

Report of the Chief Executive

APPLICATION NUMBER:	19/00263/FUL
LOCATION:	BROXTOWE BOROUGH COUNCIL, TOWN HALL, FOSTER AVENUE, BEESTON, NG9 1AB
PROPOSAL:	CHANGE OF USE FROM TOWN HALL (CLASS B1) TO CHURCH (CLASS D1) AND CONSTRUCT SINGLE/TWO STOREY REAR/SIDE EXTENSIONS, INCLUDING ALTERATIONS, FOLLOWING DEMOLITION OF DETACHED GARAGES

The application is brought to the Committee as the Council is the owner of the site.

1 Executive Summary

- 1.1 It is proposed to change the use of the building from a town hall to a church and to construct single and two storey side and rear extensions and external alterations including alterations to the front ground floor windows.
- 1.2 The building is currently used by the Council as offices and for Council meetings and was constructed in the 1930s. It is located immediately adjacent to (but not within) the St John’s Grove Conservation Area.
- 1.3 The main issues relate to whether the principle of the change of use to a church and extensions/alterations would be acceptable, if there would be harm to the character and appearance of the adjacent conservation area and whether there will be an unacceptable impact on highway safety and neighbour amenity.
- 1.4 It is considered that the benefits of the proposal are that it would enable continued use of a building which is surplus to the Council’s requirements, and would facilitate the expansion of an existing church. There would be some inconvenience to highway users due to the minimal amount of parking proposed on site and the proposal would cause less than substantial harm to the adjacent Conservation Area. It is considered that on balance these issues are outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The application proposes to change the use of the town hall to a church and to construct single and two storey side and rear extensions following the demolition of the existing detached rear garage block.
- 1.2 Towards the rear of the building, to the south east (side), a single storey flat roofed extension which projects to the side by 4.2m is proposed. Beside the rear site boundary, a single storey rear extension with a 4.9m high pitched roof (hipped to the south eastern side), with a higher sloping section towards the centre (which includes a flat roofed dormer window), extending for a width of 26.5m is proposed. A two storey flat roofed rear extension would be located 5.2m from the rear site boundary and would join to the existing flat roofed, two storey rear extension. It would be 7.9m high to match the existing extension, with a depth of just under 6m to give a total projection at this height of over 19m. The extensions would be red brick with lead effect cladding on the dormer and clay plain tiles on the pitched roofs. A grey aluminium clad enclosed fire escape stairwell is proposed on the north west (side) elevation of the existing building, partially covering two of three existing blocked up ground floor openings and necessitating the removal of two first floor windows (one of which would become a fire escape door).
- 1.3 The church would include a crèche, hospitality area, kitchen, meeting and teaching rooms and a 250 seat auditorium (which would be accommodated in the rear extension). Three tandem parking spaces are shown to each side of the building (total of six spaces), in addition to cycle and buggy shelters which would be located behind double gates to either side of the building. A grassed area would be created to the front of the proposed crèche and a seating area beside the hospitality area – both these areas would be to the front of the building, either side of the retained main entrance enclosed by black painted metal railings above a brick wall (total height 1.5m) with the existing stone wall on the frontage retained. A ramp would be provided to ensure level access through the seating area to the main entrance.
- 1.4 All the ground floor windows in the front elevation are proposed to be elongated to enable the creation of a set of glazed doors to either side of the main entrance (the existing solid timber doors are to be replaced with glazed doors to match the style of the adjacent windows), with the other windows becoming full height windows to match the dimensions of the proposed glazed doors. The existing bell tower will be retained and refurbished. All the first floor windows in both side elevations of the existing extension and the rear second floor windows in the original building will be replaced with ones of the same style in mid grey aluminium to match the windows proposed in the extensions. A new first floor window with metal security doors beneath is proposed towards the rear of the existing building in the south east (side) elevation.
- 1.5 The application initially proposed the demolition of the two storey flat roofed extension and the construction of a two storey extension, extending so as to abut the rear and south eastern (side) boundaries. During the course of the

application, the plans were amended, resulting in the submission of a revised Heritage, Design, and Access Statement. Additional information, in the form of a Transport Statement, was also submitted.

2 Site and surroundings

- 2.1 The existing hipped roof building has four storeys including a basement. It has a two storey flat roofed rear extension (which projects marginally beyond both side elevations) with four undercroft parking spaces and a detached hipped roof rear range of outbuildings. The building is of plain neo-Georgian style with some Art Deco detailing. It is red brick with painted stone window sills and bands to the front and both sides and has a slate roof. There is a central doorway in the front elevation with a wide balcony above (including Art Deco patterning), carried on giant ornamental brackets. Above the glazed opening served by the balcony is a shallow open pediment. To the centre of the roof is a metal clad bell tower. The front and side elevations of the original building contain sash windows. Internally, there is an Art Deco influenced staircase and a timber panelled council chamber at first floor. There are flower beds either side of the main entrance and a stone wall extends across part of the front boundary with a mature tree behind to either side of the frontage. To both side boundaries there are walls with vegetation on both sides of the walls, including some trees.
- 2.2 The building is locally listed as it forms part of the civic core of Beeston together with the adjacent school, church (and church hall) and library opposite. To the rear of the building is a Council car park which is within the St. John's Grove Conservation Area and there are two gated accesses to this car park on the rear site boundary. Either side of this car park are former Council owned buildings, one of which has been converted to a dwelling and the other is in the process of being converted to a house. Foster Avenue is a no through road with a turning circle to the front of the site. There is a footpath to the north west of the site beside the school grounds which connects Glebe Street and Foster Avenue. The site is within the 2004 Local Plan designated Beeston town centre (but will be outside the town centre designation once the Part 2 Local Plan is adopted).

3 Relevant Planning History

- 3.1 The most relevant planning application relating to the site was for the two storey flat roofed rear extension which was granted permission in 1978 (reference 78/00075/FUL).
- 3.2 In 2018, Historic England considered an application to list the building. They rejected this application determining that the building was of "modest compositional quality", with the exterior lacking "contemporary architectural references" and noting that the interior lacked "high quality detailing and levels of internal decoration and embellishment expressive of civic pride" (with the exception of the principal staircase and original council chamber).

4 Relevant Policies and Guidance

- 4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 6: Role of Town and Local Centres
- Policy 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment
- Policy 12: Local Services and Healthy Lifestyles
- Policy 14: Managing Travel Demand

4.2 **Saved Policies of the Broxtowe Local Plan (2004):**

4.2.1 The Part 2 Local Plan is currently under preparation (see paragraph 4.3). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy K4: Town Centres
- Policy E24: Trees, hedgerows and Tree Protection Orders
- Policy T11: Guidance for Parking Provision
- Policy T12: Facilities for People with Limited Mobility
- Policy RC2: Community and Education Facilities

4.3 **Part 2 Local Plan (Draft)**

4.3.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been examined, with the Inspector's report imminently expected. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be undertaken to Policies 17, 23 and 25. Whilst this is not the Inspector's final report, and the examination into the local plan has not been concluded, it does mean Policies 17, 23 and 25 can now be afforded moderate weight.

- Policy 17: Place-making, design and amenity
- Policy 23: Proposals affecting designated and non-designated heritage assets
- Policy 25: Culture, Tourism and Sport

4.4 **National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.

5 Consultations

5.1 **Council's Conservation Officer: Comments on original plans:** Objects: confirms building is a non-designated heritage asset which forms part of the civic core of Beeston. It retains much of the original façade and plays a prominent role in the street scene. No objection to the limited alterations to the façade, front and side elevations, subject to details or to the demolition of the garages and rear extension. However, raises significant concerns about the size, scale, siting and design of the proposed extension. Given the projection to the rear and sides, the

proposed extension is not subservient to the existing building and would be an overwhelmingly dominant structure visible from both the conservation area and Foster Avenue. It would not respond to anything in the conservation area in scale or form. The scheme appears to have been designed from the inside with insufficient consideration of the external result, to the detriment of the conservation area and the building itself. Although the harm caused would be less than substantial, it would not be outweighed by the public benefits.

- 5.1.1 **Conservation Officer's comments on amended plans:** broadly welcomes the revised plans which have significantly reduced the scale of the proposed extensions. From the front elevation, extensions to both sides of the building would be visible from Foster Avenue as they project beyond the existing side elevations. However, the covered stair access would be a minimal, functional addition and the extension to the southern elevation would now be single storey and set well back from the façade. Recommends the fenestration in the front elevation be amended so as to be symmetrical and that the proposed roof lights are lowered so as not to project. Notes that the amended proposal is to add to the unsympathetic flat roofed rear extension which would be far from ideal and may also be difficult to effectively match the brickwork. To the rear, a new brick wall would be built on the boundary with a roof pitching away and a section of flat roof dormer inserted into this slope centrally. Again, this is not ideal as this elevation is visible from the conservation area. Overall, the revised proposals are considered to represent an improvement on the original plans in terms of scale and design; however, they would still result in less than substantial harm to the character and appearance of the conservation area. The public benefits need to be considered in the overall planning balance with a view taken as to whether these benefits would outweigh the less than substantial harm.
- 5.1.2 **Conservation Officer's comments on amended Heritage, Design and Access Statement:** disagrees that the view of the site from the wider area and its impact on the conservation area is limited by the expanse of the Devonshire Avenue car park as the fact that the car park exists allows clear views of the rear of the building and of the poor 1970's flat roof extension; the car park does not therefore limit views of the building but facilitates views. Questions the statement that the proposal seeks to repeat the current view from the rear and the visual effect is to be retained, given that the two storey part of the extension would be closer to the car park and would change the visual impact of the building as it would be closer to the boundary and therefore more imposing/visual. In relation to the assertion that the proposed dormer is modern, minimal and reminiscent of modern loft conversions, states that a dormer of the proposed scale is not generally supported in the conservation area, although the modern design approach may possibly be supported. Disagrees that the existing building is not considered significant in the conservation area appraisal, the car park being the matter of concern rather than the significant size and design of the 1970's extension – the 1970's extension is clearly visible from the designation and is a negative factor, facilitated by the car park.
- 5.2 **Council's Environmental Health Officer:** no objection subject to conditioning hours of operation to between 08:00 and 22:00 Monday-Saturday and 09:00 and 21:00 on Sundays and Bank Holidays and other public holidays; installation of ventilation and filtration equipment; construction hours; and the submission of

schemes to minimise dust during construction and identification and removal of asbestos.

- 5.3 **Council's Tree Officer:** no objection to the extension as no trees within the area and small yew trees to the side are of little merit and should not be impacted upon.
- 5.4 **Nottinghamshire County Council as Highway Authority: first set of comments:** requested additional information to enable assessment of proposal – survey of available parking spaces within 400m of site; confirmation that use of Devonshire Avenue car park by proposed church visitors would be in perpetuity and not just for three years; confirmation of where deliveries would occur; queried provision for disabled visitors and bin collection point.
- 5.4.1 **Highway authority second set of comments:** Object: use of Devonshire Avenue car park on Sundays has only been permitted for three years so if the agreement is not extended, this could result in parking overspill from over 300 church goers onto the public highway which does not appear to have sufficient available capacity. No weekday parking provision is proposed and other similar churches operate weekday courses and workshops which generate parking demand. The applicant has provided no information to justify that sufficient on or off street public parking is available in the local area to accommodate the parking demand. As such, users of the proposed development will have nowhere to park which is likely to lead to inappropriate overspill parking on the public highway, to the detriment of vulnerable road user safety.
- 5.4.2 **Highway authority third set of comments (following receipt of Transport Statement (TS)):** No objection subject to conditioning provision of cycle parking as the TS has assessed the impact on the highway network and has concluded that there are no unacceptable impacts on highway safety. They consider that any additional parked cars displaced on the highway is not a safety issue but an inconvenience issue for the existing residents on the surrounding streets.
- 5.5 **Beeston and District Civic Society:** Object: applicant has failed to recognise Town Hall as a heritage asset resulting in a lack of assessment of the significance of the building and its setting and the impact of the extension on the building and the adjacent conservation area in the Heritage Statement. Concerned about replacement of ground floor front windows and original wooden doors and lack of mention of retention and treatment of 1936 interior design features. The application pays no regard to the competing parking requirements on and around Foster Avenue and Devonshire Avenue or that the Council had previously stated the Devonshire Avenue car park would be available for cinema users. There will be heavy car usage associated with the proposed use and a resultant negative impact on neighbouring residential amenity. The proposed railings, gates and walls to the front of the building will segregate it rather than foster a community feel. In relation to the proposed extension, this is considered to bear no relation to the Town Hall in terms of its shape and proposed use of grey aluminium and fire doors. No attempt has been made to enhance the conservation area given the proposed industrial style extension with high blank walls. The low buildings to the rear of the Town Hall will be replaced with a 7m high wall and the scale, massing and materials are out of keeping with the conservation area buildings.

They consider the standard of design is not of sufficient architectural quality, especially when compared to the comparatively modern adjacent church which in effect is also a large box but thoughtfully designed. The current pedestrian route from the Devonshire Avenue car park should be retained for all to use. They object to the proposed neon sign above the front doors as it takes no account of the decorative balcony detailing - a timber sign would be more appropriate.

5.6 Councillor Patrick objects to the application raising concerns about the size of the proposed extension, loss of the pathway, additional traffic, adverse impact on quiet residential area, not a local community growth project as is a 'plant' from the Redeemer church in Nottingham, and the proposed church is a member of the Evangelical alliance which does not work with mainstream churches so is exclusive and not an inclusive community project.

5.7 Seven properties either adjoining or opposite the site were consulted and a site notice was displayed. Four objections and three items making observations were received. The comments made can be summarised as follows:

- Additional traffic, particularly on Sundays when parking is not restricted on Devonshire Avenue and there is pressure for parking from Catholic church users
- Loss of façade features, including date stone
- Lack of site notice on Devonshire Avenue and lack of prominence of site notice on Foster Avenue
- Queried whether right of way from Devonshire Avenue car park to Foster Avenue will be maintained for public use and whether gate between car park and twitchell (from Glebe Street) will be removed
- The Council has gone back on the decision to not allow use of the Devonshire Avenue car park by the purchaser of the Town Hall – questions whether this constitutes failure to observe proper procedures and disadvantages other prospective purchasers
- In principle, no objection to use of site as a church
- Building sold on condition public access would be maintained and community use would be retained – proposed use will exclude significant sections of community
- Vast size of extension unreasonable and total capacity is excessive
- Auditorium includes sound desk implying PA system will be used – condition should be imposed to ensure the building is acoustically insulated and that sound is not audible beyond site boundary. Use as a music venue should be subject to approval.
- 2m high gates to either side seems excessive
- Lack of parking
- Queried how deliveries will be made
- Queried whether original interior features will be retained – appears not and thought this was condition of sale
- Extension will dominate view from Devonshire Avenue
- Height and size of extension excessive
- Signage to rear should be prohibited by condition
- Trees should be planted to the rear
- Queried what car parking charges will be levied

- Impact of noise from lively church service adversely impacting upon quiet residential area – windows should remain closed and children should not use Devonshire Avenue car park as playground
- Proposal is much changed for that approved for sale in 2018
- Lack of community use workshops.

6 Assessment

6.1 The main issues for consideration are whether the principle of the change of use to a church and extensions/alterations would be acceptable, if there would be harm to the character and appearance of the adjacent conservation area and whether there will be an unacceptable impact on highway safety and neighbour amenity.

6.2 **Principle**

6.2.1 The proposed use as a church is considered to be appropriate given the adjacent building is in use as a church and there are other community uses such as the library and school in the immediate area. The proposed extension and alterations facilitate the use of the building as a church and the impact of these will be considered below. In principle, the change of use and the extensions and alterations are considered to be acceptable.

6.3 **Heritage and design**

6.3.1 'Policy 11: Historic Environment' of the ACS sets out that proposals will be supported where the historic environment and heritage assets, including their settings, are conserved and/or enhanced in line with their interest and significance. The building itself is considered to be a non-designated heritage asset and is adjacent to a designated heritage asset, the St. John's Grove Conservation Area.

6.3.2 The NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is proposed to broadly retain the form and layout of the original building. The bell tower will be retained and refurbished and the side elevation windows (apart from one beside the proposed fire escape) and first floor front windows will be retained. To the ground floor, the front windows will be elongated to create full height windows with a set of glazed doors to either side of the main entrance doors providing access to the seating area associated with the café/hospitality area and the grassed area adjacent to the proposed crèche. Both these areas to the front of the building will be enclosed by low walls with railings above (total height 1.5m), with the stone wall retained on the front boundary. The mature trees located either side of the frontage are to be retained. Gates are proposed either side of the building, set back over 16m from Foster Avenue. It is considered these elements of the proposal will cause minimal harm to the non-designated heritage asset and the elongation of the front windows/creation of doors will provide access to the outdoor frontage space and make the building appear more open and welcoming with this active frontage use.

6.3.3 The single storey extension to the south east side will be visible from Foster Avenue, albeit set back over 36m and so will the fire escape stairwell extension to the north west side which is set back over 26m. Given these setback distances, it is considered the extensions and frontage alterations will cause minimal harm to the Foster Avenue street scene as the original frontage building will still retain a strong presence. The two extensions which project to the side will not be readily visible from the conservation area so are considered to cause no harm. The amended proposal sees the retention and extension of the existing flat roofed two storey rear extension. This existing extension is clearly visible across the Council car park which is identified in the St John's Grove Conservation Area character appraisal as a negative space and a gap site when considered alongside the leafy, mature and enclosed gardens of the houses on Devonshire Avenue which form part of the character of the area. Whilst this existing extension is an unsympathetic addition to the Town Hall and its enlargement is not an ideal design solution as its increased projection will mean it is closer to and more visible from the conservation area, the amended proposal is of a reduced scale in comparison to the original proposal and is not considered to be so harmful as to warrant refusal of the application, particularly as it extends no further to the sides of the building (at first floor) than the existing extension and the mass will partly be broken up by the roof of the single storey element and the central dormer. However, it is considered that the proposal would constitute less than substantial harm to the St John's Grove Conservation Area by virtue of the enlargement of the existing unsympathetic extension, the flat roofed rear dormer and the expanse of largely unrelieved brick wall abutting the rear boundary. This harm needs to be weighed against the public benefits of the scheme. The public benefits of the proposal would include the re-use and retention of a non-designated heritage asset which is surplus to the Council's requirements and the proposed café/hospitality area and workshops which would be available for public use. It is considered the public benefits of the scheme outweigh the harm caused to the character and appearance of the St John's Grove Conservation Area.

6.3.4 Although the extensions are large, it is considered they enable the retention of the historic original building whilst creating space that will function for the intended end user. Details of the alterations to the front windows will be conditioned to ensure these works are appropriately detailed and for the same reason, conditions will also be used in relation to boundary treatments and gates.

6.3.5 In terms of the internal features, as the building is not listed, there is no requirement for these to be retained. However, it is stated in the revised Heritage, Design and Access Statement that the timber panelling in the Old Council Chamber, the main staircase and the stained glass window on the landing will be retained. There is no date stone.

6.4 Highway Safety

6.4.1 Policy T11 'Guidance for Parking Provision' and appendix 4 to the Local Plan require satisfactory provision of vehicle parking and servicing, in accordance with the latest standards. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable

impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.4.2 Three tandem parking spaces are proposed towards the front of the building beside each side boundary, providing a total of six spaces which the Transport Statement (TS) states will only be used and managed by 'key staff members'. As detailed above, the proposed auditorium has the capacity to seat 250. Appendix 4 of the Local Plan advises that one space per five seats should be provided so this would equate to a parking requirement of 50 spaces, with a Transport and Parking Appraisal (TAPA) to be used to assess staff parking requirements. A TAPA has been submitted which states that there would be eight members of staff (four of whom would be part time) and that some members of staff would cycle to work. The TS confirms that all current church members have been advised that there will be no parking available on site for 'general use' and that they have undertaken a travel survey of the congregation. This survey found that of the 84 adult members of the congregation, 27 people drive to the church (which is based at West End community centre in Beeston) and 43 are likely to drive at some point. Extrapolating these figures, the TS states that the 'worst-case parking demand' would be 110 cars (based on a projected congregation number of 133 adults).
- 6.4.3 It is recognised that the provision of six spaces is a shortfall of at least 44 spaces. However, the site is located in the town centre and in proximity to a number of public car parks (with a total number of spaces in excess of 360), the tram and bus interchange and a densely populated residential area, from which it is anticipated some of the congregation will live and thus be within walking distance of the site. Provision for cycle parking has also been made on site (16 spaces). The survey of the current congregation found that 58 of the current adult congregation would be likely to walk to the site and a further six would cycle (equating to approximately 70 per cent travelling by sustainable modes). Whilst the limitations of the survey of the congregation are recognised, it is considered, based on the information provided, that a significant proportion of the congregation will be likely to walk to the site on a Sunday. For those that choose to drive, the existing car parks should have the capacity to accommodate these vehicles. In addition, there is an agreement in place for the church (which is not exclusive to the church and no party has ever been offered exclusive use of this car park) to use the Devonshire Avenue car park when not in use by Council staff (i.e. not between the hours of 08:00-18:00 on working days) for a three year period (at no charge). This car park is not currently open on Sundays and generally closed in the evening unless there is a committee meeting.
- 6.4.4 It is recognised that the Devonshire Avenue car park will not be available in the long term and the church will not just be used on Sundays so there will be demand on the existing car parks in Beeston during the week and on Saturdays. No information has been provided in relation to the current usage levels associated with these car parks. However, the TS advises that (excluding Sundays) the maximum predicted number of cars associated with the proposed use would be 20 cars (on a Friday evening) and it is considered this number of vehicles could be accommodated within existing car parks and/or on-street in the vicinity of the church without detriment to highway safety. In addition, the County Council as Highway Authority has raised no objection to the findings of the TS.

- 6.4.5 The site is located in a highly accessible location with options for travel by sustainable modes. Although the Town Hall site will no longer be within the town centre boundary once the Part 2 Local Plan is adopted, this change is to enable a more coherent and consistent town centre boundary and the physical relationship of the building with the town centre and the proximity of the site to the tram and bus interchange and the good accessibility of the site will remain the same.
- 6.4.6 Servicing of the building will take place from Foster Avenue and it is considered that this can occur without causing harm to highway safety given the turning circle and the relatively low volume of traffic at this end of the road.
- 6.4.7 The provision of the six parking spaces will be conditioned to occur before the building is first occupied, as will their retention for the lifetime of the development. The provision of the cycle racks and their retention will also be conditioned.
- 6.4.8 Use of the building as a church falls into Use Class D1 'non-residential institutions' which also encompasses uses such as day nurseries, health centres and training centres. Given the parking demand associated with the church use is likely to be relatively short visits which can be accommodated within available public parking and as other uses within Class D1 could result in longer visits and longer parking requirements which are unlikely to be catered for, it is considered to be reasonable to restrict the use of the building to a church only.
- 6.4.9 In conclusion, it is considered that there are no significant highway safety issues which would warrant refusal of the application based on the guidance contained in the NPPF, subject to the conditions referenced above.
- 6.5 Amenity
- 6.5.1 The nearest residential neighbours to the site are located on Devonshire Avenue (3m to boundary of number 14 from site) and Cavendish Place (18m to boundary of numbers 2 and 4 from site). 14 Devonshire Avenue and 10 Devonshire Avenue (currently being converted to a dwelling) are located either side of the Council car park so are considered to be subject to disturbance from use of this car park which is open to the public to use until 4pm on Saturdays (closed on Sundays). The main church entrance will be to the front of the building. However, access from the Devonshire Avenue car park will be possible via gates so there is likely to be some activity in the car park on Sundays and evenings which does not occur currently. However, there is an adjacent church and the nearest dwellings on Devonshire Avenue abut the town centre boundary so it is not considered to be a quiet area. Taking into account the general lack of activity in the car park and town hall on a Sunday, it is considered reasonable to condition the hours of use of the church (to accord with the hours specified on the application form) and construction hours to minimise disturbance to residents.
- 6.5.2 2 and 4 Cavendish Place are separated from the site by a church hall and car park so it is considered these residents will not be significantly affected by the proposed development.

- 6.5.3 Residents on Foster Avenue are located in proximity to a public house and existing church and due to their town centre location, it is considered the activity associated with the proposed church will have no significant adverse impact on their amenity.
- 6.5.4 Concern has been expressed about the use of a PA system. The building is set away from the nearest dwellings by a minimum of 14m and the extension will be of brick construction. However, the building contains windows which could be opened and it will be used at times when the existing building is not so to protect residential amenity, it is considered to be reasonable to impose conditions requiring the submission of a noise survey and detailing acceptable noise levels.
- 6.5.5 Subject to the conditions outlined above, it is considered the proposed development will have no adverse impact on neighbour amenity.

6.6 Other issues

- 6.6.1 Although not a planning matter, the church has entered into a sale agreement with the Council to buy the building. The details of this are not a relevant planning consideration and nor are any plans which were submitted as part of the bid process. However, the building being available for a community use and reporting of such a use does form part of this agreement.
- 6.6.2 It is considered that there is no public right of way to either side of the building because there are gates to the rear of the building, both of which are locked on a regular basis meaning that interrupted use of the path has occurred. The gate to the path leading from Glebe Street will remain but there will be access for staff.
- 6.6.3 The publicity of the application complied with the requirements of legislation as nearby neighbours were sent letters and a site notice was posted to the front of the building on Foster Avenue.
- 6.6.4 It is considered a music venue would fall into Class D2 and were the building to be used as such, planning permission would be required.
- 6.6.5 Signage would be subject to a separate advertisement consent application.

7 Planning Balance

- 7.1 The benefits of the proposal are the creation of short term construction jobs whilst the extensions and alterations are undertaken, the retention and re-use of a non-designated heritage asset which is surplus to the Council's requirements and the proposed element of community use of the workshops and café/hospitality area.
- 7.2 The negative impacts are the less than substantial harm to the adjacent St John's Grove Conservation Area and the substandard parking proposed and the potential inconvenience to highway users from any resultant on-street parking.
- 7.3 On balance, the benefits of the proposal are considered to outweigh the harm.

8 Conclusion

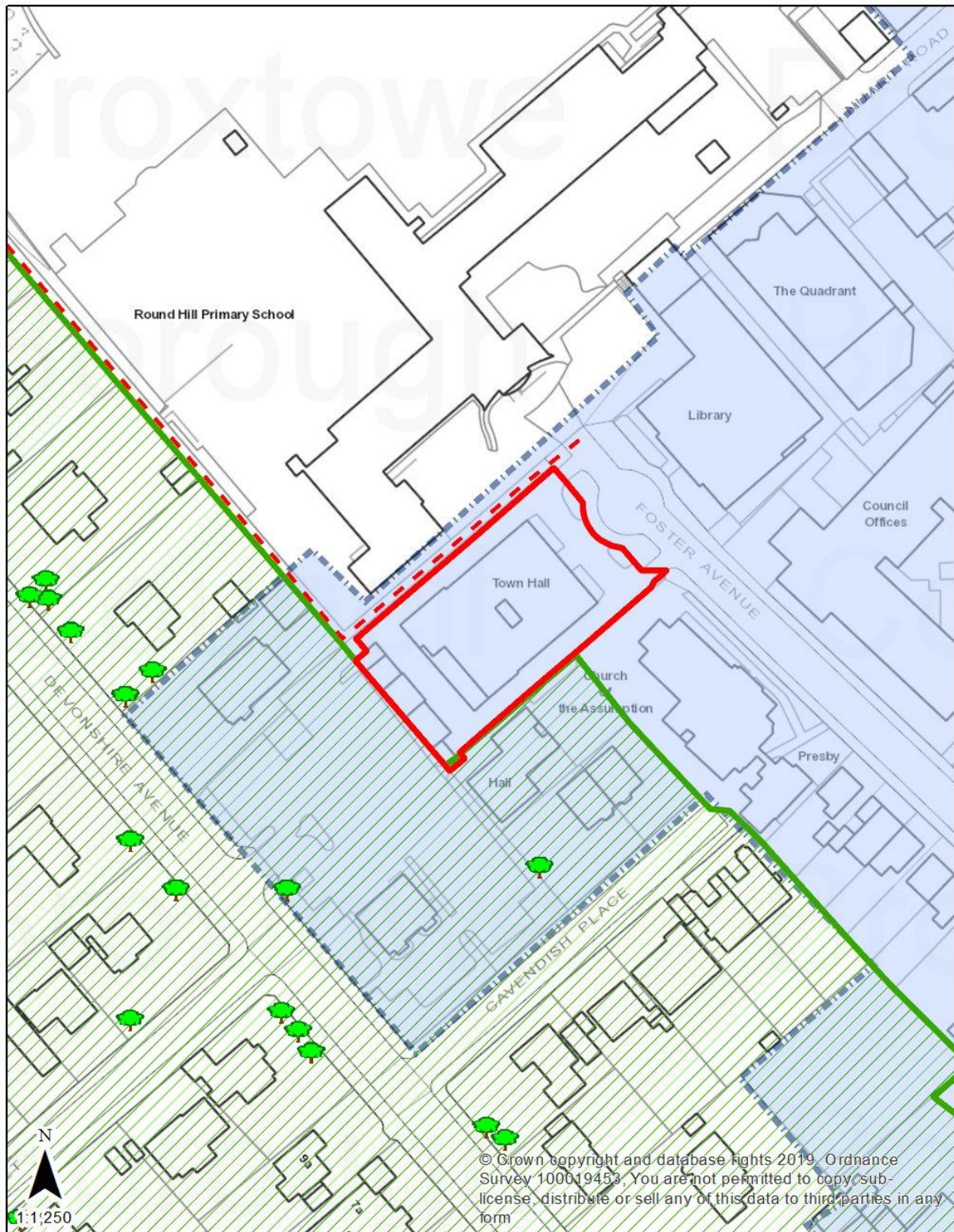
- 8.1 It is considered the principle of the change of use to a church and extensions/alterations are acceptable. There would be less than substantial harm to the character and appearance of the adjacent conservation area but on balance, this is considered to be outweighed by the public benefits. Despite the limited on-site parking proposed, there will be no unacceptable impact on highway safety and minimal harm to neighbour amenity. Subject to the conditions as detailed below, the proposed development is considered to accord with national and local planning policy.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings numbered RHA1832-0100 received by the Local Planning Authority on 18 April 2019; RHA1832-0110d, RHA1832-0111a, RHA1832-0112c, RHA1832-0114d, RHA1832-0115c, RHA1832-0120e, RHA1832-0122f, RHA1832-0123e, RHA1832-0124e and RHA1832-0126c received by the Local Planning Authority on 16 September 2019 and RHA1832-0113e, RHA1832-0116d, RHA1832-0117d, RHA1832-0121h and RHA1832-0127 received by the Local Planning Authority on 20 September 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No development above slab level shall commence until samples of the proposed external facing materials have been submitted to and agreed in writing by the Local Planning Authority and the development shall be constructed only in accordance with the agreed details.</p> <p><i>Reason: To ensure a matching brick is used and in the interests of the appearance of the development and the adjacent Conservation Area as high quality materials need to be used and in accordance with the aims of Policy 11 of the Aligned Core Strategy and Policy 23 of the Draft Part 2 Local Plan.</i></p>
4.	<p>No alterations to the front ground floor windows shall take place until detailed drawings of the proposed doors/elongated windows have been submitted to and agreed in writing by the Local Planning</p>

	<p>Authority. The alterations shall be undertaken in accordance with the agreed details.</p> <p><i>Reason: To ensure appropriate detailing and materials are used and in accordance with the aims of Policy 11 of the Aligned Core Strategy and Policy 23 of the Draft Part 2 Local Plan.</i></p>
5.	<p>No boundary treatment or gate shall be erected/installed until detailed drawings and proposed materials of the proposed treatment/gate have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatments and gates shall be constructed/installed in accordance with the agreed details.</p> <p><i>Reason: To ensure appropriate detailing and materials are used and in accordance with the aims of Policy 11 of the Aligned Core Strategy and Policy 23 of the Draft Part 2 Local Plan.</i></p>
6.	<p>No ventilation and/or filtration equipment shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. Any equipment shall be in full working order prior to the use commencing. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.</p> <p><i>Reason: To suppress and disperse odour created from food preparation operations in order to protect nearby residents from excessive odour and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
7.	<p>No demolition shall take place unless and until details of a scheme to minimise the effects of dust created by works on site has been submitted to and approved in writing by the Local Planning Authority. The demolition/construction shall take place in accordance with the agreed scheme.</p> <p><i>Reason: To protect nearby occupants from excessive dust and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
8.	<p>No fixed plant, machinery or equipment, including any PA system, shall be installed within the site until a noise report, including details of the acoustic specification of such fixed plant, machinery or equipment has been submitted to and agreed in writing by the Local Planning Authority. The plant/machinery/equipment shall be installed in accordance with the agreed details and thereafter maintained in the agreed form for the lifetime of the development.</p> <p><i>Reason: To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe</i></p>

	<i>Aligned Core Strategy (2014).</i>
9.	<p>The development shall not be first occupied unless and until a plan to show the parking spaces indicated on drawing number RHA1832-0112c has been submitted to and agreed in writing by the Local Planning Authority and the agreed parking spaces have been marked out and thereafter shall be retained for the lifetime of the development and used for no other purpose than parking.</p> <p><i>Reason: In the interests of highway safety to ensure some parking is provided and retained on site and in accordance with the aims of Policy 17 of the Draft Part 2 Local Plan.</i></p>
10.	<p>The development shall not be first occupied unless and until the cycle shelters/racks shown on drawing number RHA1832-0112c have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority and thereafter shall be retained for the lifetime of the development.</p> <p><i>Reason: To encourage alternative modes of transport to the car and to ensure cycle parking is provided and retained on site and in accordance with the aims of Policy 17 of the Draft Part 2 Local Plan.</i></p>
11.	<p>No demolition, construction or site preparation work in association with this permission shall be undertaken outside the hours of 07:30-18.00 Monday to Friday, 08:00-13:00 on Saturdays and at no time on Sundays or Bank Holidays.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
12.	<p>The premises shall not be used except between 08.00-22.00 hours Monday to Saturday and 09.00-21.00 on Sundays, Bank Holidays and other public holidays.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
13.	<p>The rating level resulting from the cumulative use of any plant, machinery or equipment shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive receptor.</p> <p><i>Reason: To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>

<p>14.</p>	<p>Notwithstanding the provisions of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), this permission shall relate solely to the use of these premises as a church and not for any other use falling within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).</p> <p><i>Reason: Alternative uses that might otherwise be permitted within Class D1 would be likely to generate more demand for parking and accordingly would be contrary to Policy T11 of the Local Plan (2004).</i></p>
	<p>NOTES TO APPLICANT</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
<p>2.</p>	<p>Suitable sanitary provision in line with the current British Standard 6465 will need to be made.</p>



Legend

- | | |
|-----------------------------|-------------------|
| Site | Footpath |
| Single TPO | Conservation Area |
| Public Rights of Way | Group TPO |
| Byway open to all traffic | Town centre |
| Bridleway | |

Photographs



Front elevation



North west elevation



Rear and detached garages



South east elevation



View from Devonshire Avenue

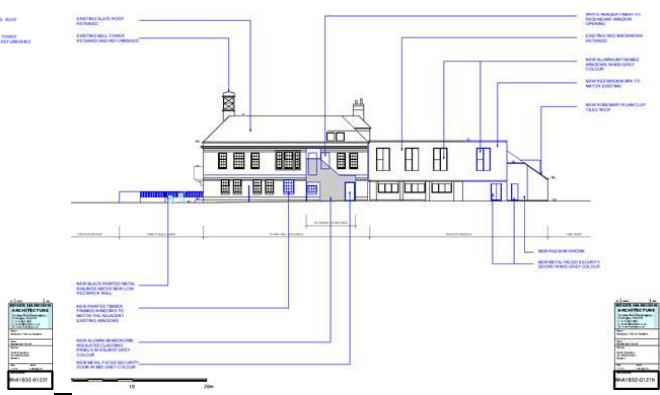
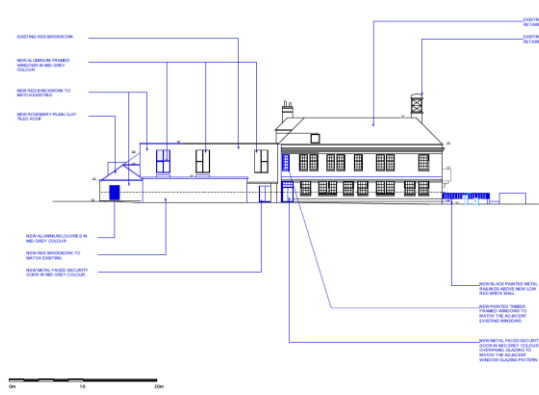
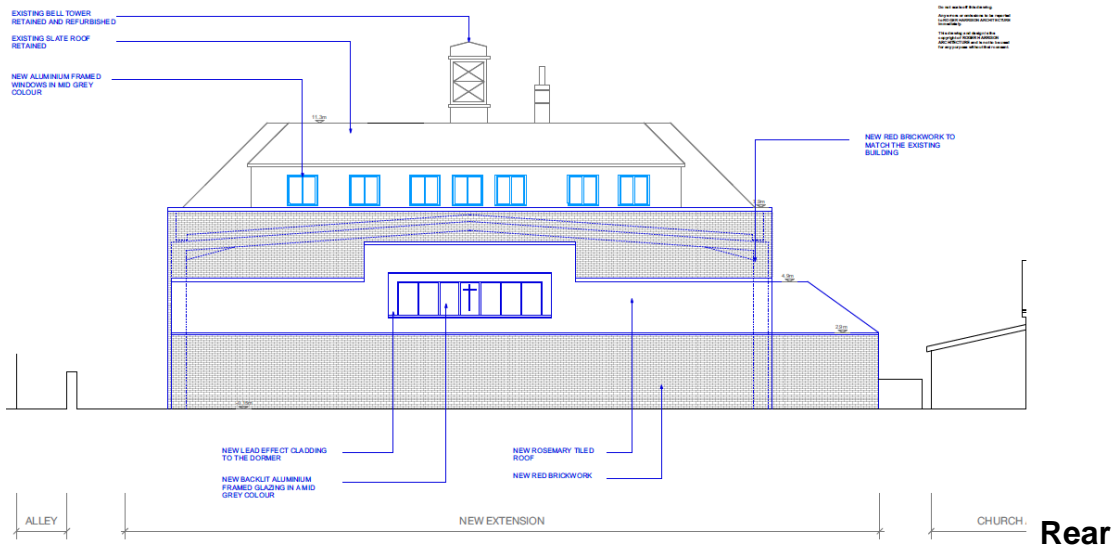
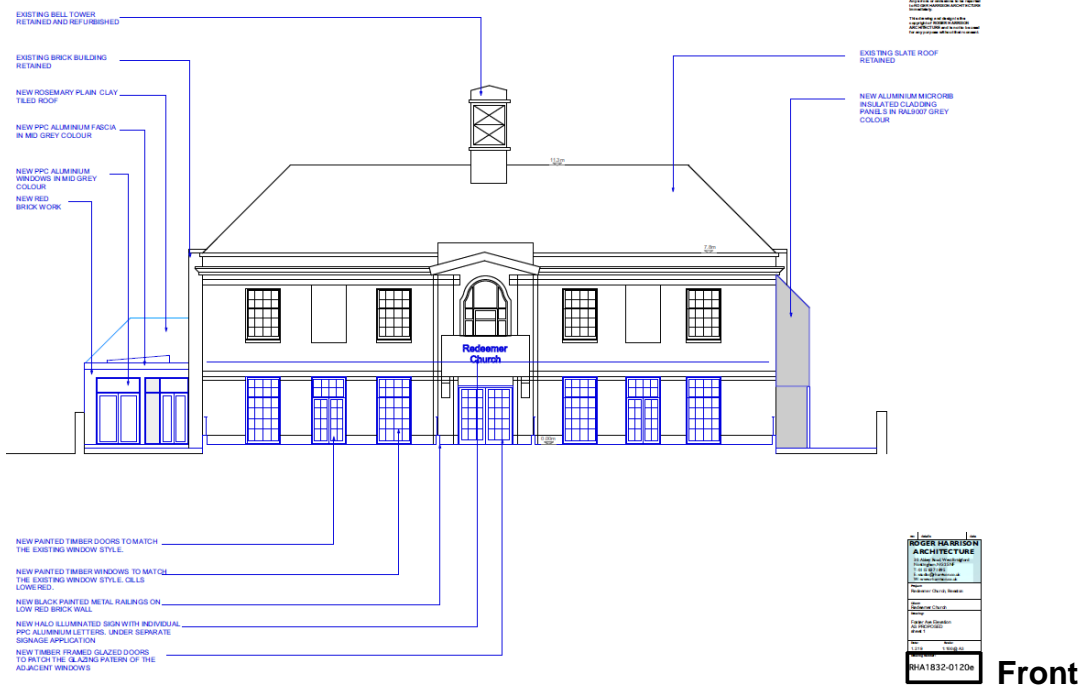


Library



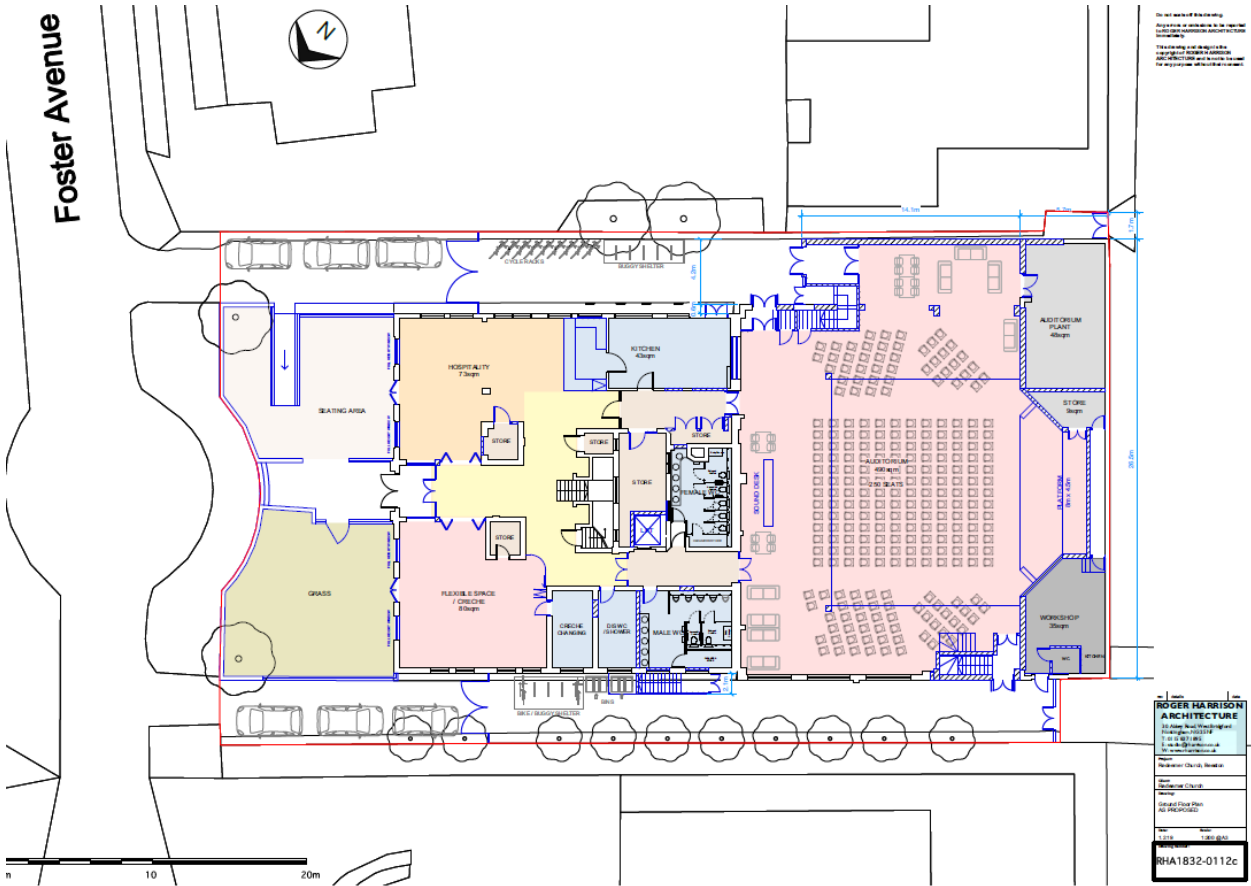
Church to south east and Town Hall

Plans (not to scale)

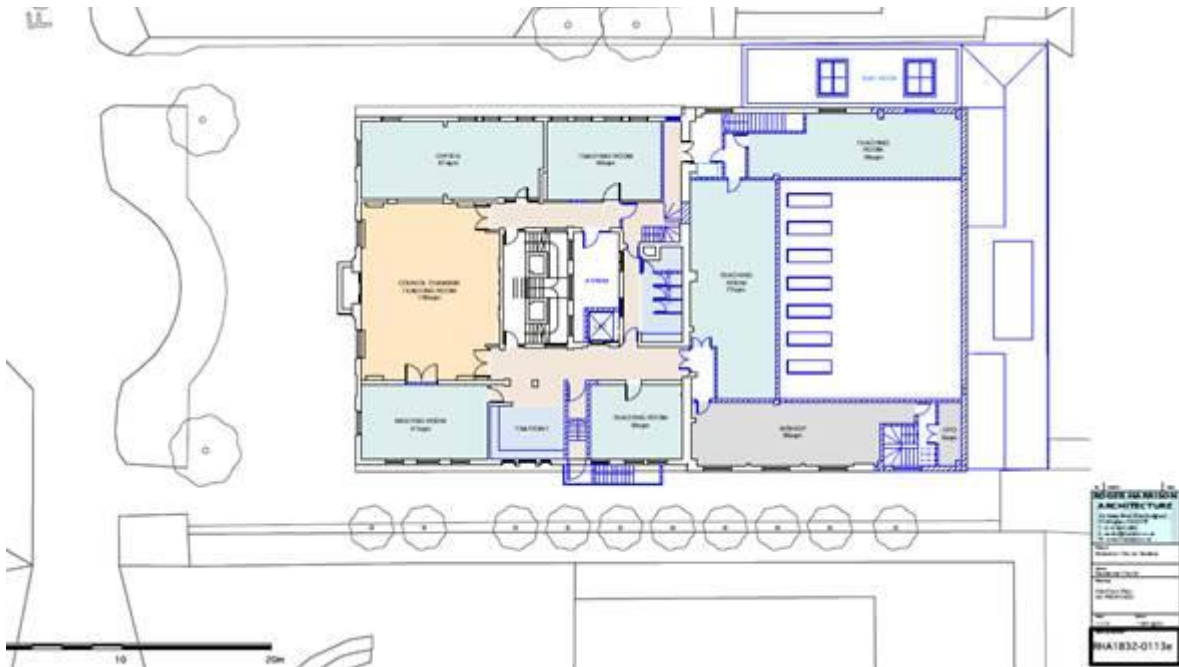


South east side

North west side



Ground floor plan



First floor plan