

## REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

### Recreation Ground West Of Wilford Grove, Victoria Embankment

#### 1 SUMMARY

Application No: 15/00085/NFUL3 for planning permission

Application by: Maber Architects on behalf of Nottingham City Council - Parks And Open Spaces

Proposal: New sports pavilion following demolition of existing.

The application is brought to Committee because the application is considered to be sensitive given the potential level of public interest.

To meet the Council's Performance Targets this application should have been determined by 13th March 2015

#### 2 RECOMMENDATIONS

**GRANT PLANNING PERMISSION** 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 Head of Development Management and Regeneration.

#### 3 BACKGROUND

The application site refers to the open space to the west of Wilford Grove and bounded by Victoria Embankment and the River Trent beyond, to the west, a children's' play area to the south and Bathley Street to the north. The site is used for sport, including cricket pitches which are to the northern part of the site. There is a detached pavilion adjacent to the cricket pitches, in the centre of the site, which is disused and in a poor state of repair. There is no vehicular access to the pavilion.

#### 4 DETAILS OF THE PROPOSAL

- 4.1 A new sports pavilion following the demolition of the existing. The new pavilion would be sited closer to Victoria Embankment than the existing pavilion, at the edge of this open space. Access would be via a gap in the flood defence wall which encloses this part of the site. There is a footpath which follows the defence wall inside the site and the pavilion would be approximately 17m away from this path. The ground level slopes slightly into the site at the point where the pavilion is proposed to be sited. There are a number of mature trees which line the site along Victoria Embankment. A vehicular access would lead to the south side of the pavilion enabling a level access for persons with a disability.

- 4.2 The design of the new pavilion, being single storey, would be built of brick and tiles, with a roof shape that reflects the character of the existing pavilion to be demolished. Cast iron columns from the existing pavilion would be re-used in the new building. A ramped access would lead from the front of the pavilion to give level access to the pitches. A covered terrace with steps and seating would be to the rear of this, providing a viewing area across the pitches.
- 4.3 Internally the pavilion would provide four changing areas and showers, umpire changing facilities, accessible shower/changing facilities and a social space with attached kitchen/servery.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

A site notice has been posted on the footpath adjacent to the proposed position of the new pavilion. The expiry date was 12<sup>th</sup> February 2015; six letters were received after this date but are included below.

Nine objections received on the grounds of:

- Questions why the new pavilion cannot be built on the footprint of the existing where drains and sewerage services are already in situ.
- The pavilion would impact on the trees.
- The pavilion would impact upon the 'desire line' of people using the open area.
- There is a covenant on the Victoria Embankment site which does not allow any building nearer to the embankment than the existing pavilion. The proposal clearly fails to respect this line.
- Where would users of the facility park?
- Building must not be used for commercial gain.
- Is this purely for cricket and no other sport (e.g. football).
- The building is a landmark and built by Jesse Boots as a gift to the people of the Meadows.

In response, if such a covenant exists, this would not be a material planning consideration. The desire line referred to runs parallel to the footpath that runs along the top of the bank. The footpath would be retained and as such there would be no detriment to access for pedestrians walking through the area. Aside from these concerns, the remaining matters are addressed in the appraisal section of the report.

A public consultation process was carried out by the Parks and Open Spaces team which included public meetings at venues close to the site, and an on-line opportunity to comment on the proposals. This concluded on 27<sup>th</sup> February. The outcome of these consultations have now been received, with 240 respondents (out of 355) being in agreement with the proposed redevelopment.

### **Additional consultation letters sent to:**

**Pollution Control:** No comments.

**Highways:** No objections. Recommend pre-commencement condition in relation to drainage.

**Environment Agency:** Awaiting response.

**Sport England:** Supports the development, subject to the removal of the existing pavilion and the reinstatement of the area to usable playing field.

**Heritage and Urban Design:** The existing pavilion has only limited significance as a heritage asset in its own right. The new pavilion potentially provides sufficient public benefit to outweigh the loss of the existing pavilion. The design of the new pavilion is considered appropriate.

**Tree Officer:** No objections following the receipt of amended drawings to show the pavilion being an acceptable distance from the trees.

**Notts Wildlife Trust:** The existing pavilion may be a site for protected species e.g. bats. A bat survey has been received and the NWT re-consulted. As the report has identified that there is a potential for roosting bats then a further bat activity survey would be required. This should be carried out prior to the determination of the application.

**Biodiversity and Greenspace Policy Officer:** Recommend appropriate condition or informative regarding need to re-check for presence of bats, subject to the time of year of the demolition.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework**

#### **Chapter 7. Requiring good design**

Paragraph 56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.

#### **Chapter 8. Promoting healthy communities**

Paragraph 69. Planning decisions...should aim to achieve places which promote:

- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

#### **Aligned Core Strategy**

Policy 10: Design and Enhancing Local Identity - new development should be designed to: create an attractive, safe, inclusive and healthy environment.

Policy 11: The Historic Environment - seeks to conserve and/or enhance the historic environment and heritage assets in line with their interest and significance.

Policy 12: Local Services and Healthy Lifestyles - supports new, extended or improved community facilities where they meet a local need and are sustainably located.

### **Nottingham Local Plan (November 2005):**

CE1 - Community Facilities.

NE5 - Trees.

NE10 - Water Quality and Flood Protection.

R1 - The Open Space Network.

R5 - Playing Fields and Sports Grounds.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- i) Principle of Development
- ii) Building Design

**Issue i)** Principle of Development (Policies CE1, R1 and R5 of the Nottingham Local Plan and Policies 11 and 12 of the Aligned Core Strategy)

- 7.1 The existing pavilion is very dated and offers poor quality changing facilities for users of the Embankment playing fields. The proposed replacement would be an appropriate form of development in the Open Space Network that would support the continued use of this significant sporting facility in the City.
- 7.2 Sitting in the middle of the site the existing is also awkward to access, particularly those users with disabilities, being raised above ground level by a stepped plinth. Alterations to improve access into the pavilion have been made however these do not adequately address the situation. The new pavilion would maintain a community use on this site and would provide modern facilities which gives access to all users.
- 7.3 The siting of the pavilion closer to the embankment would enable a more efficient sporting use of the site and enable the facility to be accessible for all users, being closer to the road, and having a ramp access onto the fields. Its siting would have a positive impact on the usability of the open space playing fields.
- 7.4 It is noted that the existing pavilion has only limited significance as a heritage asset and it is considered that its loss would be outweighed by the public benefit of the new pavilion.

**Issue ii)** Building Design (Policy 10 of the Aligned Core Strategy)

- 7.5 The building has been designed so as to reflect the character of the existing pavilion, including its roof shape and the cast iron columns to the covered areas. It would closely match the existing pavilion in terms of facing materials, form and scale and it would provide modern changing facilities as well as a social space.
- 7.6 The pavilion, being sited closer to the road, would be seen in context with the mature landscaping that would help to soften its appearance in the street scene. It

would also be an improvement in terms of security as the existing pavilion is in an isolated position and has been subject to vandalism.

- 7.7 There would be no dedicated parking but the Victoria Embankment itself offers extensive on-street parking adjacent to the site. Furthermore, a vehicular access to the pavilion would provide a dropping off point for less able users visiting the facility. Two disabled priority spaces would be provided on Victoria Embankment, close to the access.

**Other Matters** (Local Plan Policy NE10)

- 7.8 Flooding. The pavilion would be raised by 300mm above the surrounding ground and is classed as 'less vulnerable' development. It is considered that the new development would not therefore cause or contribute to a risk of flooding.

**8. SUSTAINABILITY / BIODIVERSITY** (Local Plan Policy NE5)

- 8.1 A protected species survey has been received in relation to the existing pavilion as there is the potential for bats to be present. The report concludes that whilst there is the potential for bats to use the building, there was no evidence at the time of the survey. A recommendation is made to undertake further surveys, depending on the time of year of demolition. Although the activity survey should be carried out before planning permission is granted, the new pavilion would not be dependant on the demolition of the existing and as such a condition will be imposed to require an activity survey to be carried out prior to demolition and within the appropriate season.

- 8.2 There are several important mature trees along the Victoria Embankment, in close proximity to the new pavilion. Amended drawings to show the pavilion moved slightly further away from the trees, and to indicate services, have been received and these are now satisfactory to show that the future health of the trees would be safeguarded. An Arboricultural method statement would be required prior to commencement of the development.

**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**

Citizens at the Heart – Empowering Communities by enabling people to be independent and creating easy to use services.

**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: 15/00085/NFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NI7KYDLYCB000>

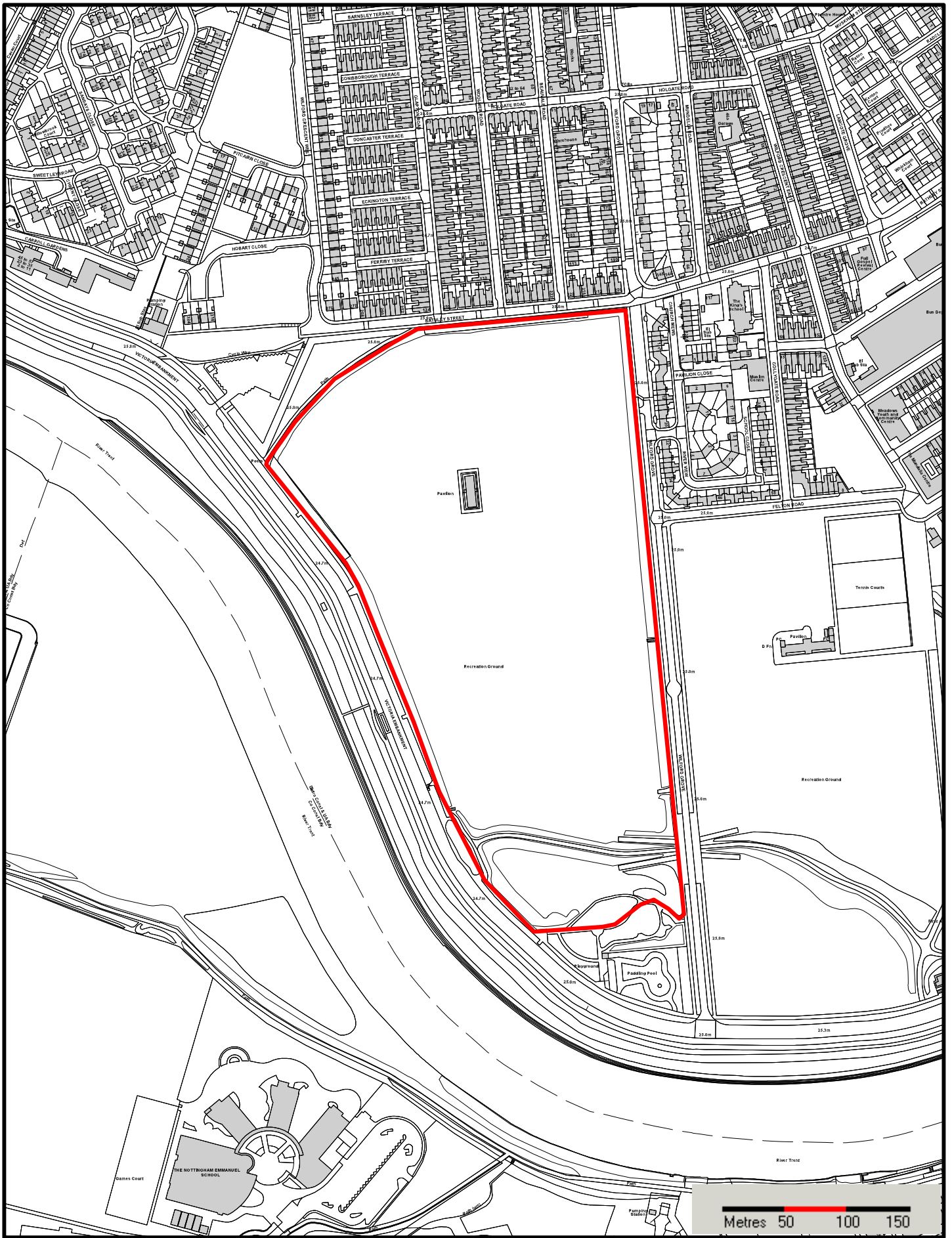
**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

**Contact Officer:**

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**Nottingham**  
City Council

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Date of decision:

**TOWN AND COUNTRY GENERAL REGULATIONS 1992  
APPLICATION FOR PLANNING PERMISSION**

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Application No: 15/00085/NFUL3 (PP-03911398)  
Application by: Nottingham City Council - Parks And Open Spaces  
Location: Recreation Ground West Of Wilford Grove, Victoria Embankment, Nottingham  
Proposal: New sports pavilion following demolition of existing.

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

<b>Time limit</b>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
<b>Pre-commencement conditions</b> (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 bricks and tiles have been submitted to and approved in writing by the Local Planning Authority.  <i>Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.</i>






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**DRAFT ONLY**  
**Not for issue**



3. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

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

4. The development hereby permitted shall not be commenced until details regarding the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.*

#### **Pre-occupation conditions**

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

5. The pavilion shall not be used until the drainage plans have been implemented in accordance with the details approved by the Local Planning Authority.

*Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.*

#### **Regulatory/ongoing conditions**

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

6. Prior to the demolition of the existing pavilion, a bat activity survey shall be carried out by a suitably qualified person(s) and between the months of May to September inclusive. The results of that survey shall be submitted to and approved by the Local Planning Authority.

*Reason: In the interests of safeguarding the health and habitat of protected species to comply with Policy NE3 of the Nottingham Local Plan.*

#### **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:  
General reference C60 revision B, received 5 March 2015  
Plan reference 203, received 15 January 2015  
Elevations reference 602, received 15 January 2015  
Plan reference 603, received 15 January 2015  
Plan reference S2-P02, received 26 January 2015  
General reference C50 revision A, received 20 February 2015  
Plan reference S2-P01, received 6 February 2015  
Planning Layout reference 00201, received 15 January 2015  
Elevations reference 601, received 15 January 2015  
General reference SHUTTER, received 6 February 2015



*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. The parking arrangements detailed in the application should be discussed with the Traffic Management team (0115 876 5245).
4. The responsibility and subsequent liability for ensuring that the building (s) does not support roosting bats prior to the commencement of demolition rests with the developer and/or the landowner. The developer is strongly recommended to instigate a thorough investigation of the external structure of the building and its roof spaces for the presence of bats, as all species of British bat are protected from injury, disturbance, and destruction of and damage to roosts (even when bats are not present) under both UK and EU law.

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.