

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

Nottingham Lawn Tennis Club, Tattershall Drive

1 SUMMARY

Application No: 13/01116/LCAC1 for Conservation Area Consent

Application by: Mr Peter Dion on behalf of The Notts Lawn Tennis Association

Proposal: Demolition of storage building.

The application is brought to Committee at the request of a Ward Councillor who has raised concerns over the proposed demolition.

To meet the Council's Performance Targets this application should have been determined by 1st October 2013

2 RECOMMENDATIONS

GRANT CONSERVATION AREA CONSENT subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Director of Planning and Transport.

3 BACKGROUND

3.1 The application site relates to the Nottingham Lawn Tennis Club Pavilion building located on the east side of Tattershall Drive within the Park Conservation Area. The site is located within the Park Bowl which comprises sports and recreation uses.

3.2 The building has not been used as a tennis pavilion since 1980 and has been latterly used for storage. It is presently vacant and in a dilapidated state. The tennis courts are located to the east of the site and there is residential to the west of the site.

4 DETAILS OF THE PROPOSAL

4.1 Conservation Area Consent is sought to demolish the existing building, the justification being that it is in a dilapidated condition with evidence of wet rot and is becoming a health and safety liability.

4.2 A bat survey accompanied the application.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Publicity was undertaken through the display of a site notice and publication of a press notice. The overall expiry date for consultations was 11th September 2013.

One letter of objection has been received from a local resident raising the following issues:

- The building makes a positive contribution to the Conservation Area and should be retained. It is situated in the 'Park Bowl,' a key feature of the estate mentioned in detail in the Park Conservation Plan (2007) as an area left over for recreational purposes when the remainder of the estate was developed for housing. The 'Bowl' has been used as such for a long time, and has four main structures on it that relate to the sporting use of the land. Two are relatively modern buildings and two are older buildings in character with the appearance of the traditional buildings of the estate. One of these is the larger tennis pavilion to the south west of the site, the application site is the other older building. Albeit more modest, it is worthy of merit.
- The recreational area closest to this building (the bowling green and some of the tennis courts at the site) has been unused for some years, although the site owner is no doubt keen to bring it back into use.
- It is understood that the maintenance liability was part of the former site user's responsibility, but since they moved away a backlog of maintenance has accrued. This makes it understandable that the simplest solution for the site owner is removal. However, the maintenance backlog does not seem severe, and although dilapidation is mentioned, this is contradicted by the accompanying wildlife / bat survey, which mentions that the building is in good condition and *"the building is well sealed and has been well maintained"* (para 4.2 page 10).
- The structure may date before 1939. The applicant indicates the building could date from the 1930s. The Conservation Area plan generally supports the preservation of historic buildings within the Park Conservation Area, and this building is possibly one of the original sporting pavilions associated with the land. Despite alterations to the building over time, the majority of the core of the structure appears to be original, and it may be possible to easily remove these alterations.
- The building is characterful with the main elevations embellished to enhance what is a basic 'pre fabricated structure' in a very interesting way. The brick, timber and corrugated iron building (embellished with mock timber framing) is in keeping with the area, and has visual interest, both on its own, and in its location.
- The building may have wider significance. It is an unusual building type to survive this long as sports pavilion per se. Most buildings clad in corrugated iron from the era that have survived and / or have listed status seem to be places of worship, 'tin tabernacles' essentially, this is rather different.
- The site is relatively secure and the prospect of survival relatively strong.
- If the site continues for recreational purposes (understood to be a Covenant on the land) then the facility of a pavilion or club house for this part of the site would be of use. It would seem that it would be beneficial to spend the funds required for any demolition and or replacement structure on clearing the maintenance backlog and ensuring the site is fit for use. This would have the benefit of helping to preserve a historic building that enhances this part of the Conservation Area.

Additional consultation letters sent to:

Pollution Control: No comments received.

Biodiversity: Recommend the inclusion of conditions requiring the development to incorporate recommendations within the Bat report. Clarification was sought as to whether any works to trees is proposed.

Heritage and Urban Design: No objections to proposal. It is felt that the application would not conflict with the provisions of paragraphs 133, 134 and 138 of the NPPF.

Councillor Steph Williams objects to the proposal on the following grounds:

- It is a historic building and likely to be the original tennis pavilion for the original tennis courts and bowls.
- As most of the surviving tin buildings from the Victorian/Edwardian era which are listed are mainly religious buildings, it is requested that English Heritage are consulted on the historic value of a tin sports pavilion from this era and on its condition. It is possible that this is very rare building.
- The Conservation Area plan for The Park supports the preservation of historic buildings. The building is in-keeping with the area as it is Victorian.
- The application does not provide evidence regarding the state of the building.

6 **RELEVANT POLICIES AND GUIDANCE**

National Planning Policy Framework (NPPF): Paragraph 133 advises that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 of the (NPPF) explains that 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 securing its optimum viable use.

Paragraph 138 of the (NPPF) sets out that the loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation as a whole.

Nottingham Local Plan (November 2005):

BE13 - Demolition in Conservation Areas. Complies.

NE3 – Conservation of Species. Complies.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issue

(i) Impact upon the character and appearance of The Park Conservation Area

Issue (i) Impact upon the character and appearance of The Park Conservation Area (Policies BE13 and NPPF)

- 7.1 Policy BE13 seeks to ensure that proposals involving demolition of unlisted buildings which make a positive contribution to the special character of the conservation area will only be granted in exceptional circumstances. Such proposals are considered against criteria covering the condition of the building, the adequacy of efforts made to retain the building in use, and the merits of alternative proposals.
- 7.2 In assessing the proposal against policy BE13 and the NPPF it is the case that this early 20th century pavilion is considered to have a neutral impact upon the character of the conservation area. The applicants advise that the pavilion was by the Viyella Hosiery Company when they were located on Castle Boulevard. The building is relatively cheaply constructed from lightweight materials such as softwood timber, corrugated metal sheeting and asbestos roof tiles. The building has been significantly altered with a poorly constructed extension built to the front.
- 7.3 The original design is quaint but unremarkable and has been detrimentally affected by the enclosure of the once open veranda. The building makes no real contribution to the Tattershall Drive street scene given its orientation facing onto the tennis courts and it is not identified in the Park Conservation Plan as having any particular architectural or historic significance.
- 7.4 The building is now in a poor state of repair, has been redundant for over 30 years and is becoming a Health and Safety concern. Its demolition is not considered to result in substantial harm to the special character of the Conservation Area. A condition is recommended requiring details of replacement surfacing. It is not considered that the application would conflict with the provisions of paragraphs 133, 134 and 138 of the NPPF or policy BE13.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 Conditions relating to the bat report will be included. The agents have confirmed that no trees would be affected as part of the proposal. The proposal would therefore comply with policy NE3.

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: 13/01116/LCAC1 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01116/LCAC1>
2. Email from Councillor Williams dated 25/09/13
3. Email from local resident dated 30/09/13
4. Memo received from Biodiversity Team dated 04/09/13

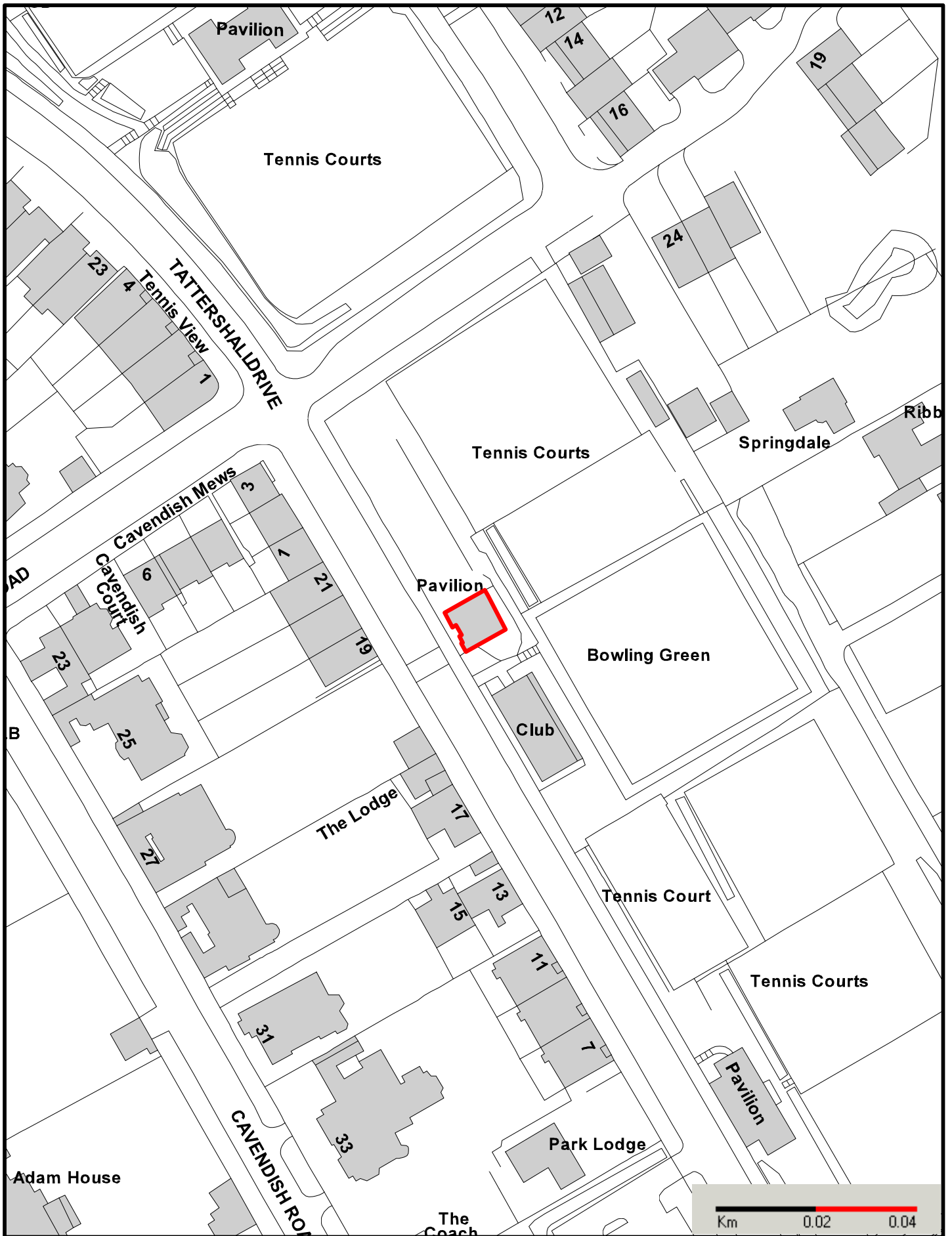
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs N Tyrrell, Case Officer, Development Management.

Email: nicola.tyrrell@nottinghamcity.gov.uk. Telephone: 0115 8764082



© Crown Copyright and database right 2013. Ordnance Survey License number 100019317



Nottingham
City Council

My Ref: 13/01116/LCAC1

Your Ref:

Contact: Mrs N Tyrrell

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Mr Peter Dion
1 Yew Tree Close
Radcliffe On Trent
Nottingham
NG12 2AZ

Date of decision:

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
APPLICATION FOR CONSERVATION AREA CONSENT**

Application No: 13/01116/LCAC1
Application by: The Notts Lawn Tennis Association
Location: Nottingham Lawn Tennis Club, Tattershall Drive, Nottingham
Proposal: Demolition of storage building.

Nottingham City Council as Local Planning Authority hereby **GRANTS CONSERVATION AREA CONSENT** 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 demolition authorised by this consent shall not be carried out until the following details have been submitted to and approved in writing by the Local Planning Authority:

a) Details have been provided for making good the site, in particular the proposed surface treatment.

The works shall be carried out in accordance with the approved detail.

Reason: To ensure the appearance of the development is in keeping with the character and appearance of the conservation area in accordance with Policy BE12 of the Local Plan.

Other conditions

(Conditions relating to other regulatory matters)



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

DRAFT ONLY
Not for issue

Continued...

3. The works shall be carried out in accordance with the recommendations of the Clear Environmental Consultants LTD 'Building Assessment for Bats and Birds" (July 2013), in particular those set out at in section 5.

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the works shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 6 August 2013.

Reason: To determine the scope of this permission.

Informatives

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: 13/01116/LCAC1

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of consent for the proposed works, 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.