



**Application Number:** 2016/0611  
**Location:** Room 3, Arnot Hill House and The Aviary, Arnot Hill Park  
Arnold.



**NOTE:**  
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## **Report to Planning Committee**

<b>Application Number:</b>	2016/0611
<b>Location:</b>	Room 3, Arnot Hill House and The Aviary, Arnot Hill Park Arnold.
<b>Proposal:</b>	Change of use from B1 to sui generis marriage ceremonies.
<b>Applicant:</b>	Ms Hazel Tait
<b>Agent:</b>	
<b>Case Officer:</b>	Christina Dinescu

### **Background**

This application is referred to the Planning Committee because Arnot Hill House and the Aviary are owned by Gedling Borough Council.

### **Site Description**

Arnot Hill House is a Grade II listed building dating from 1866 and sited within Arnot Hill Park, in a prominent location.

The listing describes it as having hipped and polygonal slate roofs with elaborate bracketed eaves. On the south front is a central canted two storey tower porch, whilst the west front has a central half round bay with hipped terminal wings and canted bays. Inside is a cantilevered stone staircase with iron balustrade and several ashlar Gothic fireplaces.

The building is in office use and it is situated within the built up area of Arnold but standing within a protected public open space.

The Aviary is a single storey building with arched openings and hipped roof sited within Arnot Hill Park, to the east of the Civic Centre, within the Rose Garden. The building was used as an aviary but the birds have been removed in 2014 and since then the building has been empty.

Both Arnot Hill House and the Aviary are located within the park, at significant distance from the adjoining residential properties on the northern and eastern side, on Arnot Hill Road, and Goerge Street. To the south, the park is adjoined by a dismantled railway.

Arnot Hill Park is located within walking distance to Arnold Town Centre and public transport is available on Nottingham Road.

Vehicular access to the park is made off Nottingham Road and parking is available on site for both employees and public users of the park. The parking areas for public users are limited to 2 hours from Monday to Friday and are located close to the vehicular entrance off Nottingham Road and close to the main entrance of the Civic Centre. The parking areas for employees are available for employees only from Monday to Friday and are located as follows: one adjacent to Arnot Hill House, one behind the rose Garden and one to the south of the Civic Centre.

The park is accessible by foot from 4 points: off Arnot Hill Road, off Nottingham Road and off the dismantled railway.

### **Relevant Planning History**

2013/0728 Listed Building Consent granted for alterations and improvements to the first floor, including works to windows and internal layout, floor finishes, doors and electrical services.

2015/0750 Listed Building Consent granted for a joint security system.

Pre-application advice was given in 2015.

### **Proposed Development**

Full Planning Permission is sought to change the use of Room 3 in Arnot Hill House and the Aviary to a sui generis use for "marriage ceremonies".

The marriage ceremonies would take place from Monday to Friday and weekends. The number of guests would vary as follows:

- A maximum of 40 guests in total at any one time for both locations (Room 3 and the Aviary), or limited to one location, from Monday to Thursday 09:30-17:30 and Fridays from 09:30 am till 14:00 pm; the events would be one hour apart;
- A maximum of 80 guests at any one time for both locations (Room 3 and the Aviary), or limited to one location, from Friday 14:00 pm till 18:00 pm, 09:30-18:00 Saturdays, Sundays and Bank Holidays; the events would be 45 minutes apart.

Literature for customers would be supplied advising that parking on site would not be available during week days, other than the public car park, and that throwing confetti or other associated products would not be permitted.

At the entrance point to the Rose Garden there would be a sign advising that a marriage ceremony is in progress. Access for the public would not be restricted.

Tables and chairs for up to 30 people would be sited in the Rose Garden for guests.

The marriage ceremonies would last between 10 to 20minutes, the additional time

would be allowed for the couple to arrive approximately 15 minutes early for a pre-ceremony interview, and a short photography session after the ceremony.

There would be no marriage ceremonies during Arnold Carnival days.

In addition to the marriage ceremonies Room 3 would be used for registration of births, deaths, marriages and other registration related services.

### **Consultations**

The Highways Authority (Notts County Council) –The Highway Authority has been made aware that although there are going to be multiple time slots made available between Monday-Thursday, and Friday mornings, the actual frequency of weddings during this period of the week will be sporadic, and are to be limited to 40 guests. In view of this, the Highway Authority considers that what is proposed should not have any significant knock on effect to parking outside of Arnot Hill Park, and therefore will not impact on the highway in the vicinity of the site.

With regards to weekends, the supporting information indicates that there will be an usher to control traffic flow and ensure the smooth running of the operation, which should help minimise the impacts of the proposal. Also, as Gedling Borough Council offices are closed on weekends, there will be an increased provision of parking within the site that can be utilised by wedding ceremony guests. There is no mention as to whether there would be an usher provided to help minimise the impacts on Friday afternoons, however we consider that the demand for parking in association with the Borough Council offices will gradually reduce throughout the afternoon period, thereby reducing the likelihood of conflict for parking between vehicles accessing the site.

It should be noted that there is a public car park within Arnot Hill park which can be used should it be necessary. Taking this, and the rest of the supporting information into account, the Highway Authority is satisfied that the proposal would not have a detrimental impact on roads in the vicinity of the site as the availability of parking within the curtilage of Arnot Hill Park should be satisfactory to serve the proposed use.

With regards to the potential for the development to result on-street parking, if limited numbers of vehicles needed to park occasionally on-street then there looks to be satisfactory areas for vehicles to park. Also, there are Traffic Regulation Orders in place to help protect against indiscriminate on-street parking.

To summarise, the Highway Authority has no objections in principle to the proposal as we consider that it would not result in a detrimental impact on highway safety in the vicinity of the site.

Historic England – The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Planning Policy – No objections to this proposal; Policy background provided.

Public Protection – No comments.

Estates Surveyor –

In favour of the Registrar's service being based at Arnot Hill House and the Aviary for the following reasons:

- Collocation of this valuable service together with other public sector partners will be beneficial for residents;
- The setting of Arnot Hill Park is appealing for ceremonies as well as being accessible due to it being on a bus route;
- The letting will generate income for the rooms at Arnot House which have been empty and could bring the Aviary back into use.

Parks and Street Care – Following clarifications received from the Applicant there are no objections to the proposal.

Licensing – No comments received up to this date.

Friends of Arnot Hill Park Group – No comments received up to this date.

Adjoining neighbours have been consulted and a Site Notice was posted. The application was also advertised in the local Press. As a result a petition signed by 9 residents was received. The concerns raised can be outlined as follows:

- No actual mention of whether there would be receptions held as well;
- In that case there should be some control on consumption of alcohol, hours of use, car parking provision;
- Considerable disruption to local residents.

### **Planning Considerations**

The main planning considerations in the determination of this planning application are as follows:

- Impact on the significance of Arnot Hill House and its setting;
- Impact on the wider community and upon the amenity of neighbouring residents;
- Impact on parking and highway safety implications.

The following policies are relevant in the consideration of this application:

- NPPF paragraphs 18-22 (Building a strong, competitive economy);
- NPPF paragraphs 126-141 (Conserving and Enhancing the Historic Environment);
- ACS Policy 11 (The Historic Environment);
- ACS Policy 12 (Local Services and General Principles);
- RLP Policy ENV1 (Development Criteria);
- RLP Policy C1 (Community Services General Principles).

Paragraph 18 of the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's

inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

Paragraph 19 states inter alia that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

#### Significance of the Listed Building and its setting

Paragraphs 132 and 133 of the National Planning Policy Framework advise that: -

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, should be wholly exceptional.

Where a proposed development will lead to substantial harm to the loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that the harm or loss.’

Policy 11 of the ACS advises that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

I note the proposal is for change of use without external alterations or extensions, I am therefore satisfied the proposed use would be in line with the Listed Buildings interest and significance and it would ensure the building would continue to be in a viable use consistent with its conservation.

Whilst I note the Aviary is not listed, the single storey building is set within the grounds of the Listed Building; I am satisfied, however, that the proposal would return a redundant building back into use and would not result in a detrimental impact on the setting of the Listed Building.

#### Wider community and residential amenity

Policy 12 of the ACS states that community facilities should be located within the City Centre, town centre or other centre, wherever appropriate; or be in locations accessible by a range of sustainable transport modes suitable to the scale and function of the facility; and where possible, be located alongside or shared with other local community facilities.

Criterion b. of Policy ENV1 of the Replacement Local Plan requires development not to have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic

generated.

Policy C1 of the Replacement Local Plan states that planning permission will be granted for proposals to improve community services and facilities provided that:

- a. They are not detrimental to the amenity of adjoining and nearby properties;  
and
- b. Their location is within or near to local/district centres or easily accessible to local residents.

I note the nearby residential properties are sited at significant distance from Arnot Hill House and the Aviary, as such; I am satisfied the proposed change of use would not result in a detrimental impact on the amenity of nearby residents by reason of noise and traffic generated.

Given that both Arnot Hill House and the Aviary are located within a public protected open space, within walking distance to Arnold Town Centre and well served by public transport, I am of the opinion the proposal would be in accordance with RLP Policies C1 and ENV1.

I am mindful about the concerns raised by the local residents; however I am satisfied the proposal for the change of use to marriage ceremonies, operating within the parameters provided within the application with no receptions, would not result in a detrimental impact on residential amenity or the wider community. Should planning permission be forthcoming conditions would be attached restricting the use as described in the application, including hours of opening and number of guests.

#### Parking and highway safety

I note the comments from the Highways Officer with regards to impact on the highway network in the area and parking availability on site. However, I am satisfied, after receiving confirmation from the Applicant that the marriage ceremonies would be one hour apart although the marriage ceremonies would not last more than 20 minutes; the proposal would not result in a significant increase in traffic within the park nor on the public car park located next to the vehicular access point. As such, in my opinion the proposal would not result in any highway safety implications.

#### Other issues

Negotiations have taken place from pre-application stage regarding the number of guests, hours of operating in relation to existing businesses on site, the status of the open space, and parking availability. I am now satisfied with the way in which the business would operate and I am of the opinion it reflects a more comprehensive and understanding approach on how the park, the Civic Centre, the Listed Building and parking provision for both public users and employees coexist.

#### Conclusion

Having regard to all the above I consider that the proposal is in accordance with all the policies mentioned above and would recommend that Planning Permission be

granted.

### **Recommendation:**

To **GRANT PLANNING PERMISSION** subject to the following conditions:-

### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be completed in accordance with the application form, site location plan and heritage statement received on 25th April 2016, and e-mail regarding the description of activity received on 8th July 2016.
3. The development hereby approved shall only be used for marriage ceremonies as follows:- Monday to Thursday 09:30-17:30 and Fridays 09:30-14:00; the events would be one hour apart;- Fridays 14:00-18:00, 09:30-18:00 Saturdays, Sundays and Bank Holidays; the events would be 45 minutes apart.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development in accordance with the aims of policies ENV1 and C1 of the Borough Council Replacement Local Plan (Certain Saved Policies 2014).

### **Reasons for Decision**

In the opinion of the Borough Council the proposed change of use of Room 3 in Arnot Hill House and the Aviary to a sui generis use of "marriage ceremonies" is an acceptable use in this location, results in no detrimental impact on the amenity of neighbouring properties or the surrounding area, is acceptable from a highway safety viewpoint and car parking. The proposal is therefore in accordance with the National Planning Policy Framework (2012), Policy 11 (The Historic Environment) and Policy 12 (Local Services and General Principles) of the Aligned Core Strategy (September 2014) and Saved Policies ENV1 (Development Criteria) and C1 (Community Services General Principles) of Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

### **Notes to Applicant**

The applicant is advised that all planning permissions granted on or after 16th

October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised by letters of representation submitted in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.