

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

The Wells Road Centre , The Wells Road

1 SUMMARY

Application No: 13/02630/PFUL3 for planning permission

Application by: Hooley Tratt Partnership Ltd on behalf of Notts Healthcare NHS Trust

Proposal: New 4.2m high security fencing and gates and new access.

The application is brought to Planning Committee at the request of Councillor Dewinton who has submitted a written request for the application to be determined by the Committee because of the sensitivity of the development in relation to adjacent land uses.

To meet the Council's Performance Targets this application should have been determined by 26th December 2013

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions, substantially in the form 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 Head of Development Management and Regeneration.

3 BACKGROUND

- 3.1 The application site comprises land to the south of The Wells Road Centre, which is used by the NHS as a facility to care for people with mental health disorders. Some service users live in the community and visit as the centre as and when required, but there are also three wards within the centre which provide low secure inpatient services.
- 3.2 The land is currently overgrown and is enclosed by a brick wall along the Wells Road boundary, and a metal fence of approximately 2.2m height which separates the application site from the adjacent park area to the east.
- 3.3 The land has several trees within the site and, along with the health facility and the adjacent park, lies within the Mapperley Hospital Conservation Area.
- 3.4 To the east of the park is the former Mapperley Hospital which has been converted to residential use. To the south of the site is a modern housing development, whilst to the west, on the opposite side of The Wells Road, is older housing stock.

4 DETAILS OF THE PROPOSAL

- 4.1 New 4.2m high security fencing and gates and new access from The Wells Road. The security fencing would be similar in appearance to the existing security fencing around the Wells Road Centre and would enclose the partially wooded area in order to form a secure space that could be used for activities for the patients such as horticulture, agriculture and forestry, as part of their treatment.
- 4.2 The fencing would extend the fenced area around the centre, and allow patients and staff to use the site without leaving the secure area. It would be set back from the Wells Road boundary and from the existing fencing adjacent to the park.
- 4.3 An access exists into the site from The Wells Road. This would be widened and alterations carried out to the wall. A vehicle 'lock' would be provided (i.e. a separate fenced area) to provide secure vehicle entry into the site. This is intended to be for maintenance vehicles only, and it is not proposed to use this as a main entrance to the overall site.
- 4.4 Some trees and shrubs within the site would need to be removed in order to install the fence. A landscaping scheme has been proposed as part of the application.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Site notices were posted and a press notice published.

6 letters of objection were received as a result of the consultation process.

Grounds of objection are:

- Size of fence unacceptable in a conservation area and adjacent to a public park as it would be so tall it would destroy the character and environment of the park
- The fence would be an eyesore for the residents of The Wells Road and would de-value property prices
- The loss of trees is unacceptable as this is a conservation area
- Would give the impression that local residents are imprisoned
- Removal of trees and shrubs would lose ability to screen the fencing
- Concerns regarding the activities to be planned in the fenced area, which is next to a children's play area
- Concerned for the safety of the community with the inmates having more freedom
- There are bats in the area and the application form states no reasonable likelihood of protected species being harmed. No survey has been submitted to establish this
- If high security is required for the safety of the community then consideration should be made to moving the facility to a less residential area

Additional consultation letters sent to:

Highways: No objections subject to conditions regarding access details

Parks and Open Spaces: No objection subject to the area between the existing and new being accessible for maintenance by the NHS.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.2 Paragraph 131 of the NPPF notes that local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.

Nottingham Local Plan (November 2005):

BE3 - Building Design.

BE12 - Development in Conservation Areas.

R1 - The Open Space Network.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether the development will:

- (i) preserve or enhance the character or appearance of the Mapperley Hospital Conservation Area and the wider area
- (ii) have an impact on the Open Space network
- (iii) have an impact on the amenities of the occupiers of nearby property

Issue (i) Character and appearance of the Conservation Area and the Street Scene (Policies BE3 and BE12, NPPF para. 131)

- 7.1 Policy BE12 seeks to ensure that new development preserves or enhances the character or appearance of conservation areas. Whilst it is acknowledged that the proposed fencing and gates would be relatively high, they would be seen in context with the mature trees and shrubs within the site and would be screened by existing trees along the site boundaries. Additionally, the site drops from the east toward the west (The Wells Road) and this along with the fence being set within the site by 6m, would minimise the potential impact. Additional planting would be secured by condition. On balance, it is considered that the fencing would preserve the overall character and appearance of the Conservation Area and would have an acceptable impact on the street scene.

Issue (ii) Impact on the Open Space network (Policy R1)

- 7.2 Although some management of the site would be required in terms of clearing overgrown shrubbery and removing some trees, the site will not be built on (other

than the fencing) and as such the area will still retain its environmental and landscape character.

Issue (iii) Impact on the amenities of the occupiers of nearby property (Policy BE3)

- 7.3 Several properties to the east of the site overlook the site and the adjacent park, as do the properties to the west, on The Wells Road. Although the proposed fencing and gates are high, the nearest dwellings are approximately 22m away on the opposite side of The Wells Road. Those to the residential development to the east are further away, at more than 40m away, and for the reasons already outlined above the fencing, set in the context of the existing trees and further screened by replacement trees, would not have a detrimental impact on the amenities of the occupiers of the nearby residential properties.

Other Matters

- 7.4 Discussions have taken place between the NHS and local councillors, as well as local residents, regarding the desirability of using this piece of land for parking in association with a future community use on the residential development to the east of the site (the Grade II listed chapel). It is noted that the chapel is in a poor state of repair and no planning application has been submitted or approved for its future use. Parking within the residential site is under pressure and a community use would most likely require its own parking. Whilst it is acknowledged that freeing up part of the application site for parking would be desirable, as the application site is under private ownership it would not be reasonable to refuse this application on the grounds that a community use may wish to use the grounds for parking in the future and as such the application can only be determined on the details as submitted.
- 7.5 Concerns have been raised regarding the users of the site and the relationship between it and the children's playground. The application site and the park were formerly part of the Mapperley Hospital, and the health unit has been established for a number of years (approximately 20). The park is a relatively new feature and has been brought into use as part of the conversion of the Mapperley Hospital site for residential purposes. The users of the fenced area will be patients. Some are inpatients at the health facility whilst undergoing treatment. The secure fencing is required as standard by the Home Office and is of a height dictated to the NHS by them. The fencing and the trees along the boundary would provide visual and physical separation of patients from the public, and also the main activity area would be mostly screened from view from the park. The existing fencing is to be retained, giving a further zone between the public and private areas.
- 7.6 An existing access into the site, from The Wells Road, is to be widened. Subject to details secured by condition regarding visibility the access is acceptable and would not be detrimental to highway safety.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 Although some trees and shrubs would need to be removed as part of the development, a detailed landscaping plan to be submitted and agreed should mitigate against some of these losses. The site has not been managed and is overgrown, so the proposed use of the site would have the potential to improve biodiversity on this site, as well as retain the habitat for established flora and fauna.

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

Improve health and wellbeing – Allowing the use of the site as an opportunity for citizens with needs to have access to safe outdoor space and to training and education.

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: 13/02630/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MVIWX0LYCB000>

2. Highway section email dated 11th December 2013, Parks and Leisure, email dated 24th December 2013.

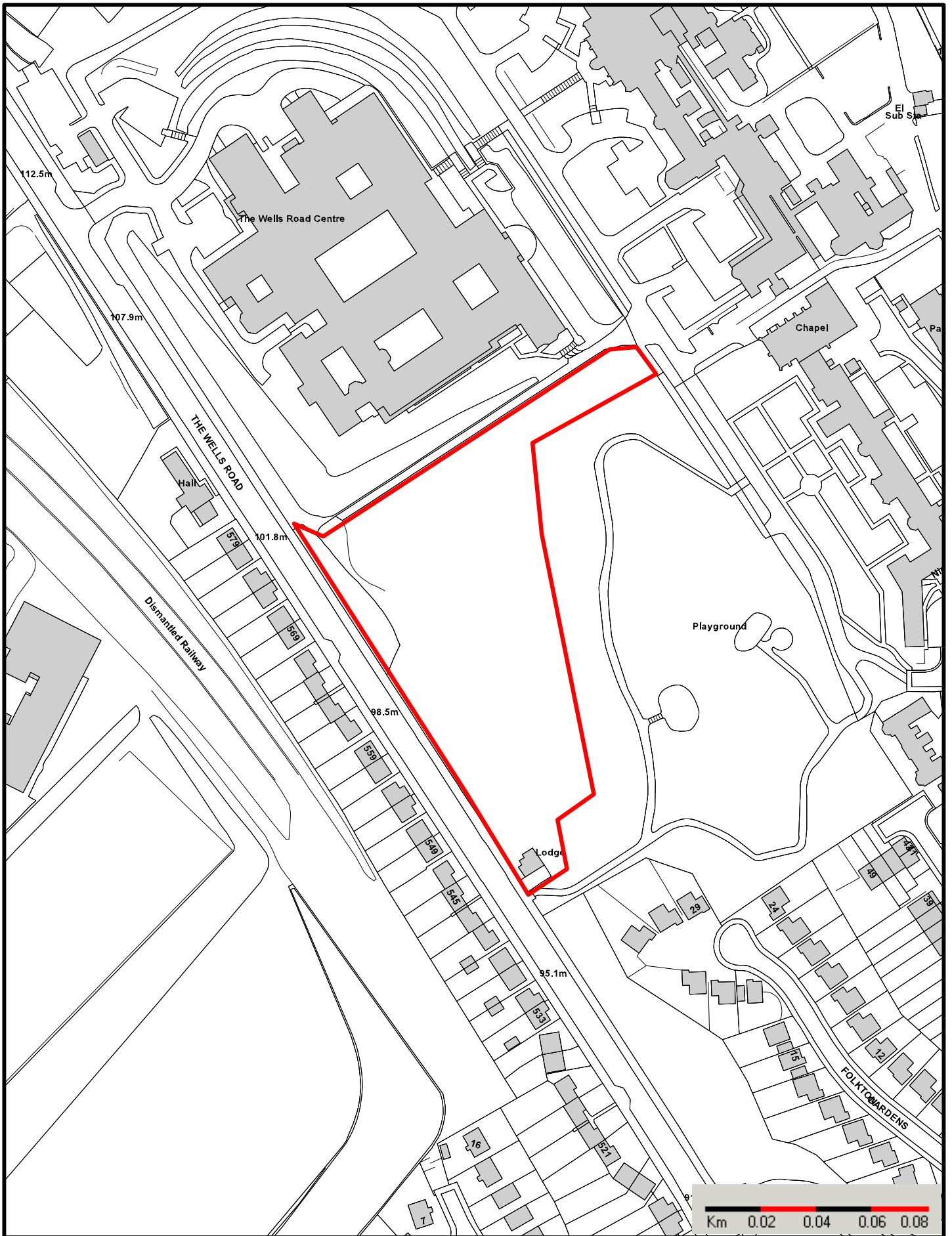
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

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Nottingham
City Council

My Ref: 13/02630/PFUL3 (PP-02980508)
Your Ref:
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Date of decision:

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

Application No: 13/02630/PFUL3 (PP-02980508)
Application by: Notts Healthcare NHS Trust
Location: The Wells Road Centre , The Wells Road, Nottingham
Proposal: New 4.2m high security fencing and gates and new access.

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 a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs, accompanied by a management and maintenance plan, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the appearance of the development be satisfactory to comply with Policy BE3 of the Nottingham Local Plan.

3. Notwithstanding the details shown on the approved plan, the development shall not be commenced until details of an access into the area between the existing and proposed fencing, for the purpose of maintenance, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the appearance of the development be satisfactory to comply with



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Policies BE3 and BE12 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)

There are no conditions in this section.

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:
Planning Layout reference 01, received 31 October 2013
Planning Layout reference 02 revision a, received 27 November 2013
Planning Layout reference 03 revision a, received 27 November 2013
Elevations reference 04, received 31 October 2013
Elevations reference 05, received 31 October 2013
Elevations reference 06, received 27 November 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.
4. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring. Please contact them on 0115 8765238.
5. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. All works to the existing public highway will need to be carried out under a Section 278 Agreement. All costs associated with the highway improvements must be borne by the developer. The applicant should contact in the first instance Mrs Liz Hiskens in the Highway Programmes Section on 0115 8765293 to instigate the Section 278 Agreement process. The scheme will go through a full Road Safety Audit as part of the Section 278 and as such minor amendments may occur. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information regarding the



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collection of commuted sums the applicant should contact Mrs Liz Hiskens in the Highway Programmes Section on 0115 876 5293.

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: 13/02630/PFUL3 (PP-02980508)

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.