

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Land North Of Training Ship Orion, Racecourse Road

1 SUMMARY

Application No: 15/01140/PFUL3 for planning permission

Application by: Pinelog Limited on behalf of Endeavour Northern

Proposal: New reception building, equipment storage yard and moorings (revised scheme).

The application is brought to Committee because it is a proposal for development within the Green Belt that is also being treated as a departure to the Local Plan.

To meet the Council's Performance Targets this application should have been determined by 2nd July 2015.

2 RECOMMENDATIONS

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

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

3 BACKGROUND

3.1 The application site is located between Racecourse Road and the north bank of the River Trent and is adjacent to the site of Training Ship Orion (Nottingham Sea Cadets Corps). Trent Fields open space is on the opposite side of the river, within Rushcliffe Borough Council's area.

3.2 The majority of the site falls within the Green Belt designation and is also partly included within the boundary definition of Colwick Country Park. It has a Flood Zone 2 designation. The site has not been previously developed, although there is an existing barriered vehicular access on Racecourse Road and a former access route through the site that leads to the site boundary with T.S. Orion. This former access route continues onto the T.S. Orion site.

3.3 The site is owned by the City Council and has no planning history other than a withdrawn application (14/02988/PFUL3) that is the precursor to the current proposal.

3.4 The application is submitted on behalf of Endeavour Northern who operate Princess River Cruises and currently occupy part of the Park Yacht Club site on Trent Lane. The Park Yacht Club site is the subject of a current planning application for

residential redevelopment and it is advised that the applicant is currently required to vacate this site by January 2016.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes the development of a reception building, equipment storage yard and moorings.
- 4.2 The reception building is proposed to be sited central to the site. This single storey, timber clad building provides a customer waiting area and meeting room, a small bar and store, toilet facilities, and an office and kitchen including stores. An equipment storage yard is to adjoin the northern elevation of the building and is proposed to be enclosed with a paladin fence.
- 4.3 The site access is off Racecourse Road with a new road using the alignment of the former access route through the site and leading to a car park for 35 visitor vehicles, including 2 allocated disabled spaces. The access road is also to serve as a section of riverside cycle path adjacent to the river.
- 4.4 Two floating pontoon style moorings are provided to accommodate two river cruise vessels.
- 4.5 Existing site trees are to be retained and a supplementary landscaping scheme has also been submitted. A 2 metre high security fence is to be provided around the perimeter of the site other than the river edge and where security fencing already exists at the boundary of the site with T.S. Orion. The proposed fence is to be set back from the boundary with Racecourse Road.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Nottingham Sea Cadet Corps, Trent Lane
Rufford Hall, Waterside Way
National Design Academy, Rufford Hall, Waterside Way
Nottingham Racecourse, Racecourse Road
River Crescent, Waterside Way
Rushcliffe Borough Council

The application has also been advertised as a departure from the Local Plan by site and press notices. The following response has been received:

River Crescent Residents Association: Support. Water borne tourism should be encouraged as part of the proposed Riverside Regeneration. Assisting the relocation of this tourist boat operation will help to enable progress with Nottingham's Waterside objectives. Selling or leasing this underused site will bring welcome revenue to the City Council. The proposed site is vulnerable to fly tipping. Occupation by the tourist boat operators would help to mitigate this problem. The area has an abundance of public open space, but few amenities.

Additional consultation letters sent to:

Policy: It stands that the proposed development on this site does not fit into any of the categories within the NPPF of appropriate development in the Green Belt and

that 'very special circumstances' are needed to justify such a proposed development. The NPPF goes on to state that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, needs to be clearly outweighed by other considerations.

It is however considered that the additional information now provided along with the original supporting statement is capable of showing the very special circumstances required by national planning policy, subject to the design and layout of the proposed scheme minimising its impact on the open character of the Green Belt.

Pollution Control: No objection subject to condition that building is constructed in accordance with submitted drawings as ground gas mitigation may otherwise be required.

Highways: No objection subject to conditions relating to construction management; further information regarding the disposal of surface water and foul water; protection of existing rising main crossing the site; details of car park layout; and details of improvements to non-motorised user facilities.

Environment Agency: No objection subject to conditions that finished floor level of proposed building is set no lower than 25.10mAOD (Above Ordnance Datum) and that moorings shall be designed with an appropriate rise and fall to withstand climate change in-channel levels and velocities.

Canal & River Trust: No objection. Recommend that the applicant contacts the Canal & River Trust direct to discuss the proposed moorings and to establish whether any consents are required from the Trust.

Nottingham Regeneration Limited: Support. NRL has worked to promote the regeneration of the north bank of the River Trent and the creation of a new residential quarter, but also to help facilitate the retention and relocation of existing businesses. As such NRL has worked to identify opportunities to retain the river cruise business in Nottingham. Following an exhaustive review of options the preferred operational location at Colwick Park was selected. Potentially locating the business in the Trent Basin itself was considered but rejected due to operational difficulties of access but more significantly the conflict between any late night boat operation and the future residential amenity of the area. The preferred location (in NCC ownership), although within the Green Belt, was underused and was currently causing problems due to fly tipping. Moreover this site had the potential to create a concentration of leisure/tourism facilities physically linked to both Colwick Hall and the Race Course and retain an essential business that makes a truly positive use of the river. The proposed development has been designed to blend into the rural setting retaining key landscape features thereby avoiding any unnecessary intrusion. As a proposed leisure/tourist activity that by its very specific use must be operated along the river it should be considered as an acceptable development within the Green Belt.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in

accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.

- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraph 81 states that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
- 6.6 Paragraph 87 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.7 Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.8 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt other than those within a list of specific exceptions.
- 6.9 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.
- 6.10 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

NE5 - Trees

NE8 - Green Belt

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (September 2014)

Policy 1 - Climate Change

Policy 3 - The Green Belt

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Development within the Green Belt
- (ii) Layout and Design

Issue i) Development within the Green Belt (ACS Policy 3 and Policy NE8)

- 7.1 Policy 3 of the Aligned Core Strategy relates to The Green Belt and states that Local Plans will review Green Belt boundaries to meet the other development land requirements of the Aligned Core Strategies. Therefore, Policy NE8 of the Local Plan remains the principal policy in relation to the consideration of the proposed development.
- 7.2 It stands that the proposed development does not fall into any of the categories of development that are defined as 'exceptions' by the NPPF in relation to development within the Green Belt. Such exceptions include buildings for agriculture and forestry; facilities for outdoor sport, and the redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt. Proposals for development should, therefore, only be allowed in 'very special circumstance' and only when the benefits of the proposal clearly outweighs any potential harm to the Green Belt.
- 7.3 The applicant has provided a supplementary statement which helps to explain further the operational constraints of their business. This statement also provides additional information regarding the selection of the proposed site as well as details of the sites that they have rejected across the city that are not within the Green Belt. The full length of both banks of the river between Holme Lock and Wilford church have been researched. The primary reasons for not progressing these sites in most cases relate to the sites not being available, lack of suitable access, lack of services, and concern regarding the security and safety of passengers. It is, therefore, concluded that the proposed site is the only one available that would accommodate the proposed development under the operational constraints of the business.

- 7.4 The Policy team have scrutinised this additional information along with the original supporting statement and have also concluded that, in view of the difficulties in relocating a business of such specific requirements along the stretch of river that it is able to operate and subject to the design and layout of the proposed development minimising the impact on the open character of the Green Belt, that the application now demonstrates the very special circumstances required by national planning policy. This design and layout of the proposed development is assessed below. It is, therefore, considered that the development accords with Policy 3 and Policy NE8 in relation to development within the Green Belt.

Issue ii) Layout and Design (ACS Policy 10 and Policy NE5)

- 7.5 The layout and design of the proposed development has been revised during the consideration of the application. The proposed building is single storey and modest in size. It provides a primary balanced elevation towards the river, with a central feature inverted roof providing focus and interest. A projecting timber roof provides depth to the elevation, shading to the façade glazing, and shelter to the timber deck area that will allow visitors a view across the river. The timber deck area is to be enclosed with a glazed balustrade and timber handrail. It is considered that the revised design is now appropriate to its Green Belt location and that, subject to conditions, it will make a positive contribution to its riverside location.
- 7.6 As a built intervention into the Green Belt, it is also important that the scheme demonstrates that the open character of the Green Belt is being maintained. The site layout has, therefore, also been revised and supplemented with further details relating to its proposed landscaping. The proposed landscaping details include planting to screen the undercroft area of the building (which is raised to mitigate against flood risk), supplementary tree planting to the river edge, and the use of wildflower meadow mix planting across the majority of the site. It is anticipated that the proposed landscaping will help to integrate the proposed timber building in its open setting and will also enhance the biodiversity of the site. A tree protection condition is also recommended in relation to existing trees.
- 7.7 It is considered that the layout and design of the building is appropriate to the site, within its Green Belt designation, and accords with Policy 10 and Policy NE5.

Other Material Considerations

Flood Risk and Drainage (Policy NE10)

- 7.8 The application site is within an area of flood risk (Flood Zone 2). The proposed reception building is to be positioned at a high point within the site and the floor level is also to be raised to the 25.10mAOD level required by the Environment Agency, who have advised that they have no objection to the proposed development subject to this condition and that moorings shall be designed with an appropriate rise and fall to withstand climate change in-channel levels and velocities. Highways have also recommended a condition requiring further information regarding the disposal of surface water and foul water. It is considered that, subject to conditions, the proposed development accords with Policy NE10.

Pollution and Contamination (Policy NE9)

- 7.9 Pollution Control have advised that they have no objection subject to condition that building is constructed in accordance with submitted drawings as ground gas mitigation may otherwise be required. It is considered that, subject to this condition, the proposed development accords with Policy NE9.

Highways (Policy T3)

- 7.10 Highways have advised that they are satisfied with the proposed access off Racecourse Road and parking layout that is to be provided in association with the proposed development. The requested conditions are noted and included within the draft decision notice that is attached to this report. It is considered that the proposed development accords with Policy T3.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17)

It is advised that the reception building will be constructed in laminated beams, with external walls being clad in vertical board cladding (European larch). The building will be lit naturally as far as possible, including high levels windows, and further energy and water efficiency measures are also to be provided. It is considered that the proposed development accords with Policies 1 and 17.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Enable a new business economy.

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: 15/01140/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NNI8V2LYCB000>

2. River Crescent Residents Association, 21.5.15

3. Environment Agency, 2.6.15

4. Nottingham Regeneration Limited, 20.5.15

5. Pollution Control, 27.5.15

6. Highways, 27.5.15

7. Canal & River Trust, 15.6.15

8. Policy, 15.7.15

17 Published documents referred to in compiling this report

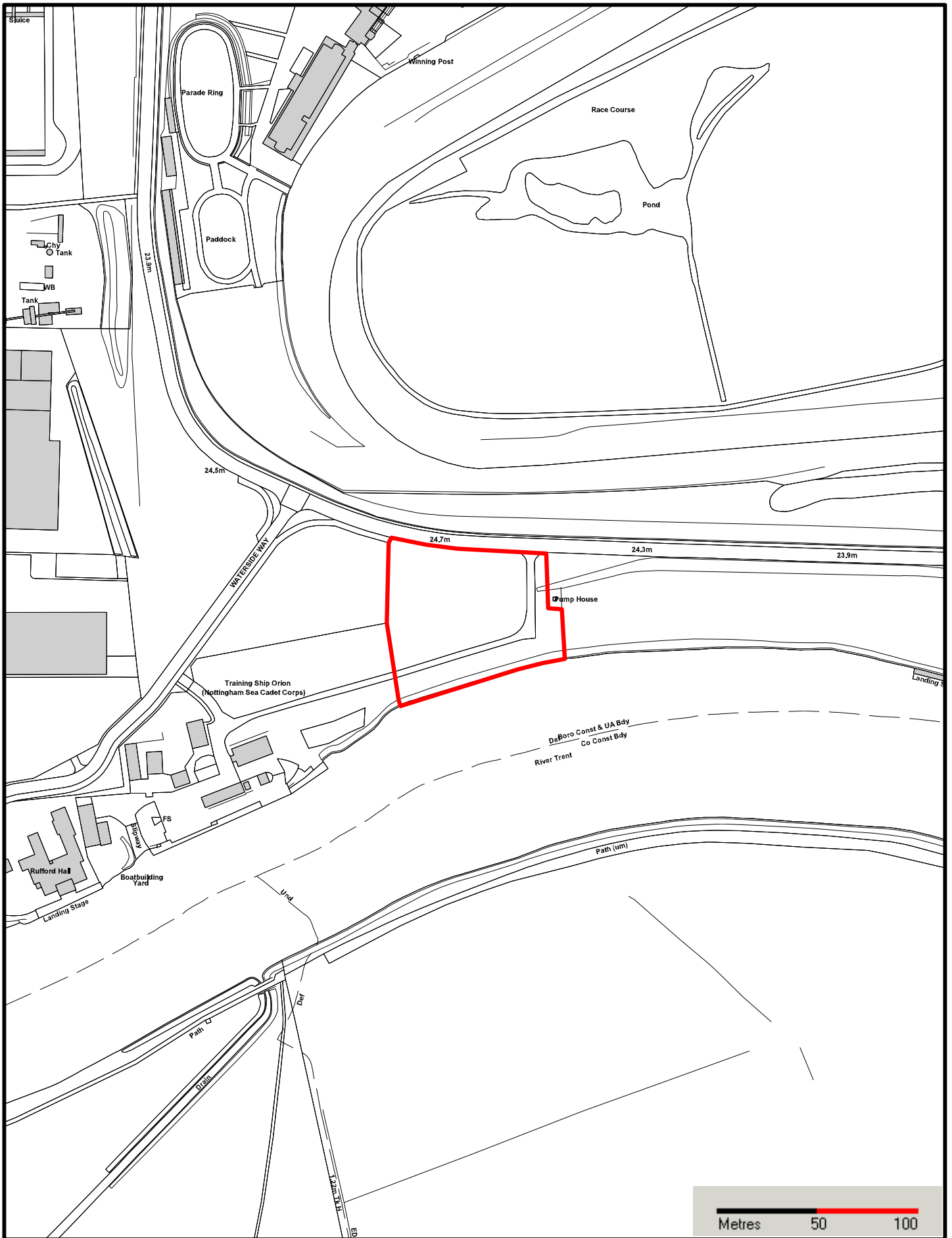
Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

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Nottingham
City Council

My Ref: 15/01140/PFUL3 (PP-04145377)
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Date of decision:

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

Application No: 15/01140/PFUL3 (PP-04145377)
Application by: Endeavour Northern
Location: Land North Of Training Ship Orion, Racecourse Road, Nottingham
Proposal: New reception building, equipment storage yard and moorings (revised scheme).

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 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.

3. The development shall not be commenced until full details and/or samples of all external materials including timber cladding, roofing, glazing system, balustrades and handrails have been submitted to and approved in writing by the Local Planning Authority.

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

4. The development shall not commence until information detailing the protection of the existing rising main crossing the site, has been submitted to and approved by the Local Planning Authority.

Reason: In order to ensure the appropriate protection of this feature and to reduce the risk of creating or exacerbating a flooding problem in accordance with Policy 1 of the Aligned Core Strategies.

5. The development shall not commence until further information regarding the disposal of surface water and foul water has been submitted to and approved in writing by the Local Planning Authority. The proposals shall seek to demonstrate that all surface water emanating from the site be drained to Sustainable Drainage Systems (SuDS) to ensure there is no increased risk of flooding downstream of the site. In addition, the applicant should demonstrate that the sewage holding tank is designed to withstand any floatation force that may impact if the river floods while the tank is only part full.

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

6. No part of the development shall be brought into use until full details of the extension of the existing public footpath and cycleway on the south side of Race Course Road up to the vehicle entrance to the site have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of ensuring appropriate access to the site by modes other than by car and in the interests of highway safety and pedestrian and cycle convenience in accordance with Policy T3 of the Nottingham Local Plan.

Pre-occupation conditions

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

7. The approved development shall not be brought into first use until the approved access, car park layout, and drop-off/pick up area has been implemented and is available for use for customers to the approved development.

Reason: In order to ensure that appropriate access, car parking, and drop-off/pick up facilities are available in the interests of highway safety and in accordance with Policy T3 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

8. The finished floor level of the approved building shall be set no lower than 25.10m AOD (Above Ordnance Datum).

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 1 of the Aligned Core Strategies.

9. The approved moorings shall be designed with a rise and fall to withstand the 1 in 100 year plus climate change in-channel levels and velocities, where the 1 in 1000 year plus climate change in channel level is estimated to be 23.60mAOD, the 1 in 100 year plus climate change in channel level is estimated to be 23.54mAOD and the 1 in 20 year in channel level is estimated to be 22.78mAOD.

Reason: To ensure the structural integrity of the proposed moorings.

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

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core 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 following drawings/documents:
Drawing reference DO2 revision Rev B
Drawing reference DO4
Drawing reference DO6
Drawing reference DO8
Drawing reference DO5
Drawing reference 6521-L-01 revision Rev A

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.
2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.
3. The establishment should have a robust flood evacuation plan in place.
4. It is recommend that the Applicant contacts the Canal & River Trust direct to discuss the proposed moorings and to establish whether any consents are required from the Trust.
5. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway

Programmes in the first instance on 0115 876 5293. All associated costs shall be borne by the applicant.

6. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

7. For information regarding the drainage requirements at the site please contact Paul Daniels on 0115 8765 275.

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: 15/01140/PFUL3 (PP-04145377)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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Not for issue