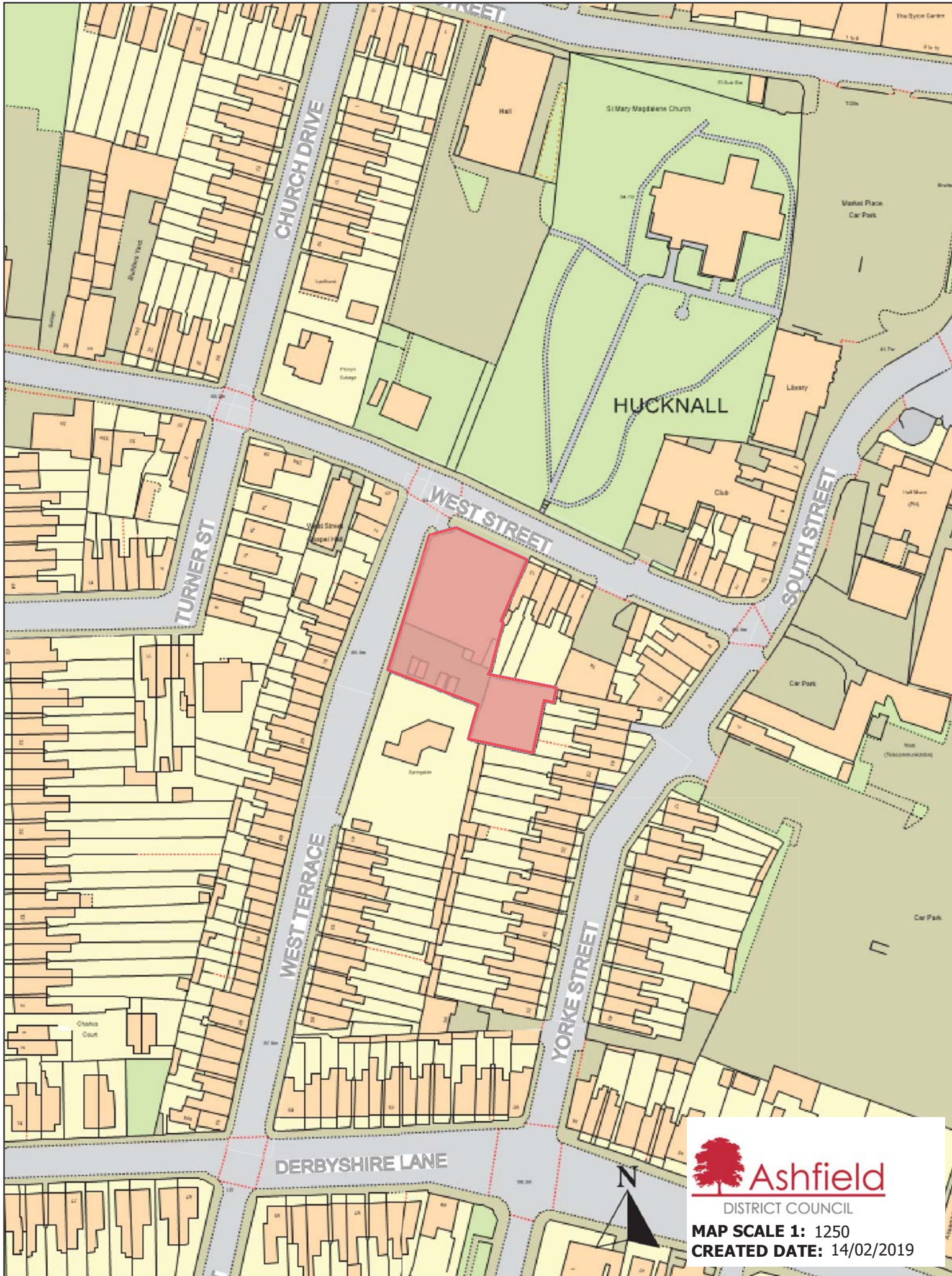


V/2018/0734 Sunbeam House, West Street, Hucknall



**Ashfield**  
DISTRICT COUNCIL  
MAP SCALE 1: 1250  
CREATED DATE: 14/02/2019

**COMMITTEE DATE** 28/03/2019                      **WARD** Hucknall Central

**APP REF** V/2018/0734

**APPLICANT** G Field

**PROPOSAL** Outline Application With All Matters Reserved for Demolition of Existing Buildings and Construction of 9 Dwellings With Associated Access, Car Parking and Amenity Space

**LOCATION** Sunbeam House, West Street, Hucknall, Nottingham, NG15 7BW

**WEB-LINK** <https://www.google.com/maps/@53.0381744,-1.2073648,19z>

**BACKGROUND PAPERS** A, B, C, D, E, J & K

App Registered: 20/11/2018

Expiry Date: 14/01/2019

*Consideration has been given to the Equalities Act 2010 in processing this application.*

*This application has been referred to Planning Committee by Cllr. K Rostance on the grounds of highways and conservation.*

### **The Application**

This is an outline application, with all matters reserved, for the demolition of the existing buildings, and the erection of nine residential properties, with associated access, car parking and private amenity space.

### **Consultations**

Site Notices have been posted together with individual notification of surrounding residents.

The following consultation responses have been received:

#### ***Resident Comments:***

3x Letters of objection have been received from local residents in respect of the following:

- Overlooking impact on neighbouring properties
- Parking issues along West Terrace
- Resident parking permits should be issued for West Terrace

- Demolition hours are unreasonable
- Site access from Yorke Street should be closed off

1x Letter of support has been received from a local residents in respect of the following:

- Building is an eyesore
- Building should be demolished

***ADC Planning Policy:***

The location for residential development is considered to be acceptable in policy terms, however there are significant concerns in the respect of the loss of a Local Heritage Asset in a key location within a proposed Conservation Area. A scheme of development involving the re-use of the building which retains its current form and integrity and conserves the heritage asset for future generations would be favourable.

***ADC Conservation:***

Objections are raised in respect of the proposal. The former Co-Op bakery is considered to be a local heritage asset. Its demolition would result in the total loss of significance of the building. Its demolition and lack of redevelopment proposals is considered to neither preserve or enhance the setting of the Grade II\* Listed church. The proposal neither sustains or enhances the significance of the building or the setting of the church, or attempts to put the building to a viable use, or have been suitably justified.

In taking a balanced judgement, the proposals fail to comply with the policy requirements of the NPPF or the Planning (Listed Buildings and Conservation Areas) Act 1990, which seek to ensure developments enhance and preserve the setting of Listed Buildings and Conservation Areas.

***ADC Environmental Health:***

No objections to the proposed development, however a condition is recommended requesting a noise impact assessment to protect the amenity of future occupiers, due to the proximity of the site to a car repair unit on West Street.

***ADC Drainage:***

No known drainage issues with the site.

***NCC Highways:***

Whilst this is an outline application with all matters reserved, the access should nevertheless be considered. The Highways Authority would not be able to support the scheme based on the current drawings submitted. The access details are geometrically substandard, unsafe as well as impossible to implement.

***Historic England:***

No comments to offer, based on the information available to date.

**Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

**National Planning Policy Framework (NPPF) 2018**

- Part 2 – Achieving Sustainable Development
- Part 5 – Delivering a Sufficient Supply of Homes
- Part 8 – Promoting Healthy and Safe Communities
- Part 9 – Promoting Sustainable Transport
- Part 11 – Making Effective Use of Land
- Part 12 – Achieving Well Designed Places
- Part 16 – Conserving and Enhancing the Natural Environment

**Ashfield Local Plan Review (ALPR) 2002**

- ST1 – Development
- ST2 – Main Urban Area
- EM5 – Protection of Existing Employment Sites and Buildings
- HG5 – New Residential Development
- EV10 – Conservation Areas

**Supplementary Planning Guidance Notes**

- Residential Design Guide SPD 2014
- Residential Car Parking Standards SPD 2014

**Hucknall Conservation Area 2018 – Approved by cabinet on 11<sup>th</sup> March 2019**

**Relevant Planning History**

**V/2010/0651**

Details: Outline Planning Application for the Conversion, Extension and Alteration of Factory to Form 12 Apartments

Decision: Refusal – Appeal Dismissed

Date: 10/03/11

**V/2012/0094**

Details: Outline Planning Permission for the Conversion, Extension and Alteration of Factory to Form 11 Apartments

Decision: Refusal – Appeal Dismissed

Date: 23/05/12

**V/2013/0443**

Details: Conversion and Extension of Existing Factory to Create 7 Apartments with Associated Access and Parking

Decision: Conditional Consent

Date: 04/10/13

**V/2016/0478**

Details: Conversion of Existing Factory to Create 7 Apartments with Associated Access and Parking

Decision: Conditional Consent

Date: 05/09/16

**V/2017/0550**

Details: Prior Notification of Proposed Demolition

Decision: Demolition Prior Notification – Approval Not Required

Date: 18/10/17

**Comment:**

The current application seeks outline planning consent, with all matters reserved, for the demolition of the existing buildings, and the erection of nine dwellings.

A Prior Notification application was granted in October 2017, for the demolition of Sunbeam House. When determining Prior Notification applications, the Council are unable to take into consideration conservation policies at both local and national level, and as such, an objection to the proposed demolition could not be made on conservation policy grounds.

The applicant can implement this decision, and therefore whilst the demolition of the building has been included as part of the application, the demolition of the building is not for consideration as part of this application.

It is pertinent to note that when granting the Prior Notification, the Council made the applicant aware, via the inclusion of an informative on the decision notice, that Sunbeam House was located within an area that was proposed to be designated as a Conservation Area. The informative attached also advised the applicant that the demolition of the property, prior to any redevelopment plans being submitted and approved by the Council would contain risk, as any re-development plans would likely come forward post designation of the area as a Conservation Area, where there would be a large focus on preserving and enhancing the appearance of the area.

The application site is located within the main urban area of Hucknall, and is located on the corner of West Street and West Terrace, and currently comprises of a former bakery/factory, with ancillary offices of Victorian construction with later additions.

The site forms a corner plot, where the existing building is located adjacent to the pavement to the north and west. To the north of the site is West Street, and immediately to the east, a row a four terraced residential properties.

To the south of part of the site is a vacant garaging and parking area, and an industrial style unit which forms a boundary with residential properties to the east of the site, sited on Yorke Street. South of the site's boundary is a large detached

residential bungalow known as Springside, which is sited some 5m from the application site, whilst to the west of the site is West Terrace, with terraced style residential properties facing across the highway towards the application site.

The application site falls within the setting of the Grade II\* Church of St Mary Magdalene (NHLE 1217611), and is also located within the Hucknall Conservation Area. Although the Former Co-Op building presently on site is identified as being a positive building within the Conservation Area, it is acknowledged that this building can be demolished in accordance with the Prior Notification.

The main issue to consider in this application is the impact of the proposed development on designated heritage assets, such as the neighbouring Listed Building and Conservation Area. Legislation, contained within the Planning (Listed Buildings and Conservation Areas) Act 1990, requires consideration to be given to protecting and enhancing these assets.

Additionally, the principle of the development, and the impact of the development on the character and appearance of the area, residential amenity, and highways also form a material consideration in the determination of the application.

***Principle of Development:***

The application site is located within the main urban area of Hucknall, where the principle of development is generally considered acceptable, as set out within policy ST2 of the ALPR 2002. This is providing that amongst other matters, the proposal does not adversely affect the character, quality, amenity or safety of the environment, and will not adversely affect highways safety.

Furthermore, policy HG5 of the ALPR 2002, states that residential development will be permitted where the amenity of neighbouring residents is protected, adequate private garden space is provided, parking facilities are provided, and its design is acceptable in terms of appearance, scale and siting.

The Council's 2017-18 Housing Monitoring Report identifies that Ashfield District has a housing land supply of 3.92 years. Consequently, under the NPPF 2018, the policies which are most important for determining the application are out of date in relation to housing supply. The application site is not identified as a protected area or asset of particular importance where the Framework sets out this presumption should not apply.

Paragraph 11 of the NPPF 2018 sets out the presumption in favour of sustainable development, and that the tilted balance should be applied to decision making in these circumstances. This means that planning permission should be granted for development unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate that development should be restricted.

It is acknowledged that permission has previously been granted on the site for the conversion of the existing Co-Op bakery building into seven apartments. The principle of residential development on this site, has therefore already been established.

***Impact Upon the Character and Appearance of the Area & Heritage Assets:***

The application site is located within the Hucknall Conservation Area, and is also sited within the setting of the Grade II\* Listed Church of St Mary Magdalene, which is situated directly opposite the site on West Street.

For the purpose of the consultation process and the subsequent Conservation Area appraisal, a number of buildings were identified within the Conservation Area which were considered to positively contribute to the character and appearance of the area, one of which was Sunbeam House. It is however acknowledged that this building can be demolished.

The Conservation Area is considered to form a material planning consideration in the determination of this application, and the site is highly visible from the churchyard of the Grade II\* Listed St Mary Magdalen Church, and therefore impacts on the setting for the Grade II\* Listed Building.

When considering applications that impact on the significance of designated heritage assets, great weight should be given to the asset's conservation, with any harm to or loss of significance from development within its setting, requiring a clear and convincing justification.

The development proposed is for nine residential dwellings. Whilst this is an outline application the supporting statement suggests that the new dwellings would offer some heritage interpretation, and would draw upon the general design of buildings found within the vicinity of the site, however this has not been demonstrated.

As the application seeks outline planning consent, the lack of full details in respect of the development of the site, does not allow the Local Planning Authority the opportunity to fully assess or consider whether the development would preserve the setting of the Grade II\* Listed Church or the impact that the development would have on the wider historical character and appearance of the Conservation Area.

The Council have requested full details of the development scheme be submitted for consideration to fully assess the impact on the Grade II\* Listed Church and Conservation Area, however this information has not been forthcoming from the applicant.

As such without full details of the siting, scale or appearance of the proposed dwellings, it is considered that it has not been demonstrated that the development of the site would not be harmful to the setting of the church, for which a clear and convincing justification has not been provided.

Due to the lack of an appropriate redevelopment proposal, primarily due to the type of application submitted, the scheme is considered to neither preserve or enhance the setting of the Grade II\* Listed St Mary Magdalene Church or the Conservation Area. The proposal subsequently fails to comply with the policy requirements of the NPPF 2018, namely Part 16 – Conserving and Enhancing the Historic Environment, which seeks to protect and enhance heritage assets, where appropriate. The scheme also does not take account of legislation contained within the Planning (Listed Buildings and Conservation Areas) Act 1990, or policy EV10 of the ALPR 2002, which states that development in Conservation Areas will only be permitted where it preserves or enhances the character or appearance of the area, or its setting.

The proposal would also be as such contrary to Part 12 – Achieving Well Designed Places of the NPPF 2018, which seeks to ensure that developments add to the overall quality of an area, and are sympathetic to local character and history, including the surrounding built environment.

It is important to note that the previous planning history for the site indicates that permission has in the past been granted for the conversion of the existing building into seven apartments. Whilst it has been argued that the conversion would not be viable, this has not been demonstrated, and it is considered that the conversion previously approved, would sustain the significance of the building, and preserve and enhance the character of the street scene, setting of the Grade II\* Listed church, and the Conservation Area.

***Residential Amenity:***

Concerns have been raised by local residents in respect of the potential overlooking impact that may arise as a result of the proposed residential development.

The Council's Residential Design Guide SPD 2014 stipulates that there should be a minimum separation distance of 21 metres between main aspect windows, to ensure adequate privacy for existing and future occupiers.

Neighbouring property Springside, located to the south of the site, is a single storey detached residential property, which has two bedroom windows located on the rear elevation facing towards properties marked H and I on the indicative layout. The separation distance between these existing windows, and the indicative layout of the dwellings, indicates a separation distance of just 11 metres.

Due to the indicative footprint of the dwellings, it is reasonable to assume that the proposed dwellings will be two storey in height, to afford any future occupiers with an appropriate level of amenity.

The siting of two, two storey residential dwellings on the south-eastern portion of the application site, would therefore invariably result in a substantial overlooking impact



on the neighbouring occupier, resulting in a significant loss of amenity to existing occupiers, and to future occupiers of the proposed dwellings.

As such therefore, the indicative layout of the proposed development does not satisfactorily demonstrate how a suitably designed scheme for nine houses could be appropriately accommodated on the site without impacting on the amenity of existing neighbouring occupiers.

Furthermore, whilst some residential development on the site would likely be acceptable, subject to satisfactory details, it is considered that the erection of nine dwellings would result in an overdevelopment of the site, and would result in the subsequent loss of amenity to neighbouring residents.

The indicative layout also identifies that a number of the dwellings have garden spaces that fall below the requirements outlined within the Council's Residential Design Guide SPD 2014. The nearest area of public open space is located approximately 400m from the site off Wood Lane.

***Highway Safety:***

The application proposes the erection of nine, three bedroom dwellings. The Council would generally require the provision of two off-street parking spaces per dwelling, in accordance with the guidance contained within the Council's Residential Car Parking Standards SPD 2014.

The indicative layout provided illustrates that only two of the proposed dwellings would benefit from the required off-street parking provision. The reduction in the number of proposed dwellings would however allow for extra parking space to be accommodated on the site, to allow all dwellings to benefit from at least 2 off-street parking spaces.

Concerns are also raised by the Highways Authority in respect of the proposed layout of the development, based on the indicative plans.

At present, there is an existing bus stop located on West Street, directly outside the application site. This bus stop in question is very well used and has recently been upgraded to include real-time information displays. It is suggested by the Highways Authority that the relocation of this bus stop would not be possible due to there not being a suitable safe alternative location within the vicinity. As it has not been demonstrated by the applicant that the bus stop can be relocated, a request for vehicle accesses directly off West Street would not be possible.

Based on the indicative plans, the Highways Authority would be unable to support the drawings as submitted at the Reserved Matters stage, should the outline application be granted permission, as the current access details are geometrically substandard and unsafe, as well as being impossible to implement.

**Conclusion:**

The Council accepts it cannot identify a 5-year housing land supply at this time. The policies which are most important for determining the application therefore should be considered out of date, particularly in relation to housing, and as such there is a presumption in favour of sustainable development, providing the development is in accordance with national policy and guidance, and creates suitable sustainable development.

The NPPF 2018 sets out three overarching objectives to sustainable development – economic, social and environmental. These are considered in the context of the overall planning balance.

It is acknowledged that the proposal would provide a number of benefits, including support for small house builders and other economic benefits that would be generated during the construction of the dwellings and occupation thereafter. The scheme would also make a modest but nevertheless important contribution towards boosting the supply of housing in the area, in a relatively accessible location.

Consequently, overall there would be some environmental, social and economic benefits to the scheme.

Significantly however, the scheme is considered to neither preserve or enhance the setting of the Grade II\* Listed St Mary Magdalene Church or Conservation Area, resulting in a significant detrimental impact on the intrinsic historical character and appearance of the immediate street scene and surrounding area, due to the lack of information and details about the development of the site.

The application is for nine dwellings and although a relatively modest scale of the development, it has not been demonstrated that the site can accommodate the proposed number of dwellings or that the scheme can be designed and built to protect and enhance the Conservation Area or setting of the Grade II\* Listed Building.

As such, the extent of the benefits of the scheme neither individually or cumulatively outweigh the environmental harm that would arise to the setting of the Grade II\* Listed Church or on the historical character and appearance of the Conservation Area, when assessed against the policies in the ALPR 2002, NPPF 2018 and legislative requirements as a whole.

On balance therefore, it is considered that it has not been demonstrated that the proposal constitutes an appropriate form of development, and it is subsequently recommended that this application is refused on the following grounds.

## **Recommendation: Outline Application Refusal**

### **REASONS**

- 1. The proposed development scheme is considered to neither preserve nor enhance the setting of the Grade II\* Listed St Mary Magdalene Church located directly opposite the application site, and the wider Conservation Area, due to the lack of necessary and appropriate development details. The consequence of such, is the likely harmful impact upon the setting of the Church and Conservation Area. The proposal therefore disregards the policy requirements contained within policy EV10 of the Ashfield Local Plan Review and those contained within the National Planning Policy Framework 2018, which seek to protect and enhance heritage assets, where appropriate, as stated in Part 16 – Conserving and Enhancing the Historic Environment of the Framework, and legislation contained within the Planning (Listed Buildings and Conservation Areas) Act 1990.**
- 2. The indicative plan submitted with the proposal fails to demonstrate how appropriate levels of residential amenity can be protected and provided, whilst also achieving satisfactorily off-street parking and access, in accordance with saved policy HG5 of the Ashfield Local Plan Review 2002, and the requirements outlined within the Council's adopted Supplementary Planning Documents 2014. The proposal would also be contrary to Paragraph 127 of the National Planning Policy Framework 2018, which seeks to create places which promote health and well-being, with a high standard of amenity for existing and future users.**