

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

294 Hucknall Road, Nottingham

1 SUMMARY

Application No: 14/00850/PFUL3 for planning permission

Application by: Henry Mein Partnership on behalf of Ackroyd Electrical Services Ltd

Proposal: Conversion to 7 self-contained flats following part demolition.
Erection of 10 self-contained flats in grounds of existing building.

The application is brought to Committee because it is a major application and the application is considered to be sensitive given the level of public interest.

To meet the Council's Performance Targets this application should be determined by 28th August 2014

2 RECOMMENDATIONS

- 2.1 Grant permission subject to the conditions listed in the draft decision notice at the end of this report.
- 2.2 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 site is the now closed Hubb public house (formerly The Quorn) and its car park. The former pub sits at the front of the site with the car parking to the side and rear. The site is located on the east side of Hucknall Road north of its junction with Haydn Road. To the south are flats, to the north a car repair garage and to the east (rear) are the backs of houses on Wentworth Road.

4 DETAILS OF THE PROPOSAL

- 4.1 Conversion of the pub building to seven flats. The ground floor would comprise one 2-bed flat and three 1-bed flats and on the first floor would be two 2-bed flats and a 1-bed flat. Generally these would be accessed from the main entrance facing the car park, although one flat would be accessed directly from Hucknall Road.
- 4.2 New build to provide four 1-bed flats and two 2-bed flats. These would be accessed from three entrances at their front, facing the car park. This new building would be set behind the pub building and facing Hucknall Road so that it would be partly

visible at the rear of the car park. The new building would be two-storey with a flat roof behind a parapet, taking its design cue from the public house.

- 4.3 Externally, there would be thirteen parking spaces and twelve secure cycle spaces adjacent to the new flats. A landscaping area would be provided adjacent to the entrance to the former public house and two of the converted, ground floor flats at the rear would have their own private garden space. To the rear and sides of the new building would be landscaped amenity space accessible from the three ground floor flats in the new building.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted (including on revised plans):

1 to 19 (odds) and 6 Wentworth Road; Apartments 1 to 4 Haydn Court; Severn Trent Water Hucknall Road; 296 Hucknall Road; 2A, 4, 8, 9, 14, 18, 25, 43 and 44 Leonard Avenue; 47 and 65 Caledon Road; 33 Crossley Street; 47 Compton Road.

Fifteen objections were received to the original proposal, which was for conversion to 7 flats and a new build of 8 flats with 13 parking spaces. These objections related almost entirely to the underprovision of parking and to the effect that would have on on-street parking on Leonard Avenue, where there is an existing parking problem. Also noted were the small size of the flats and the impact on light to a house on Leonard Avenue.

Additional consultation letters have been sent to neighbours and to all objectors following the receipt of revised proposals and any further objections and comments will be reported as an update.

Ward Councillors carried out a separate consultation, to which twenty-one responses were received; nine objected to the proposal, eight had no objection and four were 'don't knows'. These residents again principally raised the issue of parking, and overlooking of houses on Wentworth Road was also raised.

Additional consultation letters sent to:

Highways: No objection subject to conditions regarding construction management plan and sustainable urban drainage.

Heritage and Urban Design: Although the proposal involves loss of a public house, it has been vacant for a while and its reuse is welcomed. The internal layout of the conversion shows living areas facing the street as well as a front door, which will encourage informal street surveillance and activity. A new boundary wall and railings will help give some security and enclosure to the future occupants of the property. The additional new landmark tree is also welcomed.

The building to the rear has been kept low to protect the amenity of residents to the rear and relocated so as to help enclose the amenity space associated with the flats. The design of the roof is appropriate in terms of the buildings location and in relation to the existing (public house) building design, also contributes to the building's rather 'squat' appearance. However, in the light of its position to the back of the site and the amenity benefits of restricting its height, the design is fully supported.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

- 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, 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 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 contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.4 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.5 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

Nottingham Local Plan (November 2005):

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 accorded full weight in the decision making process.

ST1 - Sustainable Communities.

H2 - Density.

H3 - Appropriate Housing Types.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 - Landscape Design.

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Layout and Design
- (iii) Impact on Neighbours
- (iv) Parking

Issue (i) Principle of Development (Policies ST1, H2 and H3)

- 7.1 The application site has previously been developed and is allocated as a Primarily Residential Area in the Local Plan. It is considered that residential development is appropriate in this location.
- 7.2 Consideration has been given to the provision of family housing in addition to the conversion of the former public house but a satisfactory design and layout solution has not been found to provide both on this site. The applicant has revised the scheme to provide both two and one bed flats. The density of development is now acceptable and the site is within easy access of public transport and, within the wider area, to local services such as health, leisure, education, shopping and employment. The proposal accords with Policies ST1, H2 and H3.

Issue (ii) Layout and Design (Policies BE2 and BE3)

- 7.3 The design of the new build has been influenced by that of the existing public house building. The use of brick with rendered sections and stone window detailing would reflect and complement the former pub. The scale and massing of the new development is in keeping with the character of the main public house building and with the houses to the rear on Wentworth Road which are also two storeys.
- 7.4 The provision of private gardens for two of the flats in the converted pub is welcomed and the amenity space for the new flats is secure and accessible. Bin storage is provided adjacent to the site entrance. A new tree is proposed at the southwest corner of the site adjacent to Hucknall Road and will add to the street scene. The proposed development, in terms of layout and design, is considered to comply with Policies BE2 and BE3.

Issue (iii) Impact on Neighbours (Policy BE3)

- 7.5 The new building is located 23m from the main rear elevation of the houses on Wentworth Road and this is considered an acceptable distance to protect privacy and to avoid overshadowing. The side elevation of the new building is 12m from the facing elevation of Haydn Court, and to its north; given that the new building has no habitable room windows in this side elevation, this is again considered to be acceptable. The building is some distance from houses on Leonard Avenue and no overshadowing would occur. The proposed development, in terms of impact on neighbours, is considered to comply with Policy BE3.

Issue (iv) Parking (Policies BE2 and T3)

- 7.6 The number of flats proposed has been reduced in the revised proposal so that off-street parking is now provided at one space per flat. Neighbouring residents' concerns about parking are understood, particularly as Leonard Avenue is already heavily parked. Given that this is a sustainable location close to amenities and on a good public transport route, it is considered that the revised parking provision at 100% is acceptable. The proposed development is therefore now considered to comply with Policies BE2 and T3.

Other Matters

- 7.7 Whilst a financial contribution for off-site open space would normally be required through a S106 Agreement, the applicant had submitted a viability statement to demonstrate that the scheme would not be viable if these contributions were required. This statement had been assessed and accepted.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 Whilst no specific features have been highlighted in the planning application, the new building would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. The use of sustainable urban drainage can be secured by condition. It is considered that this is sufficient to satisfy the requirements of Policy BE4.

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: would provide good quality and sustainable residential development.

Safer Nottingham: 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: 14/00850/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N3PN17LY0H700>

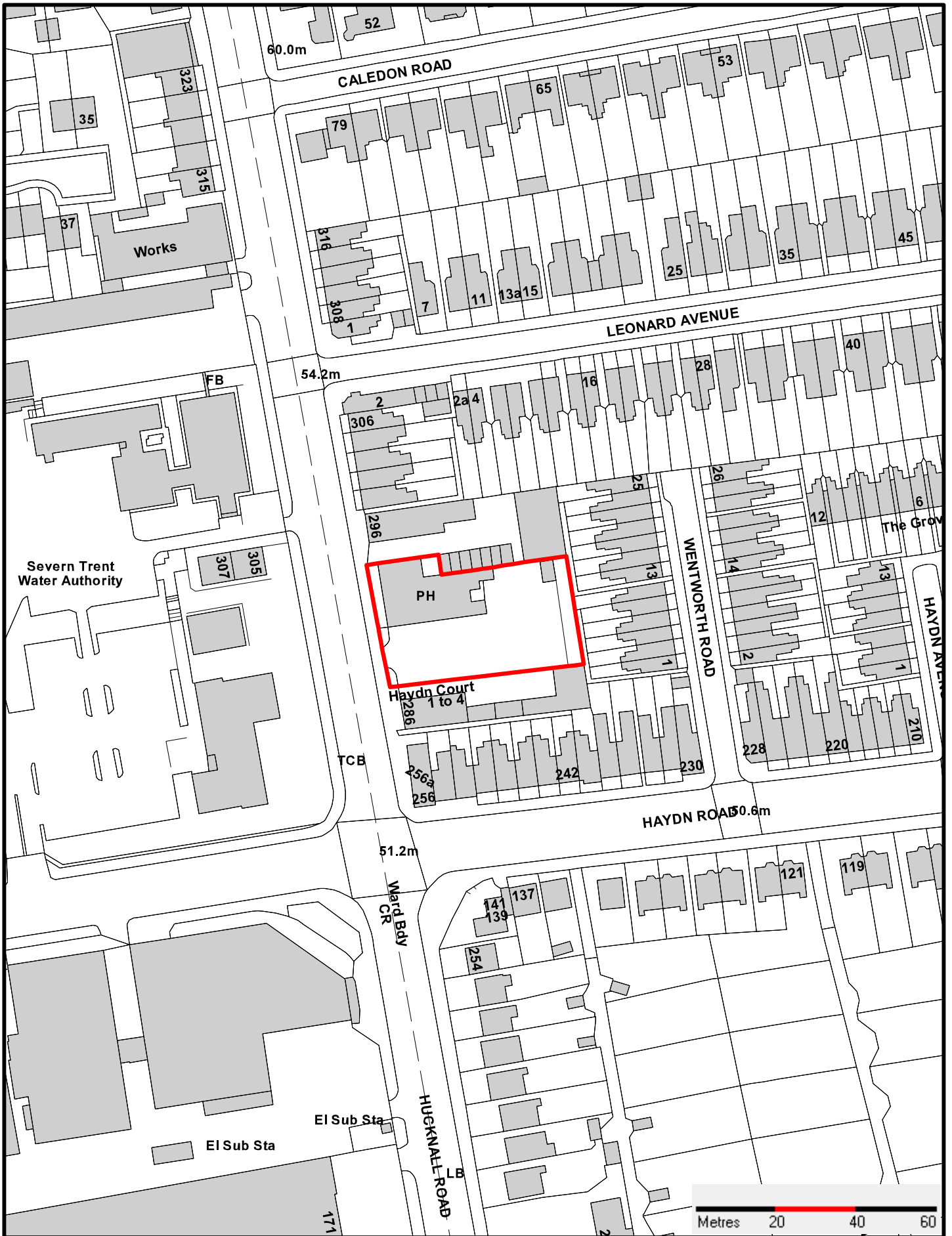
17 Published documents referred to in compiling this report

National Planning Policy Framework
Nottingham Local Plan (November 2005)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076



© Crown Copyright and database right 2014. Ordnance Survey License number 100019317



Nottingham
City Council

My Ref: 14/00850/PFUL3

Your Ref:

Contact: Mr Phil Shaw

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Henry Mein Partnership
FAO: D B Johnson
12 Clarendon Street
Nottingham
NG1 5HQ

Date of decision:

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

Application No: 14/00850/PFUL3
Application by: Ackroyd Electrical Services Ltd
Location: 294 Hucknall Road, Nottingham, NG5 1FG
Proposal: Conversion of former pub to 7 flats and erection of 6 flats in car park (revised proposal).

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 the following have been submitted to and approved in writing by the Local Planning Authority:-
 - a) Details of the external materials of all buildings;
 - b) Details of the hard surfacing of all areas of the site which are not to be landscaped;
 - c) Details of the means of enclosure of the private amenity areas for the converted ground floor flats;
 - d) Details of the means of enclosure of the front boundary of the site, including the provision of defensible space between the converted flats and Hucknall Road.

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 Nottingham Local Plan.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ¹ ONLY
Not for issue

Continued...

3. The development shall not be commenced until proposals for the sustainable urban drainage of the site 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 reduce the risk of flooding in the interests of sustainable development in accordance with Policy BE4 of the Nottingham Local Plan.

4. The development shall not be commenced until a construction plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policies BE2 and NE9 of the Local Plan.

5. The development shall not be commenced until a detailed 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. The scheme shall, in particular, include a tree in the southwest corner of the site, as indicated on Plan 7023.02.07D. 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 BE5 of the Local Plan.

6. Notwithstanding any details shown on the submitted plans, the windows of the new buildings shall have reveals of not less than 70mm.

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

Pre-occupation conditions

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

7. No flat shall be occupied until the parking areas have been surfaced and the parking spaces marked out.

Reason: In the interests of highway conditions in the area in accordance with Policy BE2 of the Local Plan.

Regulatory/ongoing conditions

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

8. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings 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

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 29 May 2014.

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. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

4. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)

Saturday: 0830-1700 (noisy operations restricted to 0830-1700)

Sunday: at no time

Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste



DRAFT ³ ONLY

Not for issue

Continued...

Wheel washing
Periodic road cleaning

5. The City Council is responsible for the allocation of street names and property numbers/names. If your proposal will create a new property, through either new build or conversion, you should contact the Address Management section at an early stage of the development, if they have not already made contact. The section details are: Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG; e-mail address.management@nottinghamcity.gov.uk; telephone (0115) 8765012.

They will agree an official address with you and ensure that all relevant parties are notified of it, including the emergency services and Royal Mail. This will ensure the allocation of an official and unique address for each property, avoiding any problems with location or misidentification that can arise through the use of unauthorised addresses.

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: 14/00850/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/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.