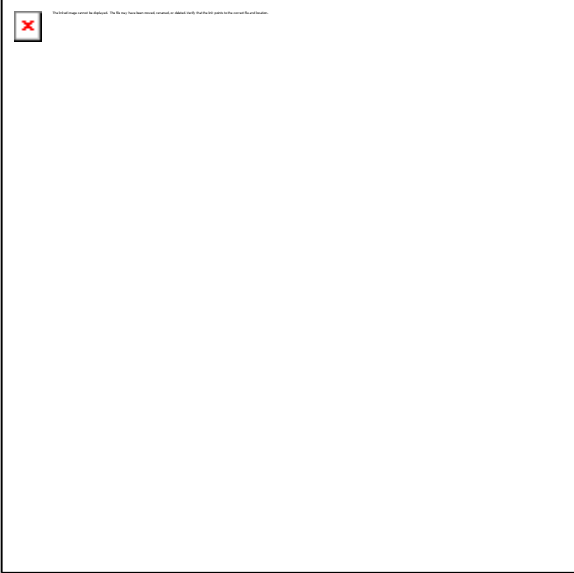



## Planning Report for 2008/0094

Location :	Lakeside Mansfield Road Bestwood
	
	
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**APPLICATION NO:** 2008/0094

**LOCATION:** Lakeside Mansfield Road Bestwood Nottinghamshire

**PROPOSAL:** Proposed hotel & beauty salon.

**APPLICANT:** The Healthworks Co (Notts) Ltd

**AGENT:** P Thompson (Concept Design)

### Site Description

The application site is to the northern portion of the grounds to the former Bestwood Pumping Station. It is set within open countryside, which forms part of the Nottinghamshire Green Belt. The grounds cover some 2 hectares, and are almost rectangular in shape orientated virtually north/south. The eastern boundary abuts the A60 Mansfield Road; with open countryside to the north and west, and the buildings and structures of Top house Farm to the south.

The Pumping Station is listed Grade II\*, and stands in the centre of the grounds, although a little offset from the western boundary. To the south of the Pumping Station is the former cooling pond, which is Grade II. To the north is an area of woodland. There are Grade II listed buildings and structures in the grounds such as the East and West Lodge, gas lamps, the boundary wall and the piers and gate to the entrance from the A60. The West Lodge is located to the north of the Pumping Station. The grounds are designated Grade II within the English Heritage Parks and Gardens of Special Historic Interest and are subject to a Tree Preservation Order.

A short distance to the north of the original Pumping Station is a more recent electric pump house and booster station, together with a small sub-station. There is also a car parking area, which was created in association with the conversion of the Pumping Station to a health club. A footbridge has also been created which enables access to a small island at the southern end of the former cooling pond.

### **Relevant Site History**

The Bestwood Pumping Station was erected between 1871 and 1874, and is attributed to Thomas Hawksley, engineer to Nottingham Waterworks Company and considered to be the most pre-eminent waterworks engineer of his day.

The Pumping Station was built in the flamboyant Victorian Gothic style; the building comprised a large engine house of red brick with stone facings and a variety of elegant and imaginative ornamental features both internally and externally. The exterior ornamental brickwork includes arcades supported by large stone columns with carved foliate capitals. A tall 43m high chimney is concealed and disguised as a huge campanile topped by a cupola. The Pumping Station was and still is a visually dominant and attractive feature within the countryside.

The Pumping Station operated until the 1960's when steam engines were considered to be outdated. In 1964 a new pump house and booster station were built. In 1968 consent was given for the removal of all the plant from the Bestwood Pumping Station, which was then abandoned and as a consequence began to decay. In 1972 documents were prepared for its demolition. Local national conservation groups opposed this action and in 1974 the Pumping Station and its ancillary buildings and features were listed Grade II and the grounds included in the Register of Parks and Gardens. In 1974 Severn Trent became responsible for the site. In 1975 a Tree Preservation Order was made which encompassed the site. Later in 1997 the listed status of the Pumping Station was upgraded to grade II\*.

The current owners of the site and applicant purchased the site in 1997. The former Pumping Station was in a dilapidated state and essential repairs were undertaken to prevent further deterioration. In May 1999 listed building consent was granted for internal and external works to both the Pumping Station and West Lodge. In July 1999 planning permission was granted for a change of use to a health club, bar/restaurant, function room, creche and associated parking facilities. Attached to this latter permission was a landscape management plan. In addition, a Section 106 Agreement secured improvements to the highway, including almost 2km of lighting along the A60.

The building and landscaping have been sensitively restored to a high standard, although this restoration has not included the woodland area to the north. In

December 2002, planning permission was granted for the construction of a reed bed water treatment system and associated landscaping in the northeast corner of the site. This permission has not been implemented and has elapsed.

In August 2003 an application was submitted for the erection of a three-storey lodge and beauty treatment centre spa with accommodation within the northern part of the site, behind the modern pumping station. The building would have been 40 metres long x 14.5m wide and 11m high and would have required the felling of 19 trees which are subject to a Tree Preservation Order. 32 additional car parking spaces would have been provided, which would have enlarged the current car parking area.

The application was referred to the Secretary of State under section 77 of the Town and Country Planning Act 1990. The Secretary of State called the application in for decision in March 2004 and an Inquiry was held in December 2004.

The Secretary of State wished to be informed on the following matters to aid consideration of the application:

- The relationship to the proposal to the development plan
- The proposed impact of the development on the openness of the Green Belt
- Whether very special circumstances existed to justify inappropriate development
- The impact the proposed development would have on the listed buildings and historic gardens
- The potential for valuable archaeological remains to be disturbed during the development process
- The quality of the design of the proposed development
- The scale and compatibility of the proposal with its surroundings
- The accessibility of the development by a choice of means of transport
- Possible increase in traffic generation
- Whether there was adequate justification for the removal of trees covered by Tree Preservation.

The Inspector considered that the (then) proposed development would enhance the existing facilities at Lakeside and encourage tourism; whilst the associated tree planting and other landscape works would complete the restoration of the historic grounds. Consequently, with the exception of the design of the hotel and adequate justification for development in the Green Belt, the Inspector considered that the application would accord with the policies of the development and the emerging policies of the replacement Local Plan.

Given the existing tree coverage of the site and the proposed tree planting, the Inspector thought that the proposed development would have little impact on the openness of the Green Belt. However, he did consider the development to be an inappropriate form of development within the Green Belt. He did acknowledge that the previous industrial use of the site meant that the site could also be classified as a 'brown field site' where development might be encouraged. The Inspector did place some weight on the fact that the present health and club retained and indeed enhanced the former Pumping Station and considered that an alternative use of the building perhaps requiring the sub-division of space may not be so sympathetic to its character. Even though in absence of any economic viability reports, the Inspector did think that there were special circumstances, which could justify the development.

In principle the Inspector did not consider that a building of approximately the same size and location as the 2003 proposal would be intrinsically unacceptable. However, he considered the proposed building to be squat and unattractive. As a result he concluded that the design of the building would be both harmful to the setting of the former Pumping Station and detrimental to the character of the Registered Park and Garden.

Whilst the building was seen to be an excellent example of an industrial site of the Victorian period, the Inspector considered that there was no immediate evidence of any valuable archaeological remains.

Due to the proposed design of the building the Inspector did not believe that it would accord with the advice within Planning Policy Guidance Note 1 with regards to the appearance of the proposed development and the relationship between buildings. Having regard to the overall size of the grounds and the present disposition of buildings and other structures, the Inspector did consider that in principle the scale of the building was compatible with the surroundings.

The Inspector considered that it would be unrealistic to anticipate any fundamental alteration with regard to access to the facilities by a choice of different transport modes. However, he did acknowledge on the basis of the comments made by the Local Highway Authority that the vehicular movements likely to be generated by the hotel would be insufficient to justify any objection.

With the amount of tree planting proposed as part of the development the Inspector considered that overall this justified the removal of some trees subject to the blanket Tree Preservation Order.

The Inspector concluded that permission be refused due to the inappropriate and unacceptable design and massing of the proposed building.

The Secretary of State agreed with the Inspector that, with the exception of the design of the lodge and subject to adequate justification for development in the Green Belt, the proposal would comply with the development plan and the emerging development plan policies. However, he did not consider that the proposal would accord with Green Belt or Historic buildings policies.

The Secretary of State did not agree that the proposed development would have little impact on the openness of the Green Belt, as he considered that the fundamental aim of Green Belt policy is to prevent urban sprawl and encroachment into the countryside by keeping land permanently open. The Secretary of State concurred with the views of the Inspector that due to the absence of economic viability reports that there was no evidence to suggest that the Lakeside enterprise might stagnate or fail without the additional facilities proposed. He considered that the Inspector had placed too much weight on the effect that alternative uses of the site could have on the Grade II\* building and its grounds. The Secretary of State concluded that there were no very special circumstances that clearly outweighed the harm caused to the development by reason of inappropriateness and any other harm.

The Secretary of State concurred with the views of the Inspector that in principle, a building of approximately the same size and in a similar location would not be

intrinsically unacceptable, although very circumstances would need to be demonstrated. However, he too considered that the design of the building was unacceptable as it would neither echo nor reflect the flamboyance of the Grade II\* building, nor be a visual contrast to its neighbour. The proposal would be harmful to the setting of the Grade II\* building and detrimental to the character of the Registered Park and Garden. He also considered that the development by reason of its design would not accord with PPG1.

The Secretary of State agreed with the Inspector that there was no immediate evidence of any valuable archaeological remains and that the proposal would be unlikely to generate significant amounts of traffic. He also considered that overall the proposed planting would offset the loss of trees subject to a blanket Tree Preservation Order.

In his conclusions the Secretary of State considered that the design and massing of the application proposals were inappropriate, failed to enhance the setting of the Grade II\* listed building and its Grade II listed grounds. He concluded that the application proposals would harm the Green Belt both through inappropriateness and through a reduction in openness of the Green Belt and that no special circumstances had been demonstrated to outweigh this harm. The Secretary of State refused the application.

Since the 2003 application was refused, a series of applications for listed building consent have been made to carry out internal works to the former Pumping Station.

### **Proposed Development**

Full planning permission is sought for the erection of a 29-bedroom hotel and beauty salon. Access to the site would be via the existing access off Mansfield Road.

The proposed hotel and beauty salon would be sited 44m from the northern elevation of the former Pumping Station, and would be located within an area of existing woodland. The West Lodge is located 22m to the south east of the proposed new building and the modern pumping station would be sited just to the south east of the proposed new building at a distance of 8m.

31 car parking spaces would be provided in association with the new development. Some new parking spaces would be located just to the north of the existing car park area and some would be located to the rear of the West Lodge.

The proposed hotel and beauty salon would be 22.5m wide x 34m long x 10m high; it would have a basement and accommodation within its roof. To the western elevation is proposed a small-enclosed staircase that would increase the length of the building to 38.6m.

The proposed hotel and beauty salon has been designed to reflect the scale and architectural features and details of the northern part of the former Pumping Station. This part of the former Pumping Station is 22.5m wide x 28.5m long and 10m high. It has rounded stone arch features that surround entrances and window openings. The arches of this part of the building range approximately from 1m in width and 3 m in height to 3m in width and 5m in height. The brickwork is broken up through the use of two bands of stone coursing. From the ground to the first stone course the

distance is approximately 1.4m, the next vertical proportion of the building is 1.8m in height and the final part is 2.8m in height. The roof of the northern element of the former Pumping Station is created by five individual pitched roofs running north to south that are each approximately 5.5m wide x 22.5 long x 3.6m high and each have decorative iron work. There is a deep eaves detail to each of the roofs.

The proposed new building would be the same width and height as the northern part of the former Pumping Station. It would have rounded stone arch features to all its entrances and window openings that would be approximately 6m high and 2m wide. The arches would be broken up into three elements, so that the lower portion would look like French patio doors with two window lights above, the second part a rectangular window with a wide window light at the bottom and two smaller panes above and the final element would comprise of an arch window of four window lights. These arch features would be more slender in proportions than the arch features on the main building. There would be three arched features within the eastern elevation (Mansfield Road side) that would be centrally located but offset more towards the left side of the elevation. Four arches are proposed in the southern and northern elevations and in the western elevation two arch features are proposed.

The brickwork of the building would reflect the northern part of the former Pumping Station and would be broken up vertically through the use of horizontal stone coursing. Unlike the former Pumping Station the middle portion of the building would be the longest being 3.8m in height. The bottom element would be approximately 0.8m in height and the top portion would be 1.4m in height.

Like the northern part of the former Pumping Station it would appear that the roof of the building would be broken up into five parts running north to south. The first two roofs and the last two roof elements would be 6.6m wide and 3.6m high. The middle roof feature would be 8.5m in width and 4.6m high. Beneath the middle roof a glazed area is proposed. It is intended that this glazing would break up the length of the building and would be a central entrance feature to the hotel and beauty salon.

Three roof lights are proposed in the eastern elevation and two roof lights are proposed in the western elevation. An enclosed staircase would be located to the left hand side of the two arch features within the western elevation. This staircase would have a glazed frontage and brick sides (the brick work would be broken up in a similar manner to the rest of the building). The two arch features and glazed staircase would be centrally located within the western elevation of the building.

As part of the proposed development it is intended to restore and enhance the grounds. The modern pumping station would be screened with trellis and climbers. Part of the existing car parking area alongside the new pumping station is to be given over to create a feature garden with pedestrian and wheelchair access to the front of the new hotel. The garden will have a mix of traditional and sensory planting with a seating area off the main walkway. A rose border is proposed along the existing lawn, which borders the car park. The new proposed car parking would be laid out in an informal style with car parking spaces provided within the trees.

The tree survey provided as part of the application indicates that 45 trees would need to be removed as part of the development because they would be within the area occupied by the building, or be so close to the proposed elements of the

development that they would be adversely affected. However, new trees would be planted to compensate for this loss.

It is proposed to retain the northeastern area of the site as natural plantation areas. Originally the plantation area was designed with a woodland path; it is proposed to reinstate this and to create further paths within the woodland. Timber seats are also proposed alongside the woodland footpaths.

## **Consultations**

Neighbouring properties have been notified of the proposed development. A site notice was displayed on the 12<sup>th</sup> February 2008 and a notice was published in the Nottingham Evening Post on the 15<sup>th</sup> February 2008. No written representations have been received as a consequence of this publicity.

Bestwood Parish Council- No objections subject to any comments that might be received from local residents.

Nottinghamshire County Council Spatial Planning – The application site lies within the Nottinghamshire Green Belt. In line with advice in Planning Policy Guidance Note 2, the Nottinghamshire and Nottingham Joint Structure Plan policy 1/2 sets out the types of development, which are considered appropriate in the Green Belt. It is noted that an application for a similar proposal was called in and the Secretary of State refused permission. One of the reasons for refusal was that there was insufficient evidence that there were very special circumstances that outweighed the harm to the Green Belt. Provided that your Council is satisfied that the applicant has demonstrated very special circumstances, particularly in terms of the need for the proposed development to ensure the continued economic viability of the Lakeside business, the County Council would not wish to raise any strategic planning objections.

English Heritage – Objections to the proposed development as it fails to preserve or enhance the setting of the Grade II\* former pumping station and it would compromise the historic character of the Grade II registered landscape.

In making their recommendations English Heritage have considered the conclusions made by the Inspector and Secretary of State in relation to the previous application in 2003. The two principal factors for refusal were the proposed design of the building and whether special circumstances had been demonstrated to outweigh the harm to the Green Belt.

English Heritage acknowledges that the new designs are an improvement on those submitted as part of the 2003 application. However, they do not believe that the new proposals are of sufficient quality to warrant approval of the scheme. Government guidance is explicit in stating the importance of both registered parks and gardens and the setting of listed buildings, in particular where the landscape has been designed in direct response to the listed building and its function as is the case at Bestwood. The present proposals fail to pay sufficient regard to the setting of the Grade II\* and Grade II listed buildings of which the complex is comprised.

The applicants have sought to justify their assertion that ‘very special circumstances’ exist which would warrant development to the Green Belt upon two main criteria the

need to maintain competitiveness of the existing business usage, and the need to generate funds to maintain the listed building and registered landscape. Whilst some additional information has been provided in support of the former argument, English Heritage does not believe that the applicant's case has strengthened greatly in relation to this point.

English Heritage believes that the applicant is attempting to suggest that the proposed development should be treated as enabling development. In these circumstances enabling development is defined as that which would achieve significant benefits to a heritage asset that would normally be rejected as clearly contrary to the objectives of national, regional or local planning policy. English Heritage has produced a document 'Enabling Development and the Conservation of Historic Assets' which lays down strict criteria for the assessment of enabling proposals. On the basis of the information provided English Heritage remains profoundly sceptical that the applicants will be able to appropriately justify that the proposed development would achieve significant benefits to the heritage asset that would normally be rejected as contrary to the objectives of national, regional and local planning policy. One of the fundamental principles of enabling development is that it should not have a detrimental impact on the historic assets, which it is designated to preserve.

Nottinghamshire County Council Conservation Officer – Recommend refusal, or at least the deferment of this application until the applicants have addressed a number of design issues, and provided further information in relation to the proposed enabling argument.

The design of the proposed building should be subservient to the listed building, respect its architecture (either by mimicking the style of the building, as homage or by contemporary design which takes its cues, or references, from the listed building) and it should be of high quality design and materials.

The proposed hotel would have a flat roof, although it will not be possible to look down on the flat roof, it would be visible at a distance especially from the bank adjacent to the pumping station and development site. A flat roof would be at odds with the architecture of the listed building, which this building intends to pay homage to.

The architecture of the listed building is characterized by deep reveals at openings and slightly more shallow reveals as decorative details within the brickwork. It is suggested that the applicants introduce reveals within the brickwork and deeper reveals to the window openings. The use of reveals in this way would add interest and give the impression of solidity, introducing areas of light and shade.

The attempt to reference the listed building with the full-height arched window openings is not successful. The scale is wrong, and the arches sit too close to the eaves detail to be convincing. It is suggested that the ground floor French windows be set in arched openings and rectangular windows be introduced to the first floor (incorporating details such as the quarter lights used on the listed building).

The function of the glazed section was to introduce a modern element, and break up the mass of the proposed building. Whilst this works in principal, it is suggested that greater vertical emphasis and a more prominent entrance is needed. This section

should be redesigned, with greater vertical emphasis and a more imposing and prominent entrance.

All materials should be controlled through condition and samples made for inspection prior to approval, showing bond, mortar and joints of proposed brickwork, mortar and joints of stonework and eaves detail. Rainwater goods should be cast metal and roof natural slate.

The applicants state that the financial benefits to the listed buildings from the proposed development are material factors in the determination of this application and provide dilapidation reports and a maintenance report to support their application. If it is to be argued that the proposed hotel is enabling development, the relevant costs need to be considered are those extra costs incurred as a result of operating a business from this particular building. In other words the costs incurred because it is a listed building. The Conservation Officer is concerned that general business running costs have been included within the financial information submitted with the application. Any approval would need to be linked to a proper schedule and specification of repair for the listed building with the proviso that listed building consent would be required for those works.

Nottinghamshire County Council Archaeological Officer – Recommend refusal of this application.

The site is an excellent example of the way in which industrial sites of the later Victorian period were designed as a whole, in order to impress and reflect the status of the social corporations that built them. Every element of this site was carefully planned; the main pumping station is an impressive red brick structure set within a man-made landscape. The site contains a large number of mature trees and shrubs, many of which were deliberately selected specimens that enhance the overall character of this artificial landscape and help to create a sense of unity across the site. Each element of the Bestwood Pumping Station was designed to enhance the whole; it is this unity, which makes it worthy of being a Grade II listed park.

The proposed development does have the potential to disturb valuable archaeological remains associated with the previous use of the site. If permission were to be granted an archaeological watching brief would be required.

Nottinghamshire County Council Senior Forestry Officer – Objects to the proposed development on the basis of the number trees (45 as indicated in the Tree Survey submitted) that would need to be removed to facilitate the development. The majority of the trees indicated for removal are visually poor; however, as a whole they do have amenity value.

Gedling Borough Council Environmental Protection Officer – No objection subject to a condition requiring submission of a contaminated land study and information relating to any remediation measures required.

Environment Agency - Object to the proposed development as circular 3/99 Annex A paragraph 3 states that foul drainage should be discharged to a public sewer. The proposed method of foul drainage is to initially use a cesspool. The use of a cesspool for this scale of operation even if temporary is not a sustainable option. Even treated foul sewage cannot be discharged to ground at this location due to the

risk to groundwater. The only option for this development is immediate connection to the mains system.

Severn Trent – No objection subject to a condition requiring drainage plans for the disposal of surface and foul sewage to be submitted to and approved by the Local Planning Authority.

Natural England – Objected to the proposal due to the insufficient amount of information provided with the application to assess the ecological impact of the proposal. An ecological survey has been submitted and forwarded to Natural England; no response has been received to date.

Nottinghamshire Wildlife Trust - No objection to the proposed development subject to conditions requiring a bat survey of trees to be carried out prior to any tree works being carried out and a reptile and amphibians survey of the concrete and brick rubble piles be carried out prior to the removal of these piles.

Nottinghamshire County Council Highways - No objection subject to conditions requiring:

- Details of the proposed improvements to the A60 Mansfield Road and details of a nearside diverge taper on Mansfield Road.
- Submission of a staff travel plan.
- Car parking to be surfaced and marked out

## **Planning Considerations**

The proposed development would have a floor space of more than 1,000 square metres and if members resolve to grant planning permission, the application will need to be referred to the Secretary of State at the East Midlands Government Office under the Town and Country Planning (Green Belt) Direction 2005. The Secretary of State will decide whether to exercise his powers of intervention for calling-in the application.

The main planning issues in relation to the determination of this application are:

- The proposed development's impact on the openness of the Green Belt;
- Whether there are very special circumstances that would justify the grant of planning permission;
- Consideration of whether the development is enabling development for the purposes of protecting a heritage asset;
- The impact that the proposed development would have on the setting of adjacent listed buildings and the Grade II listed landscape;
- The quality of the design of the proposed development;
- Whether there is adequate justification for the removal of trees covered by a Tree Preservation Order.

There are other issues relating to the application in relation to the potential for archaeological remains to be disturbed during development, the discharge of foul water, the effect that the proposed development could have on wildlife and highway safety.

## Green Belt

The site is within the Nottinghamshire Green Belt. In line with Planning Policy Guidance Note 2 (PPG2), Policy 1/ 2 of the Nottinghamshire and Nottingham Joint Structure Plan (JSP) and Policy ENV26 of the Gedling Borough Replacement Local Plan sets out the types of development that can take place within the Green Belt. The development proposed does not fall within any of these categories, and would be inappropriate development within the Green Belt. The presence of a building of the scale proposed would have an impact on the inherent openness of the Green Belt. However, PPG2 and Policies 1/ 2 and ENV 26 do permit inappropriate development to take place where it is demonstrated that there are very special circumstances that would outweigh the harm to the Green Belt.

Financial information has been submitted with the application in order to demonstrate that the proposed development is required to ensure the economic viability of the Lakeside Enterprise. It was this evidence that both the Secretary of State and Inspector considered was lacking in relation to the application made in 2003. Both the Secretary of State and Inspector considered that the key evidence to be presented and argued was that the existing business would stagnate or fail without the proposed new building or that the existing enterprise is under threat if the proposal does not go ahead.

The information submitted indicates that the income derived from Lakeside Business has begun to decline due to a fall in fitness membership and the inability of the business to offer overnight accommodation for guests. A SWOT (strengths, weakness, opportunities and threats) analysis of the current business climate undertaken by the applicants has identified that a hotel facility would compliment existing facilities and would enable them to provide accommodation for short breaks, themed events and people on business in Nottingham.

As a result of the initial set up costs relating to the business and the restoration that was required to re-use the building and bring the grounds back into use, the business does have a historic debt. A dilapidation and refurbishment report carried out by Gleeds on behalf of Lakeside indicates that between 2006 and 2010, around £200,000 worth of maintenance is required to replace lead work gutters and roofs, footpaths, raking out and re-pointing of brickwork and replacement of stone work, drain the lake and carry out maintenance of the stoke wall and copings, re-pointing and replacing of brickwork and restoration of stone mullions and cills to the west and east lodge and to an internal staircase and landing within the former Pumping Station.

In addition to the maintenance costs in relation to the fabric of the listed buildings there are general operating and maintenance costs relating to the health and fitness facilities and the restaurant. It has also been indicated that the business still needs to resolve problems with sewage and wastewater. A cesspit is still in use and the cost of installing the treatment plant or main drains system has not been carried out due to the capital cost, the funding to carry this out would need to come from future investment in the site.

The evidence presented shows a strong case that the proposed hotel and beauty salon is required in order to prevent the stagnation and failure of the business. The

SWOT analysis indicates that the existing enterprise is under threat if the proposal does not go ahead.

If the business does stagnate and fail then the future maintenance and upkeep of the listed buildings and the grounds in their current condition could be threatened. The current use is very compatible with the nature of the listed buildings and it has given the building a new lease of life and has resulted in the restoration of a large proportion of the listed grounds. The Inspector within his report in relation to the 2003 application acknowledged that the building and landscape works that had been carried out so far have been to a high standard and that the present health club and restaurant activities help retain the attractive and imposing interior and exterior of the listed buildings. Whilst the Secretary of State attached little weight to the Inspector's consideration of the impact that an alternative use may have on the site, in light of the economic evidence presented I believe that it should be taken into account.

In my opinion, the economic case put forward by the applicants does demonstrate that there is a real threat that the current business might stagnate and fail and that this could affect the future preservation of the listed buildings and grounds in their current condition. The preservation of the Grade II\* former Pumping Station is of particular national and local importance. I therefore consider that there are very special circumstances that would clearly outweigh the harm to the Green Belt at this location by this 'inappropriate' form of development and the impact that this development would have on the inherent openness of the Green Belt.

### Enabling Development

Enabling development is usually defined as 'development that would achieve significant benefits to a heritage asset, that would normally be rejected as clearly contrary to the objectives of national, regional or local policy.'

Neither the Appeal Inspector nor the Secretary of State assessed the 2003 application from this perspective. They assessed the application in terms of whether it complied with Green Belt policy and specifically looked at whether there were very special circumstances to warrant the approval of the application. The Inspector and Secretary of State both indicated that a very special circumstance could be if the applicant could demonstrate that without additional facilities, in the long term the Lakeside enterprise might stagnate or even fail. In my opinion, the Appeal Inspector in his report implies that the importance of ensuring that the Lakeside enterprise is economically viable is to prevent the need for an alternative use to be found for the site which might not be so sympathetic to its character and to safeguard the future upkeep of the site.

English Heritage and the County Conservation Officer appear to have interpreted the proposed development as 'enabling development' in purist terms rather than seeing that the economic evidence and the manner in which it has been presented by the applicant, has been in response to the Appeal Inspector and Secretary of State's comments in relation to the impact on the site in terms of Green Belt policy.

### Impact on the Setting of adjacent Listed Buildings

In determining this application consideration needs to be given to the impact that the proposed hotel would have on the setting of the Grade II\* former pumping station and the Grade II West Lodge.

Planning Policy Guidance Note 15 at paragraph 2.17 states that 'The setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings and to the quality of spaces created between them.'

The Grade II\* building has a formal Victorian Municipal Park and pleasure grounds style setting to its southern elevation as a result of the former cooling pond which was constructed and set within a landscaped area with planting and paths around it. To the rear of the building deciduous and coniferous trees were planted with woodland walks through, providing a semi formal setting to the rear of the building. The frontage of the West Lodge (a Grade II building) was laid out as a formal garden comprising of shrubs and specimen conifers, with a lawned area to the eastern elevation planted with deciduous trees, some of these features still remain. The rear of the West Lodge has a woodland setting as a result of the plantation to the northern part of the site.

The hotel would be separated from the former Pumping Station by the creation of a formal garden area with car parking provided within it. The West Lodge would be separated to some extent from the proposed hotel by the modern pumping station that has been created and would be further screened by the proposed new car parking area that would be bounded by trees. In my opinion the proposed use of the spaces between the buildings would enhance the setting of the listed buildings. Visitors to the site would still perceive it as being formal parkland setting with a backdrop of woodland planting. As a result of the existing and proposed planting of the site the new building would only be readily visible from the parking area.

I am mindful that the Secretary of State and the Inspector both considered that a building of the scale proposed under the 2003 application would not be intrinsically unacceptable. The current proposal is for a building that would be smaller in scale.

In light of the above considerations I do not consider that the proposed development would preserve the setting of the listed buildings as required by paragraph 2.16 of PPG15 and would not adversely affect their settings which is the aim of Policy ENV21 'Setting of Listed Buildings' of the Local Plan.

#### Impact on the setting of the Listed Landscape

The assessment made in the previous section in relation to the attributes that contribute to the setting of the listed buildings and what constitutes the site's special character are relevant to the assessment of the impact that the development would have on the listed landscape. In my opinion, the scale of the scheme and the proposed planting would not lead to the loss of, or cause harm to, the historic character, or setting of the landscape. The proposed development would therefore satisfy the aims of Policy ENV25 'Registered Historic Parks and Gardens' of the Local Plan.

#### Quality of the Proposed Design

In my opinion, the design of the proposed building would be subservient to the former Pumping Station. It would be smaller in scale and its design would not compete with its architecture, as a more simple style has been proposed, but still echo's the style of the building. The new hotel would not be subservient to the West Lodge, however I do not consider that it would be inappropriate for the new hotel to be more prominent than this building given the domestic scale of the West Lodge and its probable use as on-site living accommodation for former workers of the Pumping Station.

I have given consideration to the extent to which the new building should mimic the former Pumping Station and the scope to which its characteristics can be adapted and interpreted to suit modern requirements. Taking into account the relationship of the proposed new building to the former Pumping Station, in terms of its siting and architectural purpose, I am of the opinion that the proposed building does appropriately reflect the architecture of the former Pumping Station.

Conditions could be used to control the quality of the design and the building's specific detailing to ensure that quality materials are used. Reveals may be capable of being incorporated within the design in order to give the impression of solidity and to add visual interest.

Part of the building would have a flat roof; however this would be masked by the presence of the hipped roof features. In my opinion this does not compromise the design of the new building.

Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Development' requires new development to make a positive contribution to its surroundings. Policy ENV1 'Development Criteria' of the Local Plan states that new development should be of a high standard of design which has regard to the appearance of the area by reason of its scale, bulk, form, layout or materials. In my opinion the proposed development would accord with PPS1 and Policy ENV1.

### Tree Removal

Policy ENV47 'Tree Preservation Orders' of the Local Plan states that:

'Development will not be permitted if it would damage or destroy one or more trees protected by a Tree Preservation Order, unless the removal of the trees would;

- a. be in the interests of good arboricultural practice; or
- b. result in development which outweighs the amenity value of the protected trees; or
- c. not have a seriously detrimental effect on the visual amenity of the area.

The tree survey submitted with the application indicates that 45 trees would need to be removed to facilitate the proposed development, due to the proximity of the trees to the proposed development and the impact on the long-term viability of the trees if they were retained.

I am mindful that the Senior Tree Officer does not support this application because of the extent of the proposed tree removal, however taking into account potential amount of tree planting that is proposed to take place and the benefits that would be

derived from the proposal the development would accord with criterion (b) of the above policy. Conditions could be imposed to ensure that adequate tree planting takes place and that appropriate species are planted as part of the proposed landscaping scheme.

#### Other issues

Conditions could be attached to require a watching brief to be carried out to ensure that no archaeological remains are adversely affected and to ensure the protection of any remains found.

I am mindful of the objection raised by the Environment Agency in relation to dealing with the discharge of foul water from the site; however, I do consider that a condition could be attached requiring details of a scheme to be submitted to effectively manage this aspect prior to development being carried out.

A wildlife survey of the trees and a report of findings together with any proposed mitigation measures should be submitted to and approved by the Borough Council prior to the removal of any trees. This is proposed in order to protect any wildlife present in the area.

As part of the development, the Applicant has agreed to provide a nearside taper to the entrance to the site in order to widen the visibility splay and improve highway safety.

**Recommendation: Grant Planning Permission subject to the following conditions. Under the Town and Country Planning (Green Belt) Direction 2005 will need to be referred to the to the Secretary of State at the East Midlands Government Office;**

#### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. Development shall not be begun until a scheme to deal with contamination of the site has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be a phased risk based assessment. Where remediation works are deemed necessary then details of the works shall be submitted to, and approved in writing by the Local Planning Authority prior to any works commencing on site. Validation of the remediation works shall be submitted to and approved in writing by the Local Planning Authority following completion of the scheme of works.
3. Before development commences drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved by the Local

Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

4. No development shall be carried out until a scheme for the provision and implementation of a surface water run-off limitation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall restrict the rate of surface water discharge leaving the development to pre-developed Greenfield rates. The drainage works shall be completed in accordance with the approved details and to a timetable to be agreed as part of the scheme.
5. Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings shall be passed through trapped gullies with an overall capacity compatible with site being drained.
6. A wildlife survey of the concrete and brick rubble piles and trees within the northern part of the site shall be carried out and the findings detailed within a report together with any mitigation measures proposed to limit the impact on any wildlife that may be found. The report on the findings of the survey and any mitigation measures proposed shall be submitted to and approved in writing by the Local Planning Authority prior to any works on the trees being carried out and the development commenced. Any mitigation measures recommended with the report to be submitted shall be fully implemented.
7. Only those trees identified for removal within the Tree Survey submitted by Mr Helliwell on behalf of the applicants on the 23rd April 2008 shall be felled.
8. Before the development is commenced, a Method Statement detailing the measures to be taken in relation to the construction of the development and during its construction (in particular in relation to the construction of the road, driveways, pathways and dwellings) to protect the health of the trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved statement shall be to BS 5837:2005 standard and fully implemented during construction and retained until construction works are completed, unless otherwise prior agreed in writing by the Local Planning Authority.
9. Before development is commenced details of the proposed means of disposing of timber, rubble and soil that will need to be removed from the site as result of site clearance shall be submitted to and approved in writing by the Local Planning Authority prior to any site clearance being undertaken.
10. Before development is commenced, a landscaping scheme covering the land subject to this application shall be submitted to and approved in writing by the

Local Planning Authority including details of existing and proposed levels; proposed and existing services above and below ground; details of boundary treatment and hard surfaces including samples of the proposed type of boundary treatment and hard surfacing to be used; details of any minor structures proposed such as trellising, pergolas etc including details of the types of materials to be used in their construction; the location, size and species of all trees to be retained and planted; the location, size, species and density of all shrub and ground covering planting; and a schedule of implementation. Any proposed new planting should be of native genetic origin.

11. All hard and soft landscaping works shall be carried out in accordance with the approved details of the landscaping scheme to be submitted in relation to the above condition, prior to the development being first brought into use.
12. Before the development is commenced, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The Landscape Management Plan shall be carried out in accordance with the approved details, unless prior agreed in writing by the Local Planning Authority.
13. Before development commences details of any proposed external lighting to the proposed car parking areas or landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting to be provided shall be installed in accordance with the approved details.
14. Before development commences details of the materials to be used in the external walls, roofs, windows and door openings and rainwater goods of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved details.
15. Before development commences details of reveals to be introduced within the brickwork of the building and to window openings shall be submitted to and approved in writing by the Local Planning Authority. The depth of reveals on the former Pumping Station shall be used for reference. The building shall be constructed in accordance with the approved details for the brickwork and window opening reveals.
16. Before development commences sample boards of the proposed brickwork, stonework and eaves details showing the proposed bond, mortar and joints to be used within these aspects shall be submitted to and approved in writing by the Local Planning Authority. The brickwork, stonework and eaves shall be constructed in accordance with the approved details.

17. No development including any clearance works shall take place until details of a scheme for an archaeological brief have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
18. No development shall take place until details of the proposed improvements on the A60 Mansfield Road as shown for indicative purposes on drawing 700-10B has been submitted to and approved in writing by the Local Planning Authority. The details shall include dimensions, construction specification, signing and lining, drainage and outfall proposals, longitudinal and cross sectional gradients, pedestrian crossing facilities and the relocation of street lighting. The proposed development shall not be brought into use until the improvements to the A60 Mansfield Road have been carried out in accordance with the approved plans.
19. No development shall take place until details of the proposed nearside diverge taper on Mansfield Road as shown for indicative purposes on drawing 700-100B have been submitted to and approved in writing by the Local Planning Authority. The nearside diverge taper shall be provided in accordance with the approved details.
20. The development shall not be occupied until the car parking area has been surfaced and individual parking spaces clearly marked out. The spaces shall be kept for parking in association with the development thereafter.
21. No part of the development shall become operational until a staff travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall set out proposals (including timetable) to promote travel by sustainable modes of transport. The travel plan shall be implemented in accordance with the timetable to be agreed with the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted every 18 months for a period of five years from the first occupation of the development.

## **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure a satisfactory development, in accordance with the aims of Policy ENV3 of the Gedling Borough Replacement Local Plan 2005.
3. To ensure the safe disposal of foul water from the site.

4. To prevent the increased risk of flooding by ensuring the provision of satisfactory means of surface water disposal in accordance with Policy ENV41 of the Gedling Borough Replacement Local Plan.
5. To prevent pollution of the water environment.
6. To ensure that there is no adverse impact on wildlife in the area as a result of any trees or concrete and brick rubble removed and to accord with Policy ENV2 of the Gedling Borough Replacement Local Plan.
7. To ensure that no other trees are felled and to maintain the character of the site to accord with policy ENV 21, ENV25 and ENV2 of the Gedling Borough Replacement Local Plan.
8. To facilitate the retention of trees on the site and to accord with the aims of Policy ENV47 of the Replacement Local Plan.
9. To ensure that waste material from the site is disposed of in an appropriate manner.
10. To ensure a satisfactory development that accords with Policy ENV2 of the Gedling Borough Council Replacement Local Plan.
11. To ensure a satisfactory development that accords with Policy ENV2 of the Gedling Borough Council Replacement Local Plan.
12. To ensure a satisfactory development that accords with Policies ENV2, ENV21 and ENV 25 of the Gedling Borough Council Replacement Local Plan.
13. To ensure a satisfactory development that accords with Policies ENV21, ENV25 and ENV34 of the Gedling Borough Replacement Local Plan.
14. To ensure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
15. To ensure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
16. To ensure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
17. To safeguard any archaeological remains that may be present on the site.
18. To ensure that the access road is provided in accordance with Nottinghamshire County Council Highway Specifications.
19. To ensure a satisfactory development in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan.
20. To ensure a satisfactory development in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan.

21. To promote the use of alternative modes of transport other than the car and to accord with policy T1 of the Gedling Borough Replacement Local Plan.

### **Reasons for Decision**

In the opinion of the Borough Council the applicant has demonstrated special circumstances that would outweigh the harm to the Green Belt and the proposed design of the building would appropriately reflect the architecture of the Grade II Listed Building. It is also considered that there would be no adverse impact on the setting of the Grade II landscape. The proposed development would accord with Planning Policy Guidance Note 2, Planning Policy Guidance Note 15 and Planning Policy Statement 1. It would also accord with Policy 1/ 2 of the Nottinghamshire and Nottingham Joint Structure Plan. The proposal would also accord with policies ENV26, ENV21, ENV25, ENV1 and ENV47 of the Gedling Borough Replacement Local Plan.