

**REPORT OF DIRECTOR OF PLANNING AND TRANSPORT**

**Moulders Arms, Bovill Street**

**1 SUMMARY**

Application No: 13/01914/PFUL3 for planning permission

Application by: Mr Harun Holmes

Proposal: Change of use to community centre/evening school (Class D1).

The application is brought to Committee at the request of a Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 10th October 2013

**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 Director of Planning and Transport.

**3 BACKGROUND**

The application site is the Moulders Arms PH which is located on the west side of Bovill Street. The use as a public house has recently ceased. The application site comprises a two storey building with a car parking area at the side which has access from Bovill Street. There are residential properties in Manston Mews on the opposite the side of Bovill Street. Denison Court, which comprises houses primarily occupied by students, abuts the site to the north and west and is accessed from Denison Street.

**4 DETAILS OF THE PROPOSAL**

Planning permission is sought for the change of use to a community centre/evening school (Use Class D1). In a statement submitted with the application the applicant has advised that the principal purpose of the building will be as a community centre which would run from 11am to 10pm at the latest. This element would include a range of uses, including, for example, a Mother and Toddler group, coffee mornings and classes teaching English and IT skills. It is also proposed to operate an evening school which would run on weekdays from 5pm -7pm. It is anticipated that up to 50 children would attend and this would be spread over two sessions starting within 30 minutes of each other. The applicant has advised that the main users of the community centre and evening school would be from Radford, Hyson Green and Lenton.

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

### **Adjoining occupiers consulted:**

- 5.1 The proposal has been advertised by means of a site notice and the following nearby occupiers have been notified:

25 – 32 and 38 -60 Manston Mews, 31- 37 Denison Court, Denison Street, 3 –9, Hartley Road.

- 5.2 In response, one email has been received from an occupier of Manston Mews requesting that it be noted that there is only one access and egress to this area; Manston Mews has 60 homes and most residents have cars and parking is already at a maximum. The correspondent is also concerned that further car parking could lead to difficulties for access by the emergency services.
- 5.3 Councillor Steph Williams: Does not object to the principle of the proposed use of the building. However, she does object to a use which based upon evidence from elsewhere, shows that it would generate much more traffic, e.g a similar building on Churchfield Lane, Radford, which still attracts vehicles even though the planning application advised that users would walk there; Bovill Street is a cul de sac which exits onto Hartley Road in close proximity to a busy major junction; vehicles associated with the proposed use would need to turn on Bovill Street and as this road is a well used pedestrian route and close to a children's play park there is an increased risk to pedestrians, particularly children, if there is an increase in traffic; the exit right onto Hartley Road will also be very dangerous, particularly at busy times of the day.

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

**Pollution Control:** No objections.

**Highways:** No objection. The main highway issue is the level of vehicular activity which could be associated with the proposed use. The potential for conflict between the proposed hours of operation for the after school teaching facility and the greatest demand for car parking from local residents and parking from events held in the building leading to future complaints has been assessed. There would also be a potential concern if a lot of vehicles were exiting Bovill Street at the same time. However, it is concluded, that with the exception of the end of the classes which will fall right at the end of the evening peak or after it, the nature of drop off or the stated use of the Community/Drop In Centre should mean that most vehicle movement times are staggered. Additionally, it could be assumed that half of these vehicles will be turning left and not form as greater conflict as right turners at the junction with Hartley Road. It should be noted that there are no Reported Injury Accidents currently associated with this junction.

Recommend that conditions should be imposed requiring the submission of details of the layout of the car park that the use should only be used as a community centre/evening school and for no other purpose.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework**

Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Relevant to this application is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

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

CE1 - Community Facilities. Complies.

BE2 - Layout and Community Safety. Complies.

BE3 - Building Design. Complies.

T3 - Car, Cycle and Servicing Parking. Complies.

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

### **Main Issues**

- (i) Principle of the use
- (ii) Impact upon the amenity of nearby occupiers
- (iii) Traffic and parking considerations

### **(i) Principle of the use (Policy CE1)**

- 7.1 Policy CE1 encourages the provision of community facilities subject to criteria which are considered to be met by this proposal. The site is near to a Local Shopping Centre which is on a good public transport route and is well located in relation to the community it would serve; it is easily and safely accessible by a choice of means of transport, including public transport, cycling and walking. The principle of the re-use of the former public house for a community use is considered to be in accordance with Policy CE1.

### **(ii) Impact upon the amenity of nearby occupiers (Policy BE3)**

- 7.2 The property is within a Primarily Residential Area and there are residential properties opposite the application site. The last use of the building was as a public house, which, by its nature, would have involved customers arriving and departing from the premises during the daytime and into the late evening which would have been likely to have resulted in some noise and disturbance to local residents. The proposed use would similarly involve users of the community centre arriving and departing, but the nature and timing of this would be different.
- 7.3 The applicant has requested that the hours of use of the premises be from 11am - 10pm. These hours are considered to be acceptable in terms of the impact on local residents, particularly as it is anticipated that the main activity associated with the use is likely to occur in the late afternoon and early evening on weekdays. It is recommended that a condition be imposed restricting the hours of opening to those

requested. On the basis of the above it is therefore considered that the proposal accords with Policies CE1 and BE3.

### **(iii) Traffic and parking considerations (Policies BE2, T3 and CE1)**

- 7.4 There is a small car park available at the side of the former public house which could accommodate approximately nine vehicles, which would be available for use by staff and by parents and carers dropping off and picking up their children. However, it is still likely that the proposed use could result in on street car parking at peak times. There are no restrictions on on-street car parking on Bovill Street and it is considered that the level of activity likely to be generated by the proposed use would be such that this would not result in highway safety issues or impact upon car parking for local residents.
- 7.5 The application site is within the area which it is anticipated would be served by the proposed community centre and it is therefore highly accessible on foot or by bike. The site is also close to Alfreton Road which has good public transport links.
- 7.6 It is recommended that a condition be imposed to ensure that the existing car park be laid out with marked spaces to ensure that it can be used to its maximum potential and that vehicles can enter and leave the site in a forward gear. It is also recommended that a condition be imposed which would ensure that the property could not change to a place of worship without requiring a further planning application as this would be likely to generate more activity and associated car parking than the other uses which fall within Use Class D1.
- 7.7 The concern of Councillor Williams about the amount of traffic which would be generated by the proposed use of the building has been considered. As set out in para 7.4 there will be additional vehicular activity on Bovill Street as a result of the proposed use but the overall assessment is that this can be satisfactorily accommodated without detriment to the amenity of the nearby residents or road safety on the street. The comment of the local resident regarding access by emergency vehicles has also been considered. Bovill Street has lay-by parking on the east side which means that if there is street parking on the west side, adjacent to the Moulders Arms, that adequate street width to enable for access by emergency vehicles would remain.
- 7.8 Overall it is considered that the proposal would satisfy Policies BE2, T3 and CE1.

## **8. SUSTAINABILITY / BIODIVERSITY**

The proposal involves the reuse of an existing building in a location which is accessible to the local community.

## **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**

Neighbourhood Nottingham – The proposal would bring a vacant building back into use strengthening community cohesion in neighbourhoods.

Safer Nottingham - The proposal would assist community safety by increasing natural surveillance.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

The occupation of this currently vacant building would deter vandalism and provide activity on the street which would contribute to community safety.

**15 VALUE FOR MONEY**

None.

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

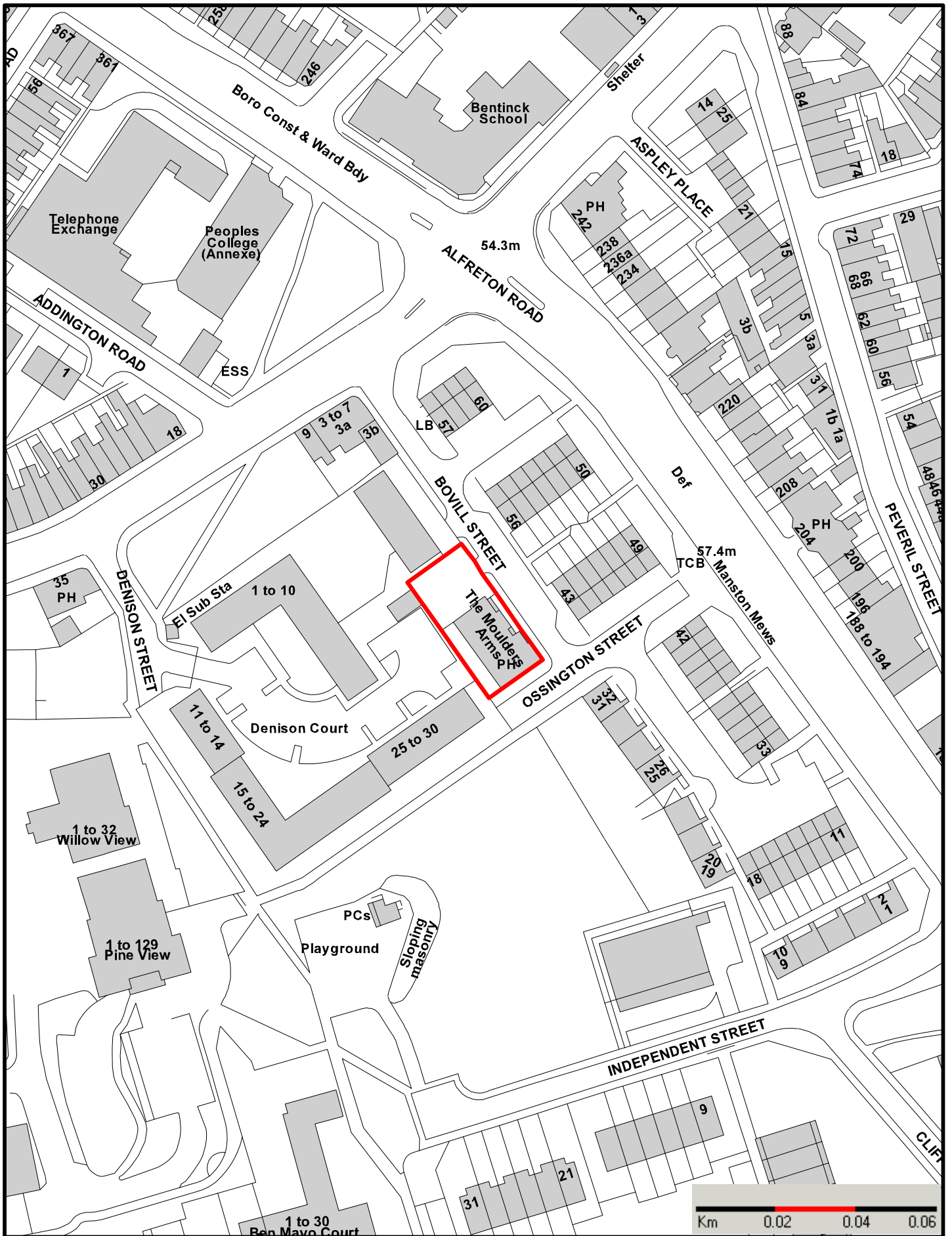
1. Application No: 13/01914/PFUL3 - link to online case file:  
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01914/PFUL3>  
Objection dated 25.09.2013 from Councillor Williams  
Email dated 27.08.2013 from resident of Manston Mews  
Email dated 13.09.2013 from Noise and Pollution Control

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

Nottingham Local Plan (November 2005)

**Contact Officer:**

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**Nottingham**  
City Council

**My Ref:** 13/01914/PFUL3

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Mr Harun Holmes  
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Date of decision:

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

Application No: 13/01914/PFUL3  
Application by: Mr Harun Holmes  
Location: Moulders Arms, Bovill Street, Nottingham  
Proposal: Change of use to community centre/evening school (Class D1).

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)

2. The use of the property hereby permitted shall not be commenced until details of a car park layout have been submitted to and approved by the Local Planning Authority and the car park laid out with marked spaces in accordance with the approved details.

*Reason: To ensure that the car parking area can be effectively used to reduce the level of on street car parking arising from the use 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)

3. The premises shall not be used outside the hours of 11am to 10pm on any day of the week.

*Reason: To protect the amenities of the occupants of nearby property in accordance with Policy BE3 of the Local Plan.*

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or any re-enactment thereof, the premises shall not be used other than for purposes defined in Class D1 (except place of worship) of The Town and Country Planning (Use Classes) Order 1987, as amended or any re-enactment thereof.

*Reason: To protect the amenities of the occupants of nearby property in accordance with Policy BE3 of the 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 forms, drawings and other documents comprising the application as validated by the council on 15 August 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. 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: 13/01914/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](http://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.