



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 10/07/2019

COMMITTEE DATE 24/07/2019 **WARD** Kingsway

APP REF V/2019/0267

APPLICANT D Singh Gill

PROPOSAL Change of Use from Shop (A1) and 2 Flats (C3) to 4 Self Contained Flats (C3)

LOCATION 98 Diamond Avenue, Kirkby in Ashfield, Nottingham, NG17 7LR

<https://www.google.com/maps/@53.0976864,-1.2395837,19z>

BACKGROUND PAPERS A, C

App Registered 30/05/2019 Expiry Date 24/07/2019

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

This application has been referred to Planning Committee by Councillor Rachel Madden on the grounds of residential amenity and highway safety.

The Application

This is an application for the change of use from a shop (A1) and 2 flats (C3) to 4 self containing flats (C3). The application also includes the addition of windows, doors, parking spaces, cycle storage, a communal yard and demolition.

Consultations

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

The following consultation responses have been received:

Resident comments:

Five written representations have been received from local residents, in respect of the following concerns:

- the proposal will attract anti-social behavior;
- loss of privacy for neighboring properties
- no record of planning permission for 2 existing flats;
- increased congestion;

- lack of off-street car parking facilities; and
- highway safety impact on existing car users in the neighbourhood.

Policy

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

Ashfield local Plan Review ALPR 2002

- ST1 – Development
- ST2 – Main urban area
- HG5 – New residential development

National Planning Policy Framework NPPF 2019

- Part 2 – Achieving sustainable development
- Part 5 – Achieving a sufficient supply of homes
- Part 11 – Making effective use of land
- Part 12 – Achieving well designed places

Supplementary Planning Document

- Guide for Converting Shops to Residential 2019
- Residential Design Guide 2014
- Residential Car Parking Standards 2014

Relevant Planning History

- **V/1977/0138:** Alterations to shop (Conditional consent)
- **V/1980/0454:** New shop front (Conditional consent)
- **V/1984/0674:** Change of use from store to domestic garage and new shop window (Conditional consent)
- **AD/1990/0031:** Illuminated fascia signs (Refuse)

Comment :

The application seeks planning consent for the change of use from (A1) and 2 flats (C3) to 4 self contained flats (C3).

The application is located within the main urban area of Kirkby in Ashfield, and comprises 98-100 Diamond Avenue which is a detached property. The site includes an existing vacant local convenience store (A1 use) and features 2 existing flats on the first floor and second (loft space). The site also consists of a single storey rear store room, 2 garages, and a yard to the rear. The site fronts on to Diamond Avenue and Roseberry Street.

Directly to the east and south of the site are existing residential properties of Diamond Avenue and Roseberry Street. To the north, on the opposite side of

Diamond Avenue, are existing residential properties. To the west, on the opposite side of Roseberry Street, are existing residential properties.

The main issues to consider in this application are the:

- Principle of development;
- Character and appearance of the area;
- Residential Amenity; and
- Highway safety.

Principle of development

The application site is located in the Main Urban Area as defined by Ashfield Local Plan Review 2002 (ALPR), Policy ST2 and the Proposals Map. The Policy identifies that development will be concentrated within the Main Urban Areas. The proposal would comply with this policy.

Impact on the character and appearance of the area

The application site is located within a predominantly residential area with existing residential properties surrounding the entirety of the site. The majority of Diamond Avenue and Roseberry Street includes semi-detached terraced properties.

The existing building is located on a corner plot, within a highly prominent location and can be seen from a number of views from adjacent highways. The existing building is vacant and currently features permanently closed roller shutters and previous shop front signage. The scheme creates an active frontage which positively enhances the quality of the street scenes of both Diamond Avenue and Roseberry Street.

The proposal positively redevelops the current vacant building into an active use and retains some of the key shop front design features. The ground floor shop entrance and large window that faces on to Diamond Avenue is proposed to be retained as a means of preserving the character of the existing building. Characteristic details including the fascia boards and the door way fan light are also proposed to be retained. Any new external changes including extensions to the property would require planning permission and would need to be formally assessed in a new application.

Proposed alterations include the addition of one new ground floor window to the front elevation facing Diamond Avenue, three new ground floor windows to the side elevation facing Roseberry Street, one ground floor window to the rear elevation and one ground floor door to the front elevation. New ground floor windows are proposed to be located beneath existing first floor windows to result in a symmetrical appearance.

The proposal also includes the demolition of an existing single storey store room and one garage to create off-street car parking, bin storage and cycle storage facilities.

To ensure a safe method of demolition, this proposed works will be carried out in accordance under building regulations legislation.

The proposal complies with saved ST1 of the Ashfield Local Plan Review 2002, which states that development should not adversely affect the character, quality, amenity or safety of the environment.

The proposal complies with the Councils newly adopted Guide for Converting Shops to Residential 2019, because it retains as much of the traditional shop front as possible whilst ensuring an adequate level of amenity for future occupiers.

The proposal would also conform with Part 12 – Achieving Well Designed Places of the NPPF 2019, 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.

Residential amenity

Concerns have been expressed by local residents in respect of the proposal, and its subsequent impact on the amenity of neighbouring residents.

One concern raised by a resident was that there is no record of planning permission for the existing 2 flats at the property. Submitted plans indicate on the first and second floor there are two existing flats. In accordance with Class G (a) of Schedule 2 Part 3 of the Town and Country Planning General Permitted Development Order; it is permitted development to accommodate up to 2 flats above retail premises. Therefore this change from one flat to two, would not have required planning permission.

In respect of the potential loss of privacy to neighbouring properties, the proposed flats are located in a detached property with no new windows being added to any first floor elevations. The property is separated from the neighbouring properties: 2 Roseberry Street by approximately 13m to the west, 1 Roseberry Street by approximately 15m to the south, 102 Diamond Avenue approximately 2m to the east and 69a Diamond Avenue approximately 23m to the north.

First floor windows facing neighbouring properties of Diamond Avenue and Roseberry Street are existing. Proposed new ground floor windows are a sufficient separation distance from neighbouring properties and are therefore limited in any significant loss of amenity impact.

Each flat size is considered to provide an acceptable standard of living for future occupiers in accordance with the Councils adopted Supplementary Planning Document: Residential Design Guide 2014. As indicated on the submitted plans, provision has been made for bin storage, cycle racks and a communal outside space to the rear of the property.

Other concerns include the potential increase in anti-social behavior caused by increasing the number of flats in this location. However, it cannot be assumed that there would be a link to an increase in anti-social behavior as a result of this application. The scheme helps to regenerate the site as a whole by creating active living accommodation for a number of future users.

The proposal subsequently complies with the policy requirements of the NPPF 2019, namely Part 12 – Achieving Well Designed Places, which seeks to ensure that developments create a high standard of amenity for existing and future users. The proposal would also conform with Part 11 – Making Effective Use of Land of the NPPF 2019, which seeks to promote and support the development of under-buildings.

Highway safety

Concerns have been raised in respect of the potential highway safety issues caused by the lack of off-street car parking proposed and the potential increase of traffic in this location. The submitted plans demonstrate one off-street car parking space per flat, providing four spaces. As one flat is a two bedroom unit, the proposal falls short of meeting the minimum off-street car parking requirement of 5 spaces (excluding visitor spaces); in accordance with the Residential Car Parking Standards 2014.

However car parking along Roseberry Street and Diamond Avenue is unrestricted and the property is located on a major bus route within walking distance of Kirkby town centre. Further, the site accommodates cycle storage facilities which may encourage more sustainable forms of transport.

As the site provides off-street car parking and is in a sustainable location, the proposal complies with Part 14 – Promoting Sustainable Transport of the NPPF 2019, as development should only be refused if the residual impacts on the road network are severe.

Conclusion :

The proposal provides the addition of four new self-contained flats that comply with the relevant requirements within the Council's adopted Supplementary Planning Documents 2014. The proposal positively transforms the disused building into an active frontage, featuring a design that preserves the key characteristics of the traditional shop front in accordance with the Council's adopted Supplementary Design Document: Guide for Converting Shops 2019. The proposal helps to regenerate the current vacant building and redevelops the rear of the site into an off-street car parking facility and communal space for future occupants.

The scheme would also make a small but nevertheless important contribution towards boosting the supply of housing in the area in an accessible town centre location, whilst ensuring that the impact on existing neighbouring properties is limited.

On balance therefore, it is considered that the proposal constitutes an appropriate form of development, and it is subsequently recommended that this application is granted conditional consent.

Recommendation: - Conditional Consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans and details: site plan & block plan & existing and proposed floor plans & elevations No. 01A (24/04/19), existing and proposed rear & side elevations (29/05/19), demolition method statement (29/04/19). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. Any new external changes to the building will require planning permission.