

Report of Director of Planning and Transport

40 St Peters Street, Nottingham

1 Summary

Application No: 24/00542/PFUL3 for planning permission

Application by: Mr Abdul Hamid Ahmadi

Proposal: Change of use to use for tyre sales/fitting and ancillary car services and retention of single storey canopy

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 14th June 2024. An extension of time has been agreed until the 23d August 2024.

2 Recommendations

- 2.1 To GRANT TEMPORARY PLANNING PERMISSION subject to the indicative conditions substantially in the form of those 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 Director of Transport and Planning

3 Background

- 3.1 The application relates to the lower ground floor of a three-storey industrial building, adjoining single storey offshoot and associated car park which sit between Croydon Road and St Peters Street. The larger building fronts Croydon Road and was formerly in use for storage. There are residential properties to the northern side of the site and the adjoining industrial building to the south is occupied by an upholstery business and food store. On the opposite side of Croydon Road is the Radford Academy primary school. On the opposite side of St Peter's Street are commercial units occupied by a tyre business, garage/MOT centre, and sign fabricator. All have frontage, forecourt parking.
- 3.2 The car park occupies the majority of the frontage to St Peters Street and to the rear of this is a steep embankment adjoining the rear boundary of residential properties on Croydon Road.
- 3.3 Temporary planning permission was granted in 2018 and in 2019 for the change of use of car park to car sales with associated office and storage (planning ref: 17/02640/PFUL3 and 19/00506/PFUL3). The use of the site for car sales has now ceased.

- 3.4 An unsightly and potentially structurally unsound flat roofed canopy had recently been constructed to the front of the single storey offshoot, but this has subsequently been removed.

4 Details of the proposal

- 4.1 Planning permission is sought for the use of the car park and single storey offshoot for the sale and fitting of tyres and ancillary car servicing consisting mainly of oil and brake pad changes. The submitted plans also show the lower ground floor of the larger building to be used as an associated office.
- 4.2 The tyre fitting and ancillary car servicing would be carried out in the offshoot building. The applicant has constructed an alternative, lower canopy to replace the one to the front of this building that was recently removed. This planning application seeks to retain the new canopy.
- 4.3 The car park would be used by customers and staff.

5 Consultations and observations of other officers

20 immediate neighbours were notified on St Peters Street and Croydon Road.

One letter of objection has been received from a local business, followed by a letter from the same objector attaching a petition of objection with 131 signatures. The main concerns raised are as follows:

1. The exacerbation of existing traffic congestion and parking surrounding the site.
2. Proximity to a school zone (Radford Academy located on Croydon Road). Increased vehicle activity would pose additional safety hazards to children, parents and staff walking to the school.
3. Historical parking issues resulting from the previous use of the site for car sales.
4. Safety concerns relating to retention of the canopy structure.
5. Impact on local businesses and residents and noise disturbance from use of the machinery and increased vehicular traffic.

Environmental Health: No objections. A condition restricting the of use to standard working hours 08:00 to 18:00 Monday to Friday, 08:30 to 14:00 Saturday. No use on Sundays and Bank holidays.

Highways: Historically this section of St Peters Street has been the subject of high levels of on-street parking. Often parking poorly parked half on the pavement. The use is likely to create a higher demand for parking than the former car sales use. Highways requested further information regarding the level of anticipated customers and whether an appointment system would be in place. Highways have requested temporary planning permission be granted to allow the use to be assessed from a highway safety perspective.

6 Relevant policies and guidance

National Planning Policy Framework 2023

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where

possible. Paragraph 131 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Aligned Core Strategy

Policy A: Presumption in Favour of Sustainable Development

Policy 4: Employment Provision and Economic Development.

Policy 10: Design and Enhancing Local Identity.

Policy 14: Managing Travel Demand.

Land and Planning Policies - Local Plan Part 2 (2020)

Policy EE2: Safeguarding Existing Business Parks/Industrial Estates

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy IN2: Land Contamination, Instability and Pollution

Policy TR1: Parking and Travel Planning

7. Appraisal of proposed development

a) Principle of the Proposed Use (Policies A and 4 of the ACS and Policy EE2 of the LAPP)

7.1 The proposal is considered to be compatible with the historic use of the site and adjacent commercial uses, which include a tyre fitter and garage/MOT centre on the opposite side of St Peter's Street. The proposal would retain the site in commercial use in accordance with policy 4 of the ACS and policy EE2 of the LAPP.

7.2 The proposal would occupy the main car park serving the larger industrial building fronting Croydon Road, although the ground and first floors are orientated towards Croydon Road for their servicing and access, including two roller shuttered vehicular entrances. The applicant has stated that further parking for 8 cars is also available on the opposite side of Croydon Road to serve this building.

7.3 In spite of this, the car park forms an integral part of the whole planning unit and given the size of the building, the loss of the car park on a permanent basis is not considered to be appropriate. It is therefore felt that the proposed use should be granted on a temporary basis, as was the case with the previous car sales use.

b) Layout and Appearance of the Site (Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP)

7.4 The proposed layout is acceptable with the existing car park shown to accommodate 9 cars for customer parking, along with two additional spaces adjacent to the offshoot building and a generous turning manoeuvring area at the point of the entrance into the site. All activities associated with the tyre

fitting/ancillary servicing are shown to be contained within the building, with the canopy providing some further protection from the elements in front of this. The original canopy has now been removed and replaced with the modest canopy structure, as shown on the submitted drawings, and is considered to be acceptable. An additional, small tyre storage enclosure is also proposed adjacent to the main building, details of which can again be conditioned.

7.5 The proposal is therefore in accordance with policy 10 of the ACS and policies DE1 and DE2 of the LAPP.

c) Impact on Residential Amenity (Policy 10 of the ACS and Policies DE1 and IN2 of LAPP)

7.6 The nearest residential properties on St Peters Street are located to the north. 30A St Peters Street an end terraced property immediately adjoins the northern boundary of the car park, but with no habitable rooms windows in the side gable facing the site. It is not considered that movements of vehicles resulting from the use as a car park serving the business would cause an unacceptable level of disturbance to their amenity, particularly given its current and previous uses. The main tyre fitting and ancillary car servicing is proposed to be contained within the building on the southern edge of the site, away from neighbouring residential properties.

7.7 No representations have been received from the immediate neighbour who has been individually consulted. Environmental Health and Safer Places have raised no objections given the mixed character of the surrounding area. The applicant has agreed to the proposed hours of use recommended by Environmental Health, which can be conditioned. A temporary permission would further allow the use to be monitored in terms of its impact on surrounding residents.

7.8 The proposal therefore complies with policy 10 of the ACS and policies DE1 and IN2 of LAPP.

d) Parking and Access (Policies 10 and 14 of the ACS and Policy TR1 of the LAPP)

7.9 This part of St Peter's Street is subject to high levels of on street parking, which is caused by existing businesses in the immediate area. The development utilises an existing access onto St Peter's Street and benefits from a relatively generous on-site car park for staff and customers. Furthermore, as stated above, it is not considered that traffic generated by the development would be significantly greater than previous uses of the site.

7.10 In light of concerns raised by other businesses, Highways have recommended planning permission be granted for a one-year period, to allow the use to be monitored in terms of its impact on highway safety.

7.11 The proposal therefore comply with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

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

None.

14 Value for money

None.

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

1. Application No: 24/00542/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SB8ZNPLYN2R00>

16 Published documents referred to in compiling this report

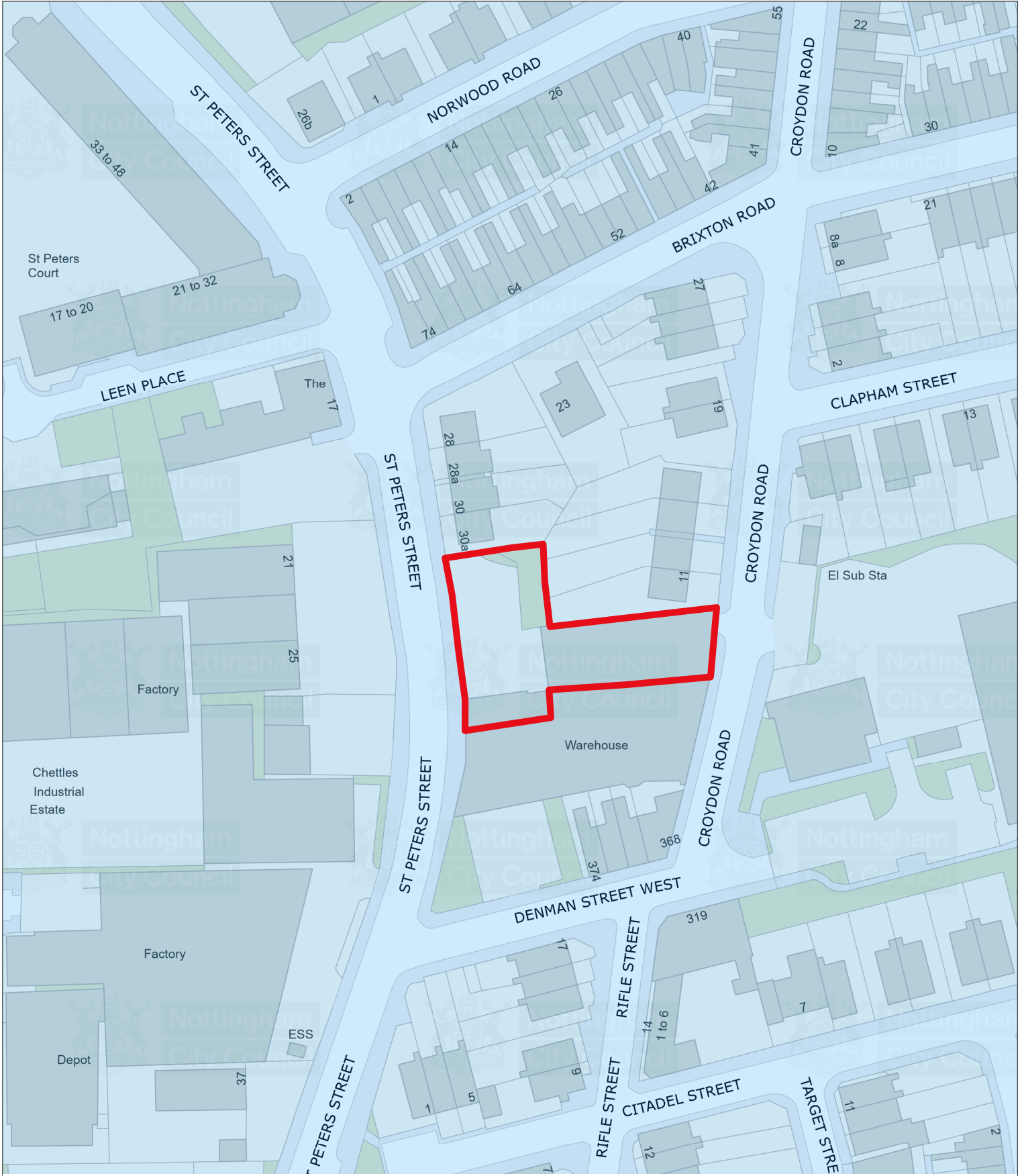
Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Jo Bates, Case Officer, Development Management.

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Nomad printed map



Key

 City Boundary

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Description

A map printed from Nomad.



Nottingham
City Council

My Ref: 24/00542/PFUL3 (PP-12940388)
Your Ref:
Contact: Mrs Jo Bates
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Station Street
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NG2 3NG

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Mr JAVEED NOORI

Date of decision:

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

Application No: 24/00542/PFUL3 (PP-12940388)
Application by: Mr Abdul Hamid Ahmadi
Location: 40 St Peters Street, Nottingham, Nottingham City
Proposal: Change of use to proposed use for tyre sales/fitting and ancillary car services and retention of single storey canopy

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 1st October 2025 and the land reinstated to its former use/condition by that date unless upon subsequent application the Local Planning Authority grants a further permission.

Reason: To ensure that the use will not prejudice the long term use of the site as a whole, and to permit reconsideration of the development if the amenities of the occupants of neighbouring properties and highway safety are prejudiced in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policies DE1, IN2 and TR1 of the LAPP.

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. Prior to installation details of the proposed tyre store including elevation and floor plan drawings and its material of construction shall be submitted to and agreed in writing with the Local Planning Authority.

The proposed tyre store shall be constructed in full accordance with the approved details.

Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy and Policies DE1 and DE2 of the LAPP.

Pre-occupation conditions

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



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There are no conditions in this section.

Regulatory/ongoing conditions

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

3. The use hereby permitted shall not be operate outside the hours of 0800 hrs to 2000 hrs Monday to Friday, 0830 hrs to 1400hrs on Saturday. No use shall take place on Sundays or Bank Holidays.

Reason: To protect the amenities of the occupants of development and nearby property in accordance with Policy 10 of the Aligned Core Strategy and Policies DE1 and IN2 of the LAPP.

4. This planning permission does not relate to the retention of the original canopy as shown on the proposed elevation and floor plans.

Reason: For the avoidance of doubt and In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy and Policies DE1 and DE2 of the LAPP.

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:
Elevations reference PO1
Planning Layout reference A100
Planning Layout reference A102

Reason: To determine the scope of this permission.

Informatives

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: 24/00542/PFUL3 (PP-12940388)

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.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible,



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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

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Not for issue