

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Colwick Hall, Racecourse Road

1 SUMMARY

- Application No: 18/01224/PFUL3 for planning permission
- Application by: GVA Grimley on behalf of Colwick Hall Hotel
- Proposal: Erection of a function suite containing WC's, stores, kitchen and bar with landscaping and associated works.

The application is brought to Committee because it is for a major development on a prominent site where there are important design and heritage considerations.

To meet the Council's Performance Targets this application should have been determined by 16th October 2018, but an extension of time has been agreed with the applicant until 24th December 2018.

2 RECOMMENDATIONS

- 2.1 **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of the conditions to be delegated to Director of Planning and Regeneration.

3 BACKGROUND

- 3.1 The application site is the Grade II* listed Colwick Hall situated on Racecourse Road in Colwick, approximately 3km east of the city centre. The Hall was granted as series of planning permissions, some conditional in 2004 and 2005 transitioning use to a hotel and conference centre. Conditional (temporary) Grant of Planning Permission (04/02654/PFUL3) was also given for a marquee but a further renewal application for a further 4 years was refused in 2009 (09/00003/PFUL3). An enforcement notice remains in place for the removal of the marquee. Nottingham Racecourse occupies approximately 4ha of land adjacent and to the north of the site, with stable and jockey accommodation immediately to the north east of the Hall. A lake is situated immediately to the south of the site with the River Trent beyond. Given the proximity of the river the site, in accordance with Environment Agency mapping, is designated as being within Flood Zone 2.
- 3.2 The specific area to which this application relates is situated to the south of the Hall and east of its formal garden and is currently occupied by the marquee referred to above. Immediately to the south of the site is a public footpath providing access into Colwick Country Park, which is also designated as a Local Wildlife Site.

- 3.3 Officers have been working with the applicants to find a long term appropriate solution for the replacement of the marquee, in the interests of the on-going vitality of the Hall, as such to date it has not been expedient to enforce the notice.

Relevant Planning History

- 03/01019/PFUL3 - Change of use of first floor from bedrooms/conference facilities to office and second floor to toilets and ancillary accommodation. Landscaping to front of building incorporating entrance gates. Approved 2004
- 04/00765/PFUL3 - Erection of marquee and landscape works. Approved 2004
- 04/02616/PFUL3 - Change of use of first floor from offices to hotel. Approved 2005
- 04/02654/PFUL3 - Erection of marquee. (Resubmission of planning permission reference 04/00765/PFUL3). Approved 2005
- 05/00006/LLIS1 - Alterations to enable change of use of first and second floors to hotel. Approved 2005
- 05/00030/PFUL3 - Change of use of 2nd floor to hotel including insertion of dormer windows. Approved 2005
- 07/02304/PFUL3 - Renewal of temporary planning permission 04/02654/PFUL3 for erection of marquee. Approved 2007
- 09/00003/PFUL3 - Renewal of temporary planning permission 07/02304/PFUL3 for erection of marquee for a further four years. Refused 2009

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for the removal of the existing marquee and associated structures and its replacement with a permanent function suite of brick construction. The function suite would comprise a banqueting hall, self-contained from the hall that would provide for up to 500 covers. The building would include a lobby, bar area, kitchen and ancillary facilities.
- 4.2 The building would approximately align with the western boundary of the adjacent walled stable accommodation for the racecourse and would measure approximately 30m in width at the front, narrowing to 13m at the rear of the building. It would have a length of approximately 65m and a flat roof with lanterns lights which would be approximately 5.7m in height; comparable with the adjacent single storey frontage of the Hall.
- 4.3 Revisions have been sought during the lifetime of the application to seek retention of a Walnut tree which was originally proposed to be removed. The building design has been altered to achieve retention of this tree with changes to a small glazed bar area incorporated on the south western corner of the building and a terrace area incorporated around the tree.
- 4.4 The application has been supported by a: planning statement, ecology appraisal, arboricultural survey, noise assessment, heritage impact assessment, conservation audit and ground contamination report.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

2 neighbouring properties have been notified in writing of the proposal. The application has also been publicised through site and press notices. A further site notice has been erected on receipt of revised plans.

Five letters of representation have been received raising the following points:

- The Nearest residential property is located within the racecourse stable yard and not 600M away.
- Complaint of excessive noise have previously been raised with Nottingham City Council and movement/increase in size will only compound the issue
- Parking is insufficient for the size of events hosted, cars are often parked down one side of racecourse road on each large event which causes access issues
- There is a Fire Exit route from stable yard through hotel grounds which is often blocked during events
- If planning permission is granted construction works must be scheduled so as not to coincide with racecourse fixtures
- Bin stores are currently not fit for purpose on the site and a better arrangement needs to be had if the building is approved
- Upset regarding the proposed loss of trees
- The proposal encroaches on to public open space which is part of a designated open space network and identified as a biological site of importance for nature conservation within the Core Strategy
- Do not consider that special circumstances exist which would allow the intrusion into Green Belt land
- Note the English Heritage suggestion that serious consideration be given to development within the existing developed footprint of the eastern service area
- The extension would be incongruous to the country park and result in the loss of a large area of public owned broadleaf woodland
- The application would be contrary to a number of Local Plan policies in addition to guidance of the NPPF
- Birds and bats use the adjacent lake for foraging and would be disturbed by the new building
- Why has no landscape visual impact assessment been undertaken? Consider that there would be a major magnitude of change, which would lead to a major adverse impact on the landscape
- People are not aware of the development, only 1 site notice is visible on the bridleway
- The loss of trees is large; 7. These integrate together to form a woodland
- Consider that the Holm Oak could survive for decades and should be retained
- The current circus tent structure is better than destroying a large area of mature woodland

Nottingham Civic Society

Nottingham Civic Society supports in principle the proposal affecting the Grade II* listed building. If implemented, it would resolve the long standing eyesore which is the unauthorised marquee which has disfigured one of the principal elevations of the Hall. The new banqueting suite does appear to be as appropriately sited and cleanly elevated as it could be, if its absolute necessity to the economic future of the hall is accepted. However, given the high-profile status of the listed building, it is surprising that the submitted elevations are little more than sketches and no perspective of the relationship with the hall has been offered. The Civic Society believes that more detailed rendering of the proposal should be available to ensure that this large building in a sensitive location will be sufficiently recessive and deferential to allow the principal elevation of Colwick Hall to retain its heritage significance.

Additional consultation letters sent to:

Natural England: No comments. Please see standing advice.

Biodiversity Officer: Awaiting further comments.

Initial concerns raised that the ecology report submitted is out of date and hasn't provided due consideration to the loss of the land, part of which is designated as a Local Wildlife Site.

Nottingham Wildlife Trust: Initial objection. No objection to the updated ecology report subject to a number of conditions in relation to ecological mitigation and enhancement.

Pollution Control: No objection conditions relating to contamination and noise management are recommended

Highways: No objection condition relating to the submission of a construction traffic management plan is recommended.

The proposal is for a permanent building on the site of an existing temporary marquee located immediately adjacent to Colwick Hall. This space will be used for weddings and other events for the site. Colwick Hall is situated on Racecourse Road, which is a road serving the hotel and Nottingham racecourse. The road immediately adjacent to the hotel is not adopted, but is adopted further west near the junction of Waterside Way. Racecourse Road eventually leads onto Daleside Road adjacent to the Racecourse Park and Ride site. Parking is available for 104 cars at the site, including two disabled bays. Additional staff parking of 6 bays including one disabled bay is also provided.

A transport statement has been provided for the site. Whilst access to the site could be made by walking/public transport, the remote location of the site from the bus stops (over 1km) will mean that it is unlikely to be accessed by public transport, or by walking. It is noted that the applicant indicates that the majority of users of the temporary marquee access the site by taxi, coach or by car. Notwithstanding this, the transport statement is considered acceptable.

The proposed replacement building for the proposed marquee is located away from the road and car park, to the rear (south) of the hotel. As the proposed building is of

similar size to the temporary marquee being used, there would be little impact to the highway compared to the existing situation. There are therefore no highway objections to the proposed development from a highways perspective.

Whilst the building location is remote from the highway, it is recommended that a Construction Management Plan be provided for the site. This would be for consideration of construction traffic that would operate along Racecourse Road, construction compound/storage, as well as to minimise disruption to the existing hotel use.

Historic England: No objection, defer to Council Conservation Officer.

Historic England (formally English Heritage) has provided substantive advice for over ten years, both at pre application and at statutory consent stage on the harmful impact of the temporary marquee on the significance of Colwick Hall. Our most recent advice letter to Janet Keble at Nottingham City Council, dated 26 February 2015, refers. Previously we considered options for new build within the stables yard to the east and reaffirmed our view that any new development should not compromise the open character of the southern elevation and views to and from the hall sweeping down to the ornamental lake - the setting of the hall formed by these views and landscape character, are integral to the hall's national significance.

Since 2005 the temporary marquee constructed to the east of the south elevation has become an unsightly, dominant feature within the setting of the hall. It has a distracting presence which obscures part of the southern elevation and compromises the appreciation of this elevation and the hall's relationship with the stables to the east and within the site, the ruined church to the west. We have consistently advised that the temporary marquee is harmful to the significance of both Colwick Hall and the scheduled monument. We understand this marquee is unauthorised and an enforcement notice has been served and remains extant. In the context of the extensive planning history, we previously concluded that we believe there may be compelling evidence for a separate entertainment space and this needs to be a permanent solution which sustains the heritage value and viability of the hall. The justification for a scheme of this nature, however, would need to be robust and in line with paragraphs 193, 194 and 196 of the NPPF. Any new structure should complement and enhance the architectural form and not obscure it.

NCC Conservation Officer: No objection subject to conditions relating to provision of further details in relation to the specific finish of the building

Comments based on initial plans:

The Colwick Hall Hotel, who occupy the building, currently utilise a large temporary marquee which is positioned immediately to the south east of the Hall. The marquee is the subject of an unresolved planning enforcement case and is considered to detract from the setting and significance of the Hall due to its siting (overlapping the southern façade in views over the ornamental lake) and its temporary, poor quality appearance.

Bookings for private functions are understood to contribute significantly to the income for the hotel and to be critical to the upkeep of the grade II* listed building. If the financial case made by the applicant is sufficiently robust, this would provide a

clear and convincing justification for the principle of a permanent banqueting building.

The proposed building is a low profile structure and has been designed with a contemporary appearance that complements, but does not compete with the distinctive architecture of the Hall. In general terms the new building is felt to be a major improvement on the temporary marquee. However, its impact on the setting of the Hall would still be high and would result in some harm to its significance. Crucially the siting of the building will allow the full width of the Hall to be visible in views from the south. While this will benefit the setting of the listed building, it will result in the loss of a pair of mature trees (a Holm Oak and a Walnut) which contribute to the character of the parkland. In order to mitigate this issue specifically, a landscaping scheme should be required by condition which proposes suitable replacement planting and preferably a degree of screening for the new building which breaks up its horizontal massing.

In terms of detailed building design, the application provides insufficient information. Further drawings will be required which show large scale sections and elevations of the façade treatments (including the glazing frames and profiles) and the palette of materials. These aspects could normally be dealt with by condition, but it is felt that in this case they are of fundamental importance when assessing the development's visual impact and should therefore be provided prior to determination.

Comments based on revised plans:

In terms of the amendments to the design I am satisfied that the any additional impact on the heritage assets would be minimal and the benefits of retaining the Walnut as part of the scheme would outweigh the drawbacks of bringing the building line of the bar element further to the west.

NCC Tree Officer: No objection subject to detailed condition in relation to provision of an arboricultural method statement.

Environment Agency: No objection.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

Those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Lead Local Flood Authority: No objection.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 194 states:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Furthermore, Paragraph 196 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 200 states that 'Local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting, that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'.

Aligned Core Strategy (September 2014):

Policy 1 – Climate Change

Policy 3 – The Green Belt

Policy 10 – Design and Enhancing Local Environment

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17 – Biodiversity

Nottingham Local Plan (November 2005):

Policy BE10 - Development within the Curtilage, or Affecting the Setting of a Listed Building

Policy BE16 – Archaeology

Policy ST1 – Sustainable Communities

Policy NE2 – Natural Conservation

Policy NE5 – Trees

Policy NE8 – Green Belt

Policy NE9 - Pollution

Policy NE10 – Water Quality and Flood Protection

Policy R1- Open Space Network

Policy R9 - Leisure development in major parks and district parks

Policy T3 - Car, Cycles and Servicing Parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development
- ii) Design and impact on host listed building
- iii) Biodiversity and green infrastructure
- iv) Flood risk and drainage
- v) Amenity
- vi) Archaeology
- vii) Parking and highway safety
- viii) Other matters

(i) Principle of the development (Policies BE10, NE2, NE5, NE8, R1 & R9 of the Local Plan and Policies 3, 10, 11 & 17 of the Aligned Core Strategies)

- 7.1 The NPPF at paragraph 200 states that ‘Local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting, that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably’. Furthermore, paragraph 196 states ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’
- 7.2 The proposed building would replace the existing unauthorised marquee building that has been on the site for in excess of 10 years. The marquee by way of its design and temporary construction detrimentally impacts upon the setting of the host building. Pre-application discussions have been held with the applicant for a considerable period of time and it has been established that a function suite is required to safeguard the upkeep and maintenance of the Grade II* listed Hall and to keep it in a viable, economic use. This has been supported through financial documentation supplied as part of the application. In this instance it is considered that the principle of provision of a permanent function suite ancillary to the Hall is justified subject to the below considerations.
- 7.3 Policy NE8 of the Local Plan establishes a presumption against development in the Green Belt and paragraph 143 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very

special circumstances. Paragraphs 145 & 146 go on to list various forms of development which are not considered to be inappropriate in the Green Belt. None of the forms of development listed within the NPPF fit cleanly with what is proposed as part of this development.

- 7.4 Very special circumstances are not defined by legislation, policy (including in the NPPF itself) or any specific planning guidance. However, general guidance on its interpretation has been provided in a Commons statement of the 13th March 1997 which supports the view that even in the Green Belt, the planning system offers the flexibility to consider alterations and extensions to listed buildings, or alternative uses that would help to safeguard their future viability and can therefore comprise very special circumstances for such development. Improvements to the setting of listed buildings, historic parks and gardens or the character of conservation areas may, the statement suggests, also be accorded the status of a very special circumstance for development. In the circumstances the removal of the existing marquee and provision of a building which is far more sympathetic to the setting of, and better reveals the architectural interest of the Hall, is considered to weigh significantly in the planning balance. The function suite, whilst larger than the existing marquee, is proposed to be finished with a flat roof, thus limiting the bulk of the building. The function suite would secure the future viability of the Hall, which in this instance is considered to represent very special circumstances that would outweigh any perceived loss of openness to the surrounding Green Belt. The proposal is considered to accord with policy NE8 of the Local Plan, Policy 3 of the Core Strategy and guidance of the NPPF.

(ii) Design and impact on host listed building (Policy BE10 of the Local Plan and Policies 10 & 11 of the Aligned Core Strategy)

- 7.5 Policy BE10 of the Local Plan states that permission for development within the curtilage or affecting the setting of a listed building will not be granted if it would be detrimental to the appearance or character of the building or its setting. The existing temporary buildings are made up of a number of separate marquees and associated portable buildings which are situated to the south east of the Hall and partially obscure the frontage of the building. The structures are temporary in appearance and fail to contribute to the setting of the host listed building. These would be removed under the proposal and replaced with the function suite that would, in the main, be aligned with the western edge of the stable yard to the north, addressing the current overlap the marquee has with the Hall's southern elevation and providing an improvement to its setting.
- 7.6 The function suite is expressed in a contemporary style yet references the aesthetic of both a walled garden and orangery, which are considered appropriate to this context. Its intention is to create a plainer, subservient outbuilding to the Hall, the clean simple form in contrast to the detailed architecture of the Hall that it does not seek to copy. The height and massing of the proposal is deliberately lower than the single storey eastern wing of the Hall, and lower than the existing marquee structures. The building incorporates split level flat roofs concealed behind a substantial red brick garden wall which steps down as it reaches the lake. The function areas are naturally lit by large glazed elements within the garden wall and due to the deep plan, low level roof lanterns are positioned in the centre of each of the main function rooms, which also provide natural ventilation to maximise energy efficiency. The lanterns will not be apparent in close views of the building but from greater distance their orangery style is sympathetic and appropriate within this context. The large curtain wall glazing within the garden wall helps to distinguish it

from the solidity of the listed building, further referencing the orangery aesthetic and facilitating an obvious connection between the building and its landscaped surrounds.

- 7.7 In terms of external materials, brick was chosen in preference to stone to create the appearance of a more traditional garden wall. The curtain wall glazing is to be housed in deep reveals with the aluminium window frames in dark grey, an intentional contrast from the white sash window frames within the Hall.
- 7.8 In the interests of retaining a Walnut tree which is considered to positively contribute to the setting of the Hall, a lightweight glazed bar area has been developed on the south western corner of the building, with an adjacent terrace area incorporating the tree. This now fully glazed and lower element, that marginally projects towards the Hall to enable the tree to be retained, expands the orangery aesthetic and is a welcomed revision to the scheme. More detailed plans and visuals of the building have been supplied by the applicant to better understand its relationship with the Hall. Notwithstanding this, it is considered that further clarification on precise brick detail and window sections are required to ensure a satisfactory finish to the development, the provision of which would need to be secured by condition.
- 7.9 In summary the proposed replacement function suite is considered to result in less than substantial harm to the setting of Colwick Hall and would contribute to the on-going viability of Colwick Hall, a Grade II* Georgian country house. The replacement function suite would be a permanent ancillary building to the Hall and provide an improved relationship, better revealing the architectural interest of the Hall, particularly when viewed from the Country Park to the south. The identified less than substantial harm to the setting of the hall is considered to be outweighed through the public benefit that would be realised through the future security relating to the retention and upkeep of the Hall. Subject to appropriate conditions it is considered that the proposal is acceptable and would accord with policy BE10 of the Local Plan, Policies 10 & 11 of the Aligned Core Strategy and the NPPF.

(iii) Biodiversity and green infrastructure (Policies NE2, NE5, R1 and R9 of the Local Plan and Policy 17 of the Aligned Core Strategies)

- 7.10 All land to the south and east of the Hall is defined as being within Colwick Country Park, which is designated as a Local Wildlife Site. Colwick Country Park is also part of an Open Space network (OSN) as defined by policy R1 of the Local Plan.
- 7.11 The application has been supported by an arboricultural assessment which details the removal of 18 trees and associated vegetation to accommodate the proposed development. The trees range from category A to U. A walnut tree; the sole category A tree, has been the subject of prolonged discussion during the lifetime of the application with officer's keen to see it retained. The applicant has sought to alter the plans of the building accordingly to incorporate the walnut into a terrace area on the southern elevation of the building. Whilst it is regrettable that a number of other trees are required to be removed to facilitate the development, this is weighed in the balance of providing a permanent replacement building which better respects the setting of the Hall. Subject to conditions securing replacement trees and an arboricultural method statement in relation to trees designated as being retained, the development is considered to be acceptable in this regard.

- 7.12 Policy R1 states that permission will not be granted for development which would adversely affect the OSN, with proposals being considered against 5 criteria. The proposed development site is composed of land partially occupied by the existing marquee and land to the east which is a mix of broad leafed woodland, scrub and ruderal vegetation. Whilst the loss of existing woodland is regrettable, it is considered that the small portion in question which forms part of the much wider Colwick Country Park, can be regarded as both underused and forming a small part of a major open space, the loss of which would not result in the loss of integrity or wildlife value of the OPN overall. The proposed loss of land would in this instance not result in the loss of the integrity of the wider open space that is the Country Park and the loss would not be detrimental to the function of the Park. Furthermore, discussions are still on-going with the applicant and biodiversity colleagues on ways to best seek opportunities to compensate for the loss of woodland and further details will be provided as part of the update sheet prior to the Committee meeting. The proposal is considered to be acceptable against policy R1 of the Local Plan.
- 7.13 The application has also been supported by an ecological appraisal, which following comments received from biodiversity colleagues, has been updated during the lifetime of the application. As detailed above, a small area of broad leafed woodland would be lost to the rear of the existing marquee to facilitate the construction of the function suite.
- 7.14 In conclusion, the development would result in the acceptable loss of a small part of the Country Park which is designated as both Open Space and a Local Wildlife site. However, the development would partially utilise previously developed land and would facilitate the removal of an existing marquee which is unsympathetic to both the setting of the adjacent listed Hall and the character of the wider Country Park/OSN. On balance and subject to appropriate mitigation being secured by condition, the proposed development is not considered to result in a significant loss of biodiversity on the site and would accord with Policies NE2, NE5, R1 and R9 of the Local Plan and Policy 17 of the Aligned Core Strategies.

(iv) Flood risk and drainage (Policy NE10 of the Local Plan and Policy 1 of the Aligned Core Strategies)

- 7.15 A lake is situated to the south of the site and the river Trent beyond. The land immediately to the south is slightly lower than the development site and defined as being within Flood Zone 3 in accordance with Environment Agency mapping, albeit benefiting from flood defences. The development site is defined as being within Flood Zone 2. The application has been supported by a Flood Risk Assessment (FRA) & Drainage Strategy which have been reviewed by the Lead Local Flood Authority and Environment Agency. No objection has been raised to the proposed development from either subject to the imposition of a number of conditions.
- 7.16 In accordance with NPPF technical guidance, the development is designated as being 'more vulnerable' and table 2 confirms that this form of development is acceptable within Flood Zone 2. The development therefore passes the necessary sequential test and is not required to pass the exception test.
- 7.17 The submitted FRA details that floor levels within the function suite should be set above the 1 in 1000 year level of 21.84m AOD. Levels on the site are between 22m and 23m AOD, there is therefore no requirement to raise the building floor levels. Subject to a condition detailing that development shall be undertaken in

accordance with the recommendations of the undertaken FRA, it is not considered that the development would result in flood risk or drainage concerns and the proposal therefore accords with Policy NE10 of the Local Plan and Policy 1 of the Aligned Core Strategies.

(v) Amenity (Policy NE9 of the Local Plan and Aligned Core Strategies policy 10)

- 7.18 The existing collection of marquees have been on site for in excess of 10 years and used for functions and events throughout the year. The representations received refer to previous instances of noise pollution which are clearly exacerbated by the poor sound insulation offered by the existing marquees. The site backs onto existing stable and jockey accommodation associated with the Racecourse to the north.
- 7.19 A noise report has been submitted in support of the application which identifies the closest residential dwelling to be approximately 600m to the south on the southern bank of the Trent, off Adbolton Lane. However, the comments received regarding the racecourse stable complex including a dwelling associated with the running of the stables are noted.
- 7.20 The replacement function suite would be of permanent construction and the noise assessment submitted confirms that events being held in the building would be unlikely to result in excess noise levels. It is therefore considered that the development would provide considerable betterment in this regard and accord with Policy NE9 of the Local Plan and Aligned Core Strategies policy 10.

(vi) Archaeology (Policy BE16 of the Local Plan)

- 7.21 The application has been supported by an archaeological desk based assessment and reviewed by the Council's archaeologist. The site is not designated as being within an archaeological constraint area but is within an area recognised as being of archaeological interest. No objection to the proposed development has been raised subject to the imposition of a condition requiring the submission of a Written Scheme of Investigation (WSI) securing a watching brief during groundworks on the site. Subject to condition the proposal would accord with Policy BE16 of the Local Plan.

(vii) Parking and highway safety (Policy T3 of the Local Plan and Aligned Core Strategies policies 10 & 14)

- 7.22 The application has been supported by a Transport Statement. The building proposed would be larger than the existing marquee but provide the same number of total covers; 500. Whilst the comments received from a 3rd party regarding displaced vehicle parking along Racecourse Road are noted, the submitted transport statement details that in the majority people arrive for events by taxi or coach/mini bus with the existing 104 capacity carpark capable of accommodating private vehicles. It is not anticipated that the replacement structure would result in a significant increase in vehicle movements, given the like for like offer in terms of number of covers to be provided within the function suite. No highway objections have been raised by Highway colleagues subject to inclusion of a condition requiring detail to be submitted and agreed in the form of a construction

management plan. Subject to condition it is considered that the proposal would accord with Aligned Core Strategies policies 10 & 14.

(viii) Other matters

- 7.23 The comments from Environmental Health colleagues are noted in relation to contaminated land and the necessary information can be secured by way of condition.
- 7.24 The comments raised regarding a fire exit being blocked during events are noted; the proposed site plan shows an access path being provided to the north and east of the function suite, adjacent to the stable complex. The requirement for provision of a fire escape route would be a matter to be discussed with the operators of the Hall and the Fire Authority/Building Control and is not a material planning consideration.
- 7.25 The comment received regarding the lack of a Landscape Visual Impact Assessment (LVIA) is noted. As detailed earlier in the report, the proposed function suite would replace the existing unauthorised marquee and whilst its footprint would be larger than the marquee, the building is lower in height and designed to better reflect the setting of the adjacent Grade II* Hall. The assessment of its visual impact is felt to be sufficiently demonstrated by the CGI's provided by the applicant and adequately addressed in the relevant sections of the report above.

8. SUSTAINABILITY / BIODIVERSITY

The building has been designed to benefit from natural light with the proposed roof lanterns positioned in the centre of each of the main function rooms, which also provide natural ventilation to maximise energy efficiency.

The proposed development as outlined in section (iii) would result in the loss of a number of trees vegetation and on the site. Subject to condition it is not considered that the scheme would result in a significant impact to surrounding biodiversity.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

None.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/01224/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PARIOSLYN0000>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Nottingham City Aligned Core Strategies (September 2014)

NPPF (July 2018)

Commons Statement 11 March 1997

Contact Officer:

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764065

NOMAD printed map



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Key

 City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 18/01224/PFUL3 (PP-06145587)

Your Ref:

Contact: Mr James Mountain

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Nottingham
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GVA Grimley
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B1 2JB

Date of decision:

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

Application No: 18/01224/PFUL3 (PP-06145587)
Application by: Colwick Hall Hotel
Location: Colwick Hall, Racecourse Road, Nottingham
Proposal: Erection of a function suite containing WC's, stores, kitchen and bar with landscaping and associated 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. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. Development shall not be commenced, including the breaking of any ground unless a programme of archaeological investigation and works, for those parts of the site which are proposed to be excavated below existing ground or basement levels, has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological investigation and works shall include:
- a) Excavation of areas to be affected by development and the implementation of a watching brief during the course of groundworks for service installation;
 - b) Preservation, in situ, of any remains which, upon archaeological investigation, are found to significantly contribute towards understanding of the historic Nottingham City Centre;
 - c) Arrangements for the recording of archaeological remains and finds during the investigation and for the preparation of a final report;
 - d) Arrangements for the deposition of the material and documentary archive in a registered museum;
 - e) Arrangements of the publication of a summary of the final report in an appropriate journal

The archaeological investigation and works approved under this condition shall be carried out in accordance with the approved programme.

The archaeological work should be undertaken by a suitably qualified and experienced archaeological contractor in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation (WSI) to be approved by the City Archaeologist. The WSI should be produced in response to a brief to be issued by the City Archaeologist.

Reason: To ensure that any archaeological remains at the site are appropriately preserved and to accord with policy BE16 of the Local Plan.

3. Prior to the commencement of any work on site (including demolition, vehicle movement and ground preparation) an Arboricultural Method Statement and Scheme of Works which details the protection of trees to be retained (as shown in arboricultural report by Symbiosis September 2017) shall be submitted to and approved in writing by the Local Planning Authority.

In relation to the walnut tree shown to be retained to the south of the building it should include the following information:

- i) Details of pile foundation construction within Root Protection Area (RPA) of tree
- ii) Details of decking construction to allow expansion of trunk and fixings into soil within the RPA
- iii) Details of proposed non-slip decking surface
- iv) A schedule of works required for pruning of the tree.

No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).

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

4. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 1 environmental report by GVA dated August 2017 referenced 01B712123 and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Site Investigation, based on the findings within the phase one environmental report by GVA dated August 2017 referenced 01B712123
 - b) A Remediation Plan, based on a) giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

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

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.

5. The development shall not be commenced until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy NE9 of the Local Plan.

6. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall ensure the habitats within the LWS are protected from impacts such as damage by construction traffic, pollution, and increased noise and lighting levels. The CEMP shall contain details relating to locations of protective fencing along the lake edge to prevent accidental encroachment within this buffer. No direct lighting of the surrounding woodland, mature trees and lake should occur during construction. Further consideration should be given to Site hydrology and run-off into the lake in order to prevent effects through an alteration in water chemistry or siltation. Any environmentally hazardous material used should be kept in dedicated stores and storage tanks should have appropriate bunding.

Reason: In the interests of biodiversity and in accordance with policy NE2 of the Local Plan

7. No above ground development shall be commenced until a sample panel showing the brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building in accordance with policy 11 of the Aligned Core Strategies

8. No above ground development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Coping

Extractor vents

Meter boxes

Airbricks

Soil and vent pipes

Reason: In order to safeguard the special architectural or historical appearance of the hall and in accordance with policy 11 of the Aligned Core Strategy

Pre-occupation conditions

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

9. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

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

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.

10. Prior to the development being first occupied, verification shall be submitted to and approved in writing by the Local Planning Authority that mechanical services, plant or equipment (including any air handling plant) specified to serve the development have been implemented as described within the environmental noise report by Hoare Lea Acoustics, REP-1006945-AM-140717-R2, 27/09/2017.

Reason: To ensure that approved mitigation measures schemes to deal with noise associated with the operation of the building have been implemented to accord with policy NE9 of the Local Plan.

11. Prior to the development being first occupied a scheme for ecological enhancement for the adjacent Country Park shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall include a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass



establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities, and a timetable for implementation. The scheme shall also contain details of proposed bird/bat boxes including locations of proposed installation. Trees to be removed shall be replaced on a two for one basis. The scheme shall be designed so as to enhance the nature conservation value of the site and adjacent park and include the use of locally native plant/tree species.

The scheme shall thereafter be implemented in accordance with the approved timetable unless otherwise varied in accordance with the written agreement of the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity and in accordance with policies NE2 and NE5 of the Local Plan

Regulatory/ongoing conditions

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

12. The development hereby approved shall be undertaken in accordance with the recommendations made within the Ecological Appraisal undertaken by FPCR dated November 2018.

Reason: In the interests of biodiversity and in accordance with policy NE2 of the Local Plan

13. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2017 and the following mitigation measures detailed within the FRA:

1. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
2. Finished floor levels shall be set no lower than 21.84 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure safe access and egress from and to the site. To reduce the risk of flooding to the proposed development and future occupants.

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:
Elevations reference 3188-200 revision Rev B dated 1 September 2018, received 20 November 2018
Location Plan reference 3188-03 revision Rev C dated 1 September 2018, received 20 November 2018
Planning Layout reference 3188-04 revision - dated 1 November 2018, received 20 November 2018

Reason: To determine the scope of this permission.

Informatives

1. 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.

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

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

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

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

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

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: 18/01224/PFUL3 (PP-06145587)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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Not for issue