

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

The Fiveways , Edwards Lane

1 SUMMARY

Application No: 15/01624/PFUL3 for planning permission
15/01542/LLIS1 for listed building consent

Application by: Mimar Design on behalf of Sherwood Education & Cultural Centre

Proposal: Retention of use as community centre, coffee bar, function rooms
and meeting rooms (15/01624/PFUL3)

Internal and external alterations for conversion to community
centre, coffee bar, function rooms and meeting rooms
(15/01542/LLIS1)

The application is brought to Committee because it has generated a significant amount of public interest.

To meet the Council's Performance Targets this application should have been determined by 13th August 2015

2 RECOMMENDATIONS

1. **GRANT TEMPORARY PLANNING PERMISSION** subject to the indicative conditions listed in the draft decision notice at the end of this report.

2. Grant listed building consent 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 Head of Development Management and Regeneration.

3 BACKGROUND

3.1 The application property is a former public house dating from the mid-1930s and is a Grade II listed building. The property is tiled to the ground floor elevation with render and timber to the upper floor. The property occupies a triangular site, with a car park to two sides and a garden and terrace area to the third side. The property is located in a prominent position at the junction of Valley Road and Edwards Lane, with access to the car park off Edwards Lane. There is a dwellinghouse adjoining the site to the north, with Edwards Lane, Valley Road and recreation grounds to the other sides.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought to convert the property to community centre, coffee bar, function rooms and meeting rooms. The application is accompanied by a schedule of proposed activities which includes fitness classes, yoga and martial arts, education in Islam, various languages (Spanish, Turkish, Mandarin, English) and maths and sciences, sports coaching, Muslim prayers, spiritual contemplation and healing. The centre also proposes to hold markets and councillor surgeries.
- 4.2 A community café is proposed to be open from 7am to 7pm. Opening hours are proposed as 06:00 to 23:00 (with closing at 00:30 during Ramadan). It is proposed that the car park will retain the existing 17 off-street car parking spaces and 2 disabled off-street car parking spaces.
- 4.3 Proposed plans show the café to be located in the former snug and dining area at the front of the building; the former function room would remain for that purpose and the former lounge bar would become a prayer room. The first floor would provide an office and three meeting rooms; a bedroom and bathroom would remain for use by a caretaker. Former function and storage rooms in the basement would become a gym and sports room and a training room.
- 4.4 The application for listed building consent includes removal of raised stages in two rooms (Lounge Bar and Function Room), opening up the existing staircase from the basement up to the Lounge Bar, removal of bar and stud walls in the Lounge Bar, exposing iron columns in the Function Room, removal of stud walls in the Function Room, removal of the garage door and replacing it with a wall and window.
- 4.5 It is understood that the applicant has been operating some of the uses described in the application for some months, although the café has not yet opened and none of the Listed Building works have commenced.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Ninety-eight letters notifying neighbours of the planning application were sent to addresses on Valley Road, Edwards Lane, Valebrook Road, Larwood Grove, Ribblesdale Road, Kneeton Vale and Danethorpe Vale. A site notice was also posted.

The listed building consent application was advertised by means of a site notice and a press advert.

Ninety letters and emails of objection were received following advertising of the listed building consent application, relating to the proposed use rather than the works the listed building. Eleven letters and emails of objection were received following advertising of the planning application. A further twenty-eight emails were received which did not raise any matters relating to the planning issues, and which are not therefore addressed by this report.

Grounds of objection are summarised as:

- the building should be kept as a public house. These objections relate to maintaining its heritage and its serving of the local community.

- the proposed use would lead to congestion and parking problems. It is considered that the car park is not large enough for the use. It is noted that the Sherwood Dales area already has parking issues due to the City Hospital and commuters. It is also suggested that the congestion would hinder the efficient running of the hospital.

- noise nuisance from functions and from people leaving late at night.

An online petition aimed at keeping the Five Ways as a pub (<http://www.gopetition.com/petitions/safeguard-the-five-ways-public-house-nottingham/signatures.html>) has 855 signatures (as at 02.09.2015).

The Campaign for Real Ale (CAMRA) object to the change of use as this is a highly significant pub that has survived without substantial alterations to its interior (of about 60,000 pubs in the UK, only about 250 have been identified as meeting this standard). Lack of viability has not been put forward as a reason for sale or the change of use. CAMRA also objects to fitting secondary glazing which would have a damaging effect on the character of the building and the way in which the windows appear from the interior. Concern is expressed about removal of the bar in the former lounge. The proposed alterations which would restore or 're-expose' previously altered original features are supported. The building's status as one of the most architecturally significant public houses in Nottinghamshire (and one of the two most significant in the City) mean that the best way it can be appreciated is by retaining it as a public house.

Fifty-one letters and emails of support were received following advertising of the planning application. Grounds of support are summarised as:

- the proposed community centre and café would benefit the local community and provide a range of activities for a wide section of the community.

- there would be less noise, traffic and parking than was experienced from the pub use.

Additional consultation letters sent to:

Pollution Control: No objection.

Highways: Note that whilst the highway surrounding the application site is already heavily controlled with on-street parking restrictions, there remains the opportunity for a successful centre to lead to on-street parking. Recommend that a temporary permission is granted and that a future application for permanent use should include an independent parking survey to allow any impact on the highway network and on residential streets to be assessed.

Lead Local Flood Authority: No objection.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

CE1 - Community Facilities.

NE9 - Pollution

BE11 - Alterations and Extensions to a Listed Building

National Planning Policy Framework

The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure a good standard of amenity for all existing and future occupants of land and buildings.

Aligned Core Strategy

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

Policy 11: The Historic Environment - seeks to conserve and/or enhance the historic environment and heritage assets in line with their interest and significance.

Policy 12: Local Services and Healthy Lifestyles - supports new, extended or improved community facilities where they meet a local need and are sustainably located.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the use
- (ii) Impact on neighbouring residents
- (iii) Highways and parking
- (iv) Impact on listed building

Issue (i) Principle of the use (Policy CE1 of the LP; Policy 12 of the ACS)

- 7.1 Policies CE1 and 12 encourage the provision of community uses subject to criteria which are considered to be met by this proposal. The site is easily and safely accessible by a choice of means of transport, including public transport, cycling and walking; traffic and impact on nearby residents are addressed later and are considered to be satisfactory subject to the grant of a temporary permission. The policy looks for such a use to be well located to the community it serves. The site is located close to substantial residential areas from which it easily accessible. The proposal is therefore considered to be in accordance with Policy CE1.
- 7.1 The council has no policy basis for resisting the loss of the public house. Planning permission would not, for example, be required for the use of the building for retail purposes. In general terms, the proposal continues the building's function serving the community and the proposed works would not preclude its return to use as a public house.

Issue (ii) Impact on neighbouring residents (Policies CE1 and NE9 of the LP; Policies 10 and 12 of the ACS)

- 7.3 An assessment of the potential impact of the proposed use has to be considered in the light of the authorised use as a public house. The licensing hours of the pub before it closed were Monday to Wednesday from 09:00 to 00:30 and Thursday to Sunday from 10:00 to 01:30. In general terms, use as a community centre has many similar characteristics to use as a pub, particularly a large pub with function rooms and, at one time, a nightclub in the basement. Whilst the number of people using the premises and general character might be similar, it may be that the pattern of comings and goings would be different and it is therefore recommended that a temporary permission is granted for a one year period to allow an assessment of the nature of the activity and its potential impact on residents. It is recommended that hours of opening are 06:00 to 24:30 which is in line with the pub opening hours and the request of the applicants.

Issue (iii) Highways and parking (Policy 10 of the ACS)

- 7.4 No information on expected numbers of visitors to the centre has been provided with the application and it is, of course, difficult to predict the success of a community centre which offers a range of services, which may prove more or less popular. Whilst the highway surrounding the application site is already heavily controlled with on-street parking restrictions, primarily due to proximity of the City Hospital, there remains the opportunity for a successful centre to lead to on-street parking which may be detrimental to highway safety and potentially to nearby residents. It is therefore again recommended that a temporary permission is granted for a one year period and that a future application for permanent use should include an independent parking survey to allow any impact on the highway network and on residential streets to be assessed.

Issue (iv) Impact on listed building (Policy BE11 of the LP and 11 of the ACS)

- 7.5 Special regard must be had to the desirability of preserving the listed building including any features of special architectural or historic interest that it may possess. The NPPF requires the conservation of heritage assets in a manner appropriate to their significance and to take account of the desirability of sustaining and enhancing the significance of heritage assets giving great weight to their conservation. The works to the listed building include removal of stud walls and boxing around columns which will restore to view original features of the building. The removal of the stages and the bar in the Lounge are works to take out later additions to the building. The works have been discussed with the conservation officer and it is noted that they would not prevent the re-use of the building as a pub. It is therefore felt that the proposed works would both preserve and enhance the building and meet the relevant statutory and Policy tests. It is therefore recommended that listed building consent be granted.

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

Improving life chances for young people.

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: 15/01624/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NQ55JXLYCB000>

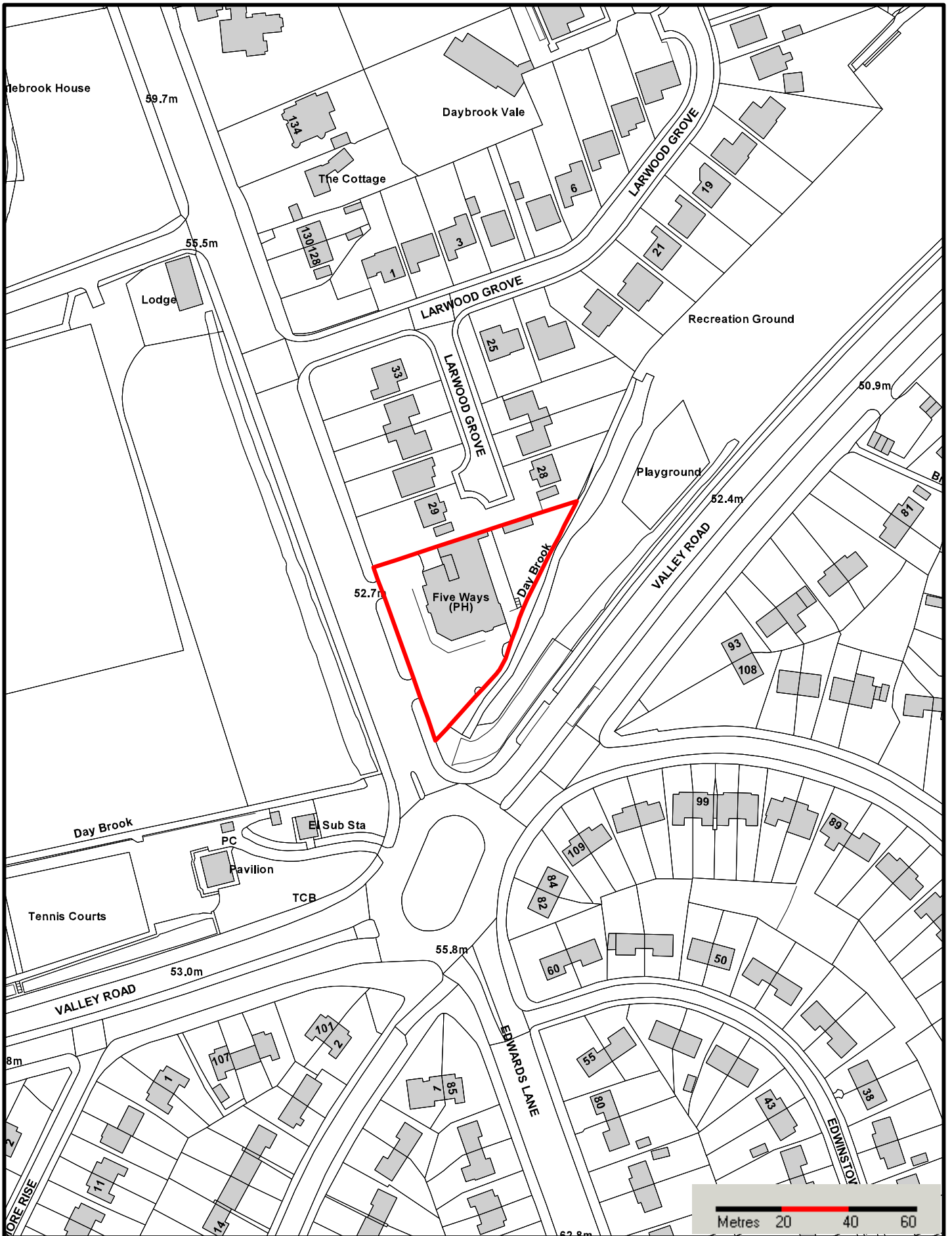
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

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Nottingham
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My Ref: 15/01624/PFUL3 (PP-04283985)
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Date of decision:

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

Application No: 15/01624/PFUL3 (PP-04283985)
Application by: Sherwood Education & Cultural Centre
Location: The Fiveways , Edwards Lane, Nottingham
Proposal: Retention of use as community centre, coffee bar, function rooms and meeting rooms.

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 use hereby permitted shall be discontinued on or before 30 September 2016 unless upon subsequent application the Local Planning Authority grants a further permission. <i>Reason: To allow an assessment of the impact of the centre on the amenities of nearby residents and on the highway network in accordance with Policy 10 of the Aligned Core Strategy.</i>
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)
2. The use hereby permitted shall not be carried on between the hours of 00:30 and 06:00 on any day.

Reason: In the interests of the amenities of nearby occupiers in accordance with Policies CE1 and NE9 of the Local Plan and Policy 12 of the Aligned Core Strategy.

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 18 June 2015.

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. 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.

3. In the event of an application being made in the future for permanent use of the centre, it is expected that this would be accompanied by an independent parking survey, the scope of which to be agreed with the Local Planning Authority, and if required contributions sought towards off site highway improvements, e.g. TRO's etc. The council's Highway Metrics Team would be happy to discuss the proposals and to conduct the surveys on behalf of the Applicant. They can be contacted on 0115 8765273.

4. a) The Highways Network Management team at Loxley House must be notified regarding when any works will be carried out if a disturbance to the public highway will be occurring. Please contact them on 0115 8765238. It is also 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.

b) The Highway Authority would highly recommend that to actively encourage children attending the centre to come by sustainable means and that road safety education sessions are run by our Road Safety Education team at the centre. For more information please contact Road Safety Education on 0115 876 5280.

c) If the Applicants wish to make a contribution towards a central refuge on Edwards Lane that will assist those travelling by public transport to and from the Community Centre by providing a safe crossing point, they can contact our Area Focus Team on 0115 8765233 or 0115 8765264 to discuss proposals.

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: 15/01624/PFUL3 (PP-04283985)

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.

My Ref: 15/01542/LLIS1 (PP-04257697)

Your Ref:

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Date of decision:

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
APPLICATION FOR LISTED BUILDING CONSENT**

Application No: 15/01542/LLIS1 (PP-04257697)
Application by: Sherwood Education & Cultural Centre
Location: The Fiveways , Edwards Lane, Nottingham
Proposal: Internal and external alterations for conversion to community centre, coffee bar, function rooms and meeting rooms.

Nottingham City Council as Local Planning Authority hereby **GRANTS LISTED BUILDING CONSENT** to the above application subject to the following conditions:-

Time limit

1. The works hereby authorised shall be begun before the expiration of three years from the date of this consent.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 following, including 1:50 scale drawings, have been submitted to and approved in writing by the Local Planning Authority:
 - a) the making good of and any repairs to; the areas exposed by the removal of the ground floor raised platforms, removal of the boxing around the function room stanchions, and removal of the bar and associated stud walls.
 - b) external materials of, and the design and appearance of the new window, of the new wall between the yard and the ablutions area;
 - c) the design and appearance of the new doors to the cafe.



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Not for issue

Continued...

The development shall be carried out in accordance with the approved details.

In the interests of the character and appearance of the Listed Building in accordance with Policy BE11 of the Local Plan.

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)

There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the works shall be carried out in complete accordance with the details described in the following drawings/documents:
Planning Layout reference S1409-02-004 revision A dated 1 March 2015, received 11 September 2015

Reason: To determine the scope of this permission.

Informatives

1. This consent is valid only for the purposes of the Planning (Listed Building and Conservation Areas) 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 consent is not a planning permission nor an approval under the Building Regulations.

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.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 15/01542/LLIS1 (PP-04257697)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of consent for the proposed works, 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.

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