



**15 November 2016**

**Agenda Item: 6**

## **REPORT OF CORPORATE DIRECTOR – PLACE**

**BROXTOWE DISTRICT REF. NO.: 5/16/00632/CCR**

**PROPOSAL: RELOCATION OF LIBRARY ENTRANCE WITH ALTERATIONS TO EXTERNAL ELEVATIONS INCLUDING REPLACEMENT WINDOWS TO THE CLASP BUILDING; WITH EXTERNAL STEPS AND RAMP AND ASSOCIATED LANDSCAPE WORKS**

**LOCATION: BEESTON LIBRARY, FOSTER AVENUE, BEESTON**

**APPLICANT: NCC PLACE DEPARTMENT**

### **Purpose of Report**

1. To consider a planning application for the relocation of the entrance and refurbishment works to Beeston Library, Foster Avenue, Beeston. The proposal is being reported to Committee for determination as the application is submitted by Place Department. The key issues relate to changes to the character of the building and mitigation of ecological impacts. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

### **The Site and Surroundings**

2. Beeston Library is located to the west of Beeston town centre facing Broxtowe Town Council offices on Foster Avenue, and to the north-west of Broxtowe Borough Council offices. Round Hill Primary School lies to the north-west of the library at the end of Foster Avenue. Beeston St John's Grove Conservation Area relates to late Victorian and early 20<sup>th</sup> century residential properties to the west of the Town Hall. Grade II listed Anglo-Scotian Mills lies approximately 150m to the north of the library (Plan 1).
3. The original Beeston Library is of single storey construction dating from the 1930s with two storey CLASP additions to the rear and north set back from Foster Avenue. The main entrance to the library is on the north facing elevation of the CLASP extension. The original library entrance facing Foster Avenue has been replaced by stonework and a window with metal tracing above, matching the detail to either side. A row of trees and a laurel hedge are established behind a low stone wall along the frontage to Foster Avenue.
4. An area of car parking is provided to the north of the library.

## Proposed Development

5. Planning permission is sought for the reinstatement of the former library entrance in the 1930s building, replacing the central window with a pair of hardwood doors. The window and tracery above the new doors would be retained.
6. Existing windows in the CLASP building would be replaced by grey coloured aluminium frames with solid lower panels (RAL 7030). The existing library entrance would be replaced by a window. Cast aluminium hoppers would replace existing hoppers on the north elevation. 1.8m high black coloured Heras contour vertical rail fencing would be erected to securely enclose a basement entrance (Plan 2).
7. Steps and a ramp with hand rail at 1:17.5 suitable for disability access would be provided outside the new library entrance. Part of the stone wall and laurel hedge would be removed to create the access, which would be framed by stone piers. One dead cherry tree (Tree Survey Report T325) on the frontage to Foster Avenue would be removed. Stone removed below the existing window would be used to form the string course of the ramp, while stone reclaimed from the demolition of the wall would be used to form new entrance piers (Plan 3). The ramp would be provided with a sympathetic handrail detail complying with Building Regulations to provide suitable access for all. The design detail of the handrail has not been finalised. An area of grass would be replaced by paving to connect the lower end of the ramp to car parking to the north.
8. Existing barrel vaulted roof-lights in the original library would be replaced by hipped thermally enhanced roof-lights. The roof covering would be replaced with a light grey coloured three-ply bitumen felt system. Internal refurbishment of the library is proposed but the works are not subject to planning control.

## Consultations

9. **Broxtowe Borough Council** – No objection.
10. **Beeston & District Civic Society** - No objection. *The reinstatement of the original entrance is welcomed. The entrance from Foster Avenue should reflect the stone piers, steps and handrail of the Town Hall opposite. Metal tracery should be retained. Original windows should be replaced by metal frames although the retention of the existing window frames on the original building with internal secondary glazing would be preferred.*
11. *Care should be taken not to damage trees on the frontage to Foster Avenue during construction.*
12. **Natural England** – No comments. *Specialist ecological or other environmental advice should be sought.*
13. **NCC Nature Conservation Team** – No works to commence in locations where bats are identified until a European Protected Species Licence has been obtained for the removal of bats. *The submitted bat survey has found bat roosts*

*in two locations in gaps between hanging tiles and window frames on the eastern elevation of the building, and an area of hanging tiles on the north elevation of the CLASP building.*

14. **NCC Built Heritage Team** – No objection subject to approval of samples of proposed materials. *Beeston Library has high streetscape value on Foster Avenue and compliments a group of adjacent mid-20<sup>th</sup> century buildings. The building should be regarded as a non-designated heritage asset.*
15. *The proposed insertion of the new door would revert to the original entrance arrangement and is regarded as a positive change which will enhance the presence of the building on Foster Avenue. It will need to be ensured that detailing remains and that proposed materials are well chosen and sympathetic to the existing. Objection would be raised to the removal of existing metal tracery above the windows.*
16. *Stone to be removed below the existing window can be re-used and stone removed to create the opening in boundary wall can be re-used to create stone entrance piers.*
17. **NCC Highways Development Control** – No objection subject to the use of Corduroy paving being used at the top and at the foot of the steps on the public highway.
18. **NCC Land Reclamation** – No objection subject to the recommendation of reports being incorporated in the decision. *A pre-demolition asbestos survey has been submitted, with asbestos containing materials identified in the fabric of the building. The area of the proposed disabled access has not identified any significant ground contamination or asbestos containing materials.*
19. **Nottinghamshire Wildlife Trust, Police Force Architectural Liaison Officer, Severn Trent Water Limited, Western Power Distribution, National Grid (Gas)** - No response received.

## **Publicity**

20. The application has been publicised by means of press notice and site notices in accordance with the County Council's adopted Statement of Community Involvement Review. The application was originally advertised in the press as the application could have had an impact on setting of the conservation area and listed buildings to the east. On inspection of the site it is considered that the proposals would on balance not impact on heritage assets and a revised proposal has subsequently been advertised on site only.
21. Councillor Steve Carr has been notified of the application.
22. No representations have been received.

## Observations

23. The Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy (ACS) Policy 10: *Design and Enhancing Local Identity* requires proposals (amongst other criteria) to make a positive contribution to the public realm; reinforce valued local characteristics; and be assessed in terms of materials, architectural style and detailing; and setting of heritage assets.
24. The proposed development would not impact on the setting of the listed building to the north of the site or conservation area to the west. In considering the impact of the proposed works on non-designated heritage assets, NPPF Paragraph 135 advises that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposed works seek to reinstate the original library entrance facing Foster Avenue which is welcomed. The detail of the proposed alterations and external works require careful consideration through the careful selection of facing materials and the proposed re-use of reclaimed stone arising from the proposed works is welcomed. The choice of materials to be used and finishes is a matter best determined on site in consultation with NCC Built Heritage Team (Condition 9). Whilst the ramp handrail will need to be compliant with access requirements, its design will need to be architecturally sympathetic.
25. The design of replacement openings in the CLASP building is considered to be acceptable. The proposed development is considered to be acceptable in compliance with ACS Policy 10: *Design and Enhancing Local Identity*.
26. However, the replacement of windows would impact on identified bat roosts supporting small numbers of common pipistrelles. No maternity roost is believed to be present. All species of bat are European protected species, by virtue of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations), which implement Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Under regulation 53 of the Habitats Regulations, activities which would otherwise contravene the strict protection regime offered to European protected species under regulation 41 (which includes the destruction of roost sites) can only be permitted where it has been shown that certain tests have been met. Within the context of a planning application, these are that:
  - a) the activity is for the purpose of preserving public health or safety or for other imperative reasons of overriding public interest;
  - b) there is no satisfactory alternative; and
  - c) the favourable conservation status of the species in question is to be maintained.
27. Furthermore, under regulation 9(5) of the Habitats Regulations, local planning authorities, in the exercise of their functions, have a statutory duty to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. What this means is that consideration must be given (during the determination process) to whether or not the three tests outlined above have been met.

28. It is concluded that the 'three tests' are all met as a) the development would provide a library suitable to meet current service needs b) retention of certain elements of the CLASP structure is not acceptable as their present condition is not a satisfactory alternative and c) the favourable conservation status of common pipistrelle will not be affected. Appropriate mitigation has been outlined in a Bat Method Statement. Nevertheless, due to the presence of roosting bats any works to the north and east buildings will need to be carried out under a European Protected Species licence issued by Natural England (Condition 4).
29. Care will need to be taken to ensure that trees on the frontage of Foster Avenue are not adversely impacted by construction works. A condition is recommended to require the root protection areas of trees to be protected from construction activity (Condition 6) and that where work is to take place within a root protection area it should be undertaken in accordance with an approved method statement (Condition 7). A tree should be planted on the frontage to Foster Avenue to replace the tree that would be removed, In addition, despite best intentions there is a risk that the tree to the immediate left of the new steps may be affected by the works and may need to be replaced. In the event that the tree needs to be removed, a replacement tree should be replanted (Condition 10).
30. Although limited intrusive works are proposed, given that part of the library is of CLASP construction, the developer should be alerted to the potential presence of asbestos containing materials in made ground. A Condition is recommended to require the submission of a watching brief for unexpected contaminated material that may be encountered (Condition 8).

### **Other Options Considered**

31. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

### **Statutory and Policy Implications**

32. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Implications for Service Users and Equalities Implications

33. The proposed works will provide a suitable access to the library for ambulant and non-ambulant users, and in combination with proposed external works and internal refurbishment would provide a facility suitable for current service needs.

#### Crime and Disorder Implications

34. Proposed fencing would secure an area to safeguard against risk of falling and limit access to the CLASP basement.

#### Human Rights Implications

35. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

#### Implications for Sustainability and the Environment

36. The proposed works and internal refurbishment would incorporate sustainable design features to control energy use, use of energy efficient heating, natural ventilation, provision of even levels of natural daylight, reduced water consumption and the use of low/zero carbon technologies.
37. There are no Financial Implications, Human Resource or Safeguarding of Children Implications.

#### **Statement of Positive and Proactive Engagement**

38. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

#### **RECOMMENDATIONS**

39. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1.

**TIM GREGORY**

**Corporate Director – Place**

## **Constitutional Comments**

Planning and Licensing Committee is the appropriate body to consider the contents of this report.

[RHC 7/11/2016]

## **Comments of the Service Director - Finance**

There are no specific financial implications arising directly from this report.

[RWK 27/10/2016]

## **Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

## **Electoral Division and Member Affected**

Beeston North

Councillor Steve Carr

Report Author/Case Officer  
David Marsh/Deborah Wragg  
0115 9932575

For any enquiries about this report, please contact the report author.

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**RECOMMENDED PLANNING CONDITIONS**

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:

- a) Location Plan (Drawing 71002 BL/ (0) 100 Re v 0) received by the CPA on 24 August 2016.
- b) Tree Protection Plan (Drawing 71002/BL(0) 162 Rev 1) received by the CPA on 4 November 2016.
- c) Proposed Site Plan (Drawing 71002/BL (0) 105 Rev 1) received by the CPA on 31 October 2016.
- d) Proposed Site Plan (Drawing 71002/BL (0) 138 Rev 1) received by the CPA on 31 October 2016.
- e) Proposed Elevations (Drawing 71002/BL (0) 104 Rev 1) received by the CPA on 31 October 2016.
- f) Proposed Roof Plan (Drawing 71002/BL (0) 134 Rev 1) received by the CPA on 3 November 2016.
- g) Ramp Section 1-1 (Drawing 71002/BL (0) 135 Rev 0) received by the CPA on 26 August 2016.
- h) Ramp Section 1-1 (Drawing 71002/BL (0) 139 Rev 0) received by the CPA on 26 August 2016.
- i) Steps Section 2-2 (Drawing 71002/BL (0) 125 Rev 0) received by the CPA on 26 August 2016.

- j) Steps Section 3-3 (Drawing 71002/BL (0) 136 Rev 0) received by the CPA on 26 August 2016.
- k) Miscellaneous Design Details (Drawing 71002/BL (0) 137 Rev 0) received by the CPA on 26 August 2016.
- l) Site Compound Overview (Drawing 71002 BL/ (0) 160 received by the CPA on 31 October 2016.

*Reason: For the avoidance of doubt as to the development that is permitted.*

- 4. No development shall commence that may impact on bats identified on the site until a European Protected Species licence for affected bats and their roosts has been obtained from Natural England. The development shall thereafter only be carried out in accordance with the measures proposed to mitigate the impacts of the development in the September 2016 BJ Collins Follow-up Bat Survey - Mitigation Strategy - Section 6 (Paragraphs 6.1 to 6.6 inclusive), received by the CPA on 13 September 2016, subject to requirements detailed in the bat licence obtained from Natural England.

*Reason: To ensure that a European Protected Species is not injured or killed and to accord with the Conservation of Habitats and Species Regulations 2010 (as amended).*

- 5. Should any tree, shrub, hedgerow or other vegetation clearance works be carried out between the months of March to August inclusive, the works shall only be undertaken in accordance with a methodology which shall first have been submitted to and approved in writing by the CPA. Works to be carried out in accordance with the approved methodology shall only be undertaken following inspection by a suitably qualified ecologist and written confirmation from the ecologist first being submitted to the CPA that breeding birds would not be adversely impacted by the proposed clearance works.

*Reason: To avoid disturbance to birds during the breeding season and to accord with the Conservation of Habitats and Species Regulations 2010 (as amended).*

- 6. Prior to the commencement of development, the means of protection of trees to be retained during the period of construction which shall be sited so as not to encroach within root protection areas identified on Drawing 71002/BL (0) 162 Rev 1 (Condition 3b)), shall be submitted to and approved by the CPA in writing. The approved scheme shall be completed as part of site enabling works, and prior to the commencement of main site works, to the written satisfaction of the CPA.

*Reason: In order to safeguard the health of trees on the site during the period of construction and in the interest of the visual amenity of the site.*

- 7. Notwithstanding Condition 6, where works, including any drainage works, need to be carried out within root protection areas identified on Drawing 71002/BL (0) 162 Rev 1 (Condition 3b)), the work shall be carried out in accordance with a

methodology which shall first be submitted to and approved in writing by the CPA.

*Reason: In order to safeguard the health of trees on the site during the period of construction and in the interest of the visual amenity of the site.*

8. Prior to the commencement of main site works, a watching brief to deal with unexpected contamination which may be encountered shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. If during development, contamination not previously identified is found to be present, no further development shall be carried out, unless first agreed in writing by the CPA, until a remediation strategy to deal with unsuspected contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: Details are required to be submitted prior to the commencement of main site works to provide an appropriate methodology that will ensure that the site is remediated to an appropriate standard.*

9. Notwithstanding details and specifications on drawings approved by Condition 3 of this permission, prior to their use on site samples and a schedule of all proposed facing materials and finishes, including ramp handrail detail and new paving, shall be submitted to and approved by the CPA in writing. Heras contour fencing to be erected shall be coloured black. Development shall be carried out in accordance with the approved details, other than with the prior written consent of the CPA.

*Reason: In the interest of visual amenity and to accord with Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy (ACS) Policy 10: Design and Enhancing Local Identity.*

10. No tree other than Tree 325 identified on Drawing 71002/BL (0) 162 Rev 1 (Condition 3b)) shall be removed except with the prior written approval of the CPA. Within 6 months of the commencement of development a scheme, including a programme for the provision of landscaping to include:

- a) replacement specie(s), location(s), and planting size for any tree removed;
- b) establishment methods (including tree pit detail); and
- c) schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats

shall be submitted to and approved in writing by the CPA. Other than as may be agreed in the programme for the provision of landscaping and planting, the approved landscaping and planting scheme shall be completed not later than the first planting season following the development first being brought into use.

Any tree, plant, shrub or grass seeding that fails to become established within 5 years of the completion of the approved planting and landscaping scheme shall be replaced to the satisfaction of the CPA.

*Reason: In the interest of visual amenity.*

#### Notes/Informatives

1. With reference to Condition 9, the handrail detail should be architecturally sympathetic to the setting of the original library building.