

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site Of Apollo Hotel PH, Hucknall Lane

1 SUMMARY

Application No: 13/01074/PFUL3 for planning permission

Application by: Mr M Barker

Proposal: Use of land for hand car wash.

The application is brought to Committee because it has generated significant local interest.

To meet the Council's Performance Targets this application should have been determined by 10th July 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 site of the former Apollo Hotel and public house on Hucknall Lane. The buildings were demolished in 2012 and the site has been left in a cleared and tidy condition. There is a low wall and security barriers along the boundary of the site with Hucknall Lane. There are close boarded timber fences and concrete panel fences to the other boundaries.

3.2 The nearest dwellings are on Ventura Drive to the north and adjoining the east/rear boundary of the site. There is a tyre centre and electrical factors businesses to the south of the site on Saxondale Court.

4 DETAILS OF THE PROPOSAL

4.1 The application proposes the use of the land as a hand car wash. A car wash area would be formed towards the southern boundary of the site with the neighbouring tyre centre business. There would also be a car wash canopy structure on this boundary. Two storage units are proposed to be positioned between the rear of the car wash area and the eastern/rear boundary of the site. Vehicle access would be from the existing points onto Hucknall Lane.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

181-199(odd) Hucknall Lane
1, 7, 9, 11, 12, 14-17, 18, 22 Ventura Drive
3 Saxondale Court

- 5.1 There have been 23 responses to consultation. The majority of these responses relate to the advertisement banner and press coverage that has indicated that the business would be operated as a 'Bikini Car Wash'. Comments received in this respect relate to a downgrading of the character of the area and to non-material planning considerations including the objectification and exploitation of women.
- 5.2 Comments have been made by immediate neighbours to the site on Ventura Drive and Hucknall Lane. Those neighbours concerns relate to the proximity of the car wash use to the boundary of the site with garden areas, the potential for noise and other disturbance, extended hours of operation, and drainage.

Additional consultation letters sent to:

Pollution Control: No objection. The hours of operation are satisfactory. Recommend car washing activities are carried out only within the designated area. Recommend condition limiting noise level at site boundary.

Highways: No objection. Satisfied that drainage for car wash is to be connected to foul water drain.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 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.

Nottingham Local Plan (November 2005):

BE2 – Layout and Community Safety

BE3 - Building Design.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Visual amenity and impact upon local residents
- (ii) The discharge of water from the site.

Issue (i) Visual amenity and impact upon local residents (Policies BE2, BE3 and NE9)

- 7.1 The proposed car wash use would operate from that part of the site towards the southern boundary with the neighbouring tyre centre business. The designated car wash area has been revised to a central position along this boundary at approximately 16 metres from the rear boundary with neighbouring residential properties. The layout of the ancillary two storage containers has also been revised to position them off the rear boundary of the site and they have also been aligned to shield the activity from the car wash area from these neighbouring residents. Two car wash canopy shelters have been deleted from the rear boundary and a single canopy has been retained adjacent to the designated car wash area. It is considered that the revised layout of the proposed car wash would not result in significant harm to the amenity of the neighbouring residential properties and, subject to the implementation of the proposed development in accordance with these details, the proposed car wash use is considered to accord with Policies BE2 and BE3 of the Local Plan.
- 7.2 Access to the site would be from existing points on Hucknall Lane. This arrangement is considered to be acceptable in highway safety terms.
- 7.3 Pollution Control have advised that the proposed hours of operation are satisfactory (08:00 to 19:00 Monday to Friday; 08:00 to 18:00 Saturday; and 09:00 to 16:00 Sunday) and have recommended car washing activities are carried out only within the designated area and noise levels are limited at the site boundary with neighbouring properties. Planning conditions are intended to regulate these aspects in accordance with Policy NE9 of the Local Plan.

Issue (ii) The discharge of water from the site (Policy NE10)

- 7.4 A small part to the rear of the site falls within Flood Zone 2 (low to medium flood risk). The proposed use can be classed as water compatible development (no accommodation) that is not considered to be at significant risk of flooding.
- 7.5 The applicant has provided drainage details that confirm that the proposed hand car wash use will to be connected to an existing foul sewer. Highways are satisfied with these details and the use is not therefore considered to compromise the neighbouring properties or the highway.
- 7.6 The proposed use is therefore considered to be in accordance with Policy NE10.

Other Matters

- 7.7 Whilst being non-material planning considerations, Committee are advised that the applicant has stated that the car wash will not now be operated as a 'Bikini Car Wash' at any time in future and has also removed the banner advertisements promoting this from the site.

8. SUSTAINABILITY / BIODIVERSITY

None.

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

Working Nottingham: the development will provide local employment opportunities.

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: 13/01074/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01074/PFUL3>
2. Pollution Control, 24.5.13
3. Highways, 29.7.13
4. Resident, Ventura Drive, 28.5.13
5. Resident, Ventura Drive, 1.7.13
6. Resident, Hucknall Lane, 4.6.13
7. Resident, Ventura Drive, 4.6.13
8. General Comment, 20.5.13
9. General Comment, 23.5.13
10. General Comment, 23.5.13
11. General Comment, 29.5.13
12. General Comment, 31.5.13
13. General Comment, 3.6.13
14. General Comment, 6.6.13
15. General Comment, 13.6.13
16. General Comment, 13.6.13
17. General Comment, 13.6.13

18. General Comment, 13.6.13
19. General Comment, 13.6.13
20. General Comment, 14.6.13
21. General Comment, 14.6.13
22. General Comment, 14.6.13
23. General Comment, 14.6.13
24. General Comment, 15.6.13
25. General Comment, 16.6.13
26. General Comment, 17.6.13

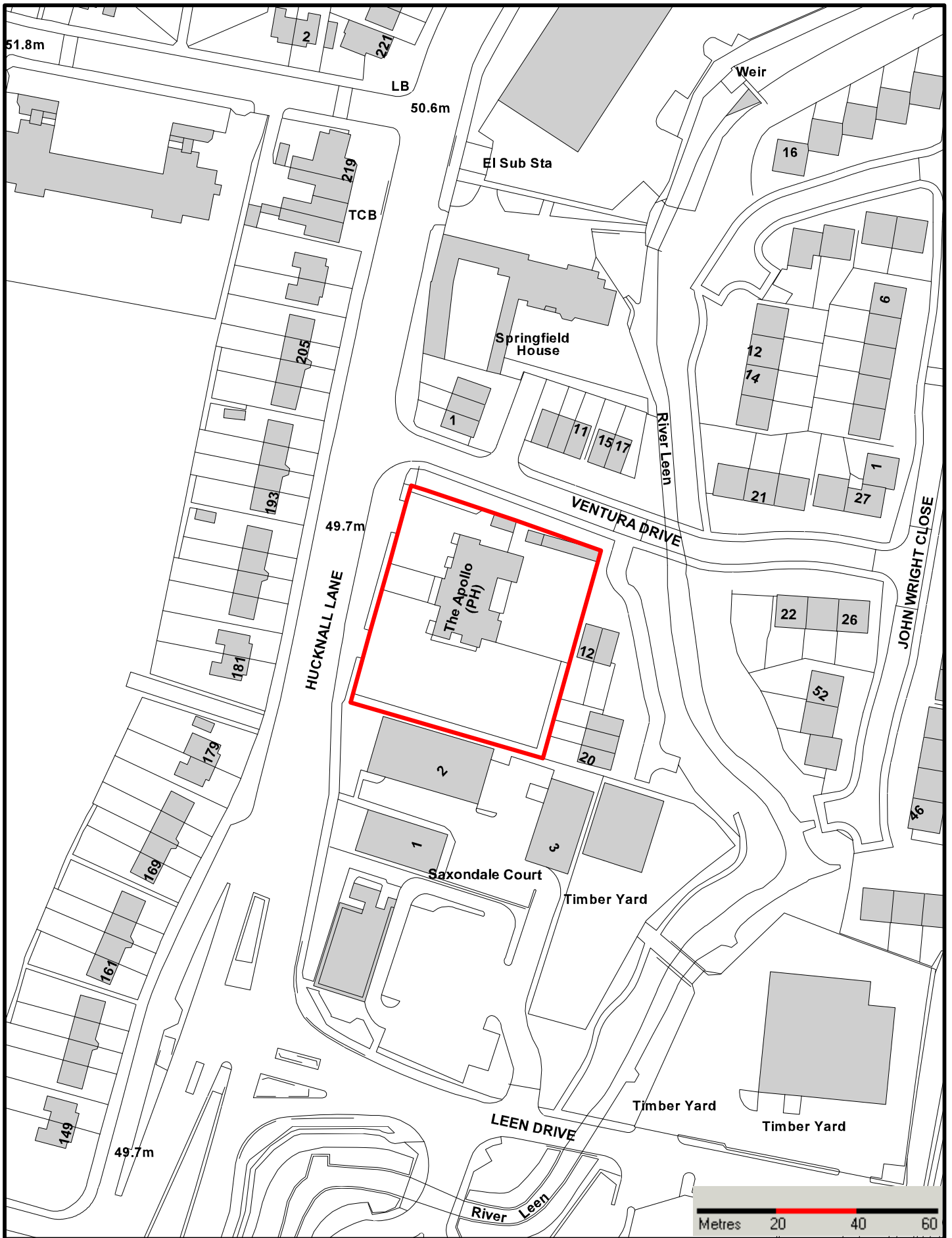
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

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13/01074/PFUL3
Apollo Hotel PH, Hucknall Lane



Nottingham
City Council

My Ref: 13/01074/PFUL3

Your Ref:

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Mr M Barker
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Date of decision:

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

Application No: 13/01074/PFUL3
Application by: Mr M Barker
Location: Site Of Apollo Hotel PH, Hucknall Lane, Nottingham
Proposal: Use of land for hand car wash.

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)

There are no conditions in this section.

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)



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Not for issue

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2. The approved hand car wash use shall only be carried out within the designated car wash area that is illustrated on the submitted layout plan reference 2012/007/HCW 01 revision 'D', dated 6 July 2013 and received 7 July 2013, unless an alternative arrangement has otherwise been agreed in writing by the Local Planning Authority.

Reason: To limit the area of the site that is to be used as a hand car wash in the interests of the amenity of neighbouring residents to the application site and in accordance with Policies BE2 and BE3 of the Nottingham Local Plan.

3. The approved hand car wash use shall not be open to customers outside the following hours unless with the prior written consent of the Local Planning Authority:

08:00 to 19:00 Monday to Friday
08:00 to 18:00 Saturday
09:00 to 16:00 Sunday

Reason; In the interests of the amenity of neighbouring residents to the application site and in accordance with Policy NE9 of the Nottingham Local Plan.

4. Noise associated with activities on site shall not exceed Noise Rating NR40 at the site boundary of the nearest noise sensitive receptor.

Reason; In the interests of the amenity of neighbouring residents to the application site and in accordance with Policy NE9 of the Nottingham Local Plan.

Standard condition- scope of permission

- S1. The development shall be carried out in complete accordance with the details described in the following drawings/documents:
Planning Layout reference 2012/007/HCW 01 revision 'D', received 7 July 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.

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.



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RIGHTS OF APPEAL

Application No: 13/01074/PFUL3

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.



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