



meeting **PLANNING COMMITTEE**

date **17 FEBRUARY 2004**

from: **Director of Environment**

agenda item number

**BROXTOWE BOROUGH COUNCIL 5/03/00958/CCR  
ERECTION OF A MODULAR BUILDING TO PROVIDE YOUTH CLUB  
PREMISES  
ST MARY'S CHURCH, CHURCH STREET, EASTWOOD,  
NOTTINGHAMSHIRE  
APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL CULTURE &  
COMMUNITY**

1. To consider a planning application for the erection of a modular building to provide youth club premises. The application has given rise to various concerns principally relating to anti-social behaviour and noise. The recommendation is to grant planning permission subject to planning conditions.

### **The Site and Surroundings**

2. The site lies on the western edge of Eastwood within a conservation area and is bounded to the north by Eastwood Infants and Junior School and residential property along Devonshire Drive. To the east of the site lies Church Walk Doctor's Surgery and a large tennis court, whilst to the south lies further residential property within Ratcliffe Street. Finally, the site is bounded to the west by St. Mary's Church and residential properties within Church Street.
3. The site comprises a complex of three buildings which collectively make up a redundant Church of England school. These buildings are all single storey and constructed in traditional red-brick with a slate-pitched roof. The school is sited on the edge of an extensive car park, which lies directly to the south of the proposal. The site is located within Church Walk, which is a relatively secluded, enclosed area off Church Street to the rear of St. Mary's Church. A location plan is attached.

### **Proposed Development**

4. The application seeks to demolish and clear the site of two of the three red-brick school buildings. These two buildings together measure some 303 sq.m. and comprise a small building, adjoined to the rear of the main Victorian school building, immediately adjacent to the northern boundary of the site, and a building immediately to the north-west of the main building.
5. The large main Victorian school building fronting Church Walk would be retained and made both structurally safe and secure.

6. The scheme includes the installation of a single modular building of 171 sq.m. within the footprint of the most westerly of the three school buildings. This modular unit would comprise meeting rooms, offices and would include disabled toilet facilities. In addition, the building would be accessible to young people with disabilities through the provision of a ramped access.

### **Planning Policies**

7. The Nottinghamshire Structure Plan Review (November 1996) contains no policies that are relevant to the proposal, but Policy EV13 of the Broxtowe Local Plan, which is concerned with amenity issues and most specifically the need for high standards of design, is a relevant consideration. It states that a high standard of visual appearance for all development should be the aim.
8. The amenity issue is given greater clarification in the enhanced Policy E1 of the Broxtowe Local Plan Review Revised Deposit Draft (January 2001), which states that planning permission for new development will normally be granted provided that there is no significant adverse effect upon the amenity of the surrounding area and that the scale, mass and materials of the proposal are in sympathy with the character of the surroundings and respect the overall setting.
9. Policy RC3 of the Broxtowe Local Plan Review Revised Deposit Draft (January 2001) supports proposals for community facilities where:
  - (i) the proposal would be well located in relation to the community it serves and to public transport services; and
  - (ii) the amenity of neighbouring properties would not be adversely affected; and
  - (iii) appropriate provision would be made for vehicle parking and highway safety; and
  - (iv) the character of the area would not be adversely affected.

All relevant policies are set out in Appendix 1.

### **Consultations**

10. **Broxtowe Borough Council** raises no objection. The Borough Council are the appropriate authority for dealing with the application for Conservation Area Consent. This is a procedure separate from the planning process. However, they have drawn attention to a petition of opposition signed by 46 local residents.
11. **The Local Member, Councillor Lodziak**, supports the application and reports that the proposed youth centre is a much needed facility, which is supported by the majority of people within the community and all relevant parties. It is reported that the letter of objection attached to the petition was not part of the original petition but rather a later addition. Therefore, it is believed that this raises questions as to the validity of the petition.
12. **Powergen** has made no response.

13. **Severn Trent Water** raises no objection.
14. **Transco** has drawn attention to the fact that there is apparatus in the area.
15. **EMEB** raises no objection.
16. **The Crime Prevention and Architectural Liaison Officer** does not object to the proposed youth centre in principal, but objects to the proposal on grounds that a modular building would not withstand the vandalism it would attract, being in an area that is constantly targeted by local offenders. Evidently, existing buildings within this locality have been subjected to a serious level of burglary and vandalism in recent years. It is pointed out that the area is secluded and does not benefit from any natural surveillance from either passers by or neighbours. However, it is acknowledged that the provision of youth facilities in this area is very much needed
17. **The Council's Heritage Officer** would have preferred to secure all three buildings for restoration. It is considered that the temporary building would, by merit of its appearance and location, have somewhat of a negative impact on the character of the conservation area. However, in recognition of the programme to refurbish the remaining Victorian school building over the long term, the view has been taken that the proposed modular building would be appropriate for a limited length of time, preferably twelve months but not exceeding twenty-four months.

### **Publicity**

18. The application has been advertised by means of one statutory site notice, press notification and letters of notification sent to the occupiers of Nos. 1-17 Devonshire Drive (odds), Nos. 1-47 Ratcliffe Street (odds), Church Walk Doctor's Surgery and Eastwood Infants and Junior School. One petition of representation has been received by Broxtowe Borough Council signed by 46 residents representing 27 households. The petition objects to the proposal on the following grounds:-
  - a) Concern that the proposal would encourage even more anti-social behaviour, given that the area already suffers from a high level of anti-social activity including verbal abuse, and youngsters entering local residents gardens and causing damage.
  - b) Loss of privacy and noise.

### **Highway Observations**

19. There are no highway objections.

### **Observations**

20. The application is submitted in order to provide a much need youth facility. It is considered that there is a lack of suitable provision for young people living

in Eastwood. Within the forum of the Community Action Team meetings, a regular theme has been the lack of youth facilities and the local councillor is regularly lobbied on this issue by members of the public. In order to address this issue, the County Council, District Council and St. Mary's Church have sought to provide the necessary premises on the site of the redundant school to the rear of the Church. These buildings have been put to various uses over the years, including storage, ceramic manufacturing and a youth club, but are currently vacant and in a poor state of repair. It would appear that the youth centre is supported by a majority of people within the local community.

21. It is acknowledged that residents residing in adjacent streets have raised concerns that the siting of a youth centre within Church Walk would generate more anti-social activity. However, in light of the already high level of anti-social behaviour among the local youth, the youth centre is regarded as an attempt to address some of these problems. The facility would provide an office base for up to three staff including Youth Workers who would be employed five days a week between 0900 hrs to 1700 hrs and four evenings a week between the hours of 1830 hrs to 2200 hrs. Staff would be involved in small-scale projects catering for some four to twelve young people in targeted group work. The maximum number of young people using the facility at any one time would only average some twenty-four individuals and this would only be during open club sessions. Therefore, it can be seen that the scope of the youth centre is relatively small-scale and as a result would not impact unduly on the local area.
22. It is not envisaged that such a facility would add to the problems of youth crime in the area but rather that it may actually contribute to reducing it, by giving local youngsters a meeting place and taking them off the streets. In addition, by bringing an evening use into what is a very secluded area with no natural surveillance, the youth centre may actually help to reduce the targeting of local buildings within Church Walk, which are currently subjected to a very serious level of burglary and vandalism.
23. It is considered that any loss of privacy and noise impact from the youth centre would not be of such magnitude as to cause undue concern for local residents. The site is located within the seclusion of Church Walk and the modular building would be adjacent to the boundary with Eastwood Infants and Junior School rather than with dwellings within Devonshire Drive. It is also noted that the proposal is away from the doctor's surgery and adjacent properties within Church Walk, with the retained Victorian school building providing a buffer between the modular building and these buildings. The young people would be inside the modular building and given the nature of the facility would not undertake activities outside the building.
24. It is recognised that a modular unit may not be the most suitable building for this particular location given the particularly high level of crime, as it may well be more vulnerable to burglary and vandalism compared to a permanent structure. However, in mitigation it is only a short-term measure and the aspect of security has been taken on board. It is noted that various vandal proof measures, such as purpose built shutters to the windows, have been incorporated into the design, to render the building as secure as possible. In addition, standard palisade security fencing would be erected along the northern boundary to the rear of the modular building in order to enhance

security of the site, particularly from people trying to access the site from the Eastwood Infants and Junior School campus.

25. The two Victorian school buildings to be demolished have undergone various alterations over the years, which has apparently rendered the buildings structurally defective and both unsafe and uneconomic for use in their present state. Due to existing budgetary constraints the only viable proposal is to demolish two of the three buildings and to erect a modular one. In accepting this proposal, it is acknowledged that the modular building, in terms of its appearance and location would, in the short term, have a negative impact on the character of the conservation area. However, in the light of the proposed refurbishment of the remaining Victorian school building over the long term, it is considered appropriate to use the modular building for a limited length of time. A planning condition could ensure that this time period is restricted to no more than two years. It is noted that additional funding is presently being sought for the sympathetic restoration of the main Victorian school building with a view to its eventual use as the Youth Centre.

### **Conclusions**

26. The proposed development will provide a much needed youth facility and an important resource for local young people. Given the high level of anti-social activity within the locality, it is considered that the proposed youth centre will make a positive contribution to the area. By providing young people with a proper meeting place, it is believed that this will take them off the neighbouring streets, thereby benefiting local residents whose properties are currently being targeted.
27. The proposed modular building is not the most appropriate structure given that the site is within a conservation area, and it is acknowledged that it would introduce a negative albeit short-term impact on the visual amenity of Church Walk. However, it is accepted that, given the present budgetary constraints, the viability of the youth centre is dependent upon the provision of this temporary building. It is viewed as a short-term measure, and it is recommended that every effort be made to refurbish the main Victorian school building and bring it into use as the youth centre.

### **Statutory and Policy Implications**

28. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and users. Where such implications are material, they have been brought out in the text of the report. Members' attention is, however, drawn to the specifics as follows:-

### **Human Rights Act Implications**

29. The relevant issues arising out of the Human Rights Act have been assessed in accordance with the Council's adopted protocol and it appears that the following rights under the convention may be affected:

Article 8 - the right to respect for private and family life, home and correspondence. Restrictions may be placed on this right where it is lawful, necessary in a democratic society and in certain circumstances including the prevention of crime and the protection of the rights and freedoms of others.

Article 1 of the first protocol - the right to peaceful enjoyment and protection of property. Interference with this right is permissible if it is lawful, in the public interest and proportionate. The state may also enforce such laws as are necessary to control the use of property (e.g. planning controls).

The proposals may affect the enjoyment by local people of their homes but this should be balanced with the provision of much needed facilities for young people in the area, as requested by many local people. The decision maker must balance the competing interests and determine whether it is proportionate to grant permission with the potential impact on these rights or to refuse it with the consequent loss of amenities which may be viewed as necessary in the public interest and potentially having a beneficial effect on crime prevention.

### **RECOMMENDATION**

30. It is RECOMMENDED that planning permission is granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions set out in Appendix 2. Members need to consider the issues set out in the report and resolve accordingly.

### **REASON FOR DECISION**

31. Despite a short-term negative impact on the character of the conservation area, which is capable of being successfully mitigated in the long term, the proposal will bring benefits to young people within the local community, in accordance with the Development Plan.

PETER WEBSTER  
Director of Environment

### **Director of Resources' Financial Comments**

As this report deals only with the planning requirements there are no financial implications arising. [DJK 13.2.04]

### **Head of Legal Services' Comments**

Planning Committee has the authority to determine the recommendation.

[HD - 13/2/2004]

### **Background Papers Available for Inspection**

Letter of petition undated but received on the 12<sup>th</sup> December 2003.

## **Electoral Division(s) Affected**

Eastwood and Brinsley.

EPD.DW/ME/EP4499  
13 February 2004

## RELEVANT PLANNING POLICIES

### Broxtowe Borough Local Plan

#### Policy EV13

The Borough Council will seek to ensure a high standard of design and layout to secure attractive development and to safeguard and enhance the existing environment.

### Broxtowe Local Plan Review Revised Deposit Draft (January 2001)

#### Policy E1

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH DOES NOT MEET EACH OF THE FOLLOWING CRITERIA:

- a) THE CREATION OR MAINTENANCE OF A HIGH STANDARD OF AMENITY FOR ALL USERS OF THE NEW DEVELOPMENT AND OCCUPIERS OF NEIGHBOURING PROPERTY;
- b) DESIGN FEATURES TO ENABLE SAFE AND CONVENIENT USE OF BUILDINGS AND FACILITIES BY PEOPLE WITH LIMITED MOBILITY;
- c) MEASURES TO ASSIST IN WASTE MINIMISATION AND RECYCLING;
- d) A SAFE AND SECURE ENVIRONMENT, WHERE NECESSARY INCLUDING CRIME PREVENTION FEATURES;
- e) A HIGH STANDARD OF ARCHITECTURAL DESIGN IN TERMS OF SCALE, MASS AND MATERIALS;
- f) RESPECT FOR THE CHARACTER OF THE SETTING OF THE PROPOSED DEVELOPMENT;
- g) A HIGH STANDARD OF LANDSCAPING;
- h) A HIGH STANDARD OF DESIGN OF OPEN SPACES WITHIN THE DEVELOPMENT, WHERE PROVIDED; AND
- i) SAFE AND CONVENIENT ACCESS FOR VEHICLES, CYCLISTS AND PEDESTRIANS.

#### Policy RC3

PROPOSALS FOR COMMUNITY AND EDUCATION FACILITIES WILL BE PERMITTED IN CIRCUMSTANCES WHERE ALL OF THE FOLLOWING APPLY:

- a) THE PROPOSALS WOULD BE WELL LOCATED IN RELATION TO THE COMMUNITY IT SERVES AND TO PUBLIC TRANSPORT SERVICES; AND
- b) THE AMENITY OF NEIGHBOURING PROPERTIES WOULD NOT BE ADVERSELY AFFECTED; AND
- c) APPROPRIATE PROVISION WOULD BE MADE FOR VEHICLE PARKING AND HIGHWAY SAFETY; AND
- d) THE CHARACTER OF THE AREA WOULD NOT BE ADVERSELY AFFECTED.



**SUGGESTED PLANNING CONDITIONS**

1. Unless otherwise agreed in writing by the County Planning Authority (CPA) the development hereby permitted shall be carried out in accordance with the details shown on Plan Drawing No. 10180/BL (0) 01, as received on the 24<sup>th</sup> October 2003.
2. Unless the County Planning Authority indicates otherwise in writing, the permission for the modular building shall expire on the 28<sup>th</sup> February 2006 and the use shall cease and the modular building shall be removed from the site and the site reinstated to its condition following the removal of the two Victorian buildings but retaining the main Victorian building shown outlined in red on the attached plan.
3. Prior to the commencement of the development hereby permitted measures shall be taken for the protection of all trees and hedges from damage during the course of the development before any equipment, machinery or materials are brought onto the site for the purpose of the development. The means of protection shall include measures to prevent the disturbance or reduction in soil levels within the area of the root spread of the hedgerows; and the adequate fencing off of all trees. The means of protection shall be implemented and retained on site until all equipment and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition and the ground levels within these areas shall not be altered nor shall any excavation be made without the prior written approval of the CPA.
4. Any trees or hedges which become damaged during the course of the development shall be replaced in the first available planting season with the same specimens to those originally planted; the size of these trees shall be at least 14-16cm in girth and the hedge shrubs 60-90cm in height.
5. Except with the prior written agreement of the CPA no construction work shall be carried out or plant operated other than between the following hours: 0730 hrs to 1730 hrs Monday to Friday, 0800 hrs to 1330 hrs on Saturday and at no times on Sunday, Bank or Public Holidays.

Reasons

1. For the avoidance of doubt.
2. The modular building hereby approved by reason of its construction and appearance would not be suitable as a permanent feature in the landscape.
- 3-4. To ensure a satisfactory visual appearance for the development.
5. In the interests of amenity for local residents and to accord with Policy E1 of the Broxtowe Local Plan Review Revised Deposit Draft.

Note to Applicant

The attention of the applicant is drawn to the comments of the Crime Prevention and Architectural Liaison Officer, EMEB and Transco.