

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Sycamore Inn, 42 Hungerhill Road

1 SUMMARY

Application No: 13/03063/PFUL3 for planning permission

Application by: Design Office RBC SYL on behalf of Nottingham Central
Congregation Of Jehovah's Witnesses

Proposal: Erection of place of worship including residential accommodation
following demolition of existing public house.

The application is brought to Committee because it has raised significant public interest and Ward Councillors have objected.

To meet the Council's Performance Targets this application should have been determined by 12th February 2014

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions substantially in the form 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 Head of Development Management and Regeneration.

3 BACKGROUND

3.1 The application relates to the site of the Sycamore Inn, a public house which stands on the corner of Hungerhill Road at its junction with Abbotsford Drive. The existing building has two storey and single storey elements with flat roofs and occupies the north eastern side of the site. The associated car park, with vehicular access off Abbotsford Drive, is to the south west of the building. The site is enclosed by a concrete retaining wall and railings.

3.2 The site is located within a Primarily Residential Area and is adjoined by residential properties on Abbotsford Drive, Lavender Walk and Heather Close to the south west and north west. There are further residential properties to the south east of the site, on the opposite side of Abbotsford Drive. To the north east, on the opposite side of Hungerhill Road, is a recreation ground and allotments.

3.3 The Sycamore Inn is still trading as a public house at present. However, a letter received from the owners of the property (Trust Inns) confirms that the current tenant has given notice to terminate their tenancy at the premises due to the economic downturn. The letter from the owners gives extensive detail of the financial reasons for their decision to market the property.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission to demolish the existing public house and construct a place of worship (Kingdom Hall). The new building would be single storey with a series of hipped roofs and would occupy a similar footprint to the existing public house. The existing car park would be utilised to provide 31 spaces (including 2 disabled bays) with an additional 12 spaces (resulting in tandem parking) for overflow parking. The car park and remaining external areas around the site would be soft landscaped and the existing concrete retaining walls would be re-clad with brick. New 2m high railings would enclose the site.
- 4.2 The building would be of brick construction with a tiled roof. Although relatively simple in design, reflecting the ethos of the intended user, fenestration and architectural detail such as an entrance porch and a small tower feature would add interest to the building. Internally, the building would provide a large meeting hall and three smaller rooms as well as kitchen and wc facilities. The building would also include a one bedroom flat to provide accommodation for travelling ministers.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Letters were sent to the following neighbouring addresses;

1-9 (inc) 11-21 (odds) Abbotsford Drive
1-13 (odds) Heather Close
36-40 (evens) Hungerhill Road
1-13 (odds) Lavender Walk
Living Accommodation over Sycamore Inn

A site notice was posted on 14th January 2014.

Ward Councillors were also notified of the application.

12 letters of representation were received in response to publicity. 9 letters from local residents and an additional letter from Nottingham CAMRA (Campaign for Real Ale) raising the following objections to the proposals:

- The public house is a valuable community facility used by many local people
- The Council should facilitate the continued use of the building as a public house, in line with a recent government motion to call for policies to support and promote pubs, by refusing the application
- There is no evidence that the public house is not viable
- The proposed materials are not in keeping with surrounding concrete houses
- There does not appear to be any provision for a car park. The congregation would therefore rely on public transport
- The hours of use would conflict with travelling times to and from schools, resulting in a risk to the safety of children
- The proposal would give rise to unwanted canvassing in the area

One letter of support from a City resident was received, in which the following points were raised:

- The design of the building is good, especially the tower on the roof, which adds interest to the planned building's roofline
- The planned building looks like a great improvement on the utilitarian prefab style building it replaces. This is in-line with national planning policy about 'replacing poor quality buildings with better design'
- The re-cladding of the concrete walls in brick to improve and strengthen them, is also supported

A letter of support from the owners of the building (Trust Inns) was also received, in which the following points were raised;

- Changes in demographics of the surrounding area have had a dramatic impact upon the sales and profitability of the site, resulting in it no longer being commercially viable
- The pub has not provided a sustainable profit for tenants or owners for the last decade. Since 2009, the site has experienced a dramatic decline in trade
- Data has been provided to demonstrate significant annual losses since 2012.
- The Sycamore Inn does not have a financially viable future as a public house and as such has been brought to market

A further letter of objection was received from the three Ward Councillors, raising the following objections to the proposal;

- The proposal would result in the loss of a valuable community facility
- The proposed use would create a much wider range of traffic problems within the area

Additional consultation letters sent to:

Pollution Control: No objection.

Highways: No objection. Conditions requiring details of cycle parking, sustainable drainage and bin storage and collection, are recommended.

Biodiversity and Greenspace Officer: No objection. The submitted emergence survey is sufficient to determine that there are no roosting bats within the building. No further surveys are required. A condition requesting a revised landscaping scheme is recommended (to remove species prohibited under the Wildlife and Countryside Act).

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2012):

The NPPF advises that there is a presumption in favour of sustainable development, the deliverance of a strong competitive economy and that development which is sustainable should be approved. 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, and to encourage the effective use of land that has been previously developed (brownfield land). Paragraph 17 also seeks to support local strategies to improve social and cultural wellbeing for all and deliver sufficient cultural facilities and services for the benefit of local communities.

- 6.2 Paragraph 58 of the NPPF seeks to ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Nottingham Local Plan (November 2005):

- 6.3 The following policies have been saved and are considered to be relevant to assessment of the application. The policies are considered to be consistent with the NPPF and therefore should be attributed full weight in the decision making process.

ST1 - Sustainable Communities.

CE1 - Community Facilities.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE5 - Landscape Design.

NE3 - Conservation of Species.

NE9 - Pollution.

NE14 - Energy.

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development
- (ii) Design and impact upon the streetscene
- (iii) Impact on residential amenity
- (iv) Highway Safety and Parking

Issue (i) Principle of the Development (Policy CE1)

- 7.1 The proposal would result in the loss of a public house (use class A4) to be replaced with a place of worship (Use Class D1). Concerns have been raised by local residents in relation to the loss of the public house as it is viewed as a valuable community facility. Residents have been made aware, through information passed to Ward Councillors, about their option to nominate the site as an Asset of Community Value. The City Council have not received any nominations for this site.
- 7.2 Concerns have been raised by CAMRA and local residents about the lack of evidence relating to the viability of the Sycamore Inn. Since these objections were raised, a letter has been submitted by the owners of the public house (Trust Inns) which provides extensive detail to demonstrate how and why the public house has become financially unviable. There is no case in planning policy terms for the

retention of the public house, particularly as the proposal seeks to replace the existing building and use with a community facility in the form of a place of worship. The proposed residential accommodation would not be dissimilar to that provided within the existing public house and as such is considered to be acceptable.

- 7.3 The proposed Kingdom Hall would serve two congregations, one for the central area (which includes the St Anns area) and one for the lenton area. For some, the building would be located within walking distance and others would benefit from the well served bus routes which operate in the area. The proposed car park would also provide a total of 43 spaces (when using overflow spaces) which is considered to be sufficient for both congregations (approximately 70 people) particularly in light of the public transport facilities in the vicinity. Given the nature of the existing use on the site, which benefits from late night opening hours and a license for the sale of alcohol, and taking account of the proposed hours of use of the place of worship as detailed below, it is not considered that the proposal would result in any significant increase in traffic or congestion or result in any additional noise and disturbance for nearby residential occupiers. It is therefore considered that the proposals would comply with policy CE1 of the Local Plan.

Issue (ii) Design and impact upon the streetscene (Policies BE2, BE3 and BE5)

- 7.4 The existing public house building has a flat roof and is utilitarian in appearance, currently showing signs of the need for maintenance and repair. It is not considered to be of any merit architecturally and does not make any positive contribution to the character and appearance of the wider streetscene. The proposed building would be similar in scale to the existing, would occupy a similar footprint and would, therefore, be a suitable replacement on this site. Although relatively simple in design, it would introduce a new palette of materials and provide sufficient architectural detailing to add interest to the roof and elevations of the building. The building would represent a significant improvement on the existing, in terms of design quality and would enhance the overall character and appearance of the streetscenes on Abbotsford Drive and Hungerhill Road.
- 7.5 The re-cladding of the retaining walls around the site and introduction of new metal railings would further improve the appearance of the site giving it greater street presence. The proposed landscaping scheme would enhance the setting of the building and soften the visual impact of the built form and car parking area. As detailed above in relation to the principle of development and below in relation to impact on residential amenity, the car parking provision is also considered acceptable. In view of the above, it is considered that the proposals would comply with policies BE2, BE3 and BE5 of the Local Plan.

Issue (iii) Impact on Residential Amenity (Policy BE3)

- 7.6 The existing public house benefits from late night opening and has a licence for the sale of alcohol. The proposed place of worship would operate public services between the hours of 18.30 and 21.30 during the week and between 09.00 and 18.00 at weekends. It would be open for general use between the hours of 09:00 and 22:00. As such, it is not considered that the proposed use would result in any significant increase in noise or disturbance for neighbouring residential occupiers and would in fact be likely to be considerably less disturbing to local residents due to the reduced opening hours and nature of activities associated with the use of the building. A condition to restrict the hours of use to 09:00 – 22:00 is recommended.

- 7.7 The proposed building would be located at a distance of approximately 16m from the nearest properties to the north west (on Heather Close) which also stand at an elevated ground level. As such it is not considered that the building would have any significantly greater physical impact upon these properties, than the existing public house.
- 7.8 The proposed residential flat would be ancillary to the place of worship and a condition to prevent it being occupied independently is recommended in order to avoid any future conflict between worshipers and residential occupiers. The proposed accommodation would provide adequate sized rooms with sufficient access to light and outlook. Taking account of the above, it is considered that the proposal would comply with policies BE3 and CE1c) and e) of the Local Plan.

Issue (iv) Highway Safety and Parking (Policies BE2 and T3)

- 7.9 The existing car park would be retained to provide a total of 43 spaces (including overflow spaces) for the users of the Kingdom Hall. This is considered to be sufficient provision given that some members of the congregation would travel by foot and on public transport. In addition, there will be shared car usage and it is unlikely that all members of the congregation would attend the same meeting at once. As such it is not considered that the proposals would result in any significant increase in traffic congestion or demand for off street parking, to the detriment of local residents and other road users. The car park layout and bay sizes are existing and as such are acceptable. Concerns have been raised by residents about the potential conflict between times of service and school travel. These concerns are considered unlikely to materialise given that the services would not begin until 18.30 during the week. In view of this, it is unlikely that the proposals would give rise to any significant highway safety issues.
- 7.10 Given that the place of worship would serve the local community, it is considered appropriate to request details of cycle storage provision to promote the use of sustainable transport. A condition to this effect is recommended. In view of the above, it is considered that the proposals would comply with policies BE2 and T3 of the Local Plan.

Other Issues

- 7.11 Local residents have raised concerns about the potential for increased canvassing as a result of the proposed place of worship. This is beyond the control of the Local Planning Authority and is not a material planning consideration. As such the concern cannot be afforded any significant weight in the determination of this application.

8. SUSTAINABILITY / BIODIVERSITY (Policies BE4, NE3 and NE14)

- 8.1 The proposed building would incorporate an air source heat pump and would be constructed to provide high levels of thermal efficiency. Water conservation measures would also be incorporated on the site and it is proposed to incorporate a soak-away. A condition requiring further details of sustainable drainage is recommended. The proposals would comply with policies BE4 and NE14 of the Local Plan.

- 8.2 Initial concerns were raised about the potential for roosting bats within the building, due to its proximity to the recreation ground and allotments to the north east of the site. An observational survey of the building (carried out by a qualified Ecologist) was requested and subsequently submitted. The survey provided sufficient information to demonstrate that there is no evidence of roosting bats within the building and as such no further surveys are required. The proposal would comply with policy NE3 of the Local Plan.

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 development would provide a quality and sustainable development within an existing community.

Safer Nottingham: the development would help provide a safer and more attractive neighbourhood.

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: 13/03063/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MXXY8SLYCB000>

2. Highways comments dated 13.1.14

3. Pollution Control comments dated 17.1.14

4. Biodiversity Officer comments dated 6.1.14 , 4.2.14 and 10.2.14

5. Letter from Trust inns received 14.2.14

6. Letter from Ward Councillors dated 12.2.14

7. Third party representation from D Sellers received 13.1.14

8. Third party representation from CAMRA received 28.1.14

9. Third party representation from B Huggins received 3.2.14

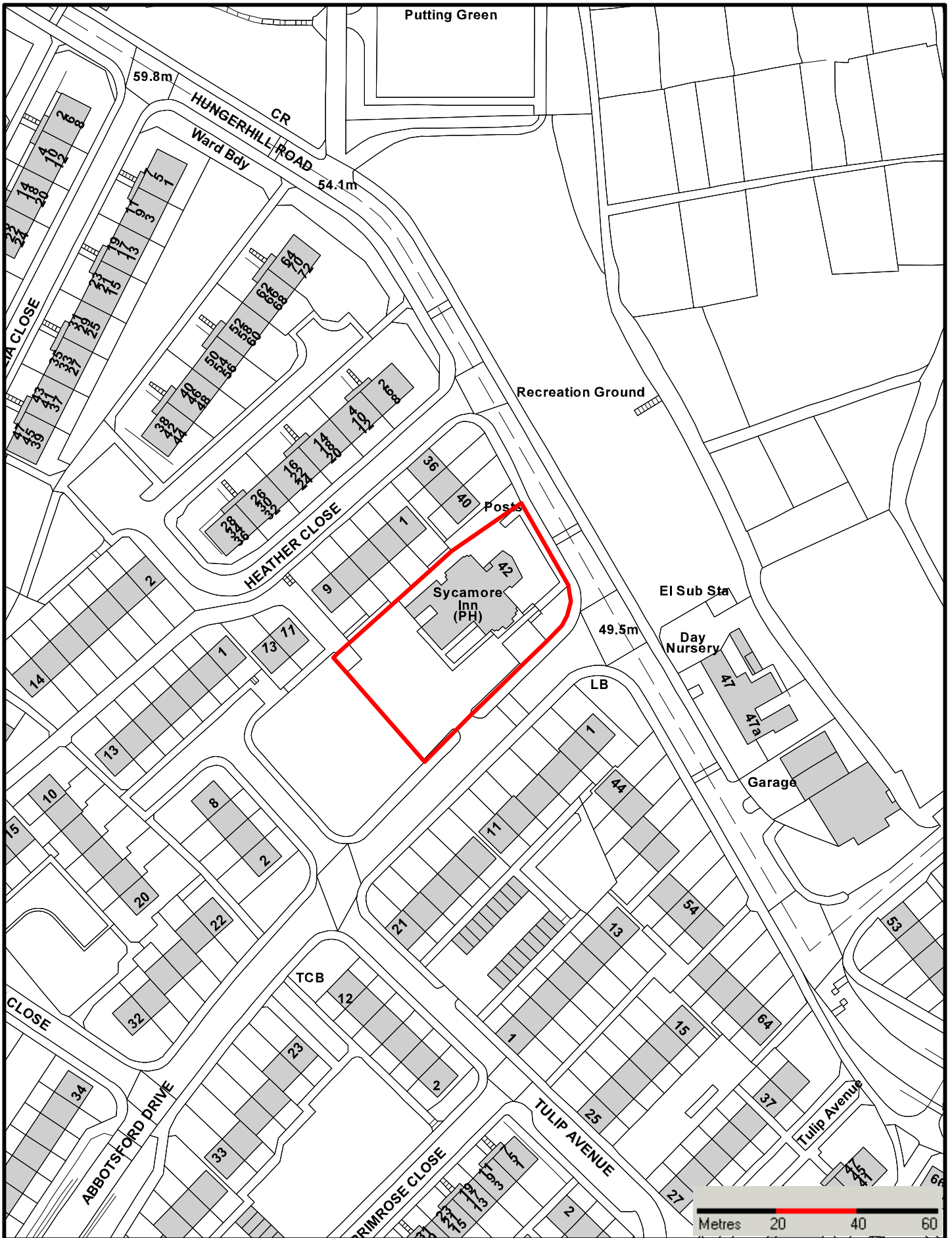
10. Third party representation from Lerosé received 3.2.14
11. Third party representation from Natalie received 3.2.14
12. Third party representation from N Dunne received 3.2.14
13. Third party representation from P Rainbow received 3.2.14
14. Third party representation from S Cupitt received 3.2.14
15. Third party representation from T Phillips received 3.2.14
16. Third party representation from Verna received 3.2.14
17. Third party representation from J Breward received 4.2.14

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
National Planning Policy Framework (2012)

Contact Officer:

Mrs Zoe Kyle, Case Officer, Development Management.
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Nottingham
City Council

My Ref: 13/03063/PFUL3 (PP-03055870)
Your Ref:
Contact: Mrs Zoe Kyle
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City Council**

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NG2 3NG

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Sheffield
S36 9RR

Date of decision:

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

Application No: 13/03063/PFUL3 (PP-03055870)
Application by: Nottingham Central Congregation Of Jehovah's Witnesses
Location: Sycamore Inn, 42 Hungerhill Road, Nottingham
Proposal: Erection of place of worship including residential accommodation following demolition of existing public house.

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 all external materials of the building 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.



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3. The development shall not be commenced until details of all boundary enclosures, including samples of the bricks to be used to clad the concrete retaining walls, 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.

4. The development hereby permitted shall not be begun until a revised 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 Policies BE3 and BE5 of the Local Plan.

5. The development shall not be commenced until details of bin storage for the development 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.

6. Notwithstanding the details contained within the submitted application, the development hereby permitted shall not be commenced until details of surface water drainage proposals, to include the provision of Sustainable Drainage Solutions, 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: In the interests of sustainable development in accordance with Policy BE4 of the Local Plan.

7. The development hereby permitted shall not be commenced until details of cycle storage provision have been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote the use of sustainable transport in accordance with Policy T3 of the Local Plan.

Pre-occupation conditions

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

8. No part of the development shall be occupied until the site boundaries have been enclosed in accordance with the approved details.

Reason: In the interests of the occupiers of nearby property in accordance with Policy BE3 of the Nottingham Local Plan.

9. No part of the development shall be occupied until bin storage has been provided in accordance with the approved details.

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



10. No part of the development shall be occupied until the car park has been laid out in accordance with the approved plans and the spaces are available for use.

Reason: In the interests of highway safety in accordance with Policies BE2 and T3 of the Nottingham Local Plan.

11. No part of the development shall be occupied until the cycle storage has been made available in accordance with the approved plans.

Reason: In the interests of sustainable travel in accordance with Policy T3 of the Nottingham Local Plan.

12. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building 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 Policies BE3 and BE5 of the Local Plan.

Regulatory/ongoing conditions

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

13. Unless the Local Planning Authority has otherwise agreed in writing, the residential accommodation provided within the development hereby permitted, shall not be occupied other than as ancillary to the adjoining place of worship and shall not be occupied as a separate and self contained unit of accommodation.

Reason: To safeguard the amenities of future occupiers in accordance with Policy BE3 of the Local Plan.

14. The Place of Worship hereby permitted shall not be open for public use outside the hours of 09:00 - 22:00 on any day.

Reason: To safeguard the amenities of occupiers of nearby residential occupiers in accordance with Policies BE3 and CE1 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 following drawings/documents:
Location Plan reference AMENDED, received 5 February 2014
Drawing reference HUNGR00-ARTSKETCH, received 24 December 2013
Drawing reference 10 revision A, received 24 December 2013
Drawing reference 11 revision A, received 24 December 2013
Drawing reference 13 revision A, received 24 December 2013
Drawing reference 14 revision A, received 24 December 2013
Drawing reference 15, received 24 December 2013
Drawing reference 17, received 24 December 2013
Drawing reference 18, received 24 December 2013
Drawing reference 19, received 24 December 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. With reference to condition 4, the revised landscaping scheme should not include *Cotoneaster horizontalis*. This species is listed under Schedule 9 of the Wildlife and Countryside Act, which makes it illegal to plant or otherwise cause these species to grow in the wild.

3. 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: 13/03063/PFUL3 (PP-03055870)

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/pcs.

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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