

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

Nottingham University Hospitals NHS Trust City Hospital Site, Hucknall Road

1 SUMMARY

Application No: 13/01295/PFUL3 for planning permission

Application by: CPMG Architects Ltd. on behalf of Nottingham University Hospitals NHS Trust

Proposal: Orthopaedic theatres building.

The application is brought to Committee because it is a major development of public interest.

To meet the Council's Performance Targets this application should be determined by 22nd August 2013.

2 RECOMMENDATIONS

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

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

3 BACKGROUND

The application site is part of the wider City Hospital campus. The site is located to the southern side of North Road, between the outpatients' entrance and the main entrance. Opposite the site, to the north of North Road, is the Post Graduation centre and a residential block.

4 DETAILS OF THE PROPOSAL

- 4.1 This is a proposal to construct an Orthopaedic Theatres building. It would be located adjoining an existing building that houses seven theatres. The applicant has stated that some existing facilities are becoming outdated and demand is growing for new orthopaedic services. It is proposed to provide four new theatres along with new pre-surgery waiting rooms, recovery bays and storage rooms.
- 4.2 The existing theatre building is single storey with a flat roof. The new building would also be a single storey building with a flat roof. Two plant rooms would be sited on the roof. The materials are proposed to be a brick plinth with cladding to the walls.
- 4.3 Access into the new building would be via the existing internal link corridor. No external access is proposed, although there are fire exits and a loading bay for deliveries off North Road.

- 4.4 Some trees would be lost through the development, and part of the existing buildings would be demolished. Bats are known to occupy the existing building therefore mitigation measures such as a stand alone wall with false eaves are proposed within the internal courtyard.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

A site notice has been posted and a press notice published, with an expiry date of 26th June 2013. There has been no response to publicity.

Additional consultation letters sent to:

Pollution Control: No comments.

Highways: No objections in principle, although the applicant should be encouraged to update the hospital travel plan and prepare a construction method statement.

Tree Officer: There is an internal courtyard between the new building and the link corridor. It is recommended that replacement trees be planted here so as to improve the outlook from within the hospital and to mitigate against the loss of trees through the development.

Biodiversity and Greenspace Policy Officer: Satisfied with the conclusions and recommendations of the bat survey, which identifies a common pipistrelle bat roost being used by a single bat. As bats are a protected species, a license will be required from Natural England before demolition begins. Recommends that if the demolition has not been carried out within two years, a new survey should be undertaken. The removal of the fascia should be carried out under an ecological watching brief as per the report. Agrees with the proposed mitigation, (bat wall and planting climbers to attract night-flying insects) is appropriate and proportionate.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

BE2 - Layout and Community Safety – complies.

BE3 - Building Design – complies.

BE4 - Sustainable Design – complies.

CE6 - Expansion of Hospitals/Medical Centres – complies.

NE3 - Conservation of Species – complies (check).

NE5 – Trees – complies.

NE9 – Pollution – complies.

T2 - Parking – complies.

National Planning Policy Framework – complies.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether the development:

- i) is acceptable in principle;
- ii) will provide adequate access and parking;
- iii) be of a good design.

Issue i) Principle of the development (Policy CE6)

- 7.1 The scheme proposes to provide enhanced healthcare facilities on an existing hospital site and is therefore wholly in accordance with Policy CE6. The proposal also accords with the NPPF in that it promotes the re-use of brownfield land and would deliver a health facility for the benefit of the local and wider community.

Issue ii) Access, layout and parking (Policies BE2 and T3)

- 7.2 Pedestrian access into the facility would be via the existing internal corridor. Internally, access would be level throughout. The proposed building would utilise an area of the hospital that had previously been occupied by buildings and is close to the existing theatres. It is not anticipated that the facility would result in a significant increase in car parking requirements. Car parking and travel planning for the City Hospital is considered by the NHS Trust at a strategic level and therefore it would not be appropriate to require a new travel plan as part of this development.
- 7.3 The management of the construction of the development would be controlled by NHS Trust as they would have requirements to ensure issues of safety and accessibility are taken into consideration. The building would be constructed a long way from the public highway and therefore it would not be appropriate to include a condition relating to construction management.

Issue iii) Building Design (Policy BE3)

- 7.4 The building would be a modern flat roof construction to reflect the scale and proportions of other buildings in the area. The nature of the use of the building means that no window or general access openings would be appropriate on the external face of the building. This clearly limits the scope to make the building interesting and interactive. The external elevations would be faced with a flat composite cladding system and the applicant is prepared to look at introducing flashes of colour to add interest and vibrancy. The details of this would be secured by condition.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 The proposed building would achieve an Excellent BREEAM rating. Photovoltaic panels would be sited on the roof, and the information submitted indicates that these would achieve a minimum of 10% of renewable energy.
- 8.2 Replacement trees and an area of landscaping would be provided which would help to enhance the appearance of the building and surrounds, and the natural environment.
- 8.3 Evidence of a single common pipistrelle bat roost has been found in the building,

part of which is to be demolished. The council's ecologist agrees with the report's findings that the roost is of low conservation significance. A freestanding wall with eaves is proposed to provide a replacement roost for that removed following demolition. The report proposes to install a one way device, enabling the bat to exit the roost but not to return. Following a short period the fascia would then be removed and inspected and any bats found would be captured and moved to the new bat roosting wall. These measures would need to be agreed with Natural England, as part of the licensing process, before demolition can begin.

- 8.4 It is considered that the proposals would not breach Natural England's licensing objectives and the mitigation measures would be an appropriate way to safeguard bats. The proposed measures conform to paragraph 118 of the NPPF (conserving and enhancing the natural environment) in that any harm resulting from the development can be adequately mitigated.

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

The application is in accordance with Council priorities, to improve the health and well being of citizens.

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: 13/01295/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01295/PFUL3>

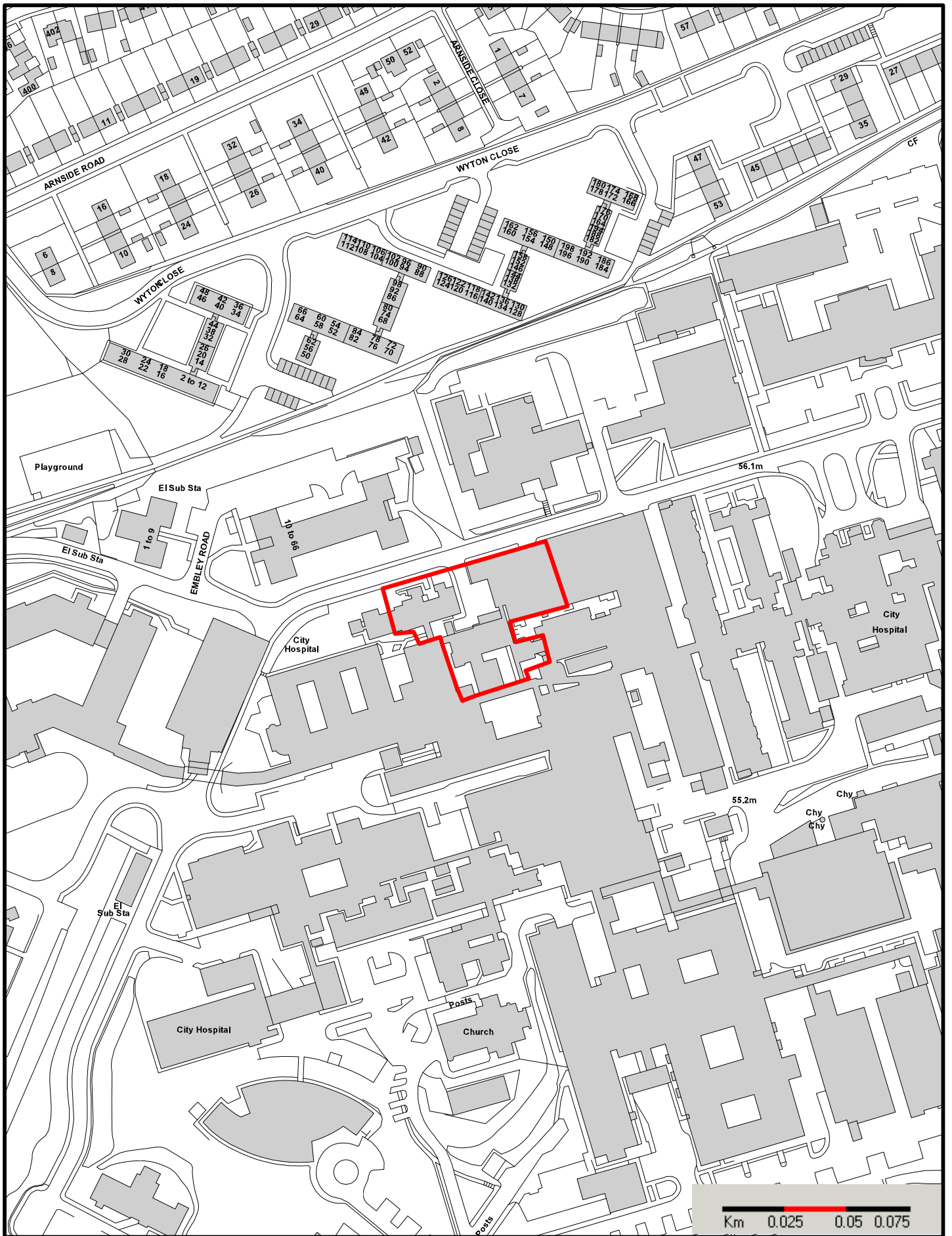
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

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Nottingham
City Council

My Ref: 13/01295/PFUL3 (PP-02664051)
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Date of decision:

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

Application No: 13/01295/PFUL3 (PP-02664051)
Application by: Nottingham University Hospitals NHS Trust
Location: Nottingham University Hospitals NHS Trust City Hospital Site, Hucknall Road, Nottingham
Proposal: Orthopaedic theatres building.

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until details of all external materials including cladding and bricks have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.

Pre-occupation conditions

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

There are no conditions in this section.

Regulatory/ongoing conditions

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



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3. Should the demolition (where identified bats are present) not take place within two years of the date of this permission, then an updated bat survey report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not cause harm to protected species in accordance with Policy NE3 of the Nottingham Local Plan.

Standard condition- scope of permission

- S1. Unless otherwise agreed in writing by the Local Planning Authority or 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 010-P3 revision visualisations, received 11 June 2013

Landscaping reference 004-P5, received 21 June 2013

General reference 027-P1 revision bat wall, received 21 June 2013

Landscaping reference 01 revision rev B, received 26 June 2013

Plan reference 18 revision rev G0, received 26 June 2013

Plan reference 003-P8, received 30 May 2013

Plan reference 005-P7, received 30 May 2013

Elevations reference 006-P6, received 30 May 2013

Elevations reference 007-P6, received 30 May 2013

Plan reference 008-P3, received 30 May 2013

Plan reference 011-P1, received 30 May 2013

Plan reference 021-P5, received 30 May 2013

Plan reference 022-P5, received 30 May 2013

Plan reference 023-P4, received 30 May 2013

Plan reference 024-P3, received 30 May 2013

Plan reference 025-P1, received 30 May 2013

Plan reference 026-P1, received 30 May 2013

Planning Layout, received 30 May 2013

General reference FUEL AREA, received 30 May 2013

General reference TRACKING ASSESSMENT, received 30 May 2013

General reference TRACKING PLAN, received 30 May 2013

General reference RAMP LEVELS, received 30 May 2013

Reason: To determine the scope of this permission.

Informatives

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

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

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

The Highways Network Management team at Loxley House should be notified regarding when the works will be carried out. Please contact them on 0115 8765238. Any associated costs will be borne by the applicant.

4. A post-construction period of monitoring of the bat wall would be required as part of the EPS derogation licence. It is requested that the results of the monitoring be submitted to the Local Planning Authority.

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: 13/01295/PFUL3 (PP-02664051)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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