Baca Architects on behalf of Mrs Topham
Proposal: Demolition of existing property.

The application is brought to Planning Committee because it is considered to be sensitive and given the level of public interest in the accompanying planning application.

To meet the Council's Performance Targets this application should have been determined by 18 June 2013.

2 RECOMMENDATIONS

GRANT CONSERVATION AREA CONSENT for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

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

For the main body of the report please see planning application ref 13/00951/PFUL3 on this agenda.

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

1. <http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F00951&action=Search>

2. Comments from local residents dated 8 May, 24 May, 14 June and 19 June 2013.

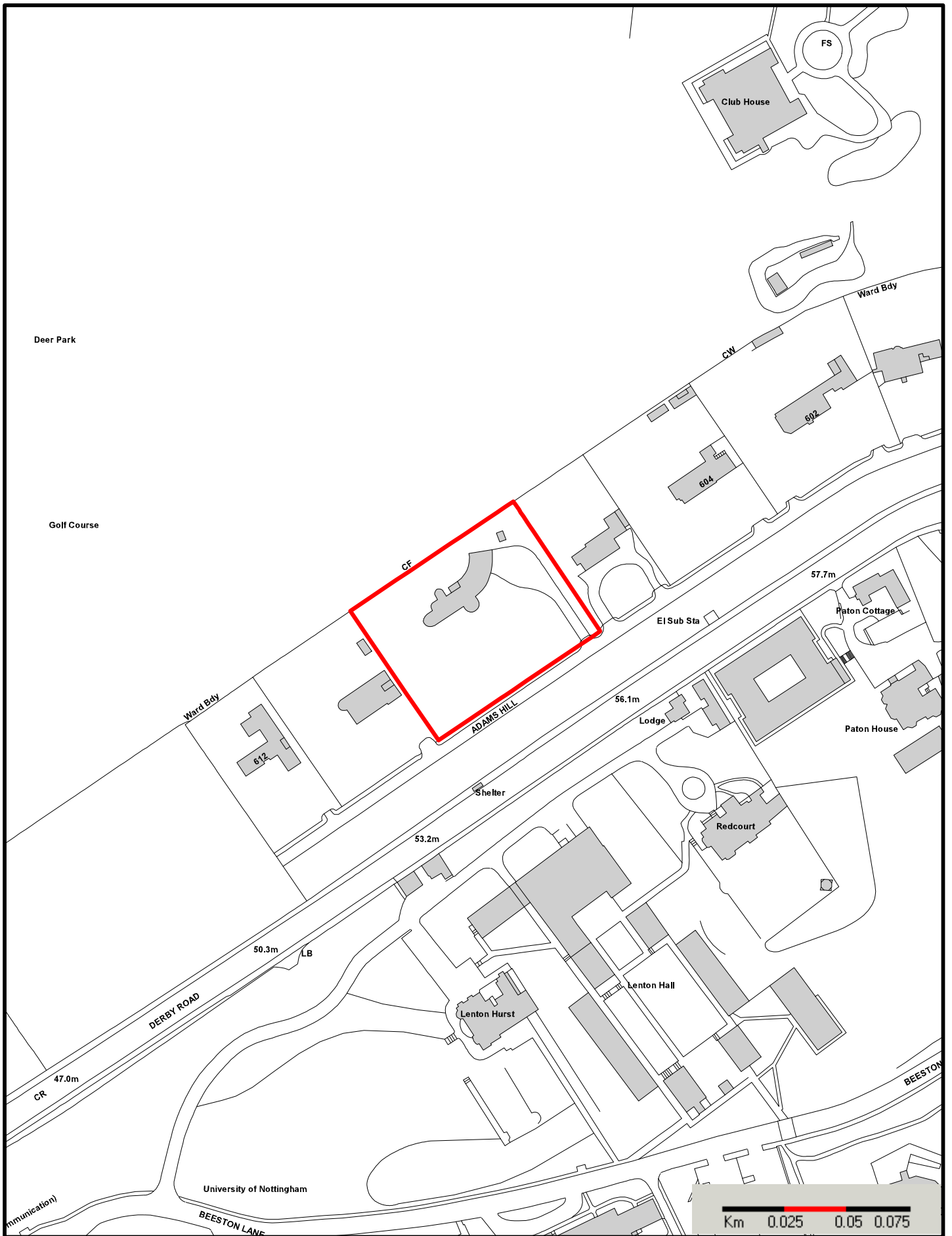
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Contact Officer:

Mr Mark Bassett, Case Officer, Development Management.

Email: mark.bassett@nottinghamcity.gov.uk. Telephone: 0115 8764193



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Nottingham
City Council

My Ref: 13/00951/PFUL3 (PP-02573698)
Your Ref:
Contact: Mr Mark Bassett
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

BACA Architects Ltd
FAO: Mr Richard Coutts
28 Marshalsea Road
London
SE1 1HF

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 13/00951/PFUL3 (PP-02573698)
Application by: Mrs C Topham
Location: Rainbow House , 608 Adams Hill, Derby Road
Proposal: Erection of new dwelling following demolition of existing property.

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. Prior to the commencement of development, full details of external materials for the building, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a sample panel of the ceramic tiles of a minimum size of 4m². The development shall be constructed in accordance with the approved details.

Reason: To ensure a quality appearance, in the interests of the character and appearance of the Conservation Area and in accordance with the aims of Policy BE12 of the Local Plan.

3. No development shall commence until details of the following has been submitted to and approved in writing by the Local Planning Authority.
- a) a detailed landscaping scheme indicating the type, height, species and location of proposed trees, hedges and shrubs
 - b) boundary treatment
 - c) hard surfacing
 - d) lighting
 - e) terracing/banking or other changes of levels of the garden areas
 - f) the access ramp to the parking area
 - g) elevations of the bin store

The details approved under items b) to g) shall be constructed in accordance with the approved details prior to the occupation of the development.

Reason: To preserve and enhance the character and appearance of the Conservation Area, in the interests of residential amenity and in accordance with the aims of Policies BE3 and BE12 of the Local Plan.

4. 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 L_{Amax} (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.

5. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement to include the following has been submitted to and approved in writing by the Local Planning Authority:

- (a) a Tree Protection Plan;
- (b) details of special construction measures and the arboricultural supervision of work within the root protection areas; and
- (c) a schedule of pruning.

Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site. All other recommendations of the Arboricultural Method Statement shall be implemented during the construction of the development.

Reason: To ensure protection of the trees to be retained in accordance with Policy NE5 of the Local Plan

6. Notwithstanding the protected species survey submitted, prior to the commencement of development a supplementary badger report shall be submitted to and approved in writing by the Local Planning Authority which has regard to the movement of badgers onto the site from Wollaton Park. The report shall include details of any mitigation measures should evidence of badgers be found on the site and these mitigation measures shall be carried out in accordance with the approved details.

Reason: To ensure that there is no adverse impact on protected species and in accordance with Policy NE3 of the Local Plan

7. Prior to the commencement of development a detailed drawing showing the relationship between the photovoltaics and the ceramic roof tiles shall be submitted to and approved in writing by the Local Planning Authority. The roof shall be constructed in accordance with the approved details.

Reason: To ensure a quality appearance, in the interests of the character and appearance of the Conservation Area and in accordance with the aims of Policy BE12 of the Local Plan.

8. Prior to the commencement of development details of the obscure glazing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To maintain the privacy of neighbouring residents and in accordance with the aims of Policy BE3 of the Local Plan.

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

9. The development shall not be occupied until the low carbon energy scheme has been implemented in accordance with the details within the submitted application, unless a variation has first been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure delivery of the low energy performance measures and in accordance with Policy BE4 of the Local Plan.

10. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

11. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent and as shown on plan 132/200/051 (Proposed Highways Drawing) is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

12. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Regulatory/ongoing conditions

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

13. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', no extensions, ancillary buildings, garages, car ports or structures shall be erected within the curtilage of the dwelling without the prior express permission of the Local Planning Authority.

Reason: To preserve the character and appearance or the conservation area and in accordance with the aims of Policy BE12 of the Local Plan.

14. The annexe building hereby approved shall be used in conjunction with the main house and shall not be occupied as an independent dwelling.

Reason: To preserve the character and appearance or the conservation area and in accordance with the aims of Policy BE12 of the Local Plan.

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 23 April 2013.

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. In regard to condition 4 BS8233 gives an approximate relationship between NR & dBA as $NR = dBA - 6$. This is specifically an approximation in the absence of strong low frequency noise'. Therefore it is appropriate and reasonable to assess internal noise levels, where low frequency noise is noticeable, using the NR curves specified.

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: 13/00951/PFUL3 (PP-02573698)

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/pes.

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.



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DRAFT ONLY
Not for issue

My Ref: 13/00952/LCAC1 (PP-02573698)
Your Ref:
Contact: Mr Mark Bassett
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

BACA Architects Ltd
FAO: Mr Richard Coutts
28 Marshalsea Road
London
SE1 1HF

Date of decision:

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
APPLICATION FOR CONSERVATION AREA CONSENT**

Application No: 13/00952/LCAC1 (PP-02573698)
Application by: Mrs C Topham
Location: Rainbow House , 608 Adams Hill, Derby Road
Proposal: Demolition of existing property.

Nottingham City Council as Local Planning Authority hereby **GRANTS CONSERVATION AREA CONSENT** 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)

There are no conditions in this section.

Other conditions

(Conditions relating to other regulatory matters)

2. The demolition authorised by this consent shall not be carried out before:
 - a) a contract for the carrying out of the works of redevelopment of the site has been entered into and a copy produced to the Local Planning Authority; and
 - b) planning permission has been granted for the redevelopment for which the contract provides.

Reason: to ensure that the character and appearance of the conservation area is preserved or enhanced in accordance with Policy BE13 of the Local Plan.



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DRAFT ONLY
Not for issue

Continued...

Standard condition- scope of permission

S1. Unless otherwise agreed in writing by the Local Planning Authority or modified by the conditions listed above, the works 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 23 April 2013.

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.

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: 13/00952/LCAC1 (PP-02573698)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of consent for the proposed works, 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/pes.

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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.