



 **Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 26/08/2022**

**COMMITTEE DATE**    23/09/2022                      **WARD**            Sutton    Central    &    New  
Cross

**APP REF**                      V/2022/0464

**APPLICANT**                      Ashfield District Council

**PROPOSAL**                      Redevelopment of the Ground Floor into 2 Commercial Units Class E, and the Development of 2 Apartments on the First Floor and 2 Apartments on the second floor. Minor changes to the Front elevation, Replacing Windows at First Floor, and New windows at the Proposed Second Floor. Partial Demolition of Rear Extension.

**LOCATION**                      9-11 Low Street, Sutton in Ashfield, Nottinghamshire, NG17 1DH.

**WEB-LINK**                      <https://www.google.com/maps/@53.1246137,-1.2624433,19.5z>

**BACKGROUND PAPERS**    A, B, D, E & F.

App Registered: 14/06/2022                      Expiry Date: 08/08/2022

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

*This application has been referred to Planning Committee in the interest of transparency as Ashfield District Council is the applicant.*

**The Application**

The site is located on Low Street, one of the main thoroughfares for pedestrians into and out of Sutton in Ashfield town centre. The site itself is within the designated town centre boundary.

The premises is the former 'YMCA' charity shop although is currently vacant.

This is an application which seeks to redevelop the ground floor of the existing retail unit to create two smaller units. In addition to this 4 new flats will be created across the first and second floors, with a portion of an existing rear extension being removed to create roof terraces for use by the new flats. Some other external alterations are also proposed to assist with the proposal, including the installation of new windows, doors and solar panels. It is proposed to discharge foul drainage into the main sewer.

At first floor level two 3-bedroomed flats will be created, with two further 2-bedroomed flats being created at second floor level.

To the rear of the building is a loading/deliveries yard which is accessible via Market Street. This yard serves the stores within the Idlewells Shopping Centre and those along this portion of Low Street. The rear yard area is within the ownership of a third-party. The appropriate notice and ownership certificate have been served and signed during the application process.

The repurposing of 9-11 Low Street forms part of the Future High Street suite of projects that are seeking to transform key buildings at the west end of the town centre and form the catalyst for further investment. Low Street currently has a high vacancy rate with the existing high street retail space in poor condition, requiring investment to make it attractive to the market whilst adding housing accommodation in a town centre location.

The wider Future High Street projects include the renovation and growth of the nearby Sutton Academy Theatre which will enhance the night time economy through creating a community theatre / arts and entertainment venue. 14 Low Street, which is opposite the application site has already been approved for repurposing, with development expected to commence at No.14 in September 2022. The combined improvements will create a critical mass of enhancements to encourage ongoing investment along the high street.

### **Consultations**

A site notice, press notice and individual consultations have been sent to surrounding properties to notify them of the proposed development.

The following responses have been received:

#### **Ashfield District Council Environmental Health:**

No objections.

#### **Nottinghamshire County Council Highways:**

- The subdivision of the ground floor unit is acceptable.
- Apartments to the upper floors do not require car parking, however a pre-occupation condition should be attached relating to cycle storage provision.
- Low Street is pedestrianised and an adopted highway. A license is required to gain access for works, which should be attached as an informative.

#### **Severn Trent Water**

Condition and informative suggested.

### **Policy**

Under the Planning and Compulsory Purchase Act 2004, section 38(6) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002

(saved policies). The National Planning Policy Framework (NPPF) is a material consideration.

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) as amended by 'saved policies' 2007:**

ST1 – Development.

ST2 – Main Urban Area.

EV10 – Conservation Area.

HG5 – New Residential Development.

HG8 – Residential Care Facilities, Houses in Multiple Occupation, Bedsits, Flats and Hostels.

**National Planning Policy Framework (NPPF) (2021):**

Part 2 – Achieving sustainable development.

Part 5 – Delivering a sufficient supply of homes.

Part 6 – Building a strong, competitive economy.

Part 7 – Ensuring the vitality of town centres.

Part 8 – Promoting healthy and safe communities.

Part 9 – Promoting sustainable transport.

Part 12 – Achieving well designed places.

Part 16 – Conserving and enhancing the historic environment.

**Supplementary Planning Documents (2014):**

Residential Design Guide.

Residential Extensions Design Guide.

Residential Car Parking Standards.

**Planning (Listed Buildings and Conservation Areas) Act 1990.**

**Relevant Planning History**

**AD/1980/0002** - Erection of advertisement display panel - Conditional.

**V/1985/0027** - Change of use from retail to bank/building society or offices - Refuse.

**V/1985/0210** - Two storey retail premises - Conditional.

**AD/1987/0014** - Illuminated shop sign - Refuse.

**AD/1987/0047** - Two illuminated signs - Refuse.

**V/1987/0215** - New shop front - Conditional.

**V/1995/0446** - Two Illuminated Fascia Signs and Projecting Sign - Advertisement Application - Conditional Consent.

**V/2003/0997** - Re-Colouring of Shopfront, New Signage & Building Repair Work - Full Application - Conditional Consent.

**V/2003/0998** - 2 No. illuminated fascia signs and 1 No. illuminated projecting sign - Advertisement Application - Conditional Consent.

**Material Considerations:**

- Visual Amenity.
- Historic Environment.
- Residential Amenity.
- Highway Safety & Transport.
- Conclusions.

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies).

The National Planning Policy Framework (NPPF) is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 219). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

## **Visual Amenity & Historic Environment:**

Although the site is not within the 'Sutton in Ashfield Church & Market Place Conservation Area', it does sit immediately adjacent to it, and therefore the impact upon the setting of the Conservation Area and other nearby heritage assets would need to be considered.

The current building has a red brick façade with decorative blue brick courses and a dental course at eaves level. At ground floor there is a recessed doorway and large glazed windows. First floor level has timber sash windows with stone mullion surrounds. There are currently no windows at second floor level.

It is proposed to install new windows at second floor level with stone mullion surrounds to match the existing. A replacement of the existing single glazed sash windows is also proposed with double/triple glazing sash windows. New aluminium framed doors are to be installed flush to the front elevation of the building, which will open inwards. A new lobby area will then be created internally providing access to the two commercial units and the flats above.

Solar panels are also proposed to be installed on the front (southern) roof slope, with air source heat pumps and condenser units proposed to be wall mounted to the rear of the premises. This provides an opportunity to utilise renewable energy to increase the buildings sustainability and green credentials.

Having assessed their proposed siting it is considered that the installation of the solar panels would amount to less than substantial harm to the character of the Conservation Area, and as such, the benefit of securing a renewable source of energy is considered to outweigh the negligible harm potentially caused to the character of the Conservation Area in this instance. This approach also supports the aim of the National Planning Policy Framework to adopt and mitigate against climate change.

## **Residential Amenity:**

The Council has adopted minimum standards for internal room sizes and outdoor areas, contained within the adopted 'Residential Design Guide' Supplementary Planning Document (2014). The flats will provide bedrooms with bathrooms/en-suites and a combined kitchen-dining-living area. Overall it is considered that each flat will provide an acceptable standard of amenity for future occupiers.

Each flat will have access to an area of private outdoor space in the form of a roof terrace. The site is within the town centre and would have ease of access to public recreational green spaces and facilities, such as Sutton Lawn and the Lammas Leisure Centre. Therefore it is considered that the limited outdoor space available at the property would not be of detriment to the health and wellbeing of future occupiers.

In light of the above it is considered that there shall be no detrimental impact upon the residential amenity of any existing and future occupiers.

### **Highway Safety & Transport:**

Although there is a yard area to the rear of the premises, this is for loading/deliveries only and will not be available for private parking associated with the premises. However consultation comments from the Highway Authority consider that providing no designated off-street parking provision is still acceptable given the sites town centre location and close proximity to public transport facilities, such as the Sutton Bus Station. There are also several public car parks within the immediate vicinity, and a degree of 'time-limited' on-street parking is available within the locality.

Additionally an area for secure cycle storage within the building is also proposed, and a condition is recommended to ensure this provision is available for use prior to the occupation of the flats.

Waste bins are proposed to be stored in the rear yard area as existing. It is understood that on collection days the refuse vehicle would enter the yard via Market Street.

### **Conclusion:**

Given the design, scale and function of the proposed development it is considered that the development will not adversely affect the character or setting of the Conservation Area or wider street scene, nor cause significant harm to the living conditions of existing and future occupiers.

It is considered that the absence of any designated off-street parking would not be detrimental to highway safety or cause significant harm to the capacity of the highway network due to other sustainable transport modes available.

The scheme is incorporating measures to increase the green credentials of the building and to reduce its long-term environmental impact.

Therefore, based on the above, it is recommended that this application be granted planning permission, subject to conditions:

**Recommendation: Grant planning permission, subject to the following conditions:**

### **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: Site Location Plan, Drawing No.32.1191.11-(08)001 Rev.A, Received 04/08/2022. Block Plan, Drawing No.32.1191.11-(08)002 Rev.A, Received 04/08/2022. Proposed Elevations and Floor Plans, Drawing No.32.1191.11-(08)014 Rev.H, Received 29/07/2022. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The new windows to be installed/replaced on the principle elevation shall be timber sash windows.
4. Prior to the occupation of the hereby approved flats an area for secure cycle storage shall be made available for use as illustrated on the hereby approved drawings.

## **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.
3. To protect the character and amenity of the area.
4. To promote sustainable modes of travel and an alternative to car ownership.

## **INFORMATIVES**

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. Low Street is pedestrianised and an adopted highway. Therefore any works to this elevation will need to be done under licence in order to gain access. Please contact [licences@viaem.co.uk](mailto:licences@viaem.co.uk) for more information.
3. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are



advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

4. No consent is granted or implied for any adverts and/or lighting/illumination which may require separate advertisement consent.
5. Any new external plant/equipment/extraction system which may be installed at any point in the future may require planning permission in its own right.