

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Site Of Clifton Bridge Inn, Brookthorpe Way**

**1 SUMMARY**

Application No: 15/03108/PFUL3 for planning permission

Application by: Jordan Car Sales (Nottingham) Ltd

Proposal: Use of land for storage of cars and car sales (retrospective).

The application is brought to Committee because the proposal is considered to be sensitive given the level of public interest expressing concerns contrary to the recommendation.

To meet the Council's Performance Targets this application should be determined by 10th March 2016.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to the indicative 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.

**3 BACKGROUND**

3.1 The Clifton Bridge Inn is the cleared site of a former public house. The public house was located within an extensive area of car parking.

3.2 The site is bounded to the north by the A453 and a slip road which connects the A52 with the A453. The eastern boundary and part of the southern boundary abut residential properties on Lythe Close and Brookthorpe Way. The remainder of the southern boundary is adjacent to a garage court. The current access to the site is gained from a short cul de sac at the junction of Westerfield Way and Brookthorpe Way.

3.3 Planning permission (application ref.14/00566/PFUL3) was granted in April 2014 for ground and first floor extensions and other alterations associated with the conversion of the public house to a restaurant. However, subsequent to this the public house building was demolished.

**4 DETAILS OF THE PROPOSAL**

4.1 An application for retrospective planning permission has been submitted for the use of the site for car sales and storage. The use commenced in November 2015.

- 4.2 The information submitted with the planning application states that between 50 and 70 cars would be stored on the site and space would be provided for customer car parking. The applicant has advised that viewing of the cars for sale would normally be by appointment but that it would also be open for customers at weekends.
- 4.3 Subsequent to the use commencing a 2m high fence of blue sheeting was erected along the edge of the site which fronts on to the short cul de sac and along part of the north western edge of the site.
- 4.4 Following the submission of the planning application the applicant has advised that they no longer intend to continue the use of the site for car sales and storage. His intention is to sell the cars which are currently on the site and then vacate it as soon as practicable.

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

### **Adjoining occupiers consulted:**

1 -20 Medbank Court  
1 -11 (odds) Westerfield Way  
3 -7 (odds) Radway Drive  
1 -19 (odds) Lythe Close  
2 -6 Brookthorpe Way

A site notice was also posted.

In response 20 comments have been received from local residents, all objecting to the planning application. The following is a summary of the comments raised:

- the business is unsuitable for a residential area;
- use is generating further traffic from both customers and delivery vehicles;
- the location close to main access road to Silverdale is resulting in congestion;
- no on site car parking for customers;
- additional traffic is a danger to children;
- blue metal fence erected around part of the site is an eyesore;
- location of fence makes access to subway feel unsafe;
- there are on-going problems of vandalism on the site and this is making the area feel less safe;
- some local residents have recently undertaking a community planting on the nearby grassed area and have further plans which would be undermined by the continuation of the car sales use;
- affect on values of nearby properties;
- opening hours do not accord with the planning application form;
- site would be better developed for housing or a restaurant/pub.

One resident, whilst raising concerns about the proposals, has also suggested that if the retrospective planning application is successful measures could be put in place to make it in keeping with the area e.g. security system; fencing erected which is more suitable for the location; the site tidied up.

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

**Pollution Control:** No objection.

**Highways:** Require further information to make a full assessment of the highway implications of this proposal. Advise that the use of the existing point of access is acceptable in principle but identify that there is insufficient information on the delivery of vehicles to the site, the parking layout for both cars for sale and for customers, cycle parking, disabled parking and drainage.

**Police Architectural Liaison Officer:** In the past 12 months there have been 40 reported crimes and incidents on Brookthorpe Way, of these at least 9 refer to the former Clifton Bridge Inn as occupied by the car sales business, i.e. almost 25% of the reported crime and disorder relates to this site. These figures only include the reported crime and disorder and there may be other incidents that have occurred which have not been reported to the Police.

## **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 unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 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 relevance to this application is the need to secure high quality design, a good standard of amenity for all existing and future occupants of land and buildings and encouraging the effective use of brownfield land.

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

T3: Car, cycles and servicing parking

NE9: Pollution

### **Aligned Core Strategy (2014)**

Policy 10: Design and Enhancing Local Identity

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

Acceptability of the use (Policies T3 and NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy)

- 7.1 The application site is a cleared public house site with an extensive parking area located on the edge of the Silverdale Estate residential area. The preferred solution for the future of this site would be a permanent redevelopment with a suitable long-term use, a view shared by local residents. However, there are currently no

proposals and in principle an appropriate interim use could be acceptable, pending redevelopment.

- 7.2 The car sales and storage use commenced in November 2015 without the benefit of planning permission and this application has been made retrospectively. It is apparent from the comments made by local residents in response to consultation that the use is creating a number of issues which are a source of concern.
- 7.3 The car sales/car storage use has been the subject of vandalism resulting in damage to the vehicles on the site. There is a local concern that this is likely to lead to wider criminal activity and to the area generally feeling less safe. The crime statistics provided by the Police Architectural Liaison Officer bear out the concerns identified by local residents. In response to the vandalism the applicant has erected an unsightly fence around part of the site in order to provide some security form the use. However, this is visually prominent and has an unacceptable impact on the streetscene in this primarily residential area.
- 7.4 The use for storage of cars and car sales may in principle be an acceptable use if it formed part of a considered and properly assessed planning application. However, the nature of the use in this case, for which planning permission is sought retrospectively, is not acceptable for anything more than a very limited period. The objections raised concerning crime, anti-social behaviour and negative appearance of the site enclosure are justified and lead to the conclusion that the current proposal is not acceptable. However, in view of the applicant's stated intention to vacate the site as soon as practicable a temporary permission for three months is felt to be the most appropriate course of action in this instance, sufficient to enable them to sell the cars currently stored on the site and vacate it. It is therefore recommended that planning permission be granted for a three month period expiring on 30<sup>th</sup> June 2016. No later than this date the requirement would be that the site should be cleared of all vehicles, reinstated to its former condition and the metal fencing removed. If the site is not cleared at the end of this temporary period then there would be a need to take enforcement action.
- 7.5 The area currently being used for the storage and sale of cars is not immediately adjacent to residential properties. The use is also quite low key with the applicant advising that most viewings of vehicles are by appointment. On the basis of a three month temporary period only, it is considered that the impact of the use upon residential amenity and highway safety will be acceptable, particularly given the site's former use and its extensive car park. A condition is recommended requiring that part of the area shown on the layout plan for customer parking should be made available for at least five visitors.
- 7.6 On this basis of the above Local Plan policies T3 and NE9 and Aligned Core Strategy Policy 10 are satisfied.

## **8 FINANCIAL IMPLICATIONS**

None.

## **9 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.

**10 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**11 RISK MANAGEMENT ISSUES**

None.

**12 STRATEGIC PRIORITIES**

None.

**13 CRIME AND DISORDER ACT IMPLICATIONS**

Vehicles on the site have been the subject of criminal damage and local residents feel less secure as a result.

**14 VALUE FOR MONEY**

None.

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

1. Application No: 15/03108/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NZ34POLY00L00>

2. 20 emails and letters from local residents.

3. Email from Noise and Pollution Control dated 05.02.2016

4. Highway observations dated 02.03.2016

5. Email from Police Architectural Officer dated 10.03.2016

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

1. National Planning Policy Framework

2. Nottingham Local Plan (November 2005)

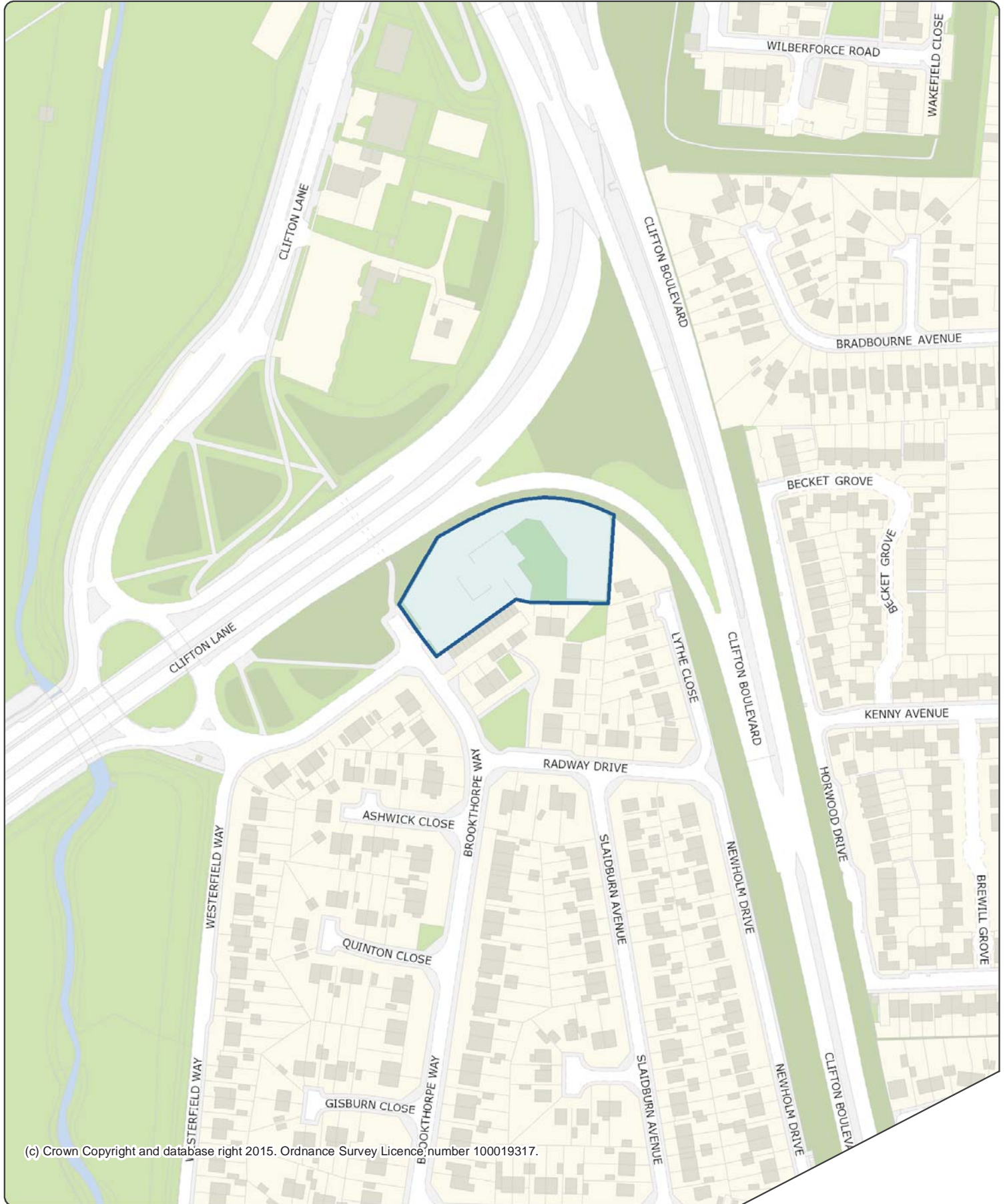
3. Aligned Core Strategy (2014)

**Contact Officer:**

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# NOMAD printed map



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## Key

 City Boundary

Nomad web map printed by a Nomad user at 11:02, 15/03/2016



## Description

No map description

**My Ref:** 15/03108/PFUL3

**Your Ref:**

**Contact:** Mrs Janet Keble

**Email:** development.management@nottinghamcity.gov.uk



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Date of decision:

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

Application No: 15/03108/PFUL3  
Application by: Jordan Car Sales (Nottingham) Ltd  
Location: Site Of Clifton Bridge Inn, Brookthorpe Way, Nottingham  
Proposal: Use of land for storage of cars and car sales (retrospective).

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 30th June 2016 and works constructed or carried out under this permission, including the metal fencing, shall be removed and the land reinstated to its former condition by that date.

*Reason: The use has created issues related to crime and vandalism and the metal fencing which has already been erected is detrimental to the streetscene in the vicinity and as such the continued use of the site beyond the specified date is not acceptable and would be contrary to Policy 10 of the Aligned Core Strategy.*

**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. An area for customer parking comprising five car parking bays shall at all times be provided in



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**DRAFT <sup>1</sup> ONLY**  
**Not for issue**

Continued...

accordance with the site layout plan whilst ever the use is in operation.

*Reason: In the interests of highway safety in accordance with Policy T3 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 14 January 2016.

*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.



## **RIGHTS OF APPEAL**

Application No: 15/03108/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.