

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 BRE AAM 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)

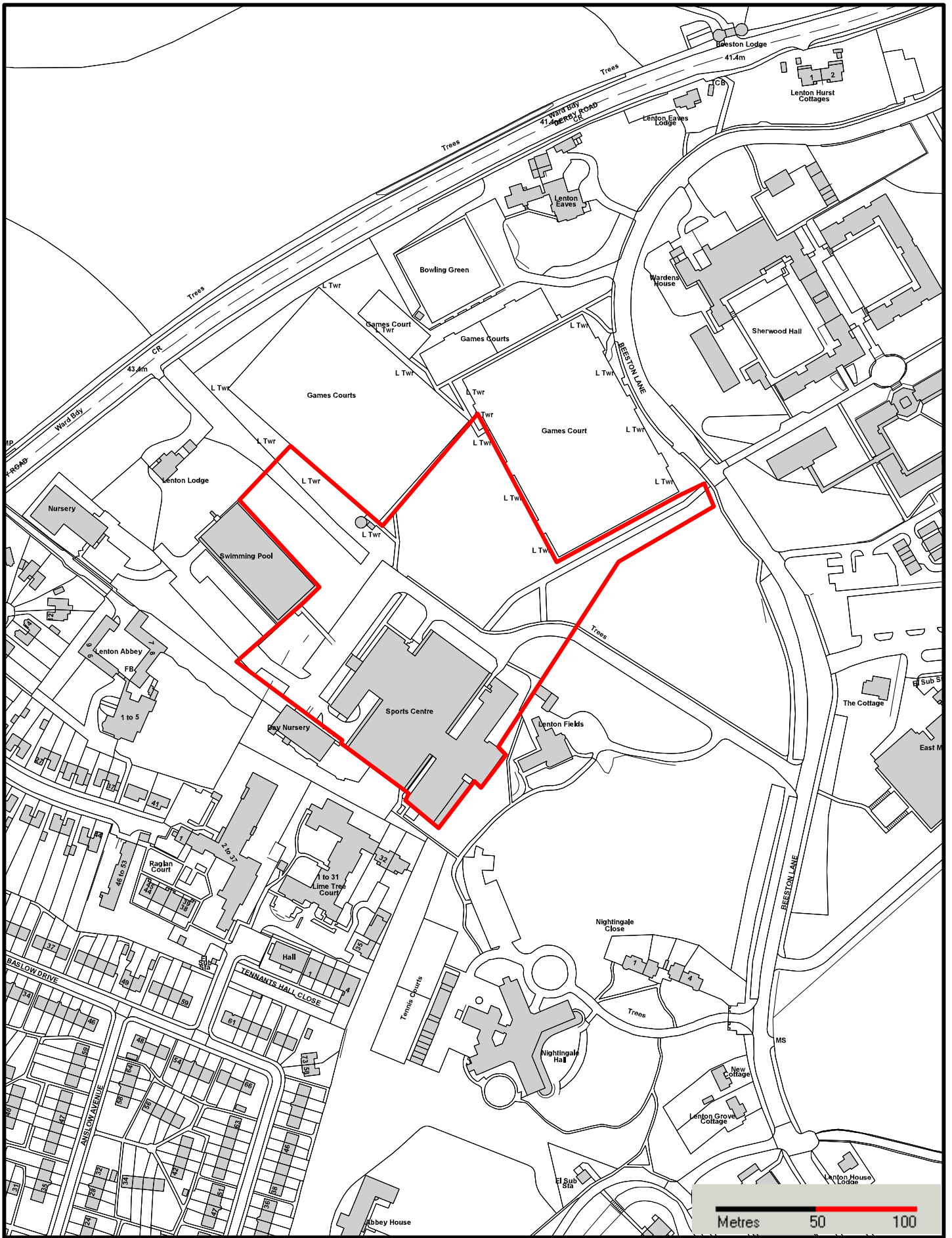
Aligned Core Strategies (September 2014)

National Planning Policy Framework

Contact Officer:

Mrs Janet Keble, Case Officer, Development Management.

Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 8764056



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Nottingham
City Council

My Ref: 14/02540/PFUL3 (PP-03743696)
Your Ref:
Contact: Mrs Janet Keble
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Tel: 0115 8764447
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David Morley Architects
FAO: Mr Chris Roberts
18 Hatton Place
London
EC1N 8RU

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 prior to the commencement of the external staircase details of it shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To 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.

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 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 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.

Pre-occupation conditions

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

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. No part of the development shall be occupied until details of a scheme for the inclusion of bat within the development have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of the type, number and position of the bat boxes.

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

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.

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.

19. Prior to 31st December 2015 an Arboretum Strategy Plan for the University Park shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the Plan, including proposals for monitoring and its review, shall be implemented at all times.

Reason: In part mitigation for the loss of the three oak trees as a result of the development in accordance with Policies NE1 and R1 of the Local Plan and Policies 16 and 17 of the Aligned Core Strategies.

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.



DRAFT ⁷ ONLY
Not for issue

Continued...

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.

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

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.

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:

- (i) the expiry of the consultation period on 24^h December 2014 and subject to the receipt of no representations raising material issues or objections that have not been addressed in this report;
- (ii) the conditions substantially in the form listed in the draft decision notice in the 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 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.

- 4.4 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).
- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 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. Of these, three trees classified as Category A (one) and Category B (two) would need to be removed. Mitigation for the loss is proposed.
- 4.9 Security fencing and gates to prevent unauthorised access to the outdoor sports pitches is also proposed.
- 4.10 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 is 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: 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.

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 in 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. Further bat survey work is required prior to the determination of the application taking into account that one of the trees identified for removal has been identified as having bat roosting 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. The Tree Officer and the Biodiversity and Greenspace Officer have both advised that the trees can be categorised as “veteran trees” which have a special significance taking into account their landscape and amenity value, their cultural and historical heritage, and their ecological importance. The concerns about the loss of these trees have been raised with the applicant and in response a Tree Mitigation Statement (TMS) has been submitted. This sets out the background and the rationale for the proposals and the various options which were considered to avoid the loss of the oak tree identified as Category A. Whilst the TMS does not recognise the three oak trees as “veteran trees” and disputes this suggestion, it acknowledges that these are trees which 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. The objectors to the scheme, whose comprehensive views are summarised in Section 5, raise similar issues and question the quality of the information submitted with regard to the value of the three oak trees and the assessment of their proposed removal.
- 7.5 The TMS sets out that an iterative process was undertaken at the design stage to seek a solution which avoided the loss of the trees, particularly the tree classified as Class A. 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, including its use as a venue for examinations and graduation ceremonies. The TMS then proposes a series of secondary and tertiary measures to mitigate for the loss of the trees. The secondary measures comprise a range of replacement tree planting including two super semi mature English oak trees (specifically to compensate for the loss of the Category A oak tree). The tertiary measures relate to good management practices during construction to protect the health of retained trees.
- 7.6 The drawbacks of the six options for the siting and the footprint of the building have been considered, including the compromise that would result to the facilities being provided. The option which involved the total demolition of the existing sports hall

was discounted on the basis that the partial retention of the existing building has both economic and sustainability benefits, and that moving the replacement building in this direction would also have had greater impact upon the setting of Lenton Fields, a Grade II listed building located to the south east of the sports hall.

- 7.7 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.
- 7.8 It is recognised 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, 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.
- 7.9 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.
- 7.10 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.
- 7.11 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.
- 7.11 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.

- 7.12 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.
- 7.13 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)

- 7.14 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.

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

- 7.15 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 a 100 spaces as compared with the current provision for 28 cycles.
- 7.16 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.

7.17 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

Email from Notts Wildlife Trust dated 01.12.2014

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

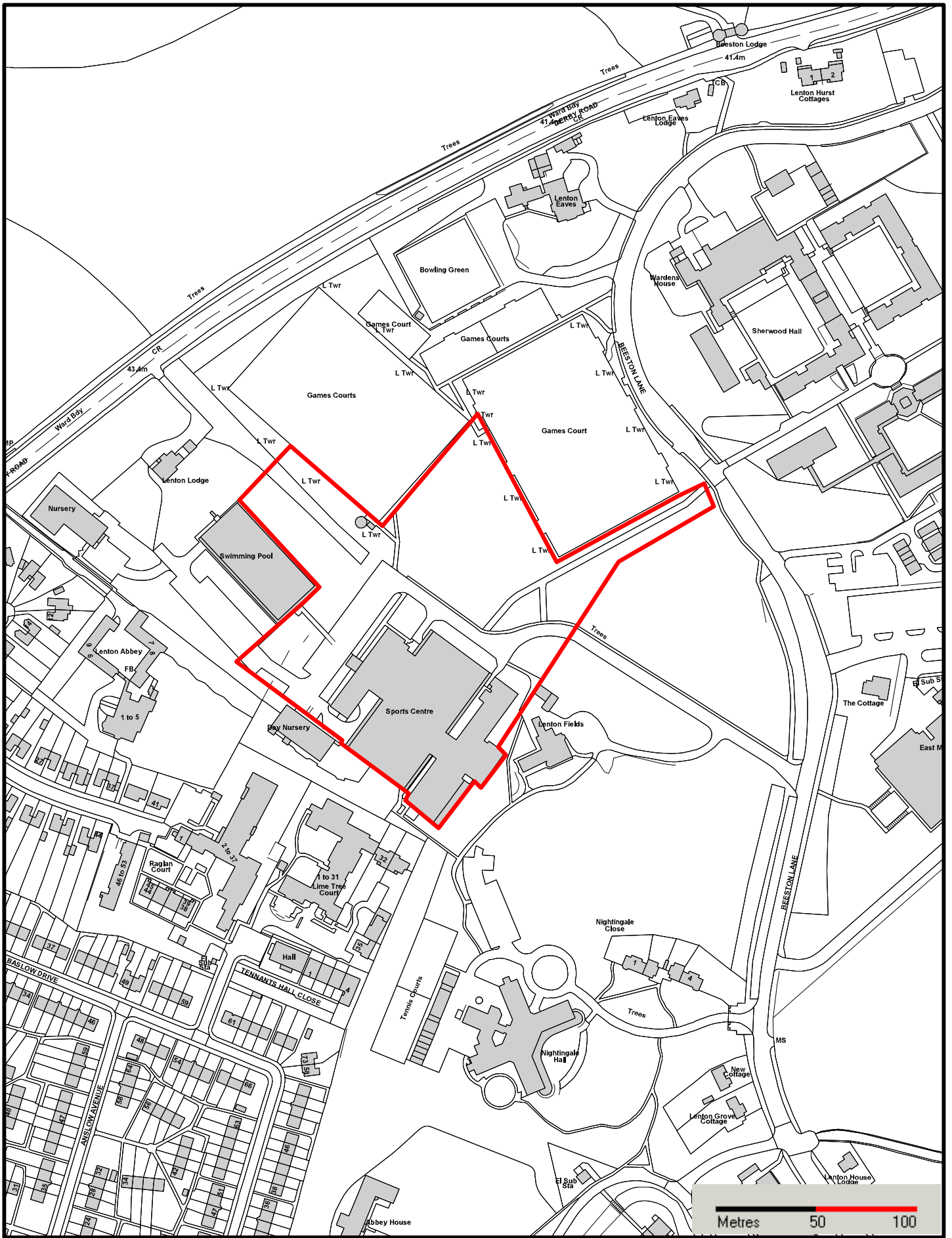
Nottingham Local Plan (November 2005)

Aligned Core Strategies (September 2014)

Contact Officer:

Mrs Janet Keble, Case Officer, Development Management.

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Nottingham
City Council

My Ref: 14/02540/PFUL3 (PP-03743696)
Your Ref:
Contact: Mrs Janet Keble
Email: development.management@nottinghamcity.gov.uk



**Nottingham
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EC1N 8RU

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 details prior to the commencement of the of the external staircase details of it shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To 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.

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 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 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.

Pre-occupation conditions

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

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. No part of the development shall be occupied until details of a scheme for the inclusion of bat within the development have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of the type, number and position of the bat boxes.

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

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.

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



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

DRAFT ⁵ ONLY
Not for issue

Continued...

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.

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.