

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

Westminster Abbey, 387 St Ann's Well Road

1 SUMMARY

Application No: 13/00655/PFUL3 for planning permission

Application by: White Design UK Ltd on behalf of Resilienti

Proposal: Extensions and alterations to facilitate conversion of ground floor to two retail units (Use Classes A1 and A2). Conversion of first floor to two self-contained apartments.

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

To meet the Council's Performance Targets this application should have been determined by 20th May 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

3 BACKGROUND

- 3.1 The application site is the former Westminster Public House on St Anns Well Road. The site falls within a Primarily Residential Area and is bounded by St Ann's Well Road to the south east, St Ann's Valley to the north west and the rear boundaries of properties on Cromer Road to the north east. The two storey building is located at the south western edge of the site with the remainder of the site being occupied by a hard surfaced car park. The public house ceased trading in 2012 and is now vacant.
- 3.2 Planning permission was refused for a change of use of the premises to a place of worship, in March 2013 (Ref. 12/03321/PFUL3). The application failed to provide sufficient information in support of the proposed use and concerns were raised in respect of design and security.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission for extensions and alterations to the exterior of the building to facilitate the conversion of the ground floor to separate retail units. The original proposal included the provision of a hot food take away. However, this has now been omitted following discussions with the applicant. The proposed

change of use of the building from a drinking establishment (Use Class A4) to retail does not require planning permission and therefore does not form part of this proposal. The proposal also includes the creation of two self-contained flats on the first floor.

- 4.2 The proposals also include some alterations and improvements to the exterior of the building and the car park. The existing elevations would be made good with new render being applied where necessary. The car park would be formally laid out with new markings and landscaped areas to the periphery. The area of land to the south west of the building would be enclosed with a 1.9m high brick wall and railings and landscaped with tree planting.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised by site notices and the following neighbours have been consulted:

73-87 (odds) St Ann's Valley
3 Ransom Road
1-15 (odds) Cromer Road

The consultation period expired on 1st May 2013. Two letters in support of the application were received. 19 Letters of objection and a petition of 327 signatures against the scheme have been received.

The letters in support of the scheme state that this is positive news for the residents of St Ann's.

The following objections have been raised:

- The proposals would have a negative impact upon the regeneration of Robin Hood Chase creating retail competition.
- The site is outside of the City Centre and as such a sequential approach should be taken as required by the NPPF and Local Plan Policy.
- A hot food take away is not appropriate in this location and would result in anti-social behaviour.
- There are already enough shops in the St Ann's area. A community centre would be a more appropriate use of the site.
- The proposal will result in increased traffic.

Additional consultation letters sent to:

Pollution Control: No objection. Condition restricting noise levels of any plant, is recommended.

Highways: No objection. Conditions relating to parking and servicing requirements recommended.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities – complies.

BE2 - Layout and Community Safety – complies.

BE3 - Building Design – complies

T3 - Car, Cycle and Servicing Parking – complies

NE9 – Pollution – complies

National Planning Policy Framework (2012) – complies.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development
- ii) Design considerations
- iii) Traffic and car parking considerations
- iv) Impact on residential amenity

Issue (i) Principle of the development (Policy ST1 and NPPF)

- 7.1 The proposed change of use from a drinking establishment to retail is permitted under the Town and Country Planning (Use Classes) Order (2010) and as such planning permission is not required for the ground floor uses. The need to apply the sequential approach to new retail development, as suggested by a local resident, is therefore not applicable.
- 7.2 The scheme would make bring a vacant and poorly maintained building back into use, would enhance the overall appearance of the site and would provide employment opportunities for local people and as such would comply with policy ST1 of the Local Plan and the NPPF which contains a presumption in favour of sustainable development.

Issue (ii) Design considerations (Policies BE2 and BE3)

- 7.3 Local Plan policies and the NPPF recognise the importance of design in making places better. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.
- 7.4 The existing building is need of maintenance and repair and the site as a whole has been neglected and become a target for vandalism and anti-social behaviour. Whilst the existing building is to be re-used, the development presents an opportunity to enhance its appearance and introduce security and surveillance.
- 7.5 The proposed extensions would increase the existing ground floor area by 35 sq m, from 350 sq m to 385 sq m and as such would be relatively modest in scale. The existing single storey flat roof projections to the north west and south east of the two storey building, would be partially demolished and incorporated within the new

extensions. This would allow the internal layout of the building to be reconfigured to provide more efficient use of the available space but would also provide an opportunity to enhance the external appearance of the building and ensure consistency in materials. As amended, the area of land to the south west of the building would be enclosed by a brick wall and railings and planted with trees. This would soften the visual impact of the massing of the south west elevations of the building and would provide greater definition between the site and the public highway.

- 7.6 The scheme has been amended during the course of the application to relocate the delivery and servicing area to the north east of the building. This helps to reduce the visual impact upon properties to the north west of the site on St Anns Valley and allow additional landscaping to be incorporated along this boundary. The delivery area would be enclosed by a paladin fence. This is considered to provide sufficient security but would be colour coated and therefore less visually intrusive than the palisade fencing as originally proposed.

Issue (iii) Traffic and car parking considerations (Policies BE2 and T3)

- 7.7 The existing car park would provide 24 spaces for customers of the retail units with two additional spaces adjacent to the building, to be allocated specifically to the occupiers of the proposed first floor flats. The appearance of the existing car park would be enhanced through the introduction of formal markings (including a zebra crossing) and areas of soft landscaping. The submitted plans show indicative landscaping proposals but a condition requiring the submission of a full landscaping scheme is recommended.
- 7.8 A transport statement complete with swept path analysis has been provided and confirms that the existing access off St Anns Valley would be sufficient for the proposed use. Whilst the site would benefit from a wider access on St Anns Valley, it is not considered to be reasonable to request this under the current application given that the servicing and delivery requirements are unlikely to differ significantly from those of the former public house, for which the current access was sufficient.

Issue (iv) Impact on residential amenity (Policies BE2, BE3 and T3)

- 7.9 The site is located within a Primarily Residential Area and is in close proximity to houses on Cromer Road and St Ann's Valley. Given that the application does not propose a change of use, it would not be possible to consider the merits of the proposed retail uses. The extension represents a relatively small increase in ground floor space (35 sq m) which is required to provide a functional and efficient layout. It is not considered that the extensions would generate any significant additional impact upon local residents.
- 7.10 Concerns have been raised in relation to the provision of a hot food take away on this site and the potential for this to generate additional anti-social behaviour resulting from congregation of people outside of the unit, particularly late at night. Following discussions with the applicant, the proposed take away element has now been omitted. The applicant has stated that the larger of the two units (unit 1) would be occupied by a frozen food retailer (Use Class A1) and the second, smaller unit would be occupied by financial and professional services (Use Class A2). The applicant has also stated that the proposed hours of use would be daytime only. A condition to restrict the hours is recommended.

- 7.11 The proposal includes enhanced security measures and would introduce natural surveillance which would in turn act as a deterrent to vandalism and anti-social behaviour, all of which would be of benefit to local residents.
- 7.12 The layout of the proposed flats on the first floor of the building has been configured to provide an internal means of access and to make more efficient use of the space available. As amended, the proposal would provide a satisfactory living environment for future occupiers with sufficient outlook and access to natural light within habitable rooms and a safe and convenient access. The proposal includes allocated parking for occupiers of the flats. It is considered that the proposal complies with policies BE2, BE3 and NE9 of the Local Plan.

Other Matters

- 7.13 The nearest Local Shopping Centre is Robin Hood Chase which is located approximately 500m from the site of the Westminster pub. Robin Hood Chase is currently subject of a comprehensive regeneration project which will introduce a mix of new residential and retail development and improved community facilities. Concerns have been raised by local residents and businesses about the potential for retail competition between the proposed units on the site of Westminster and the retail provision within the established Local Centre. The scheme proposes only a minor increase in retail floorspace beyond that which is permitted and therefore any impact would be insignificant.

8. SUSTAINABILITY / BIODIVERSITY

The proposed extensions are to be constructed using locally sourced materials and sustainable forms of heating and water generation are also to be incorporated where possible. The introduction of tree planting to the car park area would help decrease surface water run off and would be of benefit to local biodiversity.

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

Safer Nottingham – Maximising community safety with well designed and secure buildings that facilitate good natural surveillance.

Working Nottingham: The development will provide employment opportunities for local people.

14 CRIME AND DISORDER ACT IMPLICATIONS

The scheme will provide improved surveillance and community safety.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 13/00655/PFUL3 - link to online case file:

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/00655/PFUL3>

2. Observations of Local residents dated between 5th April and 1st May 2013.

3. Petition of 327 signatures against the proposal

4. Highways Observations dated 9th May 2013.

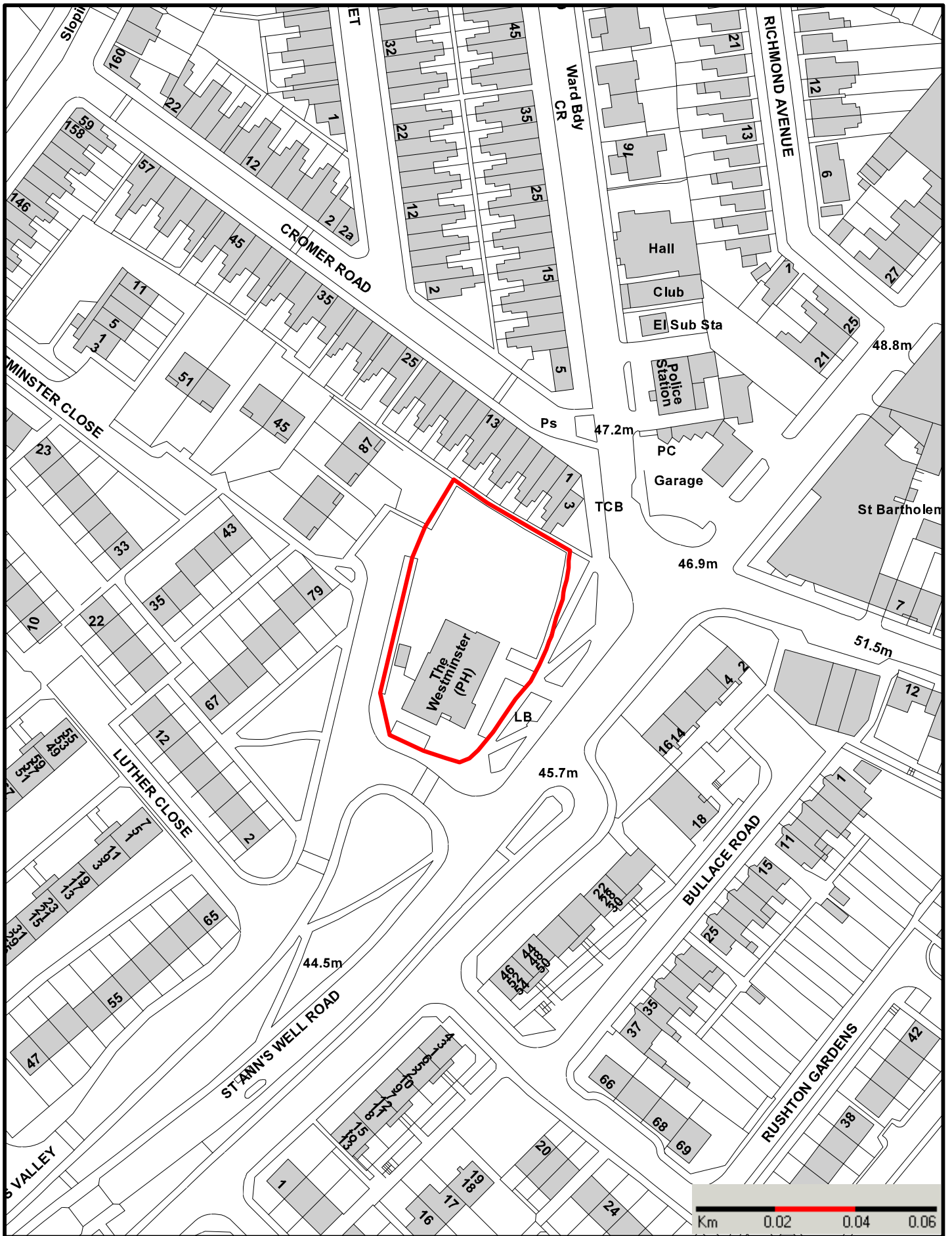
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Zoe Kyle, Case Officer, Development Management.

Email: zoe.kyle@nottinghamcity.gov.uk Telephone: 0115 8764059



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Nottingham
City Council

My Ref: 13/00655/PFUL3 (PP-02520298)
Your Ref:
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**Nottingham
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Date of decision:

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

Application No: 13/00655/PFUL3 (PP-02520298)
Application by: Resilienti
Location: Westminster Abbey, 387 St Anns Well Road, Nottingham
Proposal: Extensions and alterations to facilitate conversion of ground floor to two retail units (Use Classes A1 and A2). Conversion of first floor to two self-contained apartments.

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 the external materials of the extensions hereby permitted have been submitted to and approved in writing by the Local Planning Authority. the development shall be carried out in accordance with the approved details.

Reason To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

3. The development shall not be commenced until a detailed landscaping and planting scheme, for the development indicating the type, height, species and location of proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE3 of the Local Plan.

Pre-occupation conditions

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

4. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory, in accordance with Policy BE3 of the Local Plan.

5. Prior to the first use of the development hereby permitted, the on site parking, turning and servicing area shall be provided and surfaced in a bound material with the parking bays and pedestrian routes clearly delineated in accordance with the submitted details. This area shall be maintained in the bound material for the life of the development and shall not be used for any other purpose other than the parking, turning, loading and unloading of vehicles.

Reason: To ensure adequate parking provision is available and in the interests of highways safety in accordance with Policies BE2 and T3 of the Local Plan.

Regulatory/ongoing conditions

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

6. The development hereby permitted shall not be open to customers outside the hours of 0800 hours to 1800 hours Monday to Saturdays and 10:00 to 17:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of occupiers of nearby residential properties in accordance with Policies BE3 and NE9 of the Local Plan.

7. The noise levels from any plant associated with the commercial premises shall not exceed Noise Rating NR25 within bedrooms of the first floor residential premises between the hours of 23.00 and 07.00; and not more than Noise Rating NR30 within living rooms of the first floor residential premises between the hours of 07.00 and 23.00

Reason: To safeguard the amenities of future occupiers in accordance with Policy NE9 of the Local Plan.

Standard condition- scope of permission

- S1. Unless otherwise agreed in writing by the Local Planning Authority or modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:

Drawing reference 02 003 revision F, received 10 May 2013
Drawing reference 02 004 revision F, received 10 May 2013
Drawing reference 02 005 revision C, received 10 May 2013
Drawing reference 02 006 revision G, received 10 May 2013

Reason: To determine the scope of this permission.

Informatives

1. 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.

2. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

3. The applicant is advised that there appears to be a public right of way through the site. For further information regarding the potential rights of way issue surrounding this site, the applicant should contact John Lee, the City Council's Rights of Way Officer on 0115 8765246.

4. 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.

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: 13/00655/PFUL3 (PP-02520298)

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.