

NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday 17 July 2013

Time: 2.30pm

Place: Ground Floor Committee Room 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: Noel McMenamin Direct dial - 8764304

A G E N D A

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTERESTS**
- 3 MINUTES** To follow
Last meeting held on 19 June 2013 (for confirmation)
- 4 PLANNING APPLICATIONS - REPORTS OF THE HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**
 - (a) VICTORIA CENTRE MILTON STREET NOTTINGHAM** **1**
External alterations to the Lower Parliament Street/Milton Street entrance of Intu Victoria Centre
 - (b) RAINBOW HOUSE 608 ADAMS HILL DERBY ROAD** **9**
NOTTINGHAM NG7 2GZ
Erection of new dwelling following demolition of existing property.
 - (c) NOTTINGHAM UNIVERSITY HOSPITALS NHS TRUST CITY** **33**
HOSPITAL SITE HUCKNALL ROAD NOTTINGHAM NG5 1PB
Orthopaedic theatres building.

(d) 2 - 6 CHETTLES TRADE PARK MIDLAND WAY NOTTINGHAM

43

Conversion to health and fitness club and alterations to existing service yard to create additional car parking.

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE CONSTITUTIONAL SERVICES OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES.

Agenda, reports and minutes for all public meetings can be viewed online at:-
<http://open.nottinghamcity.gov.uk/comm/default.asp>

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

Victoria Centre, Milton Street

1 SUMMARY

- Application No: 13/01092/PFUL3 for planning permission
- Application by: Nathaniel Lichfield & Partners on behalf of Intu Properties Plc
- Proposal: External alterations to the Lower Parliament Street/Milton Street entrance of Intu Victoria Centre.

The application is brought to Committee because it is a scheme of local interest.

To meet the Council's Performance Targets this application should have been determined by 27th June 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 be delegated to the Head of Development Management.

3 BACKGROUND

The application site is the southern entrance into the Victoria Centre, which is on the corner of Milton Street and Lower Parliament Street. The entrance is glazed on the ground floor, with a canopy over. There are three upper floors in a concrete façade and ribbon glazing.

4 DETAILS OF THE PROPOSAL

- 4.1 The central entrance is proposed to be expressed with a projecting box in polycarbonate cladding over glazing. The entrance doors would be repositioned. It is also proposed to over-clad the façade with perforated tensile fabric panels, applied to a steel structural frame that would be fixed to the building. The fabric panels would be in a geometric form, with feature lighting being provided behind that is intended to express the 3-dimensional form of the façade. The fabric panels are proposed in a selection from the grey palette. The extent of the cladding is proposed to be terminated by two totem features, to be partly clad in polycarbonate. Signage zones are indicated but are to be the subject of a separate application for advertisement consent.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised by site notices.

The following response has been received:

Nottingham Civic Society: Objection. Proposals represent an unsightly and unsustainable development. Proposed cladding in tensile fabric is a blank canvas for advertisements. Temporary and superficial nature of material gives the appearance of a building site, whilst distorting the scale of the building to a more 'lumpen' mass than exists already. Contention that fabric panels will 'break up the mass' is not borne out by illustrative images. Indicative signage is at odds with scale and character of city centre's retail streetscape – a bludgeoning effect to get noticed. Cladding will screen existing windows to staff accommodation, which will then need more artificial light. Calibre of architectural vision gives rise to concern over future proposals.

Urban Design Team: No objections. The scheme represents an improvement on the existing entrance. The lighting will help to provide interest and will animate the building. Full details of materials and lighting will need to be agreed.

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 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.
- 6.3 Paragraph 134 of the NPPF is also relevant to this application. This advises on the need to weigh the extent of harm to the significance of a designated heritage asset against the public benefits of the proposal.

Nottingham Local Plan (November 2005):

ST3 - City Centre.

BE3 - Building Design.

BE12 - Development in Conservation Areas.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) The design and appearance of the development
- (ii) The impact on the adjacent Old Market Square Conservation Area

Issue (i) The design and appearance of the development (Policy BE3)

- 7.1 The existing 1972 façade to the Victoria Centre is tired and dated and is in need of upgrading. The proposed investment in the external appearance of the southern entrance is to be welcomed.
- 7.2 The southern entrance does not currently have a significant presence in the street scene of the area. The proposal to express this entrance with a simple contemporary box in a lightweight material is considered to be appropriate and will transform its appearance.
- 7.3 The proposed fabric cladding system is noted to be a product that has been tested and proven capable of being used to great effect in the transformation of other similar buildings, and precedent images of its use have been provided. It is also recognised that, due to the structure of the building and the need to maintain levels of natural light to the occupants of the upper floors, there are constraints in the range and type of systems that can be used.
- 7.4 The use of feature lighting is also considered to be appropriate in conjunction with the use of the fabric cladding and will provide the opportunity for a dynamic quality to the building's appearance.
- 7.5 The objection of the Nottingham Civic Society is recognised. However, it is considered that the proposed alterations represent a significant improvement upon the existing dated appearance of the façade, being contemporary, lightweight, and durable in their quality.
- 7.6 It is considered that the proposed alterations will enhance the local environment, townscape and character of the area in accordance with Policy BE3(a). Planning conditions are proposed to govern the final selection of materials and lighting of the building.

Issue (ii) The impact on the adjacent Old Market Square Conservation Area (Policy BE12)

- 7.7 The southern entrance of the Victoria Centre is adjacent to the boundary of the Old Market Square Conservation Area, which runs along the southern side of Lower Parliament Street. The Victoria Centre is prominent in views from the Conservation Area and its impact upon its character and appearance has also, therefore, been considered. The dated quality of the current façade of the Victoria Centre could be considered to be detrimental to the character and appearance of the Conservation Area. It is considered that the contemporary and lightweight quality to the proposed alterations would enhance views from the Conservation Area in accordance with Policy BE12. The application would have no adverse impact on the character of the conservation area and therefore complies with the NPPF.

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: Providing a 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: 13/01092/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01092/PFUL3>
2. Nottingham Civic Society, 27.6.13

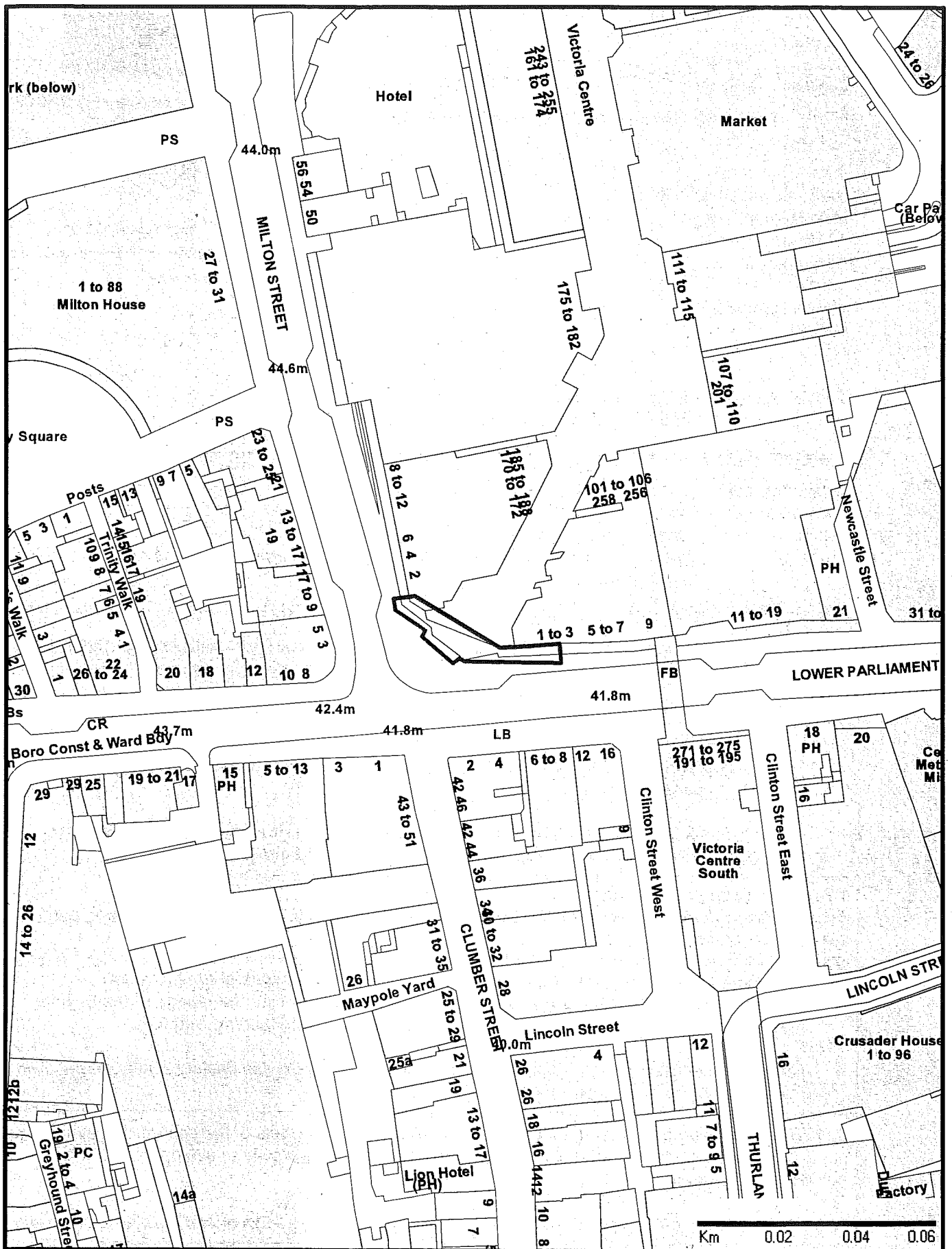
17 **Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

Contact Officer:

Mr J. Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 876407



© Crown Copyright and database right 2013. Ordnance Survey License number 100019317



**Nottingham
City Council**

My Ref: 13/01092/PFUL3 (PP-02599373)

Your Ref:

Contact: Mr J. Rae

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

Nathaniel Lichfield & Partners
Miss Hannah Fortune
14 Regent's Wharf
All Saints Street
London
Greater London
N1 9RL

Date of decision:

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

Application No: 13/01092/PFUL3 (PP-02599373)
Application by: Intu Properties Plc
Location: Victoria Centre, Milton Street, Nottingham
Proposal: External alterations to the Lower Parliament Street/Milton Street entrance of intu Victoria Centre.

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
<p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p><i>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.</i></p>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
<p>2. The approved development shall not be commenced until samples of the proposed polycarbonate and tensile fabric materials to be used to over-clad the facade of the building have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory and to comply with Policy BE3 of the Nottingham Local Plan.</i></p>
<p>3. The approved development shall not be commenced until details of the scheme for the lighting of the facade of the building have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory and to comply with</i></p>

DRAFT ONLY

Not for issue

Continued...



<i>Policy BE3 of the Nottingham Local Plan.</i>
Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)
Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)
Standard condition- scope of permission
<p>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 following drawings/documents:</p> <p>Drawing reference 3478-AP(04)1502P02 Drawing reference 3478-AP(03)1305P02 Drawing reference 3478-AP(04)1503P02 Drawing reference 3478-AP(04)1504P02 Drawing reference 3478-AP(04)1505P02 Drawing reference 3478-AP(05)1600P03 Drawing reference 3478-AP(02)1000P01 Drawing reference 3478-AP(02)1001P01</p> <p><i>Reason: To determine the scope of this permission.</i></p>

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.

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.

DRAFT ² ONLY
Not for issue

Continued...



RIGHTS OF APPEAL

Application No: 13/01092/PFUL3 (PP-02599373)

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.

**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/PFUL3 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.
-

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

PLANNING COMMITTEE

17 July 2013

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.

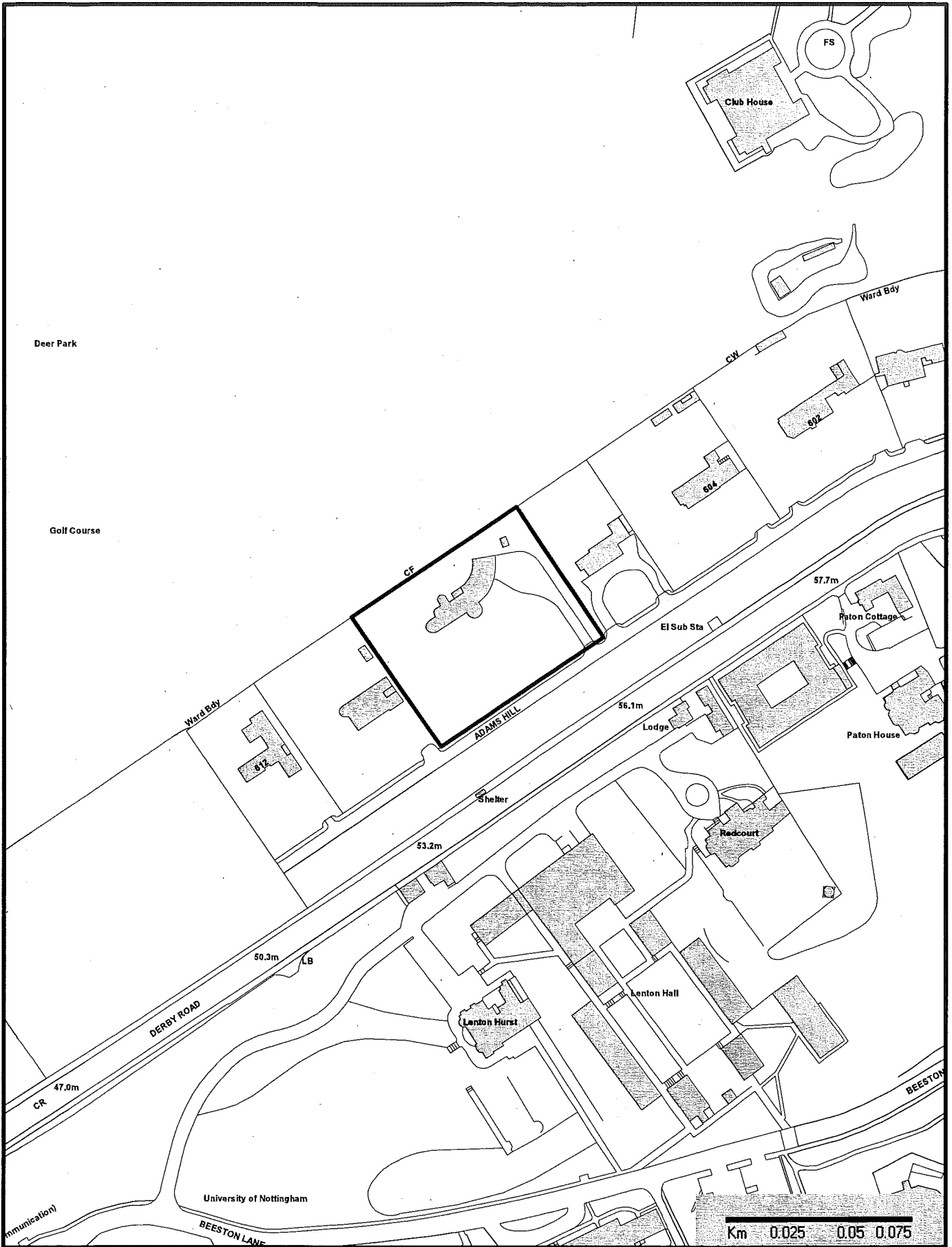
3 Published documents referred to in compiling this report

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



© Crown Copyright and database right 2013. Ordnance Survey License number 100019317



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. <i>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.</i>
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. <i>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.</i>

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/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.³

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.

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. <i>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.</i>
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. <i>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.</i>

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.

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

Nottingham University Hospitals NHS Trust City Hospital Site, Hucknall Road

1 SUMMARY

Application No: 13/01295/PFUL3 for planning permission

Application by: CPMG Architects Ltd. on behalf of Nottingham University Hospitals NHS Trust

Proposal: Orthopaedic theatres building.

The application is brought to Committee because it is a major development of public interest.

To meet the Council's Performance Targets this application should be determined by 22nd August 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 to be delegated to the Head of Development Management.

3 BACKGROUND

The application site is part of the wider City Hospital campus. The site is located to the southern side of North Road, between the outpatients' entrance and the main entrance. Opposite the site, to the north of North Road, is the Post Graduation centre and a residential block.

4 DETAILS OF THE PROPOSAL

4.1 This is a proposal to construct an Orthopaedic Theatres building. It would be located adjoining an existing building that houses seven theatres. The applicant has stated that some existing facilities are becoming outdated and demand is growing for new orthopaedic services. It is proposed to provide four new theatres along with new pre-surgery waiting rooms, recovery bays and storage rooms.

4.2 The existing theatre building is single storey with a flat roof. The new building would also be a single storey building with a flat roof. Two plant rooms would be sited on the roof. The materials are proposed to be a brick plinth with cladding to the walls.

4.3 Access into the new building would be via the existing internal link corridor. No external access is proposed, although there are fire exits and a loading bay for deliveries off North Road.

- 4.4 Some trees would be lost through the development, and part of the existing buildings would be demolished. Bats are known to occupy the existing building therefore mitigation measures such as a stand alone wall with false eaves are proposed within the internal courtyard.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

A site notice has been posted and a press notice published, with an expiry date of 26th June 2013. There has been no response to publicity.

Additional consultation letters sent to:

Pollution Control: No comments.

Highways: No objections in principle, although the applicant should be encouraged to update the hospital travel plan and prepare a construction method statement.

Tree Officer: There is an internal courtyard between the new building and the link corridor. It is recommended that replacement trees be planted here so as to improve the outlook from within the hospital and to mitigate against the loss of trees through the development.

Biodiversity and Greenspace Policy Officer: Satisfied with the conclusions and recommendations of the bat survey, which identifies a common pipistrelle bat roost being used by a single bat. As bats are a protected species, a license will be required from Natural England before demolition begins. Recommends that if the demolition has not been carried out within two years, a new survey should be undertaken. The removal of the fascia should be carried out under an ecological watching brief as per the report. Agrees with the proposed mitigation, (bat wall and planting climbers to attract night-flying insects) is appropriate and proportionate.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

BE2 - Layout and Community Safety – complies.

BE3 - Building Design – complies.

BE4 - Sustainable Design – complies.

CE6 - Expansion of Hospitals/Medical Centres – complies.

NE3 - Conservation of Species – complies (check).

NE5 – Trees – complies.

NE9 – Pollution – complies.

T2 - Parking – complies.

National Planning Policy Framework – complies.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether the development:

- i) is acceptable in principle;
- ii) will provide adequate access and parking;
- iii) be of a good design.

Issue i) Principle of the development (Policy CE6)

- 7.1 The scheme proposes to provide enhanced healthcare facilities on an existing hospital site and is therefore wholly in accordance with Policy CE6. The proposal also accords with the NPPF in that it promotes the re-use of brownfield land and would deliver a health facility for the benefit of the local and wider community.

Issue ii) Access, layout and parking (Policies BE2 and T3)

- 7.2 Pedestrian access into the facility would be via the existing internal corridor. Internally, access would be level throughout. The proposed building would utilise an area of the hospital that had previously been occupied by buildings and is close to the existing theatres. It is not anticipated that the facility would result in a significant increase in car parking requirements. Car parking and travel planning for the City Hospital is considered by the NHS Trust at a strategic level and therefore it would not be appropriate to require a new travel plan as part of this development.
- 7.3 The management of the construction of the development would be controlled by NHS Trust as they would have requirements to ensure issues of safety and accessibility are taken into consideration. The building would be constructed a long way from the public highway and therefore it would not be appropriate to include a condition relating to construction management.

Issue iii) Building Design (Policy BE3)

- 7.4 The building would be a modern flat roof construction to reflect the scale and proportions of other buildings in the area. The nature of the use of the building means that no window or general access openings would be appropriate on the external face of the building. This clearly limits the scope to make the building interesting and interactive. The external elevations would be faced with a flat composite cladding system and the applicant is prepared to look at introducing flashes of colour to add interest and vibrancy. The details of this would be secured by condition.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 The proposed building would achieve an Excellent BREEAM rating. Photovoltaic panels would be sited on the roof, and the information submitted indicates that these would achieve a minimum of 10% of renewable energy.
- 8.2 Replacement trees and an area of landscaping would be provided which would help to enhance the appearance of the building and surrounds, and the natural environment.
- 8.3 Evidence of a single common pipistrelle bat roost has been found in the building,

part of which is to be demolished. The council's ecologist agrees with the report's findings that the roost is of low conservation significance. A freestanding wall with eaves is proposed to provide a replacement roost for that removed following demolition. The report proposes to install a one way device, enabling the bat to exit the roost but not to return. Following a short period the fascia would then be removed and inspected and any bats found would be captured and moved to the new bat roosting wall. These measures would need to be agreed with Natural England, as part of the licensing process, before demolition can begin.

- 8.4 It is considered that the proposals would not breach Natural England's licensing objectives and the mitigation measures would be an appropriate way to safeguard bats. The proposed measures conform to paragraph 118 of the NPPF (conserving and enhancing the natural environment) in that any harm resulting from the development can be adequately mitigated.

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

The application is in accordance with Council priorities, to improve the health and well being of citizens.

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: 13/01295/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01295/PFUL3>

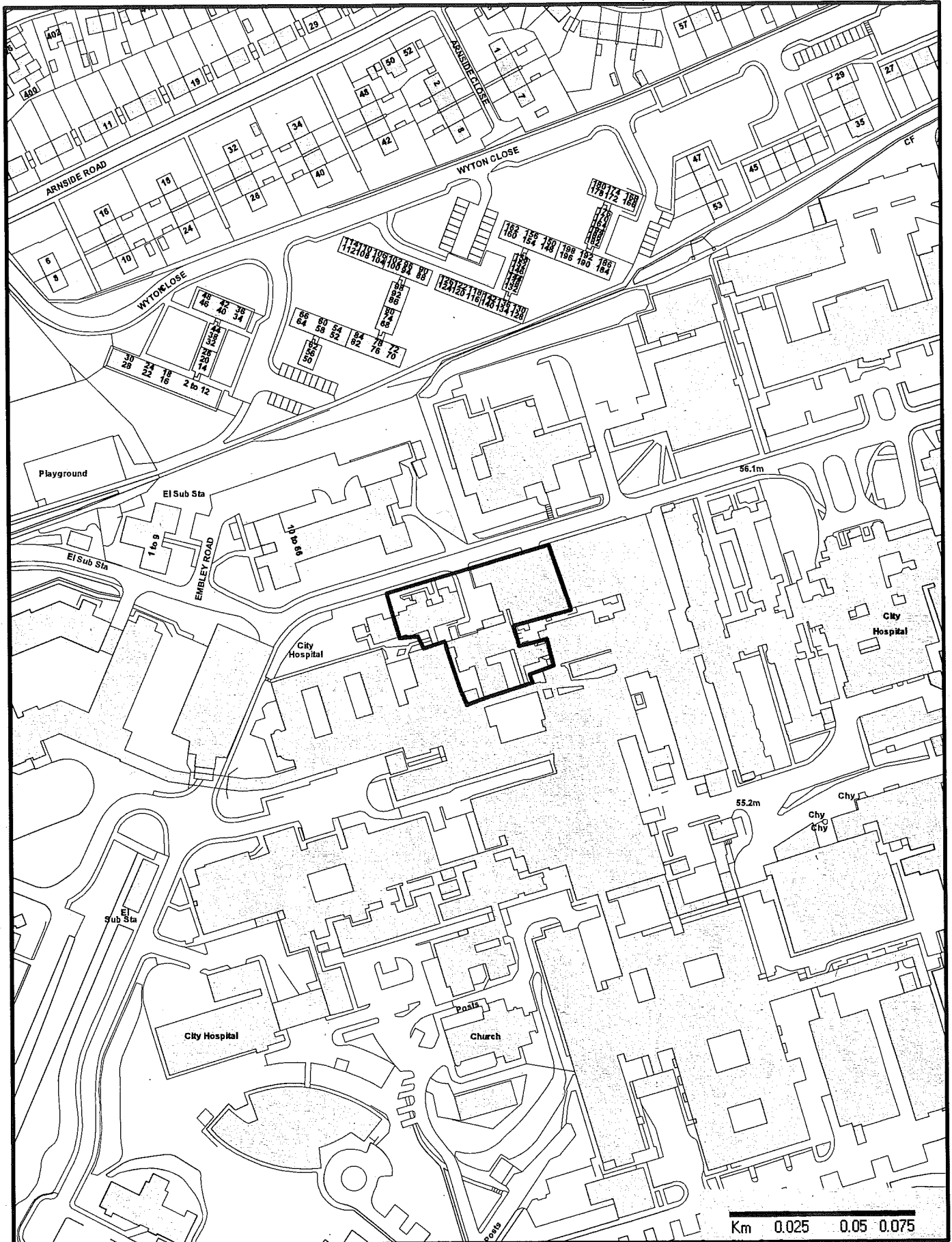
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs S. Davis, Case Officer, Development Management.

Email: sue.davis@nottinghamcity.gov.uk Telephone: 0115 8764046



© Crown Copyright and database right 2013. Ordnance Survey License number 100019317



Nottingham
City Council

My Ref: 13/01295/PFUL3 (PP-02664051)

Your Ref:

Contact: Mrs S. Davis

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

CPMG Architects Ltd.
FAO: Mr Anil Parmar
23 Warser Gate
Nottingham
NG1 1NU

Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION

Application No: 13/01295/PFUL3 (PP-02664051)
Application by: Nottingham University Hospitals NHS Trust
Location: Nottingham University Hospitals NHS Trust City Hospital Site, Hucknall Road, Nottingham
Proposal: Orthopaedic theatres building.

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. <i>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.</i>
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 details of all external materials including cladding and bricks have been submitted to and approved in writing by the Local Planning Authority. <i>Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.</i>
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)

3. Should the demolition (where identified bats are present) not take place within two years of the date of this permission, then an updated bat survey report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not cause harm to protected species in accordance with Policy NE3 of the Nottingham 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 following drawings/documents:

Elevations reference 010-P3 revision visualisations, received 11 June 2013

Landscaping reference 004-P5, received 21 June 2013

General reference 027-P1 revision bat wall, received 21 June 2013

Landscaping reference 01 revision rev B, received 26 June 2013

Plan reference 18 revision rev G0, received 26 June 2013

Plan reference 003-P8, received 30 May 2013

Plan reference 005-P7, received 30 May 2013

Elevations reference 006-P6, received 30 May 2013

Elevations reference 007-P6, received 30 May 2013

Plan reference 008-P3, received 30 May 2013

Plan reference 011-P1, received 30 May 2013

Plan reference 021-P5, received 30 May 2013

Plan reference 022-P5, received 30 May 2013

Plan reference 023-P4, received 30 May 2013

Plan reference 024-P3, received 30 May 2013

Plan reference 025-P1, received 30 May 2013

Plan reference 026-P1, received 30 May 2013

Planning Layout, received 30 May 2013

General reference FUEL AREA, received 30 May 2013

General reference TRACKING ASSESSMENT, received 30 May 2013

General reference TRACKING PLAN, received 30 May 2013

General reference RAMP LEVELS, received 30 May 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. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring during construction works.

The Highways Network Management team at Loxley House should be notified regarding when the works will be carried out. Please contact them on 0115 8765238. Any associated costs will be borne by the applicant.

4. A post-construction period of monitoring of the bat wall would be required as part of the EPS derogation licence. It is requested that the results of the monitoring be submitted to the Local Planning Authority.

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: 13/01295/PFUL3 (PP-02664051)

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

2 - 6 Chettles Trade Park, Midland Way

1 SUMMARY

Application No: 13/00962/PFUL3 for planning permission

Application by: Think Architecture And Design on behalf of Xercise4Less

Proposal: Conversion to health and fitness club and alterations to existing service yard to create additional car parking.

The application is brought to Committee because it is a major scheme and similar proposals relating to this property have previously been considered by Committee.

To meet the Council's Performance Targets this application should be determined by 6th August 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 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 Chettles Trade Park is part of a mixed use development on 6.28 Ha of former industrial land alongside the River Leen in Radford, generally referred to as Chettles Yard. The development comprises a large proportion of student accommodation, some retail units at its southern end fronting Wollaton Road, a Magnet trade warehouse and two blocks of industrial units.

3.2 The two elongated blocks of industrial units are aligned along the western boundary, backing onto the adjacent railway line. They are accessed by Midland Way, the Chettles Yard spine road which links New Road to the north with St Peters Street to the south and serves the entire development. The northernmost block comprises 9 units and is known as Genesis Park. It was constructed as part of the first phase of development and has been in use for a number of years. It is currently fully occupied. The Chettles Trade Park is the southernmost block which was completed approximately 4 years ago. It comprises 7 units (2 x 464 sqm and 5 x 315 sqm), all of which are currently vacant.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal is to convert the 5 southernmost units (Use class B1/B8) within the Chettles Trade Park (2 x 464sqm and 3 x 315 sqm units) to a health and fitness club (Use Class D2). The club would have a combined ground floor area of 1,873 sqm with an additional 995 sqm mezzanine. Externally the principal change will be to the east elevation with the introduction of a new glazed entrance screen and doors within the opening of the existing roller shutter door, together with business branding / signage which is subject to a separate advertisement application.
- 4.2 The units' car parking and servicing areas would be reconfigured to provide 68 car parking spaces including 5 disabled spaces (currently there are 30 spaces to serve these units), 22 cycle parking spaces and 8 motorcycle spaces. Internally all the dividing walls would be removed.
- 4.3 The health and fitness club would provide changing facilities including WC's, showers and lockers, with separate disabled WC / shower on the ground floor. The intended occupants, Xercise4less, are looking to expand their business into Nottingham; they already run clubs in Leeds, Bolton, Wakefield, Castleford, Wigan, Stockton, Doncaster and Hull, with one opening shortly in Newcastle under Lyme, and won the "Budget gym of the year award in 2012".
- 4.4 The developer is offering local employment and training opportunities during the operational phase of the development. The mechanisms for providing these benefits will be by way of a S106 obligation.

Relevant Planning History

- 4.5 Planning reference 10/02228/PFUL3 proposing a change of use to a children's indoor playcentre (use class D2) was refused in August 2010 due to concerns about the loss of good quality industrial premises and the out of centre location of this leisure use.
- 4.6 The same proposal was resubmitted in 2011 under reference 11/02400/PFUL3 and subsequently granted. This decision recognised the shift in national planning policy which encouraged planning authorities to say 'yes' to sustainable development which generates jobs and will assist economic growth. Furthermore, the units had remained vacant, having been marketed without success.

The approved use as a play centre has not been implemented.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

1-8 Chettles Trade Park.

Application also advertised by a site notice. The expiry date was 12 July 2013 and no comments have been received.

Additional consultation letters sent to:

Pollution Control: No comments.

Highways: No objections to proposal subject to the inclusion of conditions requiring no occupation until car, motorbike and covered cycle parking has been provided, and a full travel plan to be submitted within 6 months of occupation.

Environment Agency: No objections. The proposal is located in an area of flood risk and it would be advisable to incorporate flood resilience construction techniques if at all feasible. Within the vicinity of the building are small flood defences that may not be adjacent to the river and may not look important. Any new development or redevelopment will need to take these structures into consideration.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 7 explains that key to this is building a strong, responsive and economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment. Paragraph 14 states that development should be approved, without delay, where it accords with the development plan.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities. Complies

E4 - Previously Used Employment Sites. Complies

R8 - Recreation Uses outside Centres. Complies

BE2 - Layout and Community Safety. Complies

BE3 – Building Design and Residential Amenity. Complies

T1 - Location of development. Complies

T3 - Car, Cycle and Servicing Parking. Complies

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) The loss of the industrial premises
- (ii) The suitability of the proposed leisure use in this location and its impact in terms of traffic and parking

(i) The loss of the industrial premises (Policies E4 and ST1)

- 7.1 Chettles Yard is allocated for industrial development in the Local plan (E2.14). However the mixed use development that was approved for the site was based upon a development brief that aimed to bring about its regeneration by reallocating part of the site for retail and residential uses. The approved development was also responding to the considerable need at that time for purpose built student accommodation; the site was particularly well suited in this regard given its proximity to the Jubilee Campus.

- 7.2 Policy E4 of the Local Plan states that planning permission will be granted for proposals which enable the regeneration of previously-used employment sites and premises subject to a number of criteria, amongst which is the need to demonstrate that there is a sufficient quantity and range of alternative employment sites and premises. This policy is primarily aimed at bringing forward the regeneration of older, redundant employment sites and premises which no longer meet the needs of modern businesses.
- 7.3 The principal of loss of employment premises to an alternative use has already been established with the granting of planning permission reference 11/02400/PFUL3 for the playcentre which is still extant. Since the previous refusal in August 2010, the shift in national planning policy has been reinforced by the National Planning Policy Framework (2012). Furthermore, the units have not been occupied since their construction some 4 years ago in spite of being actively marketed.
- 7.4 Employment densities show that an industrial (B1, B2 or B8) unit of comparable size to the application site has the potential to accommodate between 16 to 40 jobs dependent upon the use. The proposed use would provide 40 jobs both part time and full time equating to 30 full-time equivalents and is therefore within this range. It is therefore considered that the change of use of these units would continue to provide employment opportunity and comply with Policy E4.

(ii) The suitability of the proposed leisure use in this location and its impact in terms of traffic and parking (Policies R8, BE2, BE3, T1 and T3)

- 7.5 Policies R8 and T1 of the Local Plan direct leisure uses which would generate significant travel demand towards the City, Town and Local Centres. Where no suitable sites or buildings are available they require a sequential approach be taken to site selection, similar to that adopted for retail development.
- 7.6 The applicant's have engaged with the Council's Inward Investment team in order to find suitable premises. A total of 11 premises, have been assessed against the applicant's requirements, but none of them have been deemed suitable.
- 7.7 The site is adjacent to other industrial uses, retail outlets and student accommodation blocks. Noise and Pollution Control have raised no objection to the proposal.
- 7.8 The applicant's agent considers that the site is highly accessible on the following Grounds:
- The 2 km (walking) catchment covers a large residential area and a significant amount of nearby student accommodation, with the site being connected to these areas by secure, well lit pavements and there are various pedestrian crossings along the A609.
 - The 8km cycling catchment covers the majority of the city.
 - The site is well served by public transport with the premises located approximately 250m from bus stops into and out of the city centre along Ilkeston Road, where there are regular bus services with 25 buses an hour during the week.
 - Nottingham Railway Station is 3.5 km from the site, which is within cycling distance.

- 7.9 The submitted Transport Assessment compares the key differences in vehicular trip generation between the permitted D2 Indoor Play Area use and the proposed D2 Gym use. The proposal is predicted to result in a small increase in traffic generation to the site.
- 7.10 A trip distribution exercise was undertaken to assess the predicted routing of traffic accessing the site from the local area. This showed that the impact of the new development in terms of additional traffic at key junctions is not significant. In conclusion, the overall predicted changes in traffic flows as a result of the change of use will not be significant, and can be satisfactorily accommodated on the local highway network.
- 7.11 The proposed off-street parking provision, is considered to be acceptable and highways have raised no objection to the proposal subject to conditions requiring the provision of parking facilities prior to occupation and a full travel plan to be submitted within 6 months of occupation.

Other Matters

- 7.12 Along with bringing employment opportunities and increased investment to the local economy the proposal will offer affordable health and fitness to the local community and wider city residents.

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

Working Nottingham: The proposal will bring about the use of long term vacant employment premises and provide employment opportunities for local citizens.

Healthy Nottingham: The development will encourage participation in leisure and sport and will promote activities associated with a healthy lifestyle.

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: 13/00962/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/00962/PFUL3>

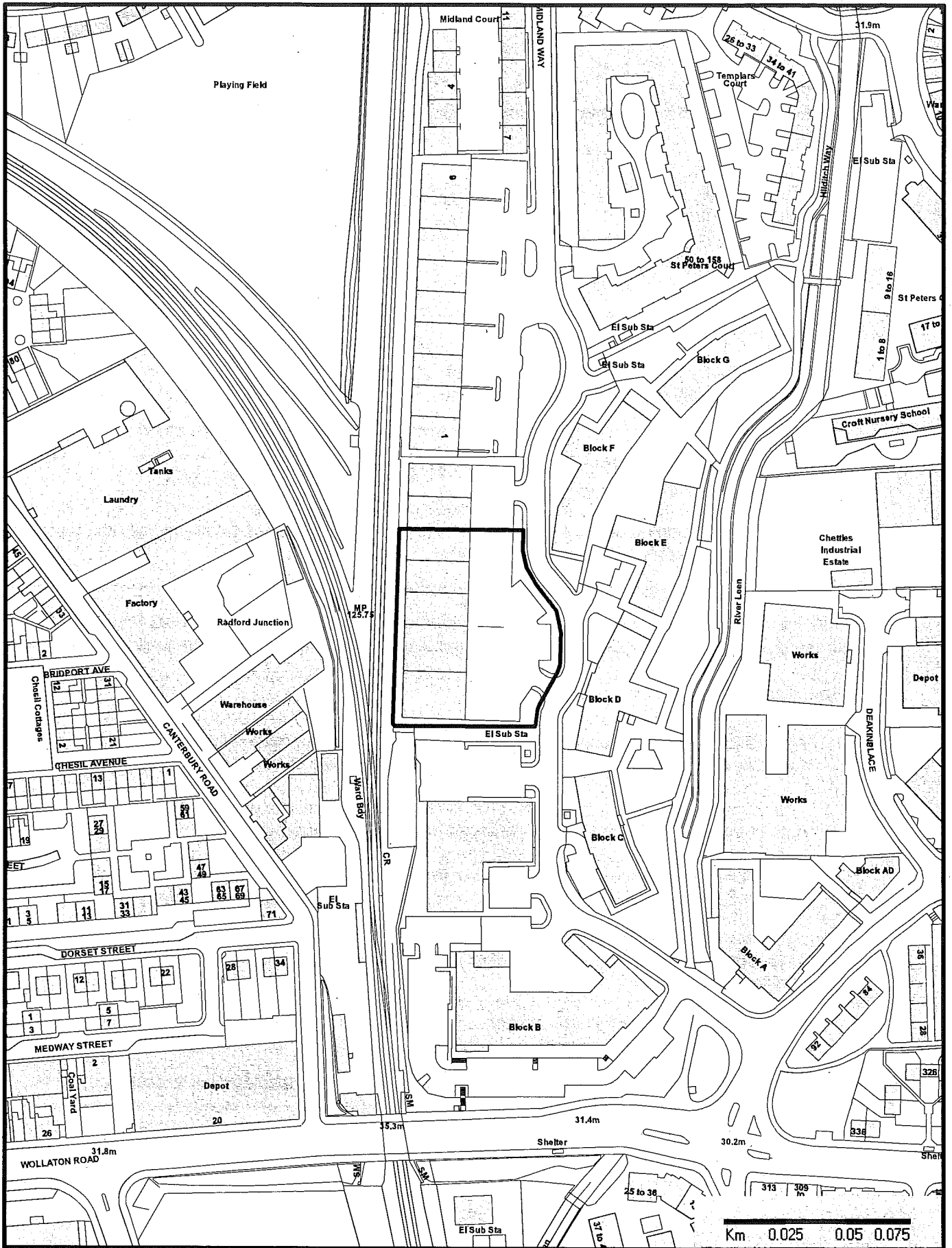
17 **Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs N Tyrrell, Case Officer, Development Management.

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



© Crown Copyright and database right 2013. Ordnance Survey License number 100019317



Nottingham
City Council

My Ref: 13/00962/PFUL3 (PP-02593093)

Your Ref:

Contact: Mrs N Tyrrell

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

Think Architecture And Design
FAO: Mr Simon Smithson
29 B Shire Oak Road
Headingley
Leeds
LS6 2DD

Date of decision:

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

Application No: 13/00962/PFUL3 (PP-02593093)
Application by: Xercise4Less
Location: 2 - 6 Chettles Trade Park, Midland Way, Nottingham
Proposal: Conversion to health and fitness club and alterations to existing service yard to create additional car parking.

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. Application for the approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved. <i>Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
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)

2. No part of the development hereby permitted shall be brought into use until such time that covered cycle parking for 22 cycles has been provided as indicated on drawing number 13_011 (20) 001 rev B and that area shall not be thereafter used for any purpose other than the parking of cycles.

Reason: To promote sustainable travel in accordance with Policy T3 of the Local Plan.

3. A full travel plan with updated staff and visitor travel survey data must be submitted for approval by the Local Planning Authority no later than 6 months after initial occupation. This travel plan shall be based on the Framework version submitted as part of this planning application and will make reference to schemes and developments that have occurred during the interim period. The travel plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. Once approved the revised travel plan shall be implemented at all times.

Reason: To promote the use of sustainable travel and in accordance with Policies BE2 and T2 of the Nottingham Local Plan.

4. No part of the development hereby permitted shall be brought into use until such time the car and motorcycle parking provision has been provided as indicated on drawing number 13_011 (20) 001 rev B.

Reason: To ensure that adequate off street parking provision is provided to prevent the overspill of parked cars onto the adjoining highway in accordance with Policy T3 .

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 7 May 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. The applicant is reminded that the proposal is located in an area of flood risk and it would be advisable to incorporate flood resilience construction techniques if at all feasible. In addition, within the vicinity of the building are small flood defences that may not be adjacent to the river and may

DRAFT ² ONLY

Not for issue

Continued...

not look important. Any new development or redevelopment will need to take these structures into consideration.

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.

DRAFT ³ ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 13/00962/PFUL3 (PP-02593093)

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.

