



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 07/10/2022

COMMITTEE DATE 26/10/2022 **WARD** Hucknall South

APP REF V/2022/0573

APPLICANT Mr E Hall

PROPOSAL Conversion of Existing Public House and First Floor Flat in to 9 No. Flats and External Alterations.

LOCATION The Yew Tree, 2 Nottingham Road, Hucknall, Nottingham, NG15 7QL.

WEB-LINK <https://www.google.com/maps/place/Yew+Tree,+2+Nottingham+Rd,+Hucknall,+Nottingham+NG15+7QL/@53.0305649,-1.1963217,176m/data=!3m1!1e3!4m5!3m4!1s0x4879c004bc675147:0x449d72219edf9bb18m2!3d53.0301875!4d-1.1959931>

BACKGROUND PAPERS A, B, C, D, E, F & I.

App Registered: 28/07/2022

Expiry Date: 21/09/2022

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

This application has been referred to Planning Committee by Cllr Waters to discuss the overdevelopment of the site and highway safety/parking concerns.

The Application:

This is an application for the conversion of an existing public house in to nine separate self-contained flats split across 3 floors of the premises. Eight of the flats will be 1-bedroomed, with the ninth flat being 2-bedroomed.

It is understood the public house ceased trading in early 2022 after struggling throughout the Covid pandemic. The existing building has living accommodation at first floor which comprises of a self-contained 3-bedroom flat with associated living space, with storage space at second floor level.

A limited number of alterations are proposed to the exterior of the property, namely:

- Installation of new dormer windows to facilitate rooms within the roof space.
- Introduction of new windows.
- Removal of existing windows and doors.

The existing cellar/basement at the site is proposed to be closed off.

An outdoor amenity area is proposed to the rear/side of the premises, and outbuildings are to be retained and utilised for cycle storage.

The surrounding area is predominantly residential in nature, although various commercial/community buildings are located within the vicinity.

A previous application at the site (V/2011/0050) for the conversion of the first and second floors (with the pub to remain in situ and operation at ground floor level) to 5 flats has previously been refused planning permission for two reasons, which related to the absence of noise information and a flood risk assessment. This will be discussed further at the relevant sections below.

Consultations:

A site notice has been posted together with individual notifications to surrounding residents.

The following responses have been received:

A local councillor objects to the proposal on the grounds the proposal would constitute an overdevelopment of the site. It is located where three of the busiest roads in Hucknall meet and the proposal makes no provision for off road parking. Parking is a huge problem in the area and locals have petitioned the County Council for a Residents permit scheme and increased TROs have been budgeted for.

Resident comments:

3 objections have been received by nearby residents, making the following comments:

- Parking in area already a problem with an existing commercial use on Beardall Street
- Beardall Street is used for school pick-ups and drop-offs and for customers accessing local shops and takeaways.
- The proposal is for 10 bedrooms and policy requires 1 parking space per bedroom. The site is not a town centre location, this proposal therefore does not meet policy requirements.
- There are shared houses/HMOs in the vicinity of this site

1 comment neither objected or supported the application, but stated they would be interested in purchasing the sign for the Yew Tree public house. This is considered to be a civil matter.

Ashfield District Council Environmental Health:

- Request a condition for a sound survey and sound mitigation to be implemented if necessary to help protect the amenity of future occupiers.

Nottinghamshire County Council Highways:

- No objections.
- Two extant gated accesses serve the site – the one on to Nottingham Road should be reinstated to full height footway, to be secured by condition.
- No off-street parking is available for the existing use and none is proposed in this application – 14 spaces would be required. It is evident that the site could not facilitate this requirement, but the site benefits from easy access to bus, train and tram services. Lack of parking is therefore not a sustainable reason for refusal in this instance.
- Both site frontages are protected by parking restrictions.
- Cycle parking is to be provided to the rear of the building, which should be secured and sheltered. 10 spaces should be provided, and secured by condition.
- Waste facilities are proposed to be accessed via Beardall Street.

Severn Trent Water:

- Condition and informatives advised.

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) (2021):

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 12: Achieving well-designed places.

Part 16: Conserving and enhancing the historic environment.

Ashfield Local Plan Review (ALPR) (2002):

ST1: Development.

ST2: Main urban area.

HG8: Residential care facilities, houses in multiple occupation, bedsits, flats and hostels.

Supplementary Planning Documents (2014):

Residential Design Guide.

Residential Extensions Design Guide.

Residential Car Parking Standards.

Relevant Planning History:

V/1976/0593 - Alterations and extensions - Conditional consent.

V/1988/0717 - Erection of porch - Conditional.

V/2011/0050 - Form 5 Separate Apartments to First and Second Floor Levels above Existing Public House - FUL Refusal.

Material Considerations:

- Principle of Development.
- Visual Amenity.
- Historic Environment.
- Residential Amenity.
- Highway Safety & Transport.
- Other.
- Conclusions.

Principle of Development:

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 site is located within the main urban area, where the principle of development is acceptable.

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.

The NPPF sets out three overarching objectives to achieving sustainable development. These are economic, social and environmental objectives. The social objective, amongst other things, seeks to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

This objective is reflected in Part 5 (delivering a sufficient supply of homes) of the NPPF 2021, which sets out the Government's aims to significantly boost the supply of homes. Within this context, paragraph 62 of the NPPF specifies that the size, type and tenure of housing needs for different groups within the community should be considered.

The Council is presently unable to demonstrate a five year housing land supply, and therefore the presumption in favour of sustainable development applies, as outlined within Paragraph 11 of the NPPF. Paragraph 11 identifies that where the policies which are most important for determining the application are out of date, then permission should be granted unless:

1. The application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
2. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Visual Amenity & Historic Environment:

There are limited external alterations proposed to the property itself, all largely related to the removal of windows and doors and installation of new windows, as follows:

- North elevation facing Beardall Street:
 - New windows at first floor level serving a bathroom.
- South elevation:
 - At ground floor level, blocking external doors up serving flat 2 and inserting a new window in flat 1 to serve lounge/dining area.
 - At second floor level, window getting blocked up serving lounge area.
- West elevation:
 - At ground floor level, blocking 1 doorway up and replacing/blocking up another doorway to provide 1 small window serving a bathroom.
 - At second floor level, a door is to be replaced with a window serving the living area.
- North, East and South elevations:
 - New dormer windows to be installed on roof slope to serve areas of living space, bedrooms, bathrooms.

The existing building appears to display a mix of timber and aluminium windows, with it being proposed as part of this application to replace them all with upvc double glazing to help provide a uniform appearance to the premises.

Any existing brickwork, render, external painting or slate roof tiles will be made good during any renovation works to help tidy and enhance the external appearance of the building.

The building is on the Council's Local Heritage List (Ref: 783) and is therefore considered to be a non-designated heritage asset. The building itself is visible on Ordnance Survey maps from 1879 identified as the Yewtree Inn, with the building appearing to retain its original window cills, although recognise that windows have been changed over the years.

The NPPF (2021) states, at paragraph 194, that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

When considering the impact of a development on the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss, and to the significance of the asset itself (NPPF, Paragraph 203).

No Heritage Statement has been submitted with the application. However due to the limited extent of the proposed external alterations as discussed above, it is considered that there will be no detrimental harm to the significance of the non-designated heritage asset, or to the setting of any nearby heritage asset. This judgement has also been reached having regard to paragraph 197 of the NPPF which requires Local Planning Authorities to enhance the significance of heritage assets by putting them to a viable use which is consistent with their conservation. It is considered that the proposed development will help to retain and enhance the building in an active use to prevent it remaining vacant and falling into disrepair.

Additionally it is considered that the alterations as proposed would not cause any undue harm to the character of the area or wider street scene.

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.

To the rear/side of the property is an area of outdoor amenity space which was formally used as a beer garden by the public house. In addition to the outdoor space on the plot the site is also well connected to nearby parks and green space such as Titchfield Park and Bestwood Road which provide informal recreational opportunities such as a skate park, playground and football pitches etc.

It is considered that overlooking from first floor windows will not be any different from the existing because windows already serve an existing residential unit. With regards to the new dormer windows, those to be installed on the north and east roof slopes do not raise any significant concerns with regards to loss of privacy given their context and compliance with separation distances etc. The dormer windows facing southwards towards the neighbouring property of No.4 Nottingham Road will serve a bathroom and be a secondary window to the open-plan living area. As such a condition is proposed for these windows to be obscurely glazed and non-opening below a height of 1.7m from the floor level of the room in which they are installed. This is considered to be suitable mitigation to protect the amenity of neighbouring residents.

Given the site layout the Council's Environmental Health Team have requested a condition which requires some sound insulation to be installed at the property to ensure certain internal noise levels are achieved to protect the amenity of future occupiers.

A previous application (V/2011/0050) at this site was refused planning permission for the conversion of the first and second floors to create 5 flats, in part due to the

absence of information relating to noise. That application was determined prior to the publication of the National Planning Policy Framework which now encourages Local Planning Authorities to approach decision making on sustainable developments in a positive and creative way, and that conditions should be used to help make a development acceptable where the imposed conditions are necessary, relevant and reasonable to the proposal.

It is also worth noting that the public house was to remain in situ and operational at ground floor level as part of the aforementioned 2011 application. As such it is considered that the imposition of a condition requiring noise surveys/insulation to be a reasonable approach for this application.

The Council must consider the application based on its planning merits and assess the proposed use. The planning system does not assess/discriminate against specific social demographics. Should any specific issues arise as a result of the occupation of the property as individual self-contained flats (for example, noise complaints, anti-social behaviour etc), this would normally be investigated and dealt with via the appropriate channels, however a management plan is required to be submitted for approval and this should include how the owners would deal with complaints and occupiers causing anti-social behaviour issues.

Overall it is considered that the proposed development would not detrimentally harm the living conditions or amenities of residents living within the vicinity of the application site, and would also provide an acceptable level of amenity for future occupiers.

Highway Safety:

The site is located on the corner of Nottingham Road and Beardall Street where both site frontages are protected by parking restrictions (double yellow lines).

It has been identified that cycle parking is to be provided within an area to the rear of the premises which should be secure and sheltered, and provide at least 10 spaces. A condition is proposed for details of this to be submitted and approved prior to occupation of the premises.

No off-street parking is proposed as part of the proposal. Regard has been had to the submitted representations which primarily raise concern with the current parking situation along Beardall Street and lack of available spaces. It is also understood that Nottinghamshire County Council are currently considering the implementation of a residents only parking scheme at this location.

Comments received from the Highway Authority highlight that the site is located with ease of access to bus, train and tram services, and as such they consider that the absence of any off-street parking associated with this proposal would not be a sustainable reason to refuse planning permission in this instance. Additionally the

ease of access to these facilities is considered to encourage a modal shift away from the reliance on the private car to alternative forms of transport, supporting the aims of Part 9 (promoting sustainable transport) of the NPPF (2021).

A bin storage area has been indicated to the side/rear of the property within the site curtilage and near to the highway. Four 1,100L bins are to be provided for general waste and recycling which are to be collected and managed weekly by a private waste collection company.

The site currently benefits from two access points to the external areas of the premises, both gated access (opening inwards) onto Beardall Street and Nottingham Road. As the Beardall Street access would be utilised for bin access, a condition is proposed for the dropped kerb access on Nottingham Road to be reinstated as a full height kerb.

Paragraph 111 of the NPPF highlights that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative effects on the road network would be severe. It is considered that the proposal would not significantly increase the demand for on-street parking over and above what may reasonably be associated with the operation of a public house in this location, and when considering other available sustainable transport alternative, the proposal is unlikely to have a detrimental impact upon the capacity or safety of the highway network.

Other:

The application site is predominantly within Flood Zone 2, but also falls within Flood Zone 3. The previous application (V/2011/0050) was refused planning permission as no information relating to flooding had been submitted. As part of this application a Flood Risk Assessment (FRA) has been submitted.

The NPPF, paragraph 168, states that applications for a change of use should not be subject to the sequential test or exception test but should still meet the requirements through the provision of a FRA.

A consideration as part of the process is whether the proposed change of use would introduce a more 'vulnerable' use to the site than the one it would replace. Both residential dwellings and drinking establishments fall within the same classification of a 'more vulnerable' use as identified in Annex 3 (Flood risk vulnerability classification) of the NPPF.

The submitted FRA identifies various water sources and assesses various aspects of flood risk. It concludes that the site is not at risk of flooding from pluvial sources, whilst the risk of flooding from ground water, existing sewers or fluvial sources will be low. The FRA also confirms that the development would not increase the size of any impermeable areas.

Government guidance for flood risk assessment in flood zones 2 and 3 identifies that areas at little or no risk of flooding from any source should always be developed in preference to areas at higher risk, and suggests extra flood resistance and resilience measures which can be implemented depending on the estimated depth that flood water will reach in the building. One such measure includes using low permeability materials in construction and fit electrical sockets higher than 0.3m from floor level.

The submitted FRA identifies that water resistant airbricks and backwater/non-return valves will be utilised, and that electric sockets will be fitted higher than 0.3m from floor level. The FRA also confirms that the floor levels within the building are already approximately 0.3m above ground level.

Conclusion:

The existing property formerly operated as a public house until earlier this year with a 3-bedroomed residential flat above.

It is considered that the proposed development, consisting of a change of use and associated alterations (as identified above), would not detrimentally harm the living conditions or amenities of residents living within the vicinity of the application site, nor would the alterations be detrimental to the character and appearance of the area and wider street scene. Furthermore the external alterations as discussed are considered not to cause undue harm to the significance of the building as a non-designated heritage assets, or harm the setting of any nearby heritage asset.

Although no off-street parking is provided in this instance this is considered not to be a sustainable reason for refusal given the ease of access to other sustainable means of transport (such as bus, train and tram services). It is considered that the proposal is unlikely to have any detrimental effect on highway safety.

Therefore within the planning balance, it is recommended this application be granted planning permission, subject to the below conditions:

Recommendation: Grant planning permission, subject to 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: Proposed Elevations, Drawing No.07 Rev.C, Received 12/10/2022. Proposed Ground and First Floor Plans, Drawing No's.03 Rev.B and 04 Rev.B, Both

Received 10/10/2022. Proposed Second Floor Plan, Drawing No.05 Rev.C, Received 12/10/2022. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. Prior to the occupation of the hereby approved development, secure cycle storage should be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such cycle storage shall be maintained as such in perpetuity.
4. Prior to the occupation of the hereby approved development the extant vehicle access from the site onto Nottingham Road should be reinstated to a full height footway.
5. Prior to the occupation of the hereby approved development a scheme of sound mitigation shall be submitted to and approved in writing by the Local Planning Authority, which should be informed by the findings of a sound survey undertaken by a competent person. The scheme shall be designed to achieve the following criteria with the ventilation operating:
 - a. Bedrooms - 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)
 - b. Living/Bedrooms - 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
 - c. All Other Habitable Rooms - 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
 - d. All Habitable Rooms - 45 dB LAmax to occur no more than 10 times per night (2300 hrs - 0700 hrs)

The approved scheme shall be implemented in full and retained thereafter.

6. Prior to the occupation of the hereby approved development a management plan shall be submitted to and approved in writing by the local planning authority. The plan shall detail how the property is to be maintained including the shared amenity areas and how complaints are to be made and handled and how any tenants/occupiers will be dealt with if their actions result in anti-social behaviour. The approved management plan shall be implemented and adhered to for the lifetime of the development.
7. Prior to the occupation of the hereby approved development drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.
8. All new windows in the north side of the property at first floor level, and all new windows in the south and west elevations of the property at second floor level shall be glazed in obscure glass and be non-opening, unless the part(s) of the window(s) which can be opened are more than 1.7m above floor level

of the room in which they are installed. Such work to be completed prior to the occupation of the hereby permitted development, and maintained as such in perpetuity.

9. Flood protection measures shall be installed during the implementation of the hereby approved development in accordance with the mitigation measures as outlined within the submitted Flood Risk Assessment, Report Reference: RLC/1070/FRA01, Dated September 2022.

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 promote sustainable modes of travel and an alternative to car ownership.
4. In the interest of highway safety.
5. To protect the amenity of future occupiers.
6. To protect the amenities of future and neighbouring occupiers.
7. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.
8. To safeguard the amenities of residents living in dwelling(s) located in the vicinity of the application site.
9. To protect the amenity of future occupiers.

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. Any works within the highway to reinstate any extent vehicular access to a full height footway will require a license from VIA East Midlands, the County Council's agents who can be contacted on 0300 500 8080, or by emailing contactus@viaem.co.uk.

3. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.
4. 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) or by contacting our Developer Services Team (Tel: 0800 707 6600).
5. There is a 125 & 180mm water main in the application site. No build over is permitted. The applicant, Developer or site agent will need to submit a Diversion Application (S185) along with the proposed plans for STW to assess as detailed below:

To request a water map please follow the link,
<https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link:

Please visit www.digdat.co.uk (opens in a new window).
You will need to register on the website and then be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide(opens in a new window).

Please look at the district area supply plan (PDF)(opens in a new window) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.
https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversi-on-of-a-Severn-Trent-Water-main.pdf

Information on diversion application charges can be found at
https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/2020/new-connections-charging-arrangement-20-21.pdf Scroll

down the New Connections Charging document - 1 April 2020 to 31 March 2021 go to Page 24 Diversion of a Water Asset.