



## **ADDITIONAL / TO FOLLOW AGENDA ITEMS**

This is a supplement to the original agenda and includes reports that are additional to the original agenda.

### **NOTTINGHAM CITY COUNCIL PLANNING COMMITTEE**

**Date:** Wednesday, 19 December 2018

**Time:** 2.30 pm

**Place:** Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

**Governance Officer:** Zena West **Direct Dial:** 0115 8764305

### **AGENDA**

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## PLANNING COMMITTEE

### UPDATE SHEET

(List of additional information, amendments and changes to items since publication of the agenda)

19 December 2018

#### 5(a) Clifton West

1. Further information was sent relating to the revised buffer to Clifton Woods. Historic England have commented that the revised buffer and Design Code is welcomed and represents some positive engagement with the setting of the heritage assets. Their concerns however, broadly remain the same as in the consultation response. If the City Council is minded to grant consent on the outline as submitted they consider it crucial that the Council is proactive in revisiting these matters with potential developers (including layout, massing and number of units) well in advance of any submission of reserved matters. They wish to be consulted at this stage.

2. Nottinghamshire Wildlife Trust have further commented on the revised illustrative masterplan and Design Code. They wish to maintain their objection to the development. They consider that a decision shouldn't be made on the planning application until the emerging Local Plan (LAPP) has been formally adopted. The Trust consider that the revised masterplan does not meet the development principles as set out under PA57 Clifton West, in terms of open space, no allotments and only a narrow buffer to Clifton Woods.

In order to fully assess the impact of the proposal they continue to recommend the following:

- Bat survey (to cover spring season)
- Breeding bird survey (to include assessment of impact on foraging barn owl)
- Reptile survey
- Complete badger survey (including 'inaccessible' banks, badger mitigation strategy)
- Additional details / plans showing 'ecological enhancement' e.g. hedgehog access, bat and bird boxes' etc
- Impact assessment on Holme Pit SSSI
- Ancient woodland compensation strategy.

3. The Biodiversity and Greenspace Officer has responded on the badger mitigation strategy. They reinforce the importance of the buffer to Clifton Woods being more towards 30m and be focused around the updated survey results on badger set locations. Measures to protect badgers and maintenance of foraging areas are required. The location of boundary fencing gate, footpaths and appropriate buffer planting to restrict access and minimise disturbance to badgers and Clifton Woods as a Local Nature Reserve and ancient woodland are required.

4. Eight further representation have been received from local residents. Their comments are summarised below:

- A letter has been sent to the ward Councillors seeking their support in objecting the LAPP housing allocation PA57 for Clifton West.
- They express concern to ward councillors that a new site notice was posted at the entrance advertising its conflict with the policies of the Local Plan.
- One resident represented the community at the recent Examination Hearing and attended the Planning Inspector's visit to the site. They understand that the Inspector hasn't produced her report, yet there is continued activity on the site and a new site notice. There is concern amongst residents that the Council will continue to proceed with the plan and not consider the thoughts and views of the local community.
- Residents have queried the lack of publicity for and feedback from a public meeting regarding the planning application on the 9th May.
- Concern to ward councillors that local residents are not being kept informed and that plans will go ahead without their concerns being taken into consideration.
- One resident has viewed the committee report and considers it misleading in respect of the potential impact of increased traffic generation along Hawksley Gardens. They reiterate that the impact on Hawksley Gardens is omitted from the Traffic Assessment despite the fact that it will carry as much traffic as the adjacent main through route Hartness Road. This is an inflation of 1000% at minimum on a cul de sac. The resident has provided their own calculations on the potential traffic generated by the development. They request that the full calculations and figures regarding the impact on Hawksley Gardens are provided to the Planning Committee.
- As a result of the above omission of Hawksley Gardens an emissions report has not been carried out given the increase in traffic fumes and pollution.
- One resident states that two independent Inspectors during the Examination of both the 1997 and 2005 Local Plans recommended the provision of open space of at least 2.3 hectares in 1997, and possibly less but after consultation with residents in 2005. Provision of 2.3 hectares is also included in the Clifton Village Conservation Area Policy Guidance and importantly, the current Development Brief for the site states planning permission will be granted subject to retention of 2.3 hectares of the existing playing field to form new open space. They consider that a revised Development Brief should be written and include the provision of a minimum of 2.3 hectares of open space. No provision is made for allotments. The current proposal is not seen to meet public open space requirements for existing and future residents. They question the recommendation for a financial contribution to enhance existing public open space in the local area.
- One resident has stated that at the May public meeting residents were against the creation of new footpaths within Clifton Woods. They consider existing access arrangements to be acceptable and the improved surface treatments within the woods would create an unnatural element and would result in additional adverse impacts to the woods as ancient woodland, a LNR and Registered Park and Garden.

- Continued concerns that a 15-30m buffer to Clifton woods is inconsistent in affording protection to the ancient status of the wood. They highlight that the Biodiversity officer originally requested a 30-40m buffer and the Woodland Trust are recommending a buffer to the wood of at least 50m. They are concerned that a full assessment of the impact on Clifton woods hasn't been carried out as recommended by Natural England prior to an ancient woodland mitigation strategy being produced.
- One resident considers that the Conservation Officer has not undertaken a sound and thorough appraisal on the setting and significance of surrounding heritage assets.
- Clarification has been received on the summary of local residents concerns under "Heritage and Nature Conservation". They state that the fifth bullet point refers to Thrumpton parish and should be amended to Barton. Clarification is added that the view over to Cottagers' Hills is seen as important as it was historically part of the estate land which, like the Application Site, was also managed as common grazing pasture and therefore this historic landscape relationship enhances the historic significance of Clifton Hall.
- One resident is concerned that section iii) of the Appraisal relating to impact of heritage assets does not refer to their own assessment and comments. They consider the report to be unbalanced. They request that it is rewritten and redistributed to Committee members.
- Residents think it wrong for the Planning Committee to be making a decision on an application while it is open to consultation as they cannot know what comments will arise during this period and any determination is seen as flawed.

5. Clifton Village Residents Association request that the outline planning application not be determined until the Planning Inspector has produced her report and decided whether the site is suitable for inclusion in the LAPP. For the following reasons:

- The first opportunity to assess the site allocation and its impact on heritage assets. The Examination into the site allocation for the 1997 and 2005 Local Plans did not consider its potential impact on heritage assets. Clifton Woods was registered as a Grade II listed Park and Garden November 2004 and was not taken into account when this site was examined in 1997 and as part of the 2005 Local Plan.
- They consider that the importance of the site to the setting of Clifton Woods as a Grade II listed Registered Parks and Garden has been underestimated in the applicant's Heritage Environment Impact Assessment and assessment by the Councils Conservation Officer. They consider that the independent review by the Planning Inspector as part of the LAPP process would provide an independent review of the impact on heritage assets
- This would avoid the accusation of bias on the part of the City Council as part owners of the site.
- The Council intends to reach a decision based on the NPPF (2018) guidance because the 2005 Local Plan has to some extent been superseded by it. They consider that it is unnecessary, unsatisfactory and premature to do so. They consider that if the Council waited for the Inspector's report the decision could be based on the policies of the LAPP, by which the Inspector would have assessed the NPPF (2018).

They refer to paragraph 196 of the NPPF (2018) which states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The officer's report to the Planning Committee suggests that because the site helps meet the Council's housing numbers and provides a mix of housing type, by definition the public benefits exceed the harm. They consider that the validity of this statement is questionable, and is another issue that the Planning Inspector reporting on the LAPP will reach an independent view.

The Residents Association refer to the Council's Interim Housing Land Availability Report (updated 19.10.18) that states that the Council's 5 year target and the total number of houses required for the new Plan period will be exceeded, by about 3,000 in both cases even if this site is not developed. The Resident Association considers that the adverse impact of the development on heritage and nature conservation assets overrides the need for housing that can be adequately provided in other less sensitive areas. In addition, the argument that the site is needed to ensure a mix of housing type and size in the Clifton area is not considered valid, as the brownfield sites at Farnborough School and The Spinney are included in the LAPP, which together provide 270 units. Therefore, this sensitive green field site is not essential to achieve this aim when the alternative brownfield sites are available.

6. Councillor Rule is unable to attend Planning Committee and has submitted the following statement:

"Whilst I recognise there is a need for additional housing in Clifton, I have the following reservations in respect of the proposed development as it currently stands:

i) I do not consider that the highway access to the development is sufficient and will lead to a build-up of pressure within the existing Barton Green Estate and by extension to the Crusader Roundabout and wider A453.

ii) In view of the comments from the Clifton Village Residents Association I believe the Committee would benefit from some clarification on its ability, and by extension the Planning Authorities, to deviate significantly or depart from the Clifton Village Conservation Policy and guidance previously given by the Planning Inspectorate.

iii) I do not believe the development as it currently stands provides enough retained Green Space for the number of properties proposed within it.

iv) I would like clarification on how the proportion of affordable housing on the site has been arrived at and has the District Valuers opinion been sought in relation to the reasonableness of the proportion proposed, together with the adequacy of S.106 proposed."

6. Correction- Section 5- Consultations and Observations of Other Officers – Other- 'Nottingham Local Forum' should read 'Nottingham Local Access Forum'

**1. The comments from Historic England are noted.**

**2. The comments from the Wildlife Trust are noted and covered within the main report.**

**3. Condition 8, 9 and 10 of the draft decision notice relating to a Construction Environmental Management Plan, Ancient Woodland Mitigation Strategy and Badger Mitigation Strategy would ensure that measures to protect Clifton Wood and badgers are put in place during the construction period and allows for the final depth and details of the green buffer along Clifton Woods to be further adjusted in light of an updated badger survey. At the request of the Biodiversity details of final managed access arrangement to the woods, boundary treatment and landscaping would also be agreed by condition.**

**4. Most of the comments raised by local residents are covered in the appraisal section of the main report. Additional comments are as follows:**

- It is recognised that consideration of the planning application is running concurrently with the Examination of Clifton West (PA57) as a housing allocation in the LAPP. The site however forms an allocated site under the current adopted Nottingham Local Plan (2005) as such it is entirely appropriate for the City Council to determine the current planning application ahead of a decision on the LAPP and in light of all materials consideration as set out in the main report.**
- The main report sets out a full and detailed summary of the concerns raised by local residents. Consideration of the planning application has taken full account of these concerns.**
- The information provided in Traffic Assessment has been calculated using proven and tested highway assessment methods. The Transport Assessment provided a breakdown of how the figures were arrived at and that the development would result 141 additional vehicles to the existing traffic flows in the morning peak period along Hawksley Gardens and is considered acceptable in terms of the highway network capacity. In design terms, Hawksley Gardens and Hartness Road are considered by Highways to be sufficient to cater for the additional traffic generated by the proposed development scheme.**
- The need for open space as part of the development has been in light of saved Policy R2 of the Local Plan and the Council's Open Space Supplementary Planning Guidance (SPG). The revised illustrative masterplan include peripheral areas of informal open space for recreation use. Parks and Open Spaces did not require the provision of formal public open space or allotments as part of the development. In line with the SPG a contribution towards the enhancement of existing open specie in the local area was requested.**
- Given the submission of the current outline planning application a new Development Brief is not proposed to be produced.**
- Parks and Open Spaces considered that there should be managed access to Clifton Woods. No new access paths are proposed, only formalisation of existing routes within the woods.**
- The submission of the ancient woodland mitigation strategy would be based on an assessment of Clifton Woods as required by Natural England.**
- Whilst the current Local Plan trajectory indicates that the minimum housing requirement would be exceeded, it is essential that there is a buffer in the housing supply to allow for non-delivery of sites which are currently anticipated to come forward for development, but which may stall due to unforeseen circumstances. In addition, the housing requirement is a minimum, and the NPPF requires local Planning**

**authorities to “support the Government’s objective of significantly boosting the supply of homes” (para 59).**

- ***In determining the planning application the City Council has borne in mind the statutory duty of section 66(10) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.***

## **5(b) Colwick Hall, Racecourse Road**

1. Comments from Nottingham Local Access Forum: Insufficient consideration has been given in relation to the perceived impact on: the Green Belt, trees and the adjacent Public Right of Way

2. Comments from the Chair of the Friends of Colwick Woods (FoCW):

Object to the proposal’s impact on historic and landscape trees, a matter to which great weight should be given, as with the setting of the Hall. Scheme can be amended to accommodate these and retain viability of the hall. Estimates the Holm Oak to be approximately 200 years old and believes it to be pictured in the engraving of Colwick Hall from 1814. The Walnut is another tree of historical value as well as wildlife value. The Heritage Impact Assessment is inadequate in omitting this setting heritage. Concerned that the FoCW have not been consulted, particularly given that this is on NCC land. Function building could be located elsewhere. The Arboricultural Survey understates the landscape and historical value of the trees, although classifies them as desirable to retention. Would expect the Holm Oak to live for another 200 years. Also offers features with bat potential.

3. Additional third party comments (three further representations received):

- It is time that the existing tent be replaced with something more appropriate to the setting of the Hall. The replacement structure should be no larger than the present tent and designed to complement and enhance the Hall
- The building as designed is not sympathetic to the Hall, it is not ‘light weight’ and the southern elevation offers a poor relationship to the PRow to the south, creating an oppressive corridor when the public pass by.
- The proposed building is too big and wouldn’t be ancillary to the Hall in use and scale. Furthermore, it would not complement the rural nature of the adjacent Country Park.
- The Holm Oak should be retained and incorporated into the design of the building.
- The building would be too close to the Walnut now sought to be retained which would likely lead to its loss.
- Could the building not be pulled into the stables area to make it less oppressive?
- Query why the public haven’t been involved in pre-application discussions.
- Concern raised regarding the removal of trees, particularly given the sites classification as being within a flood zone

4. Comments from Nottingham Civic Society to the revised scheme. They object to the proposed development. The layout of the function suite as amended to retain the Walnut tree extends to the west and impinges on part of the formal garden of Colwick



Hall. The building should align with the perimeter of the stable complex to the north, allowing the structure to read as subservient to Colwick Hall.

5. Parks and Open Space have requested mitigation for the development's impact on the woodland and open space network in the form of an appropriate financial contribution.

6. Correction- Background, Para 3.2- 'footpath' should refer to 'bridleway'

***1. Matters in relation to Green Belt have been addressed within the report to committee.***

***In relation to trees on the site, again this matter has been addressed with the Walnut tree now being sought to be retained and a planting mitigation strategy to be secured by condition***

***In relation to impact on the PRow; it is not perceived that the proposed development would detrimentally impact upon users enjoyment of the PRow during or post construction of the building. Condition 5 of the draft decision requires the submission of a construction management plan in relation to vehicle movements. In the interests of clarity a further condition is recommended to specifically manage the PRow during and post construction:***

***Prior to the commencement of development, a construction management plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall provide details of how the existing Public Right of Way on the southern boundary of the site shall be protected during construction of the development hereby approved. Furthermore, the plan shall provide details of how the Right of Way would be improved upon completion of the function suite.***

***Reason: In the interests maintaining and improving the footpath to the south of the site and to accord with policy 18 of the Aligned Core Strategies***

***2. The loss of the Holm Oak is a matter addressed in the report, including reference to its historic significance. The scheme has been amended to retain the Walnut, the sole category A tree. The FoCW are not a statutory consultee but there comments are welcomed. The application relates to a remote site in terms of neighbouring premises but has been advertised through both press and site notices (twice), in order to draw this matter to the attention of interested parties.***

***3. The replacement structure has been designed to provide the same number of covers as the existing marquee (500). Submitted financial records demonstrate that this number of covers are required for the existing business on the site to function.***

***The building has been designed with careful consideration to both the Hall and the adjacent Country Park. The building references the aesthetic of both a walled garden and an orangery. The southern elevation would present itself as forming the boundary of a walled garden, however four areas of glazing are proposed which would offer relief to the brick wall detail, which is an element that Historic England highlighted within their consultation response. The proposed design and layout of the building is considered to result in an***

***acceptable relationship with the adjacent Hall and would not significantly detract from its setting.***

***Consideration has been had to the retention of the Holm Oak, however it is not considered possible to re-design the building to allow for the retention of the tree. Furthermore, the tree as identified within the arboricultural report is showing signs of fungal decay.***

***Condition 3 requires the submission of an arboricultural method statement which the Council's Tree Officer is confident would ensure the trees on-going retention on the site.***

***The existing boundary fence line separating the development site from the race course is immediately to the north of the marquee, as such there is no scope for relocating the building further to the north.***

***Pre-application discussions have been had with the Council, the applicant and Historic England to achieve what is considered to be an acceptable solution to the removal of the existing marquee and for the future viability of the Hall. Pre-application discussions are not public facing.***

***The loss of trees and impact of the development on flooding have been addressed in the committee report.***

***4. A glazed element has been incorporated on the south western corner of the building to replace the floor space lost through the retention and incorporation of the Walnut tree within the scheme. The element would project further to the west than the main bulk of the building, however it has been designed to be glazed and would have a light weight appearance, continuing the ancillary orangery appearance of the structure. The revised plans have been reviewed by the Conservation Officer who is in support of the revision made,***

***5. Although it is not possible to seek a financial contribution by condition to mitigate the impact of the development, this matter can be addressed with a condition requiring a scheme of mitigation works to be agreed and implemented, as follows:***

***Prior to the commencement of development, a scheme to mitigate the impact of the development on the Country Park, Open Space Network and Local Wildlife Site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the development or within an alternative timescale that shall first be agreed in writing by the Local Planning Authority.***

***Reason: In the interests of visual amenity and biodiversity and in accordance with policies R1, R9, NE2, NE5 of the Local Plan and policy 17 of the Aligned Core Strategy.***

***Additional background papers (Representations as referred to above.)***

**5(c) Grove Hotel, 273 Castle Boulevard**

1. Detailed drainage plans are required to ensure that the proposed drainage strategy can be achieved.

***1. The drainage condition has therefore been revised to read as follows:***

***“No development shall commence until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures have been submitted to and agreed in writing with the Local Planning Authority.***

***Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem in accordance with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.”***

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