



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

**Date:** Wednesday, 18 February 2015

**Time:** 2.30 pm

**Place:** LB31-32 - Loxley House, Station Street, Nottingham, NG2 3NG

**Councillors are requested to attend the above meeting to transact the following business**

**Acting Corporate Director for Resources**

**Governance Officer:** Noel McMenamin **Direct Dial:** 0115 8764302

**AGENDA**

**Pages**

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IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE 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

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT [WWW.NOTTINGHAMCITY.GOV.UK](http://WWW.NOTTINGHAMCITY.GOV.UK). INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

**NOTTINGHAM CITY COUNCIL**

**PLANNING COMMITTEE**

**MINUTES of the meeting held at LB31-32 - Loxley House, Station Street, Nottingham, NG2 3NG on 21 January 2015 from 14.00 - 16.10**

**Membership**

Present

Councillor Chris Gibson (Chair)  
Councillor Liaqat Ali  
Councillor Cat Arnold  
Councillor Graham Chapman  
(absent minute 60)  
Councillor Alan Clark  
Councillor Michael Edwards  
Councillor Rosemary Healy  
Councillor Gul Nawaz Khan  
Councillor Ginny Klein  
Councillor Sally Longford  
Councillor Eileen Morley  
Councillor Wendy Smith  
Councillor Roger Steel  
Councillor Malcolm Wood

Absent

Councillor Azad Choudhry

**56 APOLOGIES FOR ABSENCE**

Councillor Azad Choudhry - personal

**57 DECLARATIONS OF INTERESTS**

Councillor Graham Chapman declared a pecuniary interest in agenda item 5a (Sports Complex, University of Nottingham, minute 60) as his spouse was employed by the University of Nottingham. Councillor Chapman left the meeting prior to discussion of the item.

Councillors Chapman, Clark and Edwards declared an interest in agenda item 5b (Barrasford House, minute 61) as members of the EnviroEnergy Board, the energy suppliers for the building, but did not feel that this would prohibit them from taking part in the discussion and vote on the item.

**58 MINUTES**

The Committee confirmed the minutes of the meeting held on 17 December 2014 as a correct record and they were signed by the Chair.

**59 REPRESENTATIONS BY WARD COUNCILLORS ON APPLICATIONS BEFORE PLANNING COMMITTEE**

Paul Seddon, Head of Development Management and Regeneration, introduced a report, clarifying the manner and circumstances in which Ward Councillors can address the Committee when it considers applications relating to their ward.

In response to a Councillor's comment that the proposals could go further and permit applicants and objectors to address the Committee directly, Mr Seddon explained that further work on the operation of the Committee will take place after the election in May 2015 along with councillor training on planning issues.

**RESOLVED that**

- (1) subject to prior arrangement with the Chair of the Committee, Ward Councillors may address the Committee on Planning Applications which are within their ward and being considered by the Committee. Ward Councillors will not however be permitted to take part in any debate on that application;**
- (2) where the Councillor concerned is a member of the Planning Committee, they shall withdraw from the Committee room immediately after speaking and prior to any debate on the application. The Councillor will not take part in any consideration of that application at either that or any other meeting of the Planning Committee;**
- (3) any such address shall last no more than 5 minutes per Ward Councillor;**
- (4) subject to the approval of the Chair, more than one ward Councillor may address the Committee on the same application.**

**60 SPORTS COMPLEX, UNIVERSITY OF NOTTINGHAM**

Having previously made a declaration of interest, Councillor Graham Chapman left the room prior to consideration of the item.

Further to minute 52 dated 17 December 2014, Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 14/02540/PFUL3, submitted by David Morley Architects on behalf of the University Of Nottingham, for the erection, following part-demolition of the existing building, of a new sports centre, with associated vehicular access, car park and other works.

The Committee also considered additional information contained in the update sheet, copies of which had been placed around the table and which had also been published subsequent to the agenda publication.

At its December 2014 meeting, the Committee raised serious concerns about the proposed removal of 3 oak trees. Mr Percival indicated that a substantial amount of further information aimed at addressing these concerns had been provided and was outlined at paragraphs 7.6 – 7.39 of the report. There was now substantial agreement between the relevant arboricultural specialists on the value of the relevant trees and proposed mitigation measures. It was indicated that :

- (a) the trees had been considered from the inception of the Scheme however moving the existing building would require a fundamental change in design, would add considerable cost to the existing proposal and could impact on the setting of a listed building;
- (b) one of the trees was designated Category A (high quality with further life expectancy of at least 40 years) and the other two were Category B (moderate quality with further life expectancy of at least 20 years). The loss of the 3 trees had to be seen in the context of the University's responsible stewardship of 5,000 trees within University Park;
- (c) the University offered increased mitigation through planting 6 semi-mature trees (the original proposal was for 2 trees) and also planned to deliver an arboretum within its grounds.

During discussion, the Committee made the following comments:

- (d) while there was strong support for the sports complex, several councillors expressed disappointment that the University had not changed its position to address the Committee's concerns about the loss of the 3 oak trees;
- (e) the university had prioritised retaining the existing building and had misread the depth of feeling among Committee members and the wider public about the loss of the 3 oak trees, which formed part of Nottingham's cultural history;
- (g) several councillors expressed the opposing view that the benefits of the proposal to Nottingham and its citizens outweighed the loss of the 3 oak trees;
- (h) the Chair acknowledged that the loss of the 3 trees was a very emotive subject but reminded the Committee that the proposal was for a multi-million pound centre of sporting excellence, that it had to be considered in the context of the planning regime and the benefits of the scheme as a whole (not purely by weighing the value of the trees against the retention of the aircraft hangar which formed part of the existing sports hall).

Paul Seddon, Head of Development Management and Regeneration addressed the Committee, advising that the University had a very good history of environmental stewardship and did not take the felling of the 3 trees lightly, that the trees were not covered by Tree Preservation Orders or any other specialist protection, and that a planning permission refusal would in effect be on the basis that the loss of 1 Category A and 2 Category B trees outweighed the benefits to Nottingham citizens of building a multi-million pound sports complex. It was the current application which had to be considered and it was not within the Committee's powers for it to dictate the requirements of a scheme it would want to see put forward.

**RESOLVED by 7 votes to 6:**

- (1) **not to accept the officer recommendation to approve the application;**

- (2) **to defer consideration of the Committee's detailed reasons for refusal to its February 2015 meeting.**

**61 BARRASFORD HOUSE, 1 GOLDSMITH STREET**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 14/02072/PFUL3, submitted by CPMG Architects on behalf of 12 Property Rentals Ltd, for the change of use from disused nightclub and offices to create approximately 353 sq.m retail and 55 sq. m office uses on the ground floor and conversion of upper floors to self-contained student accommodation units, including a two-storey roof top extension.

The Committee also considered additional information contained in the update sheet, copies of which had been placed around the table and which had also been published subsequent to the agenda publication.

During discussion, the Committee made the following comments:

- (a) councillors welcomed the building being brought back into use, and that photovoltaic panels were to be installed, reducing carbon emissions;
- (b) in response to councillors' questions, Mr Poole confirmed that the roof will be flat and not capped because of the lightweight nature of the two-storey extension, that the extension will be set back slightly from the current façade and that visual clutter will be easier to manage while dealing with a single student accommodation service provider;
- (c) Mr Poole confirmed that a supermarket operator had expressed an interest in establishing a city-centre style outlet on the ground floor.

**RESOLVED**

- (1) **subject to the prior completion of a Section 106 Planning Obligation which shall include:**
  - (i) **a financial contribution of £57,981.60 towards the upgrade or improvement of open space or public realm within the city centre;**
  - (ii) **a student management agreement;**

**Planning permission be granted subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report;**

- (2) **Power to determine the final details of both the terms of the Planning Obligation and conditions of planning permission be delegated to the Head of Development Management and Regeneration;**
- (3) **that councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:**

- (a) necessary to make the development acceptable in planning terms,**
- (b) directly related to the development and**
- (c) fairly and reasonably related in scale and kind to the development.**

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**WARDS AFFECTED:** Wollaton East And Lenton Abbey

**Item No:**

**PLANNING COMMITTEE  
18th February 2015**

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Sports Complex, University Of Nottingham**

**1 SUMMARY**

Application No: 14/02540/PFUL3 for planning permission

Application by: David Morley Architects on behalf of The University Of Nottingham

Proposal: New sports centre following partial demolition of the existing with associated vehicular access, car park and other works.

The application is brought to Committee because it relates to a major application within the University campus which is of significance in terms of the size and appearance of the proposed building.

This application was last considered at the January meeting of the Planning Committee when it was resolved not to accept the officer recommendation to approve the application and to defer consideration of the Committee's detailed reasons for refusal to this meeting. Since that meeting the University have revisited the scheme and submitted revised plans which would enable the retention of the three veteran oak trees. As no formal decision to refuse permission has been made and the revised plans represent a material change in circumstances since the matter was last considered, the Committee is asked to reconsider the application in the light of the revised plans.

A copy of the report to the January 2015 Planning Committee and the update sheet which summarised further consultation responses are attached.

To meet the Council's Performance Targets this application should be determined by 28<sup>th</sup> February 2015.

**2 RECOMMENDATIONS**

Subject to the expiry of the reconsultation period on 24<sup>th</sup> February 2015 and the receipt of no representations raising material issues or objections that have not been addressed in this update report and the report and update sheet considered by the Planning Committee in January;

**GRANT PLANNING PERMISSION** subject to the conditions substantially in the form listed in the draft decision notice at the end of this report for the reasons set out in this report. Power to determine the final details of the conditions to be delegated to Head of Development Management and Regeneration.

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

### **3 CURRENT POSITION**

3.1 Following the January resolution of the Planning Committee the University have revisited the scheme and submitted revised plans which would enable the retention of the three veteran oak trees. This has been achieved by essentially re-positioning the sports hall 9m to the south east which would then provide a total distance of 9m from the trees. This change in positioning has also necessitated the following changes:

- The demolition and replacement of the part of the existing sports hall which it had been proposed to retain. This includes revised elevational treatment;
- Minor adjustment to the siting of the triangular shaped block containing the indoor sprint track, fitness suite, sports science and roof top viewing terrace;
- Reduction in the size of the plaza area at the eastern corner of the building adjacent to the main pedestrian route to the building;
- Reduction in car parking spaces alongside the south east of the elevation of the building;
- An amended link to the existing swimming pool building.

In all other respects the building would remain largely unchanged.

3.2 Public consultation upon the revised plans is currently underway and the expiry date for comments is 24<sup>th</sup> February 2015.

3.3 It should be noted that this report is an update on the January report and update sheet provided at that time, and should be considered in conjunction with both of these.

### **4 APPRAISAL OF REVISED SCHEME**

4.1 The revised proposal, which enables the retention of the three oak trees, is welcomed and overcomes the main concern arising out of the previous consideration of this proposal. A scheme has now been achieved which retains the trees without compromise to the aims of the University to provide a sports centre on its main campus, commensurate with its reputation and standing. It would provide high quality facilities for a wide range of sports which would positively contribute to the important role of the University in the educational, economic and cultural life of the City. The amended scheme has been developed with the input of the University's arboricultural advisor to ensure that the future health of the trees is protected, both during construction and thereafter.

4.2 The distance now proposed between the building and the trees will also help to ensure that no significant work is required to the crowns of the trees. The City Council's Tree Officer has confirmed that he is now satisfied with the proposals subject to ensuring that the emergency egress route along the north western side building is designed to minimise the impact upon the retained tree. An additional condition is therefore recommend requiring details of the design and construction

4.3 In conclusion, it is considered that the impact of the revised scheme upon the now retained oak trees is acceptable.

4.4 The other main issues addressed in the report to the January Planning Committee related to layout and design, impact upon amenity, highway considerations sustainability and biobiodiversity. This update report only considers the impacts of the

changes to the scheme on these issues. It is also confirmed that the revisions have not introduced any new issues requiring consideration.

- 4.5 In respect of layout and design, the revised siting has had the effect of decreasing the distance between the south eastern elevation of the building and Lenton Fields, a Grade II listed building. The main aspect of this listed building is to the south and west overlooking the open grassed area also known as Lenton Fields, with its less sensitive rear elevations facing the sports centre. Nevertheless, the case remains that the demolition of the extensions to the south east of the sports hall provides the opportunity to enhance its setting. Although the sports centre would now be nearer to Lenton Fields, the scheme retains the opportunity for tree planting and soft landscaping along this edge, which would enhance the setting of the listed building.
- 4.6 The external appearance of the building has remained largely unchanged with the exception being the elevations of the structure proposed to replace the existing sports hall, now to be demolished. The changes remove the majority of the vertical planting which had been proposed to soften the appearance of the existing sports hall but an element of this has been retained at ground floor level and there is a significant length of glazing at ground floor which will help to provide activity along this elevation. The new elevational treatment and proposed materials are consistent with the remainder of the building and are considered to be acceptable.
- 4.7 The re-siting of the building has not significantly changed the separation distance between the sports centre and the residential properties of Charles Avenue to the west, and does not change any considerations in relation to activity or noise breakout.
- 4.8 The parking layout has been amended as there is no longer sufficient space to provide spaces adjacent to the south eastern side of the building which has resulted in the overall loss of 22 spaces. The revised layout retains the disabled parking and cycle parking in this area. The reduction in the number of parking spaces is not a concern from the perspective of the consideration of this application. The University is however considering options for their replacement.
- 4.9 The retention of the three oak trees addresses concerns about the ecological impact of the scheme which had been raised by the Biodiversity and Greenspace Officer, the Nottinghamshire Wildlife Trust and the Woodland Trust. There is now no longer any need for a condition requiring mitigation for the loss of habitat suitable for bats. However, an additional condition is recommended requiring the submission of a lighting strategy to ensure that the trees are not exposed to excessive light spill which would impact upon bats.
- 4.10 Based upon the above considerations, the revised scheme satisfies the Local Plan and the Aligned Core Strategies policies set out in the January Planning Committee report.

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

1. Application No: 14/02540/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NDS8SULYCB000>

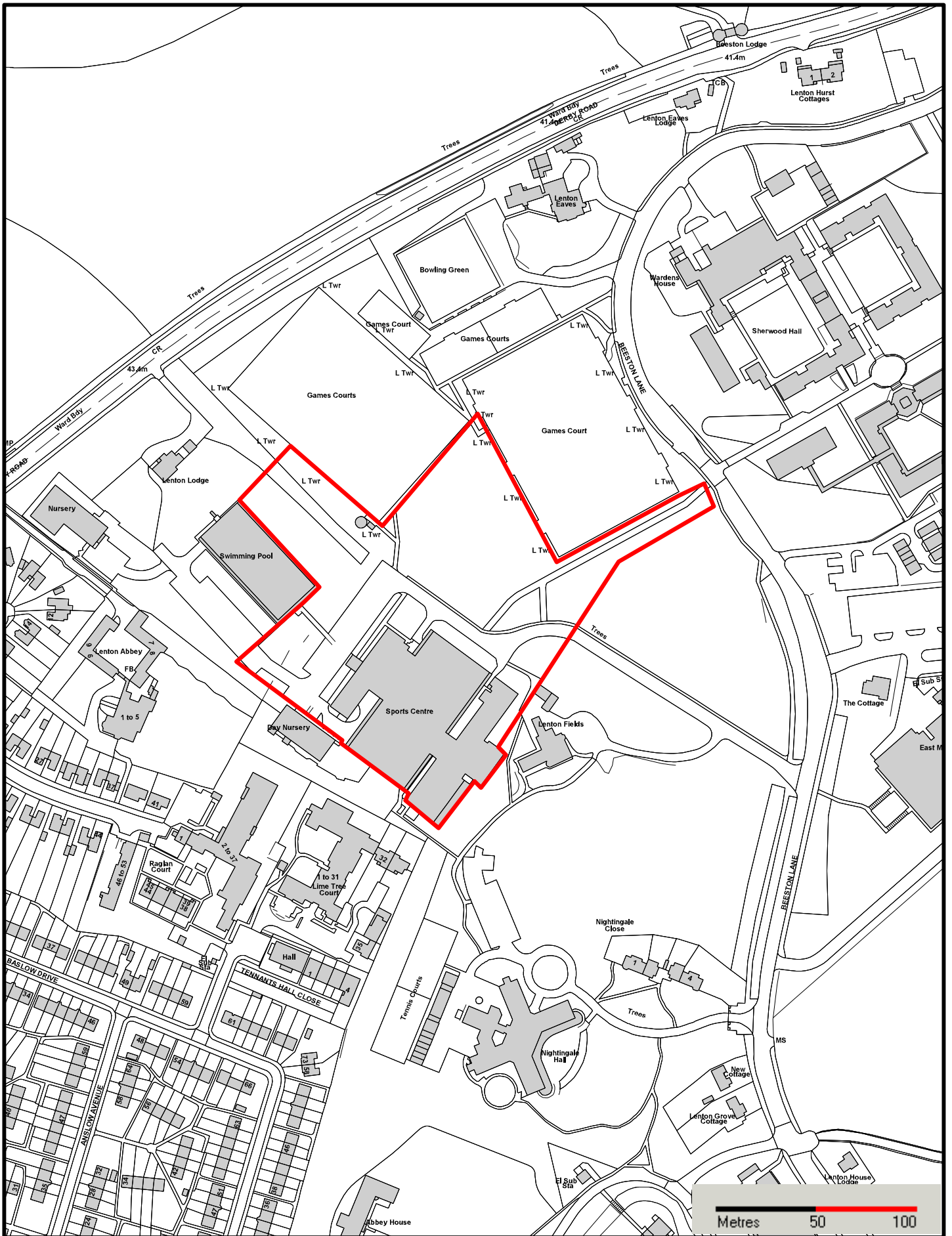
**6 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

**Contact Officer:**

Mrs Janet Keble, Case Officer, Development Management.

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**My Ref:** 14/02540/PFUL3 (PP-03743696)  
**Your Ref:**  
**Contact:** Mrs Janet Keble  
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City Council**

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David Morley Architects  
FAO: Mr Chris Roberts  
18 Hatton Place  
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Date of decision:

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

Application No: 14/02540/PFUL3 (PP-03743696)  
Application by: The University Of Nottingham  
Location: Sports Complex, University Of Nottingham, University Boulevard  
Proposal: New sports centre following partial demolition of the existing with associated vehicular access, car park and other works.

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

**Time limit**

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

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

**Pre-commencement conditions**

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

2. The development shall not be commenced until such time that a Construction Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall set the proposed parking arrangements for all construction related staff including any sub contractors. The plan shall be implemented at all times whilst construction is underway unless agreed in writing by the Local Planning Authority.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance Aligned Core Strategies Policy 10 and Local Plan policy T3.*

3. The development shall not be commenced until a surface water drainage scheme, including a timetable for its implementation and based on SUDS principles, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details and timetable.

*Reason: In the interests of sustainable drainage and in accordance with the aims of Policy NE10 of the Local Plan.*

4. No above ground development shall be commenced until samples of the external materials as indicated on the submitted drawings have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

*Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the in accordance with Aligned Core Strategies Policy 10.*

5. No above ground development shall be commenced until details of enclosing the site have been submitted to and approved in writing with the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Aligned Core Strategies Policy 10.*

6. Notwithstanding the details shown on the submitted plans the following shall not be commenced until details have been submitted to and approved in writing by the Local Planning Authority:

(i) the external staircase; and

(ii) the emergency egress route on the north western side of the building, including the method of construction.

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

*Reason: To maximise the opportunities presented by the staircase to integrate with the immediate context and in the interests of the appearance of the building in accordance with Aligned Core Strategies Policy 10 and to ensure the emergency egress route minimises the physical impact upon the retained trees in accordance with Local Plan policy NE5.*

7. Prior to the holding of any large events within the development an Event Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should detail, as a minimum, on-site car park management arrangements, including provision for any overspill. The Event Management Plan shall then be adhered to for the duration of any event subsequently held.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance Aligned Core Strategies Policy 10 and Local Plan policy T3.*

8. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of demolition and construction operations to protect the existing trees that are shown to be retained on the approved plans.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

9. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of demolition and construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Local Plan policy NE5.*

10. No above ground development shall be commenced until details of the external lighting have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To safeguard the amenity of the occupiers of nearby properties and to ensure that the retained trees are not exposed to excessive light spill to mitigate the impact of the development on bats in accordance with Policies NE3 and NE9 of the Nottingham Local Plan.*

#### **Pre-occupation conditions**

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

11. The development shall not be occupied until cycle parking facilities have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the area identified for parking cycles shall not be used for any purpose other than the parking of cycles.

*Reason: To ensure that the layout of the development is satisfactory and to ensure that the layout of the development is satisfactory and to promote a sustainable element of travel in accordance with Policies BE2 and T3 of the Local Plan.*

12. The development shall not be occupied until the parking areas are surfaced and marked out in accordance with the approved drawings and thereafter shall be retained and not used for any other purpose.

*Reason: To ensure that the layout of the development is satisfactory in accordance with Local Plan policy T3 the Local Plan.*

13. Prior to the development first coming into use the approved mechanical services plant or equipment (including air handling plant) to serve the development, including any mitigation measures, shall have been implemented.

*Reason: To safeguard the amenity of the occupiers of nearby properties in accordance with Policy NE9 of the Nottingham Local Plan.*



14. Prior to the development first coming into use the approved external lighting scheme to serve the development shall have been implemented and be fully operational.

*Reason: To safeguard the amenity of the occupiers of nearby properties in accordance with Policy NE9 of the Nottingham Local Plan.*

15. The development shall not be occupied until the renewable/low carbon energy scheme detailed in the Energy Statement (Max Fordham) dated 16.10.2014 has been installed and is able to provide renewable/low carbon energy to serve the development.

*Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Aligned Core Strategies Policy 1 and Local Plan policy NE14.*

16. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species, location, sectional pit details and maintenance arrangements of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the planting scheme for the green roof and the architectural trellis. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of 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: In the interests of ensuring the finished quality of the approved development, the visual amenity of neighbouring properties, and the wider area and in mitigation for the loss of trees removed as a result of the development in accordance with Aligned Core Strategies Policy 10.*

#### **Regulatory/ongoing conditions**

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

17. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference J-D1748.00 prepared by Gardiner and Theobald LLP in October 2014 and the following mitigation measures detailed within the FRA:

- Flood resilience techniques proposed in section 9.2 of the approved FRA shall be incorporated throughout the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

*Reason: To prevent the increased risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and to reduce the risk of flooding to the proposed development and future users in accordance with Policy NE10 of the Local Plan.*

18. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiry of 3 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be

carried out in accordance with British Standard 3998 (2010) Recommendations for tree work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. If any retained tree is topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority, then remedial pruning or replacement planting as appropriate shall be undertaken as specified in writing by the local planning authority

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

#### **Standard condition- scope of permission**

S1. Except as may be 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 31 October 2014.

*Reason: To determine the scope of this permission.*

#### **Informatives**

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

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

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

4. The details of the landscaping scheme required under Condition 14 shall include replacement tree planting on the basis of a minimum ratio of 1:1.

5. Environment Agency advice to applicant:

1. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

2. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

3. SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

## 6. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

7. A monitoring report should be provided for the Nottingham University Campus Travel Plan, which incorporates the Sports complex measures, targets and outcomes, as well as providing evidence of the measures undertaken, progress against targets and an update of the staff and student travel surveys, to be provided annually. A shift in focus should be on the potential increased use by students. Accessing the site in terms of trips should be considered in light of the new facilities. Please contact Robert Smith on 0115 876 3604 or email Robert.Smith3@nottinghamcity.gov.uk to discuss.

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: 14/02540/PFUL3 (PP-03743696)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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



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# **DRAFT ONLY**

## **Not for issue**

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## **REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

### **Sports Complex, University Of Nottingham**

#### **1 SUMMARY**

Application No: 14/02540/PFUL3 for planning permission

Application by: David Morley Architects on behalf of The University Of Nottingham

Proposal: New sports centre following partial demolition of the existing with associated vehicular access, car park and other works.

The application is brought to Committee because it relates to a major application within the University campus which is of significance in terms of the size and appearance of the proposed building. It was deferred at the December meeting of the Planning Committee to allow further discussion between officers and the University of Nottingham in regard of the three mature oak trees within the development. A copy of the report to the December 2014 Planning Committee is attached for information.

To meet the Council's Performance Targets this application should be determined by 30th January 2015.

#### **2 RECOMMENDATIONS**

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

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

#### **3 BACKGROUND**

3.1 The existing sports centre is located in the north western part of the main University of Nottingham campus. It comprises a main sports hall which is a former aircraft hanger relocated to the University Park in the 1970s with additions to both the north west and south east which provide offices, squash courts and a fitness suite. The main pedestrian access to it is gained from the car parking area located on the north west side of the building by means of a road leading off Beeston Lane. On the opposite side of the car park is a modern free standing swimming pool building. To the east and north east of the existing sports centre is a large parkland/playing field area, part of which is known as Nightingale Fields, and adjacent to this are two artificial sports pitches. The main pedestrian route to the sports facilities is along a wide footpath leading from Beeston Lane which then connects to the halls of residence. There is also a pedestrian route from Derby Road which runs along the north eastern side of the swimming pool building.

- 3.2 The landscape around the sports centre comprises a mixture of trees of varying age and species with areas of open grass in between, artificial pitches and parking.
- 3.3 To the south east of the sports centre is Lenton Lodge, a Grade II listed building, which is in use as a day nursery. Immediately to the south west of the sports centre is another day nursery which is within the campus and accessed via the existing car park. To the south west of this is the boundary of the University campus.
- 3.4 The campus is bounded along the south west side by Lime Tree Court and Raglan Court, which are sheltered accommodation for the elderly and Lenton Abbey, a Grade II listed building which is owned by the University and used as residential accommodation by academics. To the north west of the sports centre is another day nursery which is also accessed by means of the existing car park and access road.

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 Planning permission is sought for a new sports centre following partial demolition of the existing with associated vehicular access, car park and other works. It is proposed to demolish the additions to the existing sports centre building on the north west and south east sides and retain the main sports hall structure. The total floor area of the existing sports centre is 4934 sq and it is proposed to retain a footprint of 1928 sq m. An extension would then be constructed to the north west and north east sides of the retained structure which in total would create a footprint of 10,465 sq m and a gross internal floorspace of 15,985 sq m.
- 4.2 The enlarged sports centre would provide the following facilities:
- Two 10 court sports halls providing badminton, basketball, handball/futsal, indoor hockey, korfbal, netball, volleyball and boccia which would also be used for events such as graduation ceremonies and exams;
  - squash courts;
  - dance studios;
  - climbing wall,
  - strength and conditioning area;
  - an indoor sprint track;
  - snooker room;
  - a martial arts dojo;
  - archery and fencing area;
  - fitness suite;
  - a sports science facility;
  - café.
- 4.3 The proposed opening hours of the sports centre are 7.30am -10.30pm Monday – Friday and 9am -10pm Saturday – Sunday.
- 4.4 The layout of the building proposes a large open air plaza at the eastern corner adjacent to the main pedestrian route from Beeston Lane which leads to the main entrance to the building. On the northern side it is proposed to connect the swimming pool to the new building and this will also provide the access point to the artificial sports pitches. An external terrace is proposed on the north east side of the building at first floor level overlooking the existing artificial pitches. This will be accessed either internally or by means of a wide external staircase adjacent to the entrance plaza.

- 4.5 It is proposed to enhance the main pedestrian approach from Beeston Lane. Replacement car parking is proposed on the south eastern and south western sides of the building and this would also provide the access to the two day nurseries. The existing pedestrian route from Derby Road would be severed and the replacement route would be around the south eastern and south western sides of the building. 69 car parking spaces, including 7 accessible bays, are proposed (currently 60) and 100 cycle parking spaces (currently 28).
- 4.6 The apex of the roof of the proposed sports hall is 15.8m above finished floor level (the apex of the existing retained sports hall is 12m above finished floor level). The pavilion building which wraps around the sports hall on the north eastern and south eastern sides is three storeys with a parapet height of 13m.
- 4.7 The pavilion building is proposed to comprise full height curtain walling to provide natural light, ventilation and views both in and out. The main hall is designed as a box to be primarily clad with metal faced panels but also including a brick plinth and louvres concealing the plant. Clerestory glazing is proposed above the main internal circulation spine and the rooflights will also run across the main hall. The existing sports hall is to remain relatively unaltered but it is proposed to add windows to provide natural light to the studios. It will also be softened by vertical planting supported by an architectural trellis. The archery/fencing and table tennis space located in the south west side of the building will incorporate a glazed façade with an aluminium brise soleil. The adjacent Dojo will utilise translucent shading panels. The link to the pool will be a lightweight glazed structure.
- 4.8 A green roof is proposed over the fitness suite. An aluminium standing seam roof will be used on the main hall and the existing sports hall and the south facing slope of the latter will be largely covered with photovoltaic panels.
- 4.9 The submitted information indicates that there are 69 trees in and around the proposed area for the works of which 31 will be affected by the development. Mitigation for the loss is proposed.
- 4.10 Security fencing and gates to prevent unauthorised access to the outdoor sports pitches is also proposed.
- 4.11 The developer is offering local employment and training opportunities during the construction phase of the development. The mechanisms for providing these benefits will be by way of a S106 obligation.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

The application has been advertised on site and in the press. The expiry date for comments was 24.12.2014.

The following have been notified of the application directly:  
Flats 1- 8 Lenton Abbey and The Cottage, 9 Lenton Abbey  
China Policy Unit University of Nottingham  
Childcare Unit University of Nottingham  
2- 37 Raglan Court, Charles Avenue  
1 - 33 Lime Tree Court, Baslow Drive

In response two identical objections have been received regarding the loss of three oak trees refs. 3684, 3686 and 3687. It is commented that this would potentially be contrary to the National Planning Policy Framework para. 118 and alternatives which would enable their retention should be pursued. The following more detailed issues and queries are also raised:

- Questions the adequacy of the documentation submitted with regard to the impact of the development upon trees, including the Tree Mitigation Statement. State that this undermines the validity of the survey, particularly with regard to the categorisation of the three oak trees for which there is no explanation as to what the assessment was based upon, and whether sufficient regard has been had to arboricultural, landscape or cultural values;
- The bat survey referred to in the Ecology report has not been submitted;
- Suggests that other options for primary mitigation are possible. Comments that options to extend the development site area to adjacent open spaces or to revise the footprint of existing adjacent sports fields have not been explored. The University has a number of other nearby sporting facility which should be considered when seeking to meet 'world class' sports facilities provision. The argument that the benefits of the proposed facilities would outweigh the loss of the trees affected is debatable given the lack of clarity associated with the assessment of the trees and landscape qualities;
- The scale and visual dominance of the proposed development in relation to the scale of the existing 'arcadian' and 'urban park like character' of the landscape should be considered in relation to the contribution that established vegetation makes. Considers that the scale of the existing facilities is counterbalanced by the scale of woodland planting in the vicinity, especially the mature oaks which are proposed for removal. Without the largest mature trees being present the impact of the new development may contribute to a cumulative change in the overall landscape character of the area, shifting the balance from one where built form is subservient to the broader landscape resource to one where the built form dominates the landscape resource.

#### **Additional consultation letters sent to:**

**Noise and Pollution Control:** No objection subject to ensuring the mechanical services plant and lighting scheme is undertaken in accordance with the submitted assessments.

**Highways:** No objection. The site is located within the University grounds and therefore parking is not within the control of Highways. However, identify ongoing reports of University/commuter parking on Charles Avenue which Traffic Management is investigating. Also refer to events to be held in the main hall and assume this is to be managed to prevent people parking indiscriminately. Drainage are satisfied by the proposals for sustainable drainage features but suggest the swales could be made a little more natural. Recommend conditions requiring the submission of details of parking during the construction period and an event management plan.

**Environment Agency:** No objection subject to conditions requiring the development to be undertaken in accordance with the submitted Flood Risk Assessment and details of surface water drainage.

**Tree Officer:** Original comments - Objection. Primary concern relates to the loss of three historic oak trees sited in a grassed area between the car park on the north



west side of the building and the swimming pool. The trees are considered to be of historic value and high conservation value by virtue of their species, age and longevity and the presence of features such as cavities which are habitat for a range of protected or scarce species and as such could be considered to be “veteran trees”. Two of the three trees are prominent in the landscape and the view is that these trees should all be A Category, subcategory 3 as they are of great historic and cultural significance, being between an estimated 200 and 450 years old.

Considers that the Tree Mitigation Statement (TMS) makes its argument in large part on an analysis of the numbers of trees by category that will be affected by, or lost to, development and is of the view that this exercise has no value because the tree survey does not include a sub category assessment. Subcategory A3 is defined as trees, groups or woodland of significant conservation, historical, commemorative or other value (eg veteran trees or wood-pasture). Further considers that the Tree Mitigation Statement which has been submitted with the application is misinformed by the in-house tree survey which fails to recognise heritage or biodiversity values and assigns unrealistic measures of life expectancy. The TMS questions the “veteran” status of these three trees on the erroneous basis that veteran trees do not originate from a common field boundary, which they commonly may, and that there are 23 other similar trees in the immediate area. This is considered to be a spurious argument since trees must be judged on their significance, not on their distribution and abundance beyond the application boundary. The TMS reflects a desire to develop without hindrance rather than the need to balance sensitive material considerations in the planning context. New trees, of whatever size, cannot mitigate a significant loss of cultural and environmental heritage.

In terms of the information contained in the TMS with regard to sports hall space compliance considers that whilst it is not possible to analyse and comment on this part of the TMS, it appears alternatives to the loss of the three oaks do exist and given the importance of these trees it will be appropriate to serve a Tree Preservation Order and to negotiate an adjustment to the layout which would enable the retention of the trees.

Further comments -It should be noted following the deferral of the planning application at the December meeting of the Planning Committee that the that the Tree Officer has been involved in the subsequent discussions with the University's arboriculturist and landscape architect and the outcome of this is summarised in para 7.20.

**Greenspace and Biodiversity Officer:** Objection. The development in its current form is unacceptable in terms of ecological impacts, particularly on veteran trees. The footprint of the area affected by the development proposals includes the loss of a Category A tree, as well as two other mature oaks, one of which may also qualify as veteran status. With the loss of these trees the development cannot achieve credits under LE2 of the BREEAM assessment. Veteran trees are also considered a valued component of the Natural Environment and Rural Communities Act 2006, a listed habitat of principal importance and a Local Biodiversity Action Plan priority habitat of Wood-pasture and Parkland, for their intrinsic cultural value and the habitat and the resource they provide for wildlife. As such there is a duty to protect these trees under the Natural Environment and Rural Communities Act 2006. The Ecology Walk-over Survey report (EMEC 2014) has failed to identify these trees as veterans, or of particular significance both in terms of assessing intrinsic value and,

for one of the trees, as potential habitat for roosting bats. The mitigation hierarchy to which there is a duty to accord indicates that first development must seek to avoid impacts, and only if this is not possible is mitigation and then compensation appropriate. The bat survey has confirmed that there are no roosting bats or evidence of previous occupation but should the trees be lost to development and would represent loss of suitable habitat for bats and replacement features should be provided in the form of bat boxes. More information on the green roof and the trellis planted screen is required.

**City Archaeologist:** No objection. No archaeological work is necessary.

**Nottingham Design Review Panel:** Support the scheme. In summary, a well thought through and outstanding scheme, the proposal offers great potential to create a centre of excellence which sets the University of Nottingham and the city on the map for sports.

The improvement to campus sport facilities is long overdue and the scale and ambition of the facilities applauded. The move to unite facilities and present a new entrance to the south, which is viewable on the main approach to the building, are positives of the scheme, as well as the sustainability credentials in retaining the existing building in part.

Some regrets that the existing swimming pool, which is architecturally elegant and a significant building in its own right, is effectively hidden by the proposal, but the logic of locating the new building on the site is sound. Identified possible opportunities internally to improve connection and circulation between the two buildings to create a stronger link to the pool, and improve access from the Hall of Fame out onto the roof terrace to encourage greater use. The terrace offers opportunities for gathering/viewing of external sports but is separated from views of key internal activities, is not publicly accessible from inside and does not offer a destination to its promenade, which may hinder its ability to fulfil its graduation ceremony or fitness trail potential. The steps are an impressive feature but could be better integrated with the plaza landscape or external pitches to provide informal spectator seating over event spaces. The transparency of the building makes significant use of showcasing the activity within, though there is the opportunity to explore continuing the rhythm of the bays along the existing built frontage to the plaza through the introduction of glazing. The arrangement of the climbing wall within the entrance atrium is effective in being visually stimulating and an inspiring introduction to the building, and the scale and impact of the canopied entrance is commanding and befits a facility of this scale.

**Urban Design:** This is another exciting building within the Nottingham University Campus. Retaining part of the existing centre is supported in terms of its sustainability, although unfortunately this will necessitate the loss of three valuable trees. The proposed location also respects and improves the setting of the nearby listed building. Although it is a large building the effect of its massing is reduced due to the extensive use of glazing. This also has the benefit of encouraging views into the building, allowing the activity within it to be appreciated.

**Notts Wildlife Trust:** Support the retention of the trees on site, and in particular those identified as being mature or over-mature and believe that the ecological impact of their removal has not been fully assessed. Refer to NPPPF para 118. Have advised that the aerial survey which has been undertaken does not provide the same level of confidence as bat detector emergence and re-entry surveys. The email concludes that two of the trees may have bat potential

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework**

- 6.1 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 contribute to conserving and enhancing the natural environment and reducing pollution; to conserve heritage assets in a manner appropriate to their significance and to take account of and support local strategies to improve health, social and cultural wellbeing for all.
- 6.2 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. Paragraph 63 adds that great weight should be attributed to outstanding or innovative schemes which raise the standard of design.
- 6.3 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.4 Paragraph 118 states planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 6.5 Paragraphs 128 to 134 set out the key considerations in determining applications relating to heritage assets. They state that local planning authorities should identify and assess the particular significance of any heritage asset and when considering the impact on the heritage asset, should have regard for its level of significance. The greater the significance of the asset, the more weight should be attributed to its protection.

### **Nottingham Local Plan (NLP) (November 2005)**

ST1 – Sustainable communities

BE10 – Development within the curtilage or affecting the setting of a listed building

R1 - Development of open space

CE8 - Further and Higher Education

NE3 - Conservation of species

NE5 –Trees

NE9 - Pollution

NE10 – Water Quality and Flood Protection

NE14 - Renewable Energy

T3 - Car, Cycle and Servicing Parking

### **Aligned Core Strategies (ACS) (September 2014)**

The Nottingham City Core Strategy was formally adopted by the City Council on 8th September 2014. The following policies are considered relevant:

Policy 1 - Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 11 - The Historic Environment

Policy 14 – Managing Travel Demand

Policy 16 Green infrastructure, parks and open space

Policy 17 - Biodiversity

## **7 APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main issues**

- (i) Principle of the development;
- (ii) Layout and design considerations;
- (iii) Impact upon amenity

**(i) Principle of the development** (Local Plan policies ST1, R1 and CE8 and ACS policy 16)

- 7.1 The aim of the University is to provide a sports centre on its main campus commensurate with its reputation and standing. The existing sports centre has restricted the ability to deliver the scope and quality of sports facilities. The University is aspiring to make sport central to its broader objectives, to encourage wider participation by both staff and students and to develop a major national venue renowned for large scale sports events and to host national and international competitions and training camps. The proposed extension of the sports centre would therefore provide high quality facilities for a wide range of sports which would positively contribute to the important role of the University in the educational, economic and cultural life of the City. The proposed sports centre is within the main campus where Policy CE8 of the Local Plan encourages the provision of both academic accommodation and ancillary facilities and, as such, the principle of the development is considered to be acceptable and accords with Local Plan policies ST1 and CE8.
- 7.2 Part of the site of the new sports centre also lies within the open space network as defined in the Local Plan and therefore needs to be assessed against Local Plan policy NE1, which seeks to protect the network against development which would have an adverse effect, judged against specified criteria. In this case it is considered that the area directly affected is a small part of a larger open space (the

campus) and would not result in a loss of the integrity of the overall area of open space. The proposed development area is already sandwiched between two outdoor sports pitches and as such it is of relatively low value as an area of open space, with the adjacent Lenton Fields and Nightingale Fields offering far more suitable and attractive open recreational areas. Further the demolition of the buildings on the south east side of the existing sports centre provides the opportunity additional tree planting and soft landscaping which will enhance the overall setting of Lenton Fields, improving the landscape character of this area. Local Plan policy R1 and ACS Policy 16 are therefore satisfied.

**(ii) Layout and design considerations** (Local Plan policies NE5 and BE10 and ACS policies 10 and 11)

- 7.3 The proposed siting and layout of the building has been designed to integrate into the campus context. The proposed entrance plaza, which is a main feature of the building is intended to form a focal point at the end of key routes from the south and east and to give a new sense of place to this part of the campus. This is considered to be a successful approach. The proposal results in the existing swimming pool being effectively hidden by the new sports centre which as identified by the Design Review Panel is regrettable. However, the greater benefits of locating the main entrance to the south and the need to create one point of access to the sports facilities are recognised. The proposals do result in the curtailment of an existing pedestrian route from Derby Road but it is considered that the replacement route is an acceptable alternative.
- 7.4 The main issue arising out of the siting and overall footprint of the building is the impact upon three oak trees which are located to the north west of the existing car parking area. At the December Planning Committee the planning application was deferred to allow for further discussion between officers and the University of Nottingham in regard of these trees. The outcome of this has been the submission by the University of additional information and an amplification of previously submitted information to further explain why the construction of the sports hall necessitates the loss of the trees, the context of the loss of these significant trees in the overall landscaped parkland, and an outline the proposed mitigation measures and on-going management measures taken by the University to protect and develop its tree resources.
- 7.5 The additional information submitted by the University has been presented under a number of headings and the information contained in paras 7.6-7.29 is a summary of this set out in the same format.

***Why the main sports hall cannot be made smaller?***

- 7.6 *The sports hall is a multi-functional space that will be used throughout the year for recreational sport, sports events, graduation ceremonies, examinations and other related activities. There are three main reasons why the hall cannot be made smaller.*

*Loss of sports provision:*

- 7.7 *Firstly, the hall size accommodates a brief for enhanced and expanded sports facilities that the University has calculated as necessary to enable it to retain and build upon its reputation as one of the top three sporting Universities in the UK. The University aspires to make sport central to the delivery of its broader objectives and to feature as the leading component of the Nottingham University experience.*

7.8 *Options for making the hall smaller were illustrated in the tree mitigation statement submitted with the planning application and show that in order to retain the oak trees the hall would need to be reduced in width by the equivalent space of 4 badminton courts. This would result in the loss or non-compliance of the following sports not played to club, premier or international level to the relevant sport's governing body standards and the facilities expected to deliver a quality sport experience for all levels of participation, from simple social participation up to supporting Olympic/World level athletes.*

- *Loss of 4 out of 20 Badminton courts;*
- *Non-compliance of 2 of 4 Handball courts;*
- *Non-compliance of 2 of 4 Futsal courts;*
- *Non-compliance of 2 of 4 Hockey courts;*
- *Non-compliance of 2 of 4 Netball courts.*

7.9 *In each case either through the loss of up to 50% of court provision or unsatisfactory court layout for each sport the ability to hold premier competitions for these sports would not be feasible or in the case of badminton significantly compromised. These losses reduce the effectiveness of the investment to the point where it could not be considered to be a premier venue.*

*Lost capacity for graduation, exams and registration events:*

7.10 *Secondly, graduation is the University's most important academic related 'civic' event, being the culmination of at least three years of academic study and a celebration thereof. However, numbers are large and the event period is becoming drawn out and increasingly inefficient and onerous for the University. The size and form of the proposed new hall will allow graduation to be modernised and numbers increased per event and at the same time enhancing a world class experience on campus. The hall is designed to accommodate 3,000 guests in one sitting for graduation events. The reduction in the hall size required to retain the two oak trees would reduce the seating capacity by 25%. The effect of this reduced capacity would be 33% more sittings and this would therefore extend graduation, reducing operational revenue and tying up more resources.*

7.11 *Thirdly, exams and registration are also important activities whose delivery will be improved by the proposed new hall. Increased student numbers place heavy demands on examination space, which is not supported by the current facilities. The new hall and associated spaces will allow for the effective delivery of larger examination sessions with improved conditions and invigilation.*

7.12 *All the above will ensure the University of Nottingham remains world class and raises its reputation both academically and socially and maintain and build upon its high scores for Student Satisfaction in the National Student Survey.*

***Why the design cannot be amended to allow the oak trees to be retained?***

7.13 *The sports hall design has been developed to balance competing objectives and the University considers an optimum position has been reached.*

## *Sustainability*

- 7.14 *The proposed design locates the new sports hall immediately adjacent to the supporting structure of the existing sports hall, which is to be partially retained. In order to retain the oak trees, the new sports hall would have to be moved and the entire existing sports hall would need to be demolished. The structure of the existing sports hall is in good condition and its retention makes a major contribution to the sustainability of the proposals by reducing the amount of new building required by 24%.*

## *Cost*

- 7.15 *If a satisfactory scheme could be developed which did not retain the existing sports hall there would be a considerable cost impact on the project estimated to be in the region of £2m including VAT. The estimated cost increases envisaged would include:*

- *Extra cost of the new build elements to replace the existing sports hall elements @ £960,000 including VAT;*
- *Delay costs – construction inflation @ £750,000 including VAT;*
- *Additional costs @ £ 250,000 including VAT which include:*
- *Graduation costs – the need to relocate July 2016 graduation elsewhere;*
- *Operational losses – from opening later than programmed;*
- *Re-design fees – rework of the design.*

## *Programme*

- 7.16 *The design has been developed in response to feedback from the pre-application and design review process. A major design change at this stage would delay the project and mean that the 2016 graduation would need to be held elsewhere. This is a significant degradation of the student experience. It is also key for the University that the proposed sports hall is delivered for the summer 2016 graduation ceremonies. An extensive study reviewing the displacement of the sports centre has been undertaken with significant logistical and economic impacts should the development of the sports hall be delayed.*

## *Setting of Lenton Fields*

- 7.17 *The setting of Lenton Fields will be significantly improved by the proposed development by the removal of the existing structures to the south of the existing sports centre. Whilst the façade of the existing sports hall has been retained it is to be screened by new tree planting to the south of the proposed car park to the west of Lenton Fields. It is estimated that a revised design which retains the two oak trees would need to be moved approximately 10m closer to Lenton Fields. This would have an adverse impact on the scale and mass of the setting of this listed building and it would also require car parking spaces to be re-located in undeveloped land elsewhere. The building footprint would also still encroach into the root protection zone of the oak trees.*

## ***Additional information on the context of the proposed trees to be removed***

- 7.18 *Although this planning application is for a limited area of the campus, the University takes very seriously its management of trees throughout its estate. Some facts and figures about the wider context are:*

- Of 5,000 trees on campus, 200 are defined as Category A - 4%;
- Locally, in and around the Sports Centre development, there are 600 trees of which 80 are Cat A – 13;
- Loss of the two Cat B3 and 1 Cat A3 trees identified out of a total of 234 Cat A's and Cat B's locally is less than 1.5% reduction of the resource;.
- 60% are good to very good condition, reflects the good husbandry by the University;
- 38% are fair to poor condition and this needs to be addressed to avoid potentially losing nearly 2000 trees in the short to medium term;
- Only 30% are considered to have a high landscape value;
- Some 70% are medium to low landscape value (species of tree, location, groupings, etc), again this needs to be addressed;
- Of the 966 trees that are over 60 years old some 60% are considered to be of good to very good condition amounting to 579 trees.

7.19 *The oak trees to be removed are significant trees, however, there are many of equal or better status trees on the campus and when considered in the wider context the overall impact of their removal, as set out in the Tree Mitigation Report, is slight.*

*On site review*

7.20 *Nottingham City Council's Tree Officer, the author of the arboricultural tree survey (BHA Trees) and the University's Landscape Architect (Munro + Whitten), who are undertaking the masterplanning of the Arboretum to be created at the University Park, have met on site to discuss the oak trees with the intention of agreeing a common interpretation of the Category and residual life of the trees. The following points summarises the agreed common ground achieved:*

- *Trees 3686 and 3687 are Category B as set out in BS5837 Trees in Relation to Design Demolition and Construction – Recommendations. Tree 3686 suffers from compaction of the roots, possible winter thaw salt run off from the adjacent footpath onto the root zone and deadwood and Tree 3687 has deadwood in the canopy; the trees 3686 and 3687 are considered to be significant, Category B3, due to their cultural value, as they are indicated on an OS map of the late 19th Century;*
- *Tree 3684 is Category A3 as set out in the BS5837. It has this status due it being a veteran tree in terms of both historical context and biodiversity;*
- *The three trees could be retained adjacent to the development if it encroached no closer than 4.5m to the trunks of the trees;*
- *All acknowledged the historical and ongoing commitment of the University to the tree resource on campus and that this current situation was unusual in the development of the University and to avoid this occurring again the University should highlight all significant trees that are Category A or of a veteran status as part of their forthcoming Arboretum Strategy Plan;*
- *Whilst it is not possible to mitigate the loss of trees at least 150 years old the development should include a number of compensatory trees of at least super semi mature size.*



## *Future developments*

- 7.21 *The University is considered to be an excellent custodian of its campus grounds and landscaping which have developed within structured masterplans which protect and acknowledge the significant contribution that the landscaping makes to the university and its wider reputation. The University are very proud of how the already high quality of the campuses have been further enhanced over the last 20 years during significant university expansion and how the plans and commitments to create a 300 acre Arboretum throughout University Park over the next 10 years will take this to a new level. It is a rare and exceptional situation that a necessary development project in the form of the sports centre requires the loss of trees of significant value. The University will use its best endeavours to plan its future developments around trees in good condition and of significant ecological, landscape or cultural value.*

### **Additional mitigation measures proposed**

#### *Biodiversity*

- 7.22 *It is also recognised that there will be loss of some potential bat roosting opportunities offered by the oak trees. As outlined in previously submitted commentary bat boxes are to be provided to compensate for this potential loss but the proposed development also includes approximately 1700sqm of bio-diverse green roof areas providing potential new habitat for invertebrates and other wildlife. Introducing a species-rich planting to the green roofs will increase the overall ecological value of the site post-development.*

#### *Re-planting*

- 7.23 *The tree mitigation statement identifies the proposed replacements to compensate for the loss of the trees. In brief, these are 2 super semi mature trees, 7m tall, 16 semi mature trees (5m tall) and 16 specimen trees. In response to the concerns that have been raised about the loss of the three oak trees the University has offered to triple the mitigation measures in relation to the larger Category B3 tree loss offering:*

- *6 super semi mature trees;*
- *Minimum trunk diameter 16-19cm;*
- *Estimated maturity 30 years.*

#### *Management arrangements*

- 7.24 *The University have a comprehensive Management Plan and Arboricultural Management Plan in place for the University Park Nottingham which includes the overall strategy to tree care and maintenance. Both of these plans have been included for information under the Appendices. This represents best practice in the management of a landscape such as University Park. The University is investing heavily in its tree resource to ensure it is sustainable for the next 100 years.*

#### *Wider Arboretum context*

- 7.25 *The University has committed to develop an Arboretum across the 300 acre campus. The Park Arboretum will be created to serve as a regional and with time national resource. Proposals are summarised as follows:*

- *Preparation of a 10 – 15 year rolling programme of tree and shrub management and maintenance with proposed expenditure identified;*
- *Up-dating of the records on an Arboretum Data Base Information System to enable an accurate overview of the condition of the tree stock on the campus. The revised data should also include zoning to identify heavily used areas and the age and condition of trees in these zones;*
- *Phased tree removal and re-planting over a 10 – 15 year period to allow for a reduction in the number of common or less desirable species, possibility of disease issues or structural failure of trees and also problems with dead or dying trees. Ash, Horse Chestnut, Birch, Leyland Cypress and Sycamore are key species within the problem categories;*

## **Conclusion**

- 7.26 *The Sports Centre project is a major development for the University that will allow it to maintain its position as a leading international provider of higher education. The development site has been carefully selected to minimise the impact on the landscape, listed buildings and its relationship and access to the retained adjacent buildings.*
- 7.27 *The scale and form of the proposed sports centre is critical for the University to deliver a facility to meet their sporting objectives and aspirations and the growing demands on registration, exam and graduation ceremonies.*
- 7.28 *It is appreciated that the oak trees identified have notable ecological value and contribute to the immediate landscape setting within the campus. The avoidance of the loss of these trees has been explored through a series of redesigns with various forms and scales as documented in the Tree Mitigation Strategy.*
- 7.29 *In conclusion it is recognised the loss of the trees is significant and regrettable. However it is considered when viewed in the overall context of the campus and the University's proposals for the creation of a Park Arboretum, the benefits of the scheme, including the proposed mitigation measures, outweigh the loss of these trees. The sports centre is anticipated to make a major contribution to the experience of students during their time at Nottingham University, to the wider community and to the City of Nottingham as a whole.*
- 7.30 The additional report has clarified and amplified a number of points about which there was uncertainty and some difference of opinion, particularly in respect of the categorisation of the trees upon which there is now agreement between the City Council's Tree Officer and the University's technical experts. The objectors to the scheme, whose comprehensive views are summarised in Section 5, raised issues and questioned the quality of the information submitted with regard to the value of the three oak trees and the assessment of their proposed removal. It remains the case that the three oak trees have significant value and that their potential loss needs to be properly assessed, fully justified and a view taken as to whether the merits of the development outweigh the loss of the trees.
- 7.31 The City Council's Tree Officer, the University's arboriculturist and landscape architect agree that the trees could potentially be retained if the sports hall encroached no closer to the trunk than 4.5m, as has been achieved elsewhere on the campus in close proximity to a single storey development. However, in the case of the sports centre the proposed building is approximately 15m high and there

would be a substantial loss to the tree crowns, the setting of the trees would be considerable compromised and the building footprint would encroach significantly into the root protection zone. To meet the requirement of the development being no closer than 4.5m to the trunk would again either require moving the entire sports centre south (necessitating demolition of the existing sports hall) or would mean the loss of the 4 badminton and other sports courts.

7.32 The additional report and the Tree Mitigation Statement (TMS) set out that an iterative process was undertaken at the design stage to seek a solution which avoided the loss of the trees, particularly the three oak trees. Six options have been considered, including demolishing the existing sports hall. This concludes that each option introduces compromises to the internal operation of the sports hall and to its use as a venue for examinations and graduation ceremonies. The additional report proposes a series of secondary and tertiary measures to mitigate for the loss of the trees. The TMS proposed 2 super semi mature trees, (7m tall), 16 semi mature trees (5m tall) and 16 specimen trees. It is noteworthy that in response to the concerns that have been raised about the loss of the three oak trees, the University has offered to triple the mitigation measures in relation to the larger Category B3 tree loss offering:

- 6 super semi mature trees with a minimum trunk diameter 16-19cm and estimated maturity 30 years.

The tertiary measures relate to good management practices during construction to protect the health of retained trees.

7.33 The additional report includes more detailed information with regard to the condition and number of trees within the entire University Park campus, which sets the loss of the three oak trees into a wider context. Significantly it also provides information about the proposals the University already have in hand for the creation of an Arboretum across the campus over the next 10 years. This will involve the preparation of an Arboretum Strategy Plan which will comprise a number of different aspects, as set out in para 1.20 above, and will help to ensure that the University uses its best endeavours to plan its future developments around trees in good condition and of significant ecological, landscape or cultural value, in addition to developing the landscape resource of the University Park. Overall, the development of the Arboretum Strategy Plan will help to provide more certainty with regard to the maintenance and development of the significant tree resource. It is proposed that the submission of the Strategy Plan be required by planning condition and the University have already confirmed their agreement to working in partnership with the City Council's Tree Officer in the development of this to ensure the delivery of a working document which has the agreement of all interested parties.

7.34 The objectors to the scheme have raised other options for siting of the sports centre, including its location at the Sutton Bonnington campus. Given the scale and nature of the proposed facility it is accepted that the main campus is the appropriate location for this facility and furthermore, its positioning adjacent to existing sporting facilities is logical and desirable. It is not therefore considered to be either realistic or proportionate, faced with the issue in question, to require consideration of these more radical alternative sites.

7.35 It is acknowledged that the loss of the trees is significant and very regrettable both in terms of the intrinsic value of the trees and also the contribution they make to the

landscape setting of this part of the campus. However, it is also considered that all realistic options to enable their retention have been adequately explored and justifiably discounted. In conclusion, the benefits of the scheme, including the proposed mitigation measures as revised are considered to outweigh the loss of these trees. The final details of the mitigation measures and the submission of an Arboricultural Method Statement will be secured by condition.

- 7.36 It is also recognised that there will be loss of some potential bat roosting opportunities. The provision of bat boxes is proposed to compensate for this potential loss and the proposed development also includes approximately 1700sq m of green roof area which together with species rich planting will provide a potential new habitat for invertebrates and other wildlife enhancing the ecological value of the site.
- 7.37 There are two listed buildings in the vicinity of the application site. Lenton Abbey is located to the south west and is screened from the site by an area of trees; it is not therefore considered that the proposal impacts upon the setting of this listed building. Located to the south east of the existing sports centre is Lenton Fields, a Grade II listed building which is in use as a day nursery. The proposal involves the demolition of buildings to the south east of the existing sports hall and therefore presents the opportunity to enhance the setting of this building. The car parking area and service road will be constructed on the line of these buildings but the scheme does provide the opportunity for tree planting and soft landscaping along this edge, which would enhance the setting of Lenton Fields.
- 7.38 The proposed new build, taken together with the retained building, has a substantial footprint and mass and the exterior of the building has been designed to break it down into different elements, which in part also reflects the activities taking place within. As described in Section 4, this has resulted in the use of large areas of glazing, particularly in the pavilion element, which allow views both in to and out of the building, creating interest and animation. In other parts of the building articulation and interest is provided on the elevations by the use of a variety of materials, aluminium louvres and trellis planted screens.
- 7.39 The objector has expressed concern about the scale and mass of the proposed building and its impact upon the urban park like character of this part of the campus. This is not accepted; the building is larger than the one it would replace but of significantly greater aesthetic and functional quality. Elsewhere the campus is characterised by large buildings in mature landscaped surrounds and in this regard the proposal is entirely in keeping, particularly so given that there are no other large buildings in the immediate vicinity which compete for the space.
- 7.40 The comments of the Design Review Panel are very positive. Where they suggest amendment this primarily relates to internal opportunities to better link to the swimming pool and the roof terrace. In particular the roof terrace offers opportunities for gathering and the viewing of external sports, but its full potential needs to be realised by integrating it better to the internal activities of the building and the plaza, to which it is linked by the external steps. The University has been receptive to these comments and are considering further amendments accordingly; key to better integrating the terrace is the design and configuration of the external staircase from the plaza and it is therefore recommended that a condition be imposed requiring the further details of this to be submitted.

- 7.41 Overall, it is evident that this is a very well thought through scheme which will deliver excellent sports facilities, is of commensurate architectural quality and together with the associated public realm improvements will positively contribute to the University campus.
- 7.42 It is therefore considered that Local Plan policies BE10 and NE5 and ACS policies 10 and 11 are satisfied.

**(iii) Impact upon amenity (ACS Policy 10)**

- 7.43 The proposed site of the development is within the campus but close to the boundary with residential properties off Charles Avenue to the south west. The nearest residential properties are in sheltered accommodation known as Raglan Court and Lime Tree Court and the existing sports hall is partially visible from within this development. The proposed sports centre is higher than the existing and increases the overall mass of the building which will be visible from some points within the Lime Tree Court and Raglan Court. However, part of the south western end of the existing sports centre is to be demolished which will decrease its overall length by 22m and pull it further away from the boundary with the sheltered accommodation. There is also a tree screen between the extension and the residential development which is to be re-inforced by woodland type planting. Therefore, in spite of this of greater mass and height it is considered that based upon the separation distance between the extension and the sheltered accommodation, the above factors and the impact upon the amenity of the residents of the sheltered accommodation will be acceptable. ACS Policy 10 is therefore satisfied.
- 7.44 A Noise Assessment was submitted with the application which considered noise activity breakout in both the existing sports hall and the new facilities. This has been assessed by Noise and Pollution Control who have not identified any specific issues. In respect of the existing sports hall it is proposed that the studios which have the greatest potential for breakout noise will have new glazing with a high acoustic rating, and mechanical ventilation which will operate in a sealed mode during potentially louder activities. It should also be noted that part of the existing sports hall is to be demolished and it will be 22m further from the residential accommodation at Lime Tree Court and Raglan Court than is currently the case. In respect of the new facilities, including the sports hall, the fabric of the building will comprise up-to-date insulation measures and the design will be able to operate in a fully sealed mechanically ventilated mode which will be used for large sporting events and graduation. The new sports hall is 60m from the houses to the west compared with the current 25m distance from the existing sports hall.

**Other matters (Local Plan policies T3 and NE9 and ACS Policies 14 and 17)**

- 7.45 Highway considerations: As the site is located with the University campus the question of the level of car parking proposed is not one over which Highways have any control. It should be noted however that it is proposed to replace the existing car parking spaces and add a further nine. It is proposed to increase the cycle parking provision significantly providing 100 spaces as compared with the current provision for 28 cycles.
- 7.46 Highways have however identified two issues arising out of the proposal. The first relates to car parking associated with the construction period when there is a concern contractors may park on nearby residential streets where there are already

on-going issues with University and commuter parking. To reduce the impact of this a condition is recommended requiring the submission of details of contractor and sub-contractor parking during the construction period. Secondly, as the main sports hall is also to be used for events associated with the University, there is a concern that unless the associated parking is managed there will be indiscriminate parking in nearby residential streets. To address this a condition is also recommended requiring the submission of an event management plan setting out the proposals for on-site car park management.

7.47 The comments of the Environment Agency with regard to the Flood Risk Assessment and surface water will be addressed by planning condition.

## **8 SUSTAINABILITY / BIODIVERSITY** (Local Plan policies NE3 and NE14 and ACS policies 1 and 17)

8.1 The aim is for the development to achieve a BREAAAM excellent rating including a reduction in carbon emissions of 25% over and above the Building Regulations Part L and to achieve a minimum of 10% reduction through the use of on-site renewables. The approach to the design has been to adopt a “Passive over Active” stance which means that fabric and efficiency measures have been considered prior to the renewable energy systems. Specific measures for the development are primarily aimed at reducing energy demand by design; using high performing building fabric, achieve high air-tightness and promote daylight into the building while limiting solar gains. The renewable technologies to be included in the project are combined heat and power and photovoltaic cells.

8.2 The issues raised by the Biodiversity and Greenspace Officer and Notts. Wildlife Trust with regard to the ecological impact of the loss of the three oak trees is addressed within Section 7 issue (ii) of the report. The details of the mitigation measures for the loss of suitable habitat for bats, the green roof and the trellis planted screen will be secured by condition.

8.3 Local Plan policies NE3 and NE14 and ACS policies 1 and 17 are therefore satisfied.

## **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**

The building would be fully accessible

## **12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

World Class Nottingham – A development that would enhance Nottingham’s standing for higher education and sport.

Working Nottingham – Providing new employment opportunities within the City.

Healthy Nottingham – Improving health and well being.

**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: 14/02540/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NDS8SULYCB000>

Highway observations dated 17.11.2014

Email from City Archaeologist dated 04.11.2014

Letter from Environment Agency dated 07.11.2014

Email from Greenspace and Biodiversity Officer dated 18.11.2014

Email from Tree Officer dated 12.11.2014

Emails from Notts Wildlife Trust dated 01.12.2014 and 02.12.2014

Comments from Nottingham residents dated 30.11.2014 and

Email from Noise and Pollution Control dated 04.12.2014

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

Nottingham Local Plan (November 2005)

Aligned Core Strategies (September 2014)

National Planning Policy Framework

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# PLANNING COMMITTEE

## UPDATE SHEET

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

21 January 2015

### 4(a) University of Nottingham Sports Centre

1. Seven further comments have been received on the planning application (sent directly to either members of Planning Committee or other councillors).

The correspondents are all objecting to the proposal on the basis of the loss of the three oak trees. The emails received refer to the age and environmental value of the trees; whether the university would be able to modify the plan to enable their retention; to the loss of trees on University Boulevard necessitated by tram construction and within the campus as a result of the recent construction of the hotel and the possible impact on trees of the temporary sports hall which is in the course of construction on the campus; that the proposal is contrary to the University's environmental policies.

One of the emails has been forwarded by Councillor Dewinton who has advised that she supports the concerns of her constituent.

2. A letter has been received from the Woodland Trust objecting to the application because of the loss of three veteran oak trees. The letter sets out the value of both ancient and veteran trees. It refers to the presence of at least four ancient trees on the southern edge of Wollaton Park within 500m of the trees proposed to be removed and advises that the veteran trees which would be lost by the development provide some of the closest replacement habitat for any rare species associated with decaying wood habitat, aging bark and old root systems. They also advise that the larger the concentration of old trees in an area and the longer they have been present, the richer the variety of species found. Nottingham and the surrounding area has a history of ancient mediaeval deer park, woodland and veteran tree cover, with Wollaton Hall forming the southern extreme of the original Sherwood Forest and comment that these oaks may well be part of what still remains.

They consider the mitigation measures proposed are unacceptable and that the applicant has not successfully established exceptional circumstances for the loss of the three veteran oak trees at this site. With regard to the mitigation, they express the view that it is not possible to compensate for the loss of veteran trees by planting new ones and refer to the NPPF .

Finally, they consider that with modest modification of the scheme the trees would not need to be lost. By reducing the number of badminton courts from 20 to 16 would ensure the sports centre could be delivered but without the exorbitant cost to the environment.

They conclude that all ancient and veteran trees are of historic interest and are a valuable part of our cultural heritage. The historic interest lies both in the individual trees, and in the tree's place in the wider countryside. They consider these three oak trees are a living embodiment of this and as such urge that the planning application be rejected.



3. A report has also been received from the City Council's Public Health Manager setting out the benefits of both trees and green space. In summary the main benefits are:

- Improved air quality
- Helps tackle obesity and coronary heart disease
- Encourages people to be more active
- Helps tackle mental health problems and restore people's ability to concentrate and reduce stress
- Increases productivity
- Through social interaction and access to the outdoors and nature, improves quality of life.
- It improves the quality of our living and working spaces, attracting business and investment and contributing to the local economy e.g. through improved air quality, noise and temperature regulation.
- It provides employment in nature.
- It reduces the impacts of extreme weather.
- It provides attractive locations for walking and cycling.

Finally, many older trees have important cultural or historical significance to individuals, local communities and the population as a whole. They can create a sense of continuity and timelessness which helps to counter the sameness of so much of the built environment. Suggests that rather than seeing the trees as a problem, a more appropriate approach would be to see them as a valuable asset that could be utilised to promote physical activity and to provide shade and shelter from noise and weather.

4. A letter has been received from Sport England advising that it considers the proposed development has the potential to be of significant benefit to the development of sport at the University and for the wider sporting community. Advise that the University has maintained a dialogue with Sport England to ensure that the design of the facility meets appropriate guidance. The draft City Council Sport and Physical Activity Strategy seeks to develop partnerships with the universities to link to their developments in sport across the city and investigate the use of university assets to accommodate peak period activity. The proposal provides an additional facility which adds to the balance of and facility mix across the city. Also comment that whilst the proposal does not directly impact on existing outdoor sports facilities, part of the wider playing field area would be lost. The loss of this wider playing field area is supported as the University's grass playing field areas have been developed and improved both at the Highfield site and at Grove Farm, with significant investment into the facilities at both sites. In addition, the benefits to sport in particular for the university but also the wider sporting community, are considered to outweigh the loss of the wider playing field area.

***The points raised in the emails from Nottingham residents and in the letter from the Woodland Trust are addressed in the committee report.***

(Additional background papers: Emails dated 16.01.2015, 19.01.2015 (x4), 20.10.2015 and 21.01.2015 from Nottingham residents, Letter dated 16.01.2015 from the Woodland Trust, Letter dated 21.01.2015 from Sport England, Email and report dated 20.01.15 from the City Council's Public Health Manager)

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**WARDS AFFECTED:** Arboretum

**Item No:**

**PLANNING COMMITTEE  
18th February 2015**

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Talbot House, Talbot Street**

**1 SUMMARY**

Application No: 14/02526/PFUL3for planning permission

Application by: Corstorphine +Wright on behalf of Lester Hotels

Proposal: Demolition of buildings except for front section of Talbot House.  
Erection of new buildings (of up to 8 storeys) comprising studios, cluster flats, and accessible flats and conversion of front section of Talbot House to provide student facilities (revised scheme).

The application is brought to Committee because it is for a major development in the city centre providing a significant number of student apartments and also involves a S106 planning obligation. Committee is being recommended to grant planning permission subject to the completion of the S106 planning obligation and the recommended conditions.

To meet the Council's Performance Targets this application should have been determined by 28thJanuary 2015

**2 RECOMMENDATIONS**

1. **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

(a) prior completion of a Section 106 Planning Obligation which shall include:

- i) A financial contribution of £153,007 towards the upgrade or improvement of open space or public realm within the city centre.
- ii) A student management agreement.

(b) the indicative 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 both the terms of the Planning Obligation and conditions of planning permission be delegated to the Head of Development Management and Regeneration.

2. That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

### **3 BACKGROUND**

- 3.1 The application site spans between Talbot Street and Wollaton Street and includes the office buildings of Talbot House and Wollaton House. The original east section of Talbot House dates from the 1920s and is in a classically influenced Art Deco style. A larger block was added on Talbot Street in the early 1970s. Wollaton House was then added on Wollaton Street in the late 1970s. The 1970s blocks are both in brown brick and glass and are monolithic in their appearance.
- 3.2 On Clarendon Street to the east of the site are two storey Victorian buildings that are in use by various office and service businesses. To the west is a 1970s office building, Chaddesden House, which spans between Talbot Street and Wollaton Street and is occupied by Domestic & General. Opposite on Talbot Street to the north is a further 1970s office building, Lambert House, which is occupied by Experian.
- 3.3 The application buildings were formerly occupied by Experian, who had been using them for offices and a data centre. The offices were vacated a number of years ago. The data centre use continued to be operated until the summer of 2011, when the buildings then became fully vacated.
- 3.4 The application site is located within the Canning Circus Conservation Area.
- 3.5 Planning Permission and Conservation Area Consent was granted on 12 August 2013 for the demolition of the existing buildings except for front section of Talbot House and the erection of new buildings (of up to 8 storeys) and conversion of front section of Talbot House to provide student accommodation with ancillary facilities. These permissions remain extant (12/02660/PFUL3&12/02661/LCAC1).
- 3.6 A planning application was submitted in April 2014 for a similar proposal to that now currently submitted (14/00942/PFUL3). The applicant elected to withdraw this submission in order to review the proposed format and layout of accommodation. The current application is a revised version of this initial proposal.

### **4 DETAILS OF THE PROPOSAL**

- 4.1 The application proposes the redevelopment of the site following the demolition of all the existing buildings except for the retained Art Deco front section of Talbot House. The new development would be in a quadrant form, with a central landscaped courtyard space and other ancillary external spaces. The primary new development blocks would front onto Talbot Street and Wollaton Street, with connecting blocks linking both sides.
- 4.2 The proposed new blocks would vary in height across the frontages to both streets. On Talbot Street the block would begin at six storeys adjacent to Chaddesden House, rise to seven storeys, and then fall to six and then five storeys adjacent to the retained front section of Talbot House. On Wollaton Street the first block adjacent to Chaddesden House would be eight storeys, with a set back top floor. The second block would also be eight storeys, with a set back top floor, then falling to five storeys adjacent to the corner office building on Clarendon Street.
- 4.3 The proposed development is for student accommodation with ancillary facilities. A total of 434 student bedrooms would be provided within the scheme, to be accommodated within a range of apartment formats:

74 Studios (single bedroom apartments with a kitchen area)  
110 'Twodios' (two bedroom apartments with a shared kitchen area)  
40 Clusters (three to six bedroom apartments with a shared kitchen/living area)

Communal areas, laundry rooms, a front reception and offices, a gym, and cycle and refuse storage areas are also provided.

- 4.4 The original section of Talbot House is proposed to be retained and used for a range of student facilities including a library, study, and meeting spaces. It is proposed that the ground floor would be used as a café, which would also be accessible for public use.
- 4.5 The central landscaped courtyard space would be accessed from both Talbot Street and Wollaton Street. This would function as the central circulation and amenity space. There would be a large internal cycle store with direct access off Wollaton Street and a further section of cycle racks located adjacent to the primary reception entrance off Talbot Street.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

77 (Chaddesden House), Lambert House, 100-102 (Mansion Studios), & 104 Talbot Street  
1-7 (odd) & Marriots, St. Georges House, Clarendon Street  
135-137, 139 Wollaton Street  
4 & 31-42 (consec.) Regent Court, Derby Street

The application has also been advertised by site and press notices. No responses have been received.

### **Additional consultation letters sent to:**

**Highways:** No objections subject to conditions including construction management arrangements; reinstatement of redundant footway crossings; and implementation of cycle parking facilities.

**Pollution Control:** No objection subject to conditions including air quality assessment in relation to proposed combined heat & power (CHP) system; noise assessment in relation to mechanical services plant or equipment; sound insulation; and ventilation and means of discharging and dispersing fumes from proposed café and dining areas.

**Housing Strategy:** No objection. Consider that proposed student use is appropriate for this location given the surrounding uses that have emerged over recent years, the proximity to the universities, and areas of HMO over concentration from which the development could draw.

**Nottingham Civic Society:** Reiterates objection to the 2012 planning application. Whilst the retention of the front section of the building, including the staircase, is welcomed, the Civic Society would like to see more of the internal features and fixtures (e.g. original Boardroom) reused in the development. Concern about the proposed height of the redeveloped buildings is reiterated. Those buildings fronting

both Talbot Street and Wollaton Street are about three residential storeys too high, taller than the advice contained in the adopted City Centre Urban Design Guide. These buildings would impact negatively upon the streetscape of the Canning Circus Conservation Area, in particular upon Clarendon Street with its row of late Victorian villas. The Civic Society thinks the mass of the scheme should be reconsidered.

## **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 taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 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 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.6 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

### **Nottingham Local Plan (November 2005):**

BE12 - Development in Conservation Areas.

BE13 - Demolition in Conservation Areas.

E4 - Previously Used Employment Sites.

H6 - Student Housing.

NE9 - Pollution.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

### **Aligned Core Strategy (September 2014)**

Policy A - Presumption in favour of sustainable development.

Policy 1 - Climate change.

Policy 5 – Nottingham City Centre

Policy 10 – Design and Enhancing Local Identity.

### **Other Planning Guidance**

Nottingham City Centre Urban Design Guide

Building Balanced Communities Supplementary Planning Document

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

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Use for student accommodation.
- (ii) Demolition of existing buildings.
- (iii) Scale and design of proposed development.
- (iv) Amenities of neighbouring occupiers.
- (v) Highways

### **Issue (i) Use for student accommodation (Policies E4 and H6, and Policy 5)**

- 7.1 The application buildings have been vacant for several years and, in terms of the quality and adaptability of their office accommodation, are classed as Grade C (functional space at below average rent). It is considered that there is very limited prospect of the application buildings being reused/re-let for office accommodation. It is also considered that the loss of Talbot House would not affect the supply of sites or premises for employment use and that the proposed alternative student accommodation use therefore accords with Policy E4 of the Local Plan.
- 7.2 The concept of a 'student quarter' being developed on Talbot Street has taken hold, with three purpose built/conversion student accommodation developments having been completed in recent years. Talbot House is conveniently located within a short walking distance of Nottingham Trent University campus and city centre amenities. It is considered that the provision of further good quality purpose-built accommodation on this street will attract students that would otherwise occupy houses of multiple occupation outside of the city centre. Accordingly, it is considered that the proposed student accommodation use complies with the Building Balanced Communities Supplementary Planning Document, Policy H6 of the Local Plan, and Policy 5 of the Aligned Core Strategy regarding the location of student accommodation development.

## **Issue (ii) Demolition of existing buildings (BE13)**

- 7.3 The application site is located within the Canning Circus Conservation Area. The application proposes the demolition of the existing buildings except the Art Deco front section of Talbot House. This proposal is consistent with the Conservation Area Consent that was granted on 12 August 2013 and which remains extant.
- 7.4 The retained and converted Art Deco front section would be used as a café, accessible for public use, with the upper floors to be used as library, study, and meeting spaces for student residents. It is considered that this building has significant merit to the character of the Conservation Area and that its retention and use in association with the development is to be welcomed. The presence of this building will also benefit from becoming detached on the Talbot Street frontage.
- 7.5 It has been considered that the two 1970's office blocks that front onto Talbot Street and Wollaton Street on either side of the site do not make a positive contribution to the special character of the Conservation Area. Indeed their monolithic massing and design could be concluded to have a negative impact on the appearance of the area. Their demolition has been previously agreed as part of the previous permission for redevelopment and it is considered appropriate that this is approved again in association with the current proposal.
- 7.6 The rear wing of Talbot House is considered to make some contribution to the Conservation Area. Whilst it had been previously considered for retention and conversion, it was agreed that its design and layout did not provide an efficient use of land, with high floor to ceiling heights and wasted internal space affecting the viability of the proposed student accommodation use. It was concluded that it would be appropriate to allow the demolition and rebuild of this element to the same scale and design of the existing building. It is considered that this demolition remains justified in accordance with Policy BE13 and is based the merits of the replacement buildings which are discussed in more detail below.

## **Issue (iii) Scale and design of proposed development (Policy BE12 and Policy 10)**

- 7.7 The application site occupies significant lengths of frontage on both Talbot Street and Wollaton Street. The existing buildings are considered poor in their appearance and there is, therefore, an opportunity to redefine these streets with a high quality new development.
- 7.8 The City Centre Urban Design Guide identifies the application site as falling within the 'Zone of Repair' where it is expected that new development will respect and repair the historic character of the area. Although the historic character of both Talbot Street and Wollaton Street have been significantly eroded by 1970's developments that have had little or no regard to this character, it is possible to draw scale references from the retained Art Deco front section of Talbot House and from the wider local area, including Derby Road.

### Talbot Street

- 7.9 The scale of the proposed development on Talbot Street is consistent with the previously approved scheme, stepping up the street from the retained Art Deco front section. It is considered that development of this scale is appropriate to its context and will provide the street scene of Talbot Street with a development that



has an active façade and dynamic appearance. Whilst it is recognised that the height of this new block exceeds the recommended height within in the City Centre Design Guide, it is considered that regard has been paid to the context with other developments on this section of Talbot Street. Furthermore, it is considered that the proposed scale and appearance of the development will help to establish a new identity and character, redefining the street and making a positive contribution to the character and appearance of the Canning Circus Conservation Area.

### Wollaton Street

- 7.10 There are two proposed new blocks of development onto Wollaton Street. These blocks are also consistent with the previously approved scheme and follow the same principle of stepping development height in relation to the level of the street. The architecture of the proposed new blocks shares the same language as the new block to Talbot Street and it is considered that this common treatment will establish an identity to the development as a whole.
- 7.11 The marked change to the existing Wollaton Street elevation is that the building line of the proposed development is brought forward towards the edge of the street. At present the existing Wollaton House building is set substantially back from the edge of the street, allowing for a service lay-by into the site. The tall rear section of Talbot House is similarly set back, with only a short three storey later addition fronting onto Wollaton Street. The City Centre Urban Design Guide supports the use of building lines onto the edge of the street and states that this is key to the success of buildings in contributing to the urban form of the city and character of its streets. It is, therefore, considered that the proposed development follows the principle of re-establishing the building line in accordance with the 'Zone of Repair' objectives.
- 7.12 It is also considered that the scale and design of the proposed blocks will significantly improve the street scene of Wollaton Street and will make a positive contribution to the character and appearance of the Canning Circus Conservation Area.

### Courtyard Space

- 7.13 The proposed layout establishes a courtyard space between the blocks. This space would function as the main circulation space for student occupants. The formation of the courtyard will allow sunlight and daylight to penetrate the scheme as well as providing an outlook for accommodation within the centre of the site. It is considered that the extent of separation across the courtyard space will provide an appropriate level of amenity for student residents.

### Materials

- 7.14 The proposed materials palette is for a buff multi brick, copper/brown coloured metal sheeting with a standing seam, and off-white render. The concept is to use these materials in a layered fashion on the façade. The copper/brown coloured metal sheeting is to be used in vertical panels and seams. This material will form the expressed outer layer of the building. The buff multi brick is the base layer to the primary street elevations and has been selected to blend with the colour of the tall sections of Bulwell stone retaining walls that are a particular characteristic of Wollaton Street. The link blocks and internal elevations of the development are proposed in off-white render as a lighter quality finish that will maximise reflected light within the courtyard and internal amenity spaces.

- 7.15 All glazing is to be set back with deep reveals to accentuate the modelling of the façade. Expressed feature frames in an off white/light grey finish are also proposed to alternate as a further contemporary design feature.
- 7.16 A materials palette will be available for view at the Committee meeting. It is important that the palette is of a complementary range and quality to its context. It is also recommended that a sample panel be constructed on site for review as a condition of consent.
- 7.17 Subject to conditions, it is therefore considered that the scale and design of the proposed development would be appropriate to the city centre, neighbouring properties and adjacent Canning Circus Conservation Area in accordance with Policy BE12 and Policy 10.

#### **Issue (iv) Amenities of neighbouring occupiers (Policy 10)**

- 7.18 The application site adjoins Chaddesden House to the west and a terrace of buildings to the east that front onto Clarendon Street. These buildings are all in commercial use.
- 7.19 The existing Talbot House and Wollaton House buildings occupy most of the boundary of the site with Chaddesden House and are of a scale that dominates the remaining space between the buildings. Whilst the proposed development would be larger in scale when compared to the existing buildings, it is considered that the proposed layout, including the courtyard space between the blocks, provides an appropriate relationship between the two sites. The prospect of a future conversion or redevelopment of Chaddesden House also cannot be discounted and it is considered that the proposed development would not prejudice this potential.
- 7.20 The relationship of the proposed buildings to those on Clarendon Street is noted to be similar to the relationship of the existing rear section of Talbot House, with the only taller section being that part towards Wollaton Street. It is considered that the existing use of the buildings on Clarendon Street are not prejudiced by the proposed relationship, and it is noted that many of these commercial properties make limited use of their rear spaces which adjoin the application site.
- 7.21 A student management agreement is to be provided as part of the S106 planning obligation. Amongst other aspects, the terms of this agreement aims to ensure that neighbouring occupants are provided with a point of contact for immediate response to any instances of nuisance or disturbances caused by occupiers of the development.
- 7.22 In accordance with Policy 10, it is therefore considered that the amenity of neighbouring occupiers would not be significantly affected by the proposed development and that appropriate student management measures will be in place to ensure that any instances of nuisance or disturbance will be dealt with.

#### **Issue (v) Highways (Policy T3)**

- 7.23 The proposed development makes no provision for on-site parking. Highways recognise that the surrounding highway is highly restricted by Traffic Regulation Orders and that there is unlikely to be any parking displacement from the development. Highways have also previously noted that there are pay and display

car parks in the vicinity of the site that will allow the families of students to park off-street at the beginning and end of terms.

- 7.24 It is intended that a student management agreement will be provided as part of the S106 planning obligation. It is intended that a clause within the S106 will aim to ensure that student occupants do not keep or use their cars within the city. This has become a successful deterrent to student car use and is common to all major student accommodation developments within and around the city centre.
- 7.25 Subject to appropriate highway conditions, it is considered that the proposed development accords with Policy T3.

### **Other Matters (Policies NE9 and R2)**

- 7.26 In accordance with Policy R2 and the Planning Guidance for the Provision of Open Space Within Developments SPG it is intended that the Section 106 planning obligation secures a financial contribution of £153,007 towards the upgrade or improvement of open space or public realm within the city centre.
- 7.27 Pollution Control advises that they have no objection subject to conditions. In accordance with Policy NE9, it is therefore recommended that conditions relating to air quality assessment, site investigations relating to any contaminaton, implementation of sound and acoustic ventilation measures, and maximum noise levels in relation to any plant equipment are attached to a consent.
- 7.28 Provision for local employment and training during the construction and operation of the development is also to be included in the Section 106.

## **8. SUSTAINABILITY / BIODIVERSITY (Policy 1)**

The application submission includes an Energy Statement. The report advises that a strategy of passive construction measures, active energy efficient equipment, and Low Carbon technology will meet the 10% renewable requirement. The Energy Statement considers that Combined Heat & Power technology is most appropriate and this is proposed to be incorporated into the heating and hot water systems to reduce the primary energy requirement of the development. Common areas of the building are to be heated using air source heat pumps as a means of utilising renewable energy from ambient air. Roof mounted photovoltaic panels are also to be provided. Subject to planning conditions requiring the provision of further details and implementation of this scheme it is considered that the proposed measures accord with Policy 1 of the Aligned Core Strategy.

## **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.

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

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 14/00942/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N47SSTLYCB000>

2. Pollution Control, 5.11.14

3. Highways, 24.11.14

4. Housing Strategy, 25.11.14

5. Nottingham Civic Society, 25.11.14

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

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Building Balanced Communities Supplementary Planning Document

Planning Guidance for the Provision of Open Space Within Developments

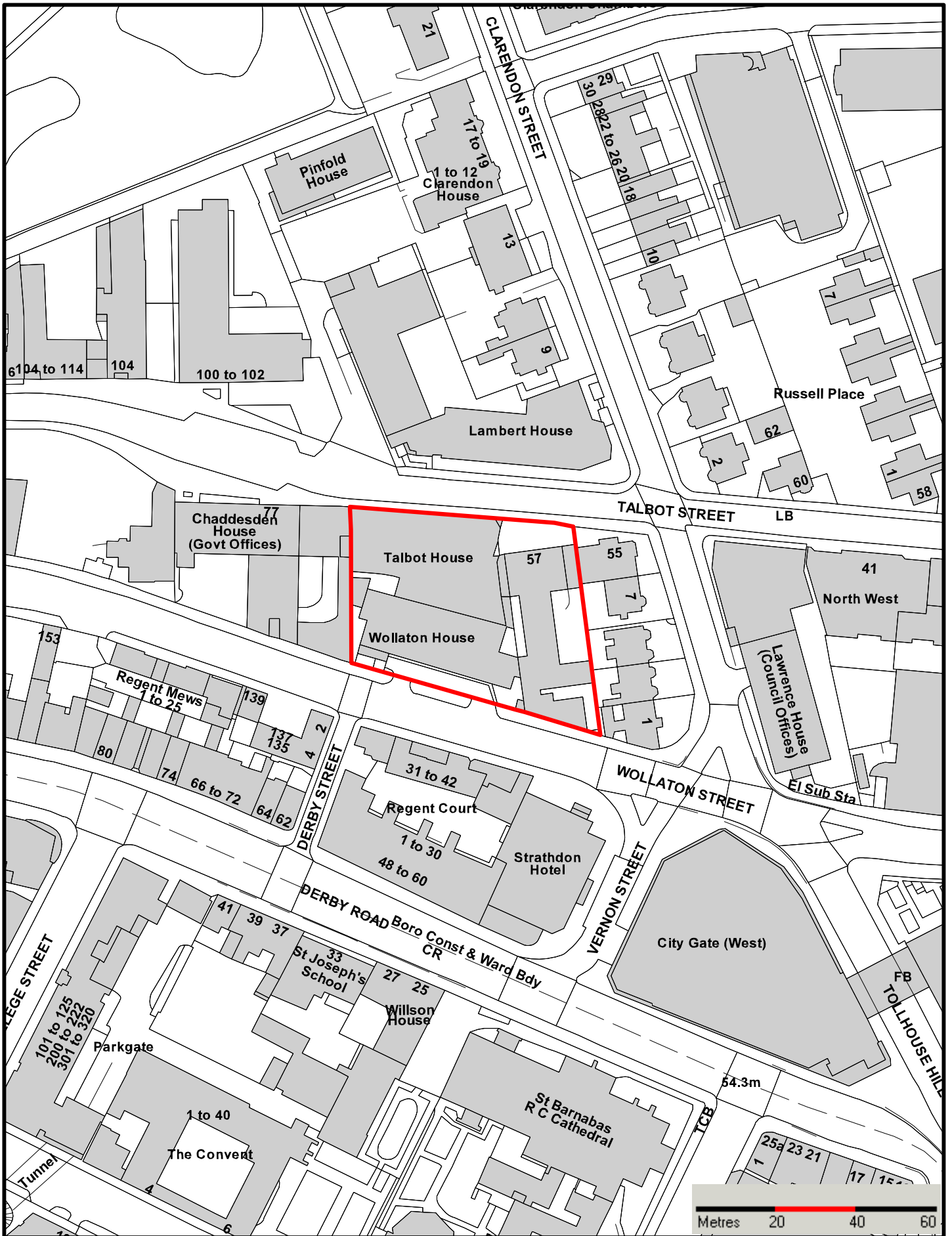
Supplementary Planning Guidance

Nottingham City Centre Urban Design Guide

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074



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**My Ref:** 14/02526/PFUL3 (PP-03739352)  
**Your Ref:**  
**Contact:** Mr Jim 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

Corstorphine + Wright  
FAO: Mrs Rebecca Bassan-Jheeta  
Brook Hall  
Brook Street  
Warwick  
Warwickshire  
CV34 4BL

Date of decision:

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

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Application No: 14/02526/PFUL3 (PP-03739352)  
Application by: Lester Hotels  
Location: Talbot House, Talbot Street, Nottingham  
Proposal: Demolition of buildings except for front section of Talbot House. Erection of new buildings (of up to 8 storeys) comprising studios, cluster flats, and accessible flats and conversion of front section of Talbot House to provide student facilities (revised scheme).

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

**Time limit**

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

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

**Pre-commencement conditions**

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

2. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Adopted Core Strategy.*

3. Prior to the commencement of the development, an assessment of the combined heating and power generating (CHP) proposals for the development, which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:

- a) Air quality impact assessment
- b) Stack height calculation
- c) Abatement techniques and mitigation of potential impacts

The above scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: In order to ensure that the CHP does not adversely affect air quality in the area or occupants of the approved development in accordance with Policy NE9 of the Nottingham Local Plan.*

4. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not to exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

*Reason: In order to ensure that noise from plant not affect the amenity of neighbouring properties or occupants of the approved development in accordance with Policy NE9 of the Nottingham Local Plan.*

5. Before any above ground development commences, large-scale elevation and section drawings to show the detailed design of each part of the building (e.g. scale 1:50 and/or 1:20) shall be submitted to and approved in writing by the Local Planning Authority. The submissions shall incorporate details of:
- a) Elevations: including cladding and glazing systems; window types, reveals, soffits, entrances, doors, and handrails;
  - b) Roofs: including edges, parapets and terrace areas;
  - c) Plant: including lift enclosure, external ventilation systems, and other similar elements that are integral to the fabric of the building;
  - d) Associated features: including walls, fences and screens.

The development shall thereafter be implemented in accordance with the approved details.

*Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the Adopted Core Strategy 2014.*

6. Before any above ground development commences, a large scale sample panel of all proposed external materials to be used in the construction of the approved development shall be erected at a location to be agreed with the Local Planning Authority and shall be retained during the course of the development works. Confirmation of the proposed external materials shall also be submitted to and approved by the Local Planning Authority in writing before any above ground development commences. Development shall then be carried out in accordance with the approved materials.

*Reason: To ensure that the appearance of the development is satisfactory and to comply with Policy 10 of the Adopted Core Strategy 2014.*

7. No above ground development shall commence until a scheme for the surfacing of the external areas of the development has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the first use of the development.

*Reason: In the interests of ensuring the finished quality and amenity of the approved development in accordance with Policy 10 of the Aligned Core Strategy.*

8. Prior to the commencement of works to implement the approved cafe element of the development, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from this use shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

*Reason: In order to ensure that the approved cafe use does not cause odour nuisance to residents of the approved development and neighbouring occupiers in accordance with Policy NE9 of the Nottingham Local Plan.*

**Pre-occupation conditions**

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



9. Prior to first occupation of the development, verification that the approved sound insulation scheme as detailed in section 7 of the 'Residential Noise Impact Assessment' by PDA dated 31st October 2014 (ref 8191/0674/RDC/2) has been implemented and is fully operational shall be submitted to and be approved in writing by the LPA.

*Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy NE9 of the Nottingham Local Plan.*

10. Prior to first occupation of the development, verification that the approved combined heating and power (CHP) scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: In order to ensure that the CHP does not adversely affect air quality in the area or occupants of the approved development in accordance with Policy NE9 of the Nottingham Local Plan.*

11. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

*Reason: In order to ensure that noise from plant not affect the amenity of neighbouring properties or occupants of the approved development in accordance with Policy NE9 of the Nottingham Local Plan.*

12. Prior to first occupation of the cafe element of the approved development, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance from has been implemented and is fully operational shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In order to ensure that the approved cafe use does not cause odour nuisance to residents of the approved development and neighbouring occupiers in accordance with Policy NE9 of the Nottingham Local Plan.*

13. A detailed landscaping scheme for the development indicating the type, height, species and location of proposed planting (trees and shrubs), shall be submitted to and approved by the Local Planning Authority before the development is first brought into use.

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.*

14. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any trees which die, are removed, or become seriously damaged or diseased within a period of 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 will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.*

15. The approved development shall not be occupied until the kerb lines and footways to Talbot Street and Wollaton Street, resulting from the existing drop-kerbs and accesses having been made redundant, have been reinstated in accordance with details that are to be submitted to and approved by the Local Planning Authority.

*Reason: In the interests of ensuring that these works are carried out in association with the approved redevelopment of the site and in the interests of highway safety in accordance with Policy T3 of the Nottingham Local Plan.*

**Regulatory/ongoing conditions**

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

**Standard condition- scope of permission**

S1. Except as may be 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 29 October 2014.

*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. Air Quality - Heating & Power Generation

The proposals for biomass for heating (and power generation) or any Combined Heat and Power systems (over 60kWe) using natural gas or bio-fuel will be screened and assessed against the guidance set out in Biomass and Air Quality Guidance for Local Authorities by Environmental Protection UK (June 2009) which may be found at

<http://www.lacors.gov.uk/lacors/upload/22062.pdf> and Combined Heat and Power: Air Quality Guidance for Local Authorities by Environmental Protection UK (February 2012) which may be found at [http://www.iaqm.co.uk/text/guidance/epuk/chp\\_guidance.pdf](http://www.iaqm.co.uk/text/guidance/epuk/chp_guidance.pdf)

4. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

## 5. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

## 6. Control of Odour

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

It is recommended that the ventilation system is designed, installed and maintained by a competent person and includes the following:-

- i. A canopy of adequate size, sited over the cooking appliances,
- ii. Washable or disposable grease filters. Additional odour-reducing filters will be needed in some circumstances.

- iii. A fan of adequate capacity capable of achieving a minimum of 40 air changes per hour in the kitchen area, connected to a variable fan speed control switch is provided
- iv. Ducting to convey cooking fumes and steam to a suitable point for adequate dispersal into the atmosphere. A cap and or cowl at the point of discharge should therefore not be provided.
- v. Permanent make up air facilities which are fitted with back-draught shutters, are insect proof and are sited to ensure efficient circulation of air into the kitchen
- vi. Regular cleaning or changing of any filters and sufficient access points to enable periodic cleaning of the system are provided.

The onus for ensuring that the system does not cause odour nuisance rests with the operator. If the system is found to be causing an odour nuisance at any point, then suitable modification works will be required to be carried out and an abatement notice may be served.

7. 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 from occurring.

8. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

9. As the proposal includes works adjacent to the highway, the Highways Network Management Team at Loxley House should be notified regarding when the works will be carried out as disturbance to the highway will occur. Please contact them on 0115 876 5238 at the earliest convenience.

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: 14/02526/PFUL3 (PP-03739352)

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

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



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of

# DRAFT ONLY

## Not for issue

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WARDS AFFECTED:

Item No:

**PLANNING COMMITTEE**  
**18<sup>th</sup> February 2015**

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Jubilee Campus Wollaton Nottingham**

**1 SUMMARY**

Application No: 14/03091/PFUL3 for planning permission

Application by: The University of Nottingham

Proposal: Three storey Technology Entrepreneurship Centre (TEC)

The application is brought to Committee because it is a major application on a prominent site where there are important design considerations

To meet the Council's Performance Targets this application should be determined by 7th April 2015

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to the conditions listed in the draft decision notice at the end of this report.

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

**3 BACKGROUND**

3.1 The University of Nottingham's Innovation Park (UNIP) comprises 6.85 Ha of former industrial land (the Raleigh Cycle factory) to the east of the Jubilee Campus. The site to which the current application relates is situated between the Sir Colin Campbell Building to the west and a man made lake to the east, with a pedestrian footpath between Triumph Road and the lake to the south.

3.2 The River Leen and the railway line lie to the east of the UNIP campus, beyond which are predominantly residential and student properties off Faraday Road.

3.3 Development on the UNIP and the Jubilee Campus extension has been led by guidance set out in a previously approved Development Brief and Masterplan.

**4 DETAILS OF THE PROPOSAL**

4.1 Planning permission is sought for the erection of a three storey Technology Entrepreneurship Centre (TEC). The boundary of the site for which this application is concerned has an area measuring 0.37 hectares.

4.2 The development will provide 2,300 square metres of space comprising offices with shared accommodation (meeting rooms, seminar rooms, café, kitchenettes, toilets

etc.) for small start up / technology based businesses. The potential occupancy of the building would be 200 people (including students and staff).

- 4.3 The building is circular in form and incorporates a number of sustainable design principles that are intended to achieve a BREEAM rating of 'excellent'.
- 4.4 The developer is offering local employment and training opportunities during the construction phase of the development, details of which are currently being negotiated. Local employment and training opportunities associated with the maintenance of the University's wider property portfolio have also been agreed outside of the scope of this application. The mechanism for providing these benefits will be by way of a S106 obligation.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

Press and site notice posted with consultation expiry deadline of 4 February 2015. No comments received.

### **Additional consultation letters sent to:**

**Highways:** No objection. A number of conditions have been recommended regarding the construction phase, travel plan and drainage.

**Environment Agency:** *To be reported at Committee.*

**Noise and Pollution Control:** The remediation strategy previously approved for other buildings on the Innovation campus is still valid, however further site specific ground and gas investigation is required in the footprint of the proposed building. The applicant will also need to submit floor plans showing the gas protection measures to be used prior to building commencing on site. Conditions are therefore recommended.

**Nottinghamshire Wildlife Trust:** From aerial photography, the location of the proposed development appears to support grassland, treelines / hedgerows and is adjacent the River Leen. It is understood that a BREEAM assessment will be undertaken; however, there does not appear to be an ecological assessment provided with the online documents submitted with the proposal. We wish to request that a preliminary protected species survey is conducted to ensure that any negative ecological impacts are identified and addressed.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. The NPPF proactively encourages and places significant weight on sustainable economic growth through the planning system. The document supports the transition to a low carbon future which includes the use of renewable resources, and encourages reuse of previously developed brownfield sites. Significant developments should be accessible by a variety of means, with high technology, knowledge driven and creative industries positively



planned. Local planning authorities should take a proactive, positive and collaborative approach to development that would widen choice in education.

### **Nottingham Local Plan (November 2005):**

CE8: Further and Higher Education  
ST1: Sustainable Communities  
NE3: Conservation of Species  
NE9: Pollution  
NE10: Water Quality and Flood Protection  
NE12: Derelict and Contaminated Land  
NE14: Energy  
T2: Planning Obligations and Conditions  
T3: Car, Cycles and Servicing Parking

### **Aligned Core Strategy (September 2014):**

Policy A: Presumption in Favour of Sustainable Development  
Policy 1: Climate Change  
Policy 4: Employment Provision and Economic Development  
Policy 10: Design and Enhancing Local Identity  
Policy 17: Biodiversity

## **7 APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- i) Principle of the use and compliance with the Development Brief and Masterplan
- ii) Scale, appearance and design

### **i) Principle of the use and compliance with the Development Brief and Masterplan (Local Plan policies CE8 and ST1, ACS policies A and 4)**

- 7.1 The UNIP and the Jubilee Campus are designated for higher education and R&D development by Policy CE8 of the Local Plan. The proposal is for a Technology Entrepreneurship Centre, specifically for small start up / technology based businesses, which therefore sits comfortably with this requirement. The proposal is also in support of the policies promoting economic growth and creative industries, namely the NPPF, policy ST1 of the Local Plan and policy 4 of the ACS.
- 7.2 The Jubilee Campus Development Brief (Dec 2004) sets a framework for development and amongst other guidance proposes zones of complementary uses. The application site falls within the zone designated for research based industries (subsequently named the UNIP). A Masterplan for the Jubilee Campus extension was produced by Make Architects, who also designed the buildings within the first phase of the extension, and approved as part of a 2005 outline planning permission.
- 7.3 The Masterplan for the campus proposed buildings aligned in a fan pattern, radiating from a point within the existing Jubilee Campus to the west. This layout has been largely realised with the buildings thus far and the proposal would follow this approach, aligning with the existing Sir Colin Campbell Building and man made lake, completing the frontage of development along the north side of the main east/west pedestrian footpath.

## ii) Scale, appearance and design (ACS policy 10)

- 7.4 At 3 storeys the proposal is compatible with the scale of other buildings on the Jubilee Campus and UNIP. Its appearance is also commensurate with the unique and innovative approach adopted elsewhere in the campus, proposing a striking circular building with louvered brise soleil façade, “vertically hung with varying angles to simulate a tyre tread pattern”. The design approach has been influenced by a number of factors:
- The historic context of the Raleigh factory
  - All round views; the site is in a prime location and can be viewed when approaching from a number of directions, particularly along the adjacent footpath
  - The notion of creating a sculptural form with a landscaped setting
  - Its water side location
  - The function of the building which is to provide a centre for small start up / technology based businesses, accommodated around a communal hub (a building that supports communication and an entrepreneurial community)
  - The palette of materials used in adjacent buildings, particularly the Sir Colin Cambell Building
  - Existing service constraints, i.e. sewers
- 7.5 The inside of the building would comprise shared social and support environments on the ground floor and more informal open plan working and collaboration space on the upper floors, with the majority of cellular offices to the perimeter of the building. External materials include aluminium anodised bronze finish fins, rainscreen cladding and curtain walling to ground and upper floors, running continuously around all elevations. Externally the scheme incorporates a main entrance plaza, an external social area, a limited number of car parking spaces, cycle storage and landscaping.
- 7.6 In terms of sustainable design, the building is intended to achieve a BREEAM rating of ‘excellent’, discussed further below.
- 7.7 In conclusion, this is considered to be a high quality design solution that would be a worthy addition to the existing buildings already present on the Jubilee Campus and UNIP.

### **Other Matters** (Local Plan policies NE3, 9, 10, 12 and 14, T2 and T3 ACS policy 17)

- 7.8 The site is situated within Flood Zone 2 and a flood risk assessment was therefore submitted as part of the application. In terms of a sequential test, the site is within a wider area allocated for development by the policy CE8 of the Local Plan, specifically for the expansion of the Jubilee Campus/UNIP. On the basis that development within this allocated area has been established by policy in the development plan, it is considered that the Sequential Test should be limited to its boundaries alone. The majority of currently available land within the CE8 allocation has now been developed and of that which remains, there are no sites capable of accommodating this development which are less at risk of flooding than the current application site.
- 7.9 Accepting this to be the case, assessment should then be given to the Exceptions Test; where there are no other suitable sites at lower risk of flooding, this permits

development where there are wider sustainable benefits to the community that outweigh flood risk, and on the basis that the development itself will be secure from flood risk without increasing flood risk elsewhere. Further development of the UNIP, and the TEC development specifically, is clearly of huge benefit to the City's economic growth, bringing investment, innovation and jobs along with expansion of the University's academic capabilities. Accordingly, the test of benefit to the wider community is considered to be met. The flood risk assessment also demonstrates that the scheme can be designed to ensure that it is safe from flood risk without compromising flood risk elsewhere. It is therefore concluded that the matter of flood risk is resolved and that policy NE 10 of the Local Plan and the NPPF are satisfied in this regard.

- 7.10 Drainage colleagues are generally satisfied with the proposals but have requested that a couple of detailed matters be dealt with by condition and informative.
- 7.11 An ecology report has not been submitted as part of the application. Although a brownfield site that has previously been cleared, there is potential for wildlife (flora and fauna) to be present, particularly given the proximity of the adjacent man made lake and River Leen. An ecological assessment has therefore been requested on which an update will be provided at Committee.
- 7.12 Noise and Pollution Control have reviewed the ground contamination and remediation information submitted with the application and concluded that whilst the previous information is still valid, this should be enhanced by further site specific work. Conditions are proposed to address this.
- 7.13 A travel plan has been submitted with the application. Highways officers have reviewed this and requested that it contain additional detailed information that can be addressed by condition.

## **8. SUSTAINABILITY / BIODIVERSITY (Local Plan policy NE14, ACS policies 1 and 10)**

- 8.1 The building is intended to achieve a BREEAM rating of 'excellent'. Features it will include, or are to be explored further, are:
- A natural ventilation system that uses the central atrium
  - Solar shading controlled by the brise soleil
  - An adaptable building where rooms and spaces can be easily altered
  - A thermally efficient façade with high performance glazing and high levels of thermal insulation
  - High levels of building fabric air tightness
  - Either, connection to a local 'district heating' system provided by an adjacent building, or the use of a micro Combined Heat and Power unit

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

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

**11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

World Class Nottingham – A development that would enhance Nottingham's standing for science and innovation, underpinned by a sustainable, low carbon environment

Working Nottingham – Providing new employment opportunities within the City

**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: 14/03091/PFUL3 - link to online case file:

[http://devidxw2k81:8080/IDOXSoftware/IG\\_UniformSearch?FormParameter1=DC&FormParameter2=14/03091/PFUL3](http://devidxw2k81:8080/IDOXSoftware/IG_UniformSearch?FormParameter1=DC&FormParameter2=14/03091/PFUL3)

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

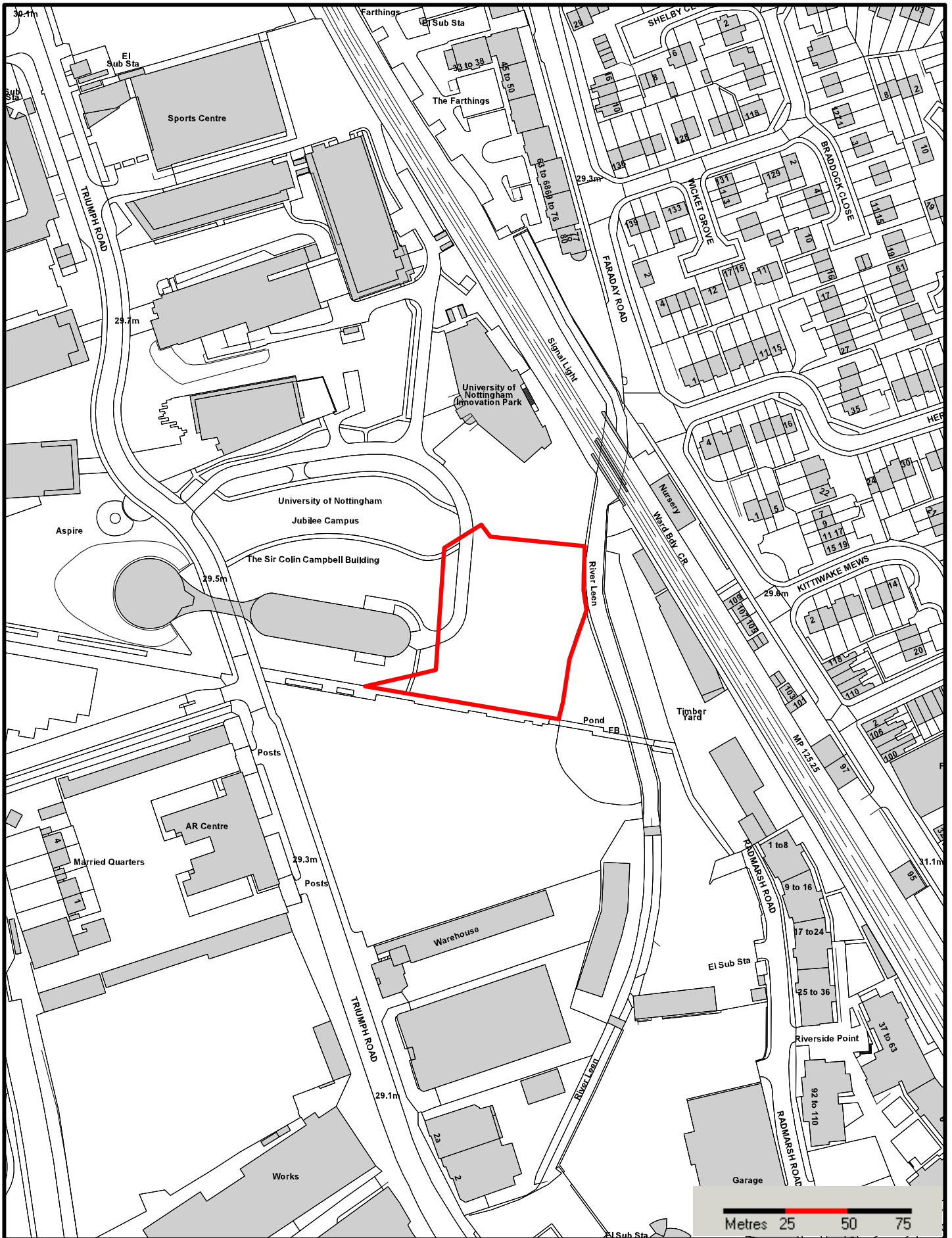
Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

**Contact Officer:**

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**My Ref:** 14/03091/PFUL3 (PP-03878068)  
**Your Ref:**  
**Contact:** Ms Sarah Watson  
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**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
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**Tel:** 0115 8764447  
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Bond Bryan Architects  
FAO: Mr John Hope  
The Church Studio  
Springvale Road  
Sheffield  
S10 1LP

Date of decision:

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

Application No: 14/03091/PFUL3 (PP-03878068)  
Application by: The University Of Nottingham  
Location: University Of Nottingham Jubilee Campus, Wollaton Road, Nottingham  
Proposal: Three storey Technology Entrepreneurship Centre (TEC).

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

**Time limit**

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

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

**Pre-commencement conditions**

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

2. The development shall not be commenced until details of all external materials of the building and hard surfaced areas within the site have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.*

4. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
    - i) all previous site uses
    - ii) the nature and extent of potential contaminants associated with those uses
    - iii) the underlying geology of the site
    - iv) a conceptual model of the site indicating sources, pathways and receptors
    - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
  - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) A Remediation Strategy, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
  - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: To ensure there are no adverse impacts from contamination in accordance with Policy NE9 of the Local Plan.*

5. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

*Reason: To ensure there are no adverse noise impacts arising from the proposal in accordance with Policy NE9 of the Local Plan.*

6. The development shall not be commenced until such time that a Construction Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out the proposed parking arrangements for all construction related vehicles and staff, including any sub contractors. The plan shall be implemented at all times whilst construction is underway unless agreed in writing by the Local Planning Authority.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policy 10 of the Aligned Core Strategy and NE9 of the Local Plan.*

7. The development shall not commence until further details of on the attenuation tank, the pumping system and regarding the disposal of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The information shall seek to demonstrate, as a minimum, details of how run-off rates will be reduced by 30% with use of SUDS techniques.

*Reason: In the interests of Sustainable Development in accordance with Policy 1 of the Aligned Core Strategy.*

### **Pre-occupation conditions**

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

8. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of 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 10 of the Aligned Core Strategy.*

9. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
  - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

*Reason: To ensure there are no adverse impacts from contamination in accordance with Policy NE9 of the Local Plan.*

### **Regulatory/ongoing conditions**

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



10. Finished floor levels shall be set no lower than 30.14 AOD as recommended in the Flood Risk Assessment.

*Reason: To reduce the risk of flooding to the proposed development in accordance with policy NE10 of the Local Plan.*

11. Within 6 months of the first occupation of the building, an updated travel plan shall be submitted to the Local Planning Authority for approval. It shall comprise a package of sustainable transport measures and initiatives that will be carried out at the site. The Travel Plan shall include measures with associated timescales and costs for work to be carried out. Once approved, the updated travel plan shall be implemented at all times.

*Reason: To promote the use of sustainable means of transport to comply with Policy 10 of the Aligned Core Strategy and Policy T2 of the Local Plan.*

#### **Standard condition- scope of permission**

S1. Except as may be 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 6 January 2015.

*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. 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 from occurring.

3. Please contact Robert Smith, Senior Transport Planner 0115 8763604 to discuss sustainable transport details required.

4. Please contact our drainage experts Paul Daniels 0115 8765275 or Nick Raycraft 0115 8765279 to discuss requirements to satisfy the condition related to drainage.

5. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site

- How trees retained on site will be dealt with

- How gas precautions will be validated

- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.



Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

## 6. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

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: 14/03091/PFUL3 (PP-03878068)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

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**WARDS AFFECTED:** Berridge

**Item No:**

**PLANNING COMMITTEE**  
**18<sup>th</sup> February 2015**

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Maville Works, Beech Avenue**

**1 SUMMARY**

Application No: 14/02325/PFUL3 for planning permission

Application by: Zenith Planning And Design on behalf of Maville Court Ltd

Proposal: Conversion of Maville House to 10 houses, erection of 8 new houses, conversion of outbuilding to 4 houses (all within Use Class C3), demolition of extensions and outbuildings.

The application is brought to Committee because it is a major application with complex Section 106 requirements.

To meet the Council's Performance Targets this application should have been determined by 4th February 2015

**2 RECOMMENDATIONS**

**2.1 GRANT PLANNING PREMISSION subject to:**

(a) Prior completion of a Section 106 planning obligation which shall include a financial contribution of £59,613.04 for the provision or improvement of open space or public realm.

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

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

**2.2** That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

**3 BACKGROUND**

**3.1** The application relates to a large, four storey, former Lace Factory on the south side of Beech Avenue. There is a change of level across the site resulting in the building being 3 storeys when viewed from the front and 4 storeys when viewed from the rear. In addition to the main factory building there are a number of smaller outbuildings along the western and southern boundaries. These are mainly two

storeys in height and brick-built but there is also a modern metal-clad building to the rear. The building was vacated as a factory a number of years ago and more recently the property has been partly used as offices. The building is currently vacant and has been marketed for some time.

- 3.2 Maville House is adjoined to the east by The White House which was also a Lace Factory and is also now vacant. Planning Committee resolved in September 2014 to grant permission for the conversion of The White House to 48 apartments, although the s106 Agreement relating to the application remains to be signed and the permission has not yet been formally granted.
- 3.3 The surrounding area is mixed in character. To the west are industrial premises. To the north and south of the site, the area is residential in character with Victorian terraced houses to the south and modern houses and bungalows to the north.

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 The application proposes the conversion of Maville House to 10 four-storey houses. On the ground floor of each house would be an entrance hall, wc and lounge; on the lower ground would be a kitchen diner and storage and utility rooms; the first floor would comprise three bedrooms and a bathroom; on the second floor would be two bedrooms (one en-suite) and a bathroom. To the front of Maville House would be 28 parking spaces in a shared car park. Each house would have a rear garden enclosed by a 1.8m high brick wall with timber gates.
- 4.2 At the rear of Maville House would be constructed 8 new houses in two rows of 4 terraced properties. These houses would be brick and slate with soldier courses for cills, lintols and a string course between ground and first floors and canopies above the doors. The ground floor would comprise entrance hall, lounge, wc and dining kitchen; first floor would comprise three bedrooms and a bathroom.
- 4.3 Four of the new houses at the rear would have curtilage parking in front gardens and there would be eight on-street parking spaces in front of the other four, with these also having front gardens enclosed by metal railings. Surfacing for these parking areas and driveways would be a mix of tarmac and block paving. The houses would have enclosed rear gardens.
- 4.4 The two brick buildings on the eastern boundary would be converted to four two-bed houses. These would have an open living / kitchen area at ground floor and two bedrooms at first floor. Whilst these houses would not have any outdoor amenity space, four parking spaces and a bin storage area would be provided across the access road.
- 4.5 Two vehicular accesses to the site are proposed, both from Beech Avenue and in existing access locations. One would serve the parking for the converted Maville House and the other would pass in front of the smaller building to be converted and then access the 8 new houses at the rear.

#### **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

##### **Adjoining occupiers consulted:**

Fifty-seven letters of notification sent to neighbouring occupiers: Flats 1 - 15 inc The Mews; 149 - 177 odds Gladstone Street; addresses within Maville Works and The

White House; Units 1 -15 Guy Birkin Place; 165, 167, 169 and 176 High Church Street. The application has also been advertised by a site notice and a press advert. No responses have been received.

**Additional consultation letters sent to:**

**Pollution Control:** No objection subject to conditions relating to ground contamination.

**Highways:** No objection subject to conditions relating to drainage, reconstruction of the footway and accesses and construction management.

**Heritage and Urban Design:** Considered that the buildings on the eastern boundary, which were originally proposed for demolition, should be retained due to their historical relationship with the main building. Consequently, the applicant has agreed to convert rather than replace these buildings.

**6 RELEVANT POLICIES AND GUIDANCE**

**The National Planning Policy Framework (2012) (NPPF)**

- 6.1 The National Planning Policy Framework sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, 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 taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.4 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.5 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

**Nottingham Aligned Core Strategy (ACS) (September 2014)**

- 6.6 The Nottingham City Core Strategy was formally adopted by the council on 8 September 2014. The following policies are considered relevant:

Policy A - Presumption in Favour of Sustainable Development

Policy 1 - Climate Change

Policy 4 - Employment Provision and Economic Development

Policy 7 – Regeneration

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 11 - The Historic Environment

Policy 14 - Managing Travel Demand

### **Nottingham Local Plan (LP) (November 2005)**

- 6.7 The following Policies have been saved and are considered to be relevant to assessment of the application. The Policies are considered to be consistent with the NPPF and therefore should be accorded full weight in the decision making process.

ST1 - Sustainable Communities.

E4 - Previously-used Employment Sites.

H2 - Density.

T3 - Car, Cycle and Servicing Parking.

NE12 - Contaminated Land.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Principle of Development
- (ii) Design and Layout
- (iii) Impact on Neighbouring Properties

### **Issue (i) Principle of Development (NPPF, ACS Policies A, 4, 7, 8 and 11, LP Policies ST1, H2 and E4)**

- 7.1 The application premises have been vacant for some time and it is accepted that a mill building of this type is not attractive to modern businesses and is poorly located for such a use. Maville House has been subject to a notification made under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, which allows a change of use from Offices (Class B1a) to Dwellinghouse (Class C3) subject to certain criteria (13/01887/PACPD). This was for conversion to 40 apartments and it was accepted that a prior approval was not required for the change. Committee resolved to grant planning permission for the adjacent White House to be converted to 48 apartments in September 2014. It is considered, then, that in principle a residential conversion is acceptable and that



the proposal accords with Policy E4 of the Local Plan and the Policy 4 of the Aligned Core Strategy.

- 7.2 The proposal allows the retention of this prominent mill building which sits atop a ridge and is visible from many parts of the city to its south. Whilst the building may not be an important heritage asset in its own architectural right, it has a strong value as part of the city's industrial heritage. The smaller, two storey buildings which are to be converted to four dwellings appear to be contemporary with the mill and complement the historical significance of the mill. The retention of all these buildings is welcomed and is in accordance with Policy 11 of the Aligned Core Strategy.
- 7.3 Particularly considered alongside the conversion of the adjacent White House to 48 apartments, in its conversion to a variety of five, three and two bedroom primarily family houses the current proposal provides a mix of housing size and type across the two sites. In providing a mix of housing types on the site and a mix of tenure in the area, the proposal is considered to accord with the Housing Nottingham Plan, the Council Plan and Policies A, 7 and 8 of the ACS.
- 7.4 The density of development is acceptable and compatible with the surrounding area. The site is accessible for public transport and, within the wider area, to local services such as health, leisure, education, shopping and employment. The proposal accords with Policies ST1 and H2 of the LP and Policy 8 of the ACS.

#### **Issue (ii) Design and Layout (NPPF, ACS Policies 10 and 14, LP Policy T3)**

- 7.5 The layout has been arranged such that the living conditions of the future occupiers are safeguarded; there are no material privacy or loss of light issues within the site and the family houses are all provided with gardens. Parking for the 10 houses in Maville House would be to their front, the houses at the rear would have a mix of curtilage and on-street parking designed to break up the street scene, and 4 spaces would be available off-street and across the access road from the building converted to 4 units. The proposal accords with Policies 10 and 14 of the ACS and Policy T3 of the LP.
- 7.6 The conversion of Maville House into 10 units would utilise existing window openings (converting some to doors) and would have little impact on the form and appearance of the building. The new dwellings are to be built of traditional materials i.e. brick and tile. They would also have features such as brick sill and lintol detailing, string courses and entrance canopies to introduce character into the design of the development. The conversion of the smaller buildings to 4 units is also proposed in a manner sympathetic to the original buildings. The proposal accords with Policy 10 of the ACS.
- 7.7 New tree planting is proposed within the car parking area along the Beech Avenue boundary and together with the replacement of the existing boundary wall with a low brick wall with railings on top (the same as the White House) would improve the street scene. Bin storage is provided adjacent to the site entrance. The proposed development responds to the character of the existing buildings and the immediate area and as a result is considered to accord with the relevant planning policies and guidance. The proposal accords with Policy 10 of the ACS.

### **Issue (iii) Impact on Neighbouring Properties (ACS Policy 8)**

- 7.8 The new houses at the rear of the site are now considered to have an acceptable impact on the rear of the houses on Gladstone Street to the north. Block B would be 12m from the rear of the Gladstone Street houses and Block C, whilst slightly closer, would be positioned in the same location as the existing building to be demolished and therefore would not make the relationship any worse. There are no windows in the side elevations of the new houses. These distances are considered to be acceptable and would be sufficient to safeguard the amenities of the occupiers of the existing and proposed properties. The proposal is considered to comply with Policy 8 of the Aligned Core Strategy.

### **Other Matters (ACS Policy 19, LP Policies NE12, R2 and T3,)**

- 7.9 In accordance with Policy R2 of the Local Plan, Policy 19 of the ACS, and the Planning Guidance for the Provision of Open Space within Developments SPG it is intended that the Section 106 planning obligation also secures a financial contribution of £59,613.04 towards the upgrade or improvement of open space or public realm.
- 7.10 Highways have no objection to the proposed development subject to conditions relating to drainage, reconstruction of the footway and accesses and construction management. It is therefore considered that the proposed development accords with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.
- 7.11 Pollution Control advise that they have no objection subject to conditions relating to contaminated land. In accordance with Policy NE12, it is therefore recommended that conditions are attached to the permission.
- 7.12 Provision for local employment and training during the construction and operation of the development is also to be included in the Section 106.

## **8. SUSTAINABILITY / BIODIVERSITY**

The application is accompanied by an Energy Statement which proposes the use of photovoltaic panels to provide at least 10% of the development's energy requirements from renewable sources and use of sustainable urban drainage can be ensured by condition. The proposal complies with Policy 1 of the ACS

## **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: would provide high quality and sustainable residential development.

Working Nottingham: would provide training and employment opportunities for local citizens through the construction of the development.

Safer Nottingham: would help provide a safer and more attractive neighbourhood.

**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: 14/02325/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NCG3H4LYCB000>

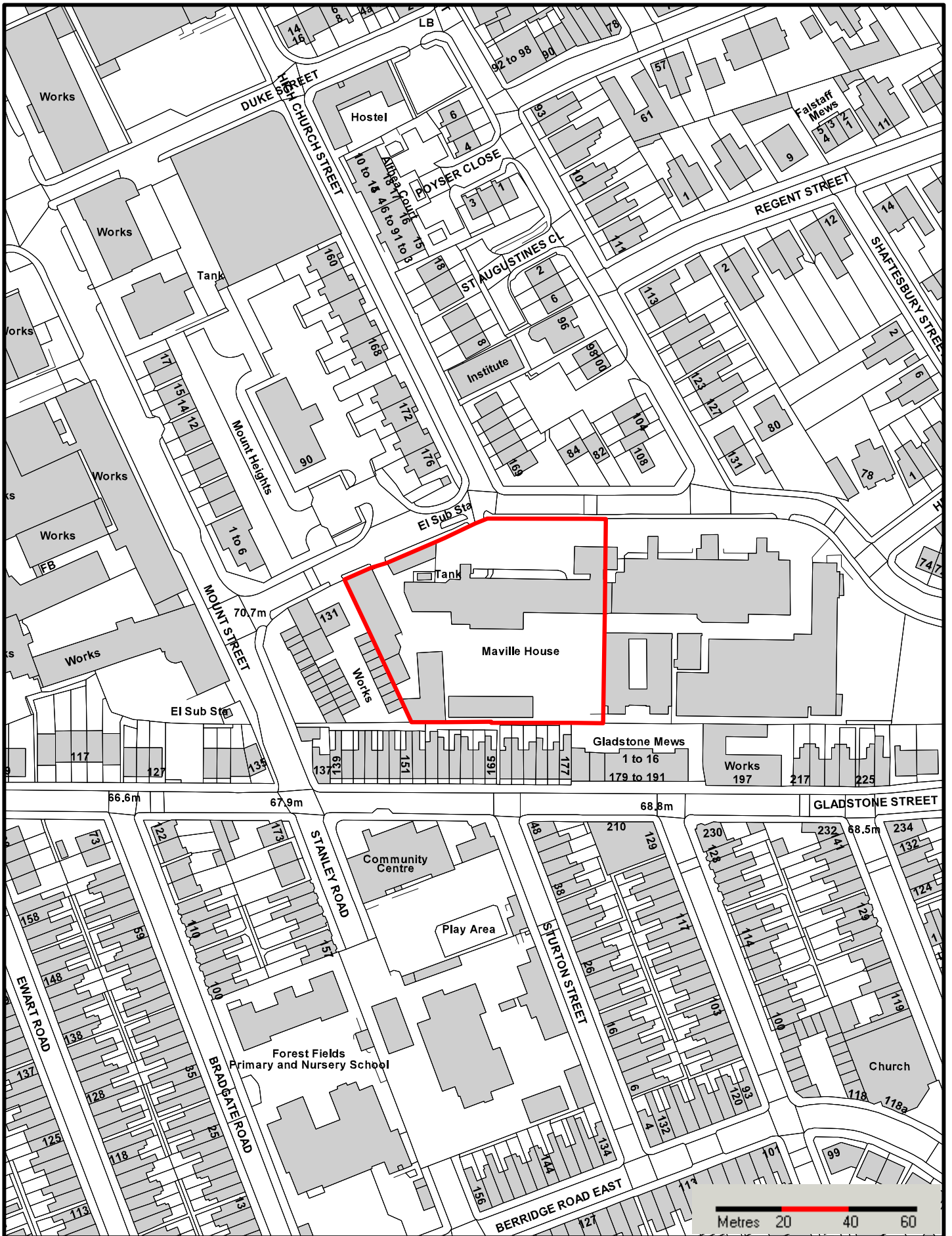
**17 Published documents referred to in compiling this report**

National Planning Policy Framework  
Nottingham Local Plan (November 2005)  
The Housing Nottingham Plan (2013)

**Contact Officer:**

Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076



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**My Ref:** 14/02325/PFUL3 (PP-03688554)  
**Your Ref:**  
**Contact:** Mr Phil Shaw  
**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

Zenith Planning And Design  
Mrs Alison Dudley  
38 Greenhills Road  
Eastwood  
Nottinghamshire  
NG16 3DG

Date of decision:

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

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Application No: 14/02325/PFUL3 (PP-03688554)  
Application by: Maville Court Ltd  
Location: Maville Works, Beech Avenue, Nottingham  
Proposal: Conversion of Maville House to 10 houses, erection of 8 new houses, conversion of outbuilding to 4 houses (all within Use Class C3), demolition of extensions and outbuildings.

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

**Time limit**

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

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

**Pre-commencement conditions**

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

2. The development shall not be commenced until details of all external materials to be used for the new houses and the alterations to the retained buildings have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*

3. The development shall not be commenced until details of the design and appearance of all boundary enclosures and retaining walls have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*

4. Notwithstanding any details shown on the submitted plans, the windows of the new houses shall have reveals of not less than 70mm.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*

5. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs, and a management and maintenance plan for these areas have been submitted to and approved in writing by the Local Planning Authority. The scheme should include native species.

*Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.*

6. The development shall not be commenced until details of plans for the disposal of surface water, incorporating sustainable drainage systems, and foul sewage have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem to comply with Policy 1 of the Aligned Core Strategy.*

7. The development shall not be commenced until a Remediation Strategy that includes the following components to deal with the risks associated with ground and groundwater contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

- a) A Preliminary Risk Assessment which has identified:
  - i) all previous site uses
  - ii) the nature and extent of potential contaminants associated with those uses
  - iii) the underlying geology of the site
  - iv) a conceptual model of the site indicating sources, pathways and receptors
  - v) potentially unacceptable risks arising from ground and groundwater contamination at the site.
- b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) A Remediation Strategy, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
- d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete. The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: In the interests of public health and safety to comply with Policy NE12 of the Local Plan.*

8. The development shall not be commenced until details of the access arrangements to the development have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and stage I/II Safety Audit. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.*

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

9. No dwelling shall be occupied until the boundary enclosures associated with that plot have been erected in accordance with the details approved by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*

10. The dwellings shall not be occupied until the drainage plans have been implemented in accordance with the details approved by the Local Planning Authority.

*Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem to comply with Policy 1 of the Aligned Core Strategy.*



**DRAFT ONLY**  
 Not for issue

Continued...

11. No dwelling shall be occupied until the car parking, turning and servicing areas associated with that plot have been completed.

*Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.*

12. No dwelling shall be occupied until the following has been submitted to and be approved in writing by the Local Planning Authority:

A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

*Reason: In the interests of public health and safety to comply with Policy NE12 of the Local Plan.*

13. The approved development shall not be occupied until the kerb lines and footways to Beech Avenue, resulting from the existing drop-kerbs and accesses having been made redundant, have been reinstated in accordance with details that are to be submitted to and approved by the Local Planning Authority.

*Reason: In the interests of ensuring that these works are carried out in association with the approved redevelopment of the site and in the interests of highway safety in accordance with Policy T3 of the Nottingham Local Plan.*

#### **Regulatory/ongoing conditions**

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

14. 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 to comply with Policy 10 of the Aligned Core Strategy.*

#### **Standard condition- scope of permission**

S1. Except as may be 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 5 November 2014.

*Reason: To determine the scope of this permission.*

#### **Informatives**

1. 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.



2. 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.

3. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as licensing may be required during construction of the development. Please contact them on 0115 8765238.

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.

Provision should be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period. Vehicles delivering to the site should not wait or park on the highway,

4. Noise Control: hours of work and equipment during demolition/construction  
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)  
Saturday: 0830-1700 (noisy operations restricted to 0830-1700)  
Sunday: at no time  
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

#### Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

#### Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

5. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is strongly recommended to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial preventive or precautionary measures. The developer will be

expected to provide at his own expense such evidence as is required to indicate clearly that the problem has been addressed satisfactorily.

6. The City Council is responsible for the allocation of street names and property numbers/names. If your proposal will create a new property, through either new build or conversion, you should contact the Address Management section at an early stage of the development, if they have not already made contact. The section details are: Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG; e-mail [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk); telephone (0115) 8765012.

They will agree an official address with you and ensure that all relevant parties are notified of it, including the emergency services and Royal Mail. This will ensure the allocation of an official and unique address for each property, avoiding any problems with location or misidentification that can arise through the use of unauthorised addresses.

7. Regarding Condition 6, surface water run off should be reduced by 30% (or as close to 30% as is reasonably possible), relative to the site's previous use. This can be achieved by the use of SUDS techniques which can include swales, attenuation tanks, green roofs.

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: 14/02325/PFUL3 (PP-03688554)

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

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



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of

# DRAFT ONLY

## Not for issue

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WARDS AFFECTED: Berridge

Item No:

**PLANNING COMMITTEE**  
**18th February 2015**

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**2 Foxhall Road, Nottingham**

**1 SUMMARY**

Application No: 14/02652/PVAR3

Application by: Mr Khalid Hussain

Proposal: Variation of condition 3 of planning permission 10/00311/PFUL3 to allow opening hours of 9am to 6pm on a Saturday.

The application is brought to Committee at the request of a ward councillor, and because of the level of local interest in response to consultation, including a petition.

To meet the Council's Performance Targets this application should have been determined by 29th December 2014.

**2 RECOMMENDATIONS**

**GRANT TEMPORARY PERMISSION** subject to the conditions listed in the draft decision notice at the end of this report.

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

**3 BACKGROUND**

- 3.1 The site is a car repair garage located within a Primarily Residential Area. The site has common boundaries with 260 Gladstone Street (a party wall with three flats) and 4 Foxhall Road (a party wall with a dwellinghouse). A Certificate of Lawfulness of Existing Development was granted in 1993 for the use of the part of the property adjoining 4 Foxhall Road as a garage for the repair of cars.
- 3.2 Planning permission 10/00311/PFUL3 was granted in 2010 for the change of use of the part of the site adjoining 260 Gladstone Street from B8 storage to a layover space for cars awaiting servicing. Condition 3 of that permission restricted the hours of use of the entire site to between 8:30AM and 6:00PM Mondays to Fridays and 9:00AM and 1:00PM on Saturdays.

**4 DETAILS OF THE PROPOSAL**

- 4.1 The applicant wishes to extend the hours of opening on Saturdays to between 9:00AM and 6:00PM. He wishes to do so in order to carry out repairs to his taxi-driving customers who on occasion require work to be carried out between their busy Friday and Saturday nights.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

34 neighbours were notified by letter dated 10<sup>th</sup> November 2014. The consultation period expired on the 3<sup>rd</sup> December 2014. 15 representations have been received, objecting to the proposal for the following reasons:

- i) Impact on residential amenity
  - The area has a residential character that the increased hours would diminish.
  - Additional noise.
  - Additional car exhaust fumes creating an unhealthy environment.
  - Bad language used at the garage at present.
  - Existing late night disturbance from the business in breach of existing hours of use limits.
- ii) Impact on the highway network
  - Generation of additional traffic and increased danger to pedestrians including children.
  - Loss of on street parking and bad parking of visiting vehicles.

2 representations and a petition with 113 signatures have been received, supporting the proposal.

Councillors Jones and Ibrahim have objected to the proposal on the grounds of loss of parking and noise/disturbance.

### **Additional consultation letters sent to:**

#### **Pollution Control:**

No comments.

#### **Highways:**

No objections.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **Aligned Core Strategy (September 2014)**

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 14: Managing Travel Demand - seeks to reduce the need to travel, especially by private car, through delivery of sustainable development and transport networks.

### **Nottingham Local Plan (November 2005):**

H7 - Inappropriate Uses in Residential Areas.

NE9 - Pollution.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- i) Impact on residential amenity
- ii) Impact on the highway network

### **Issue i) Impact on residential amenity (Policies A, NE9 and H7)**

- 7.1 The extension of hours would continue the use of the site for car repairs to bring the Saturday closing time into line with that already permitted from Monday to Friday. It would not provide any additional capacity for repairs, or intensify the existing lawful use, but it would allow for a limited amount of additional business to be done on Saturday afternoons. As such, the additional hours would generate some extra vehicle movements. However, it is not considered that the limited additional vehicle movements would create a significant increase in traffic levels or vehicle fumes such that it would be harmful to the character of the area.
- 7.2 The noise insulation required by condition 2 of planning permission 10/0031/PFUL3 has been installed and equipment has been kept away from the wall with 4 Foxhall Road in accordance with condition 5. Whilst some noise breakout is considered to be inevitable, this must be seen within the context of the longstanding commercial use of the site, and the limited additional hours now being sought. It is noted that Pollution Control raises no objections to the extended hours. The allegations of bad language are noted, but this is not an issue that can be controlled through the planning system.
- 7.3 Concern has been expressed that the garage is not compatible with the immediate residential surroundings, and that any increase in hours is therefore inappropriate. It is recognised that the proximity of the garage to residential properties gives rise to some activities and noise that would not typically be expected in a residential area. However, whilst much of the area is residential, many properties on nearby Gladstone Street are in a variety of uses such as shops, places of worship or as small industrial units and the area has a busy character. In this context it is considered that the limited extension of activity into Saturday afternoons have a very limited impact on the residential character of the area and would be unlikely to be materially harmful.

### **Issue ii) Impact on the highway network (Policy 14)**

- 7.4 There is limited parking for vehicles within the premises, and as such it is likely that customers will park on the adjacent highway. It is understood that there have been occasions when customer vehicles are parked temporarily on the highway in between repairs. On road parking on Saturdays in the local area is also affected by classes at the nearby mosque which generates a higher level of vehicle movements than usually found. However, there are no restrictions on parking in the immediate vicinity of the premises, and it is considered that parking can take place safely. The main concern is therefore one of amenity, with vehicle movements and competition for spaces at busy times. It is acknowledged that the operation of a garage in this location could cause significant levels of parking demand, with consequent impact on neighbours, if operated intensively. However, it is considered that the business currently operates at a level where the impact is acceptable within the permitted hours.

7.7 The concerns of residents have been raised with the applicant, who has undertaken that he will inform his customers that they are not to park on Foxhall Road on Saturdays, when local residents are more likely to require on street parking. Whilst this is not directly enforceable, it is considered that the applicant is genuine in his intentions to manage the use in an acceptable manner. If operated in the manner described, it is considered that the impact of the business will be acceptable during the extended opening period. It is therefore considered appropriate to grant permission for the extended hours for a temporary period, to allow the impact of the operation of the business to be reviewed.

**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**

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. Application No: 14/02652/PVAR3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NEIB1ILY00L00>
2. Comments from Nottingham residents.
3. Email from Pollution Control dated 21<sup>st</sup> November 2014.
4. Email from Highways dated 16<sup>th</sup> December 2014.
5. Letter from applicant dated 26<sup>th</sup> January 2015.



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

Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)

**Contact Officer:**

Mr Daniel Windwood, Case Officer, Development Management.

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**My Ref:** 14/02652/PVAR3

**Your Ref:**

**Contact:** Mr Daniel Windwood

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**Nottingham  
City Council**

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Mr Khalid Hussain  
24 Jarvis Avenue  
Carlton  
Nottingham  
NG3 7BH

Date of decision:

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

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Application No: 14/02652/PVAR3  
Application by: Mr Khalid Hussain  
Location: 2 Foxhall Road, Nottingham, NG7 6NA  
Proposal: Variation of condition 3 of planning permission 10/00311/PFUL3 to allow opening hours of 9am to 6pm on a Saturday.

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

<b>Time limit</b>
. There are no conditions in this section.
<b>Pre-commencement conditions</b> (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.
<b>Pre-occupation conditions</b> (The conditions in this section must be complied with before the development is occupied)
There are no conditions in this section.
<b>Regulatory/ongoing conditions</b> (Conditions relating to the subsequent use of the development and other regulatory matters)



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**DRAFT ONLY**

**Not for issue**

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Continued...

1. The vehicle maintenance business shall not be operated at any time outside the hours of 0830 hrs to 1800 hrs Monday to Friday.  
The vehicle maintenance business shall not be operated at any time outside the hours of 0900 hrs to 1800 hrs on Saturdays until one year after the grant of permission whereupon the business shall not be operated outside the hours of 0900 hrs to 1300 hrs on Saturdays.  
The premises shall not be open at any time on Sundays or Bank Holidays.

*Reason: To protect the amenities of the occupants of nearby properties to comply with Policy H7 and NE9 of the Nottingham Local Plan.*

2. The roller shutter and external doors shall be kept closed at all times, except for access and egress into the premises.

*Reason: To protect the amenities of the occupants of nearby properties to comply with Policy H7 and NE9 of the Nottingham Local Plan.*

3. No equipment shall be attached to the party wall with 4 Foxhall Road.

*Reason: To protect the amenities of the occupants of nearby properties to comply with Policy H7 and NE9 of the Nottingham Local Plan.*

#### **Standard condition- scope of permission**

- S1. Except as may be 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 3 November 2014.

*Reason: To determine the scope of this permission.*

#### **Informatives**

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

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

## RIGHTS OF APPEAL

Application No: 14/02652/PVAR3

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

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

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

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

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

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

## PURCHASE NOTICES

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

## COMPENSATION

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

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## PLANNING COMMITTEE

### UPDATE SHEET

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

18 February 2015

#### 4(a) University of Nottingham, Sports Centre

The following comments on the revised scheme have been received from the Biodiversity and Greenspace Policy Officer: No objection to the application now that veteran trees are being retained; protection of the trees during construction will be critical to ensure no root damage or undue compaction of the soil around the trees; the trees are potential bat roost features and the lighting scheme should ensure light spill towards the trees is minimised.

A telephone conversation has been held with a parent of a child who attends the day nursery which is located to the south west of the nursery. This is not a formal response to the reconsultation on the revised planning application. However, from the call it is evident that there are concerns about the impact of the proposal upon the day nursery. In particular concern was expressed about the impact of construction period upon the access to and operation of the day nursery, the height and mass of the building in close proximity to the day nursery and possible noise and pollution issues associated with the service layby.

***Biodiversity and Greenspace Policy Officer: The protection of the trees during the construction period and the requirement for a lighting scheme are included within the recommended conditions.***

***Impact upon day nursery: The sports centre proposals will result in the day nursery essentially being located to the rear of the new building. However, it is considered that the distance between the two is sufficient to not significantly impact upon the day nursery. Part of the current external space associated with the day nursery is dominated by the existing sports hall and the new building improves the separation distance between the two. There are proposals for tree planting adjacent to the elevation of the sports centre immediately opposite the nursery which will soften the appearance of the building. The layby for deliveries is offset to the east of the nursery building and it is not anticipated that the sports centre would generate the need for significant servicing, the main regular requirement would be for the catering operation. With regard to the construction period, this a University operated day nursery and there should therefore be the assurance that there will be communication with the nursery to ensure that the concerns of parents are allayed.***

(Additional background papers: Email from Biodiversity and Greenspace Policy Officer dated 17.02.2015)

#### 4(b) Talbot House, Talbot Street

1. In response to a query raised about the metal cladding, the applicant has confirmed that the proposed material darkens with age, but does not go green.

2. A further query has been raised in relation to cycle provision. Cycles are to be stored in racks on the ground floor on the Wollaton Street elevation, together with a number of racks outside. This provides a total of 109 spaces, with 95 spaces within the building and 14 outside. This provides one cycle per four students. The previously approved scheme of 389 units proposed 138 cycle parking spaces. Whilst the number of spaces now proposed is lower, for a greater number of units, it is in accordance with the council's required standards as set out in the Local Plan.

3. An objection has been received from Nottingham Trent University. The objection relates to the principle of further new student accommodation development. They consider that the proposed development is in an area of very high concentration of student housing and that the development does not accord with the requirements of the Building Balanced Communities SPD. They also consider that no assessment of capacity has been done, and that in their view the city is at saturation point in terms of new provision.

***The principle of student accommodation is considered in the report. The Balanced Communities SPD is generally supportive of purpose-built student accommodation on the fringes of the city centre and it is considered that the Talbot Street/Wollaton Street area can accommodate a high student population without giving rise to the problems associated with student development as set out in the SPD. It is considered that community balance will not be adversely affected by this development.***

***As with other forms of development, the overall level of purpose-built student accommodation will be largely determined by the market.***

(Additional background paper: Letter from Freeths on behalf of NTU received 17/2/15)

#### 4(c) University of Nottingham, Jubilee Campus

The Environment Agency has no objection to the proposed development subject to a number of conditions.

***To address the comments of the Environment Agency, additional and amended conditions are recommended as follows.***

***Condition 10 to be replaced with:***

***The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference J-D0758.00R1.1 prepared by Opus International Consultants (UK) Ltd on the 17<sup>th</sup> December 2014 and the following mitigation measures detailed within the FRA:***

***1. The surface water discharge from the site generated by the 1 in 100 year plus 30% (allowance for climate change) critical storm shall be limited to no greater than 5.0 l/s***



**2. Internal finished floor levels shall be set no lower than 30.14mAOD Above Ordnance Datum.**

**The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.**

**Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.  
in accordance with policy NE10 of the Local Plan.**

**Condition 7 to be replaced with:**

**No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:**

- i) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.**
- ii) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to no greater than 5.0 l/s.**
- iii) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.**
- iv) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.**
- v) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.**

**Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with policy NE10 of the Local Plan and policy 1 of the Aligned Core Strategy.**

**Criterion D of Condition 4 to be amended as follows:**

**'... and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**A new condition 12 to be added as follows:**

***Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.***

***Reason: To protect the underlying principal aquifer from contamination in accordance with policy NE9 of the Local Plan.***

(Additional background papers: Letter from Stuart Taylor Planning Liaison Officer, Environment Agency Dated: 13.02.2015)