



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 13/01/2023

COMMITTEE DATE 22/03/2023 **WARD** Sutton Central and
New Cross

APP REF V/2022/0852

APPLICANT Ashfield District Council

PROPOSAL Public Realm Improvements to Portland Square and
Change of Use to Land Off Fox Street into a New Public
Car Park.

LOCATION Land At Portland Square & Fox Street / Low Street,
Sutton in Ashfield, Notts.

WEB-LINK <https://www.google.com/maps/place/Fox+St,+Sutton-in-Ashfield/@53.1257276,-1.2612965,202m/data=!3m1!1e3!4m5!3m4!1s0x48799680325cb5f9:0x2714c8ca667c5fde!8m2!3d53.1262944!4d-1.260979>

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

App Registered: 22/11/2022 **Expiry Date:** 16/01/2023

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

This is an application to redevelop two areas within Sutton in Ashfield's Town Centre. The first area is a parcel of land off Fox Street which was previously occupied by the former Conservative Club building which was demolished in circa 2013. It is proposed to develop this area into a multi-function space, although its primary use would be for car parking to provide residents with in-town parking.

The River Idle runs along this sites eastern boundary and is currently culverted. The project seeks to open-up a section of the river to provide seating and an attractive walkway through into the main town centre square (Portland Square).

Portland Square is to also be redeveloped as part of this proposal, providing a level access surfacing across the area to ensure it is accessible by all members of the community. New tree planting and areas of outdoor seating are also proposed as part of the development to create a contemporary area of public realm.

Both projects form part of the Council's programme of works associated with the Towns Fund.

Consultations

A site notice has been posted together with individual notifications to nearby properties, in addition to a notice being published in the local press.

The following responses have been received:

ADC Environmental Health:

- No comments to offer.

ADC Planning Policy:

- Portland Square is the main civic space within the town centre which is used for events. It is acknowledged it is in need of refurbishment to create a high-quality public space.
- Fox Street is identified in the Sutton Town Centre Masterplan as being a key development opportunity to improve pedestrian links.
- The Sutton Town Centre Masterplan contains 7 broad principles, one of which is to 'improve the quality of the public realm'.
- Replacement planting should be done where existing trees are lost.
- Opening of the watercourse provides opportunity to enhance existing, and create new habitats.
- Look for opportunities to promote walking, cycling and public transport.
- Surface water flooding would require mitigation.

ADC Tree Officer:

- No objections to the proposal on arboricultural grounds.
- Site has been discussed on multiple occasions with the applicant and can confirm that the arboricultural information supplied is as required and is fully acceptable.

ADC Licensing

- The removal/amendments to the Taxi rank spaces will need to be put to the Licensing Committee and Hackney Carriage Trade for consultation following any planning decision.
- Whilst the proposal slightly amends the existing Taxi rank provision, the amended taxi rank will still be catered for under this proposal.

Health and Safety Executive:

- The development does not intersect a pipeline or hazard zone.
- HSE Planning Advice does not have an interest in the development.

Local Lead Flood Authority:

- No bespoke comments to make. General informatives advised.

Nottinghamshire County Council Rights of Way:

- No objections – No public rights of way are affected.

Nottinghamshire County Council Highways:

Comments dated 23/02/2023:

- Mitigation measures for tree loss should be agreed with the Forestry team.
- Access to the car park from Fox Street would confuse drivers and pedestrians regarding priority of access. Blister tiles and different colour block paving should therefore be removed.
- Access should remain as existing in terms of visual design to ensure priority of pedestrians along the footway.
- HGV vehicle tracking from Fox Street seems tight and would need to be reassessed as part of the Construction Method Statement.
- The existing TRO for taxi ranks is proposed to be amended with some being removed.
- Further details required relating to surface water drainage. A condition would be suitable.
- The uploaded Design and Access Statement from November 2022 is missing pages and the text quality is hard to read.

- The relocated market requires the new car park to be closed on the town centres busiest days (i.e. market days). Keeping the market on Portland Square would allow visitors to benefit from off-street parking off Fox Street.

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.

SH1 – District Shopping Centre.

EV8 – Trees and Woodland.

TR2 – Cycling Provision in New Development.

TR3 – Pedestrians and People with Limited Mobility.

National Planning Policy Framework (NPPF) (2021):

Part 2 – Achieving sustainable development.

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 11 – Making effective use of land.

Part 12 – Achieving well designed places.

Part 14 – Meeting the challenge of climate change.

Part 16 – Conserving and enhancing the historic environment.

Planning (Listed Buildings and Conservation Areas) Act 1990.

Sutton in Ashfield Town Centre Spatial Masterplan (2019).

Relevant Planning History

Portland Square:

V/1994/0132 - Two Telephone Kiosks - Telecom Prior Notification - Unconditional Consent.

V/1994/0426 - Two New Telephone Kiosks - Telecom Prior Notification - Unconditional Consent.

V/1998/0374 - Erection of Telephone Call Box - Telecom Prior Notification - Unconditional Consent.

V/2014/0667 - Change of Use From Public Open Space to an Outdoor Market, with Electrical Supply for up to 30 'Pop-up' Stalls - FULCC.

V/2022/0855 - Works To Trees Within a Conservation Area - Prune Away from the Road - TCA - Unconditional Consent.

Fox Street:

V/1977/0015 - Site for shopping and commercial with associated service areas and car parking - Conditional Consent.

V/1977/0571 - Site for ground floor and first floor alterations and extensions - Conditional Consent.

V/1980/0993 - Alterations & extensions to club - Conditional Consent.

V/1985/0498 - Site for retail store (20,000 square feet) - Conditional Consent.

V/2013/0228 - Demolition of Existing Conservative Club Building - FULCC.

Material Considerations:

- Visual Amenity.
- Residential Amenity.
- Public Realm and Communities.
- Highway Safety & Transport.
- Natural Environment.

- Historic Environment.
- Other.

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:

Portland Square currently displays a 'tired' and outdated area of public realm, with the current expanse of hardstanding across the square dating back to the early-mid 1990's, which does little to engage communities outside of planned events.

Similarly the former Conservative Club site on Fox Street (herein referred to as 'Fox Street') has remained vacant, overgrown and enclosed for around 10 years, which in itself has resulted in a negative impact upon the character of the street scene.

To the North of the application sites is Asda Supermarket, one of the largest draws to the town centre with good parking. It is intended to capitalise on this to encourage further use and footfall within the town centre.

The proposal seeks to create a contemporary area of public realm to directly connect a number of primary and secondary routes in and around the town centre, utilising concrete raised planters to function as directional markers and introducing natural green elements through grass, wild flower, hedgerow and tree planting in areas where green infrastructure is currently lacking, which will enhance the visual aesthetics of the area and also improve levels of biodiversity.

The Fox Street site will also be opened up. The current brick boundary wall along Fox Street will be removed, as will the wall between the site and Asda, and new copper beech hedgerow planted along this boundary. Eight 'small leaved' lime trees are to also be planted along Fox Street and the walkway along the River Idle to further enhance the street scene. The River Idle along the eastern site boundary of

the Fox Street site is to be opened up to provide visual interest to the area and enhance biodiversity, with a new 1.24m high railing and benches proposed to be installed along the River.

One of the key aspirations of the Sutton Town Centre Masterplan is to strengthen connections across the town centre by linking key destinations to promoting activity. A number of overarching principles were identified to help achieve this vision.

The character and identity of an area can be enhanced by reinforcing patterns of development, utilising natural feature such as watercourses, trees and landscaping to create a sense of place.

Improvements to the quality of public realm and legible routes through the town centre can be achieved by providing safe, secure and accessible environments that area well-lit and meet the needs of all users of communities (such as mobility scooters, wheelchairs, pushchairs etc, for example) to create healthy and social environments which encourages activity along lively and pleasant routes to connect key activity nodes.

Town centres also need to be adaptable and responsive to change, including flexible use areas to support a variety of uses.

The proposal would meet these masterplan principles by providing a pedestrian focused space which is located at the convergence of several key routes (Forest Street, Outram Street and Low Street) through the town centres retail area.

The choice of surfacing, utilising a differentiation of materials will create clear legible routes and areas through the town centre. A material mix of various shades of grey will identify different areas and routes within the town centre. The use of raised landscaped planter will also help to guide pedestrians through this space, with trees also being utilised to frame key destinations and routes.

The topography of Portland Square will be amended to remove the existing stepped areas and provide a levelled area (with a gradual gradient) to ensure the area is accessible by all users, with places to stop, sit and rest if required.

Overall it is considered that the proposal would create attractive areas of public realm which would meet the masterplan principles of improving the quality of public realm, promoting an ease of movement, improving legibility and maintaining and improving diversity through mixed use spaces.

Residential Amenity:

It is acknowledged that there may be residential properties within the vicinity of the works, such as above retail premises which may overlook the application site for example. In such circumstances some disruption may be experienced by residents throughout the duration of any works, however this would only be in the short term and would not warrant a refusal of the application on this basis. Overall it is

considered that the development would not cause any significant harm to the living conditions of any nearby residents.

Public Realm and Communities:

The National Planning Policy Framework (NPPF) identifies that the planning system should seek to provide social and recreational facilities for communities to promote social interaction and facilitate different members of the community meeting. The development will create new multi-function spaces and provide an opportunity for different members of the community to come together in an area of public realm where retail meets recreation/leisure, thus promoting social interaction.

The NPPF (2021) also highlights how the planning process should provide safe and accessible developments so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

The proposed development will use different types of lighting to ensure all areas are well lit to discourage anti-social behaviour. This will include spotlights within trees, lighting built into the planter beds and street lights around the border of the planting, car park and along pedestrian routes. These contribute towards an attractive and well-designed area of public realm, utilising clear, well lit and legible pedestrian routes.

In addition, the raised planters will be fitted with RGB up-lighting which is capable of utilising a variety of colour options, allowing the Council/event organisers to hold themed events and utilise them in interactive play/trim trials. The natural play elements seek to engage younger generations and diversify activities within the town centre.

Around the planters will be seating at various heights and of different designs to accommodate various needs within the community. A 'shading' study has been undertaken which highlights how the seating within Portland Square can be utilised at various times of day at different times of year to ensure a reasonable mix of sun and shaded areas. CCTV will also be relocated to maximise coverage within/along the open areas and pedestrian routes.

Highway Safety & Transport:

The development aims to deliver a pedestrian focused area of public realm, providing clear, safe and legible pedestrian routes. Although Portland Square would provide priority to pedestrians provision has been made for vehicles to access parts of this area on an ad-hoc basis. For example access is retained for a mobile bank van to access Natwest Bank, and a refuse vehicle can 'loop' around the square should this be required, and vehicle tracking plans have been provided accordingly.

Access to Portland Square is also available for mobile catering units should these be required.

A total of 41 car parking spaces are to be provided on the site off Fox Street, 3 of these spaces are to be allocated to those with a disability (1 of which is also proposed to 'double-up' as an Electric Vehicle (EV) parking space), and 3 motorcycle spaces are to be provided. A ticket machine to be installed in the car park.

The access to this car park from Fox Street is to remain as existing (although the current access gate is to be removed). The continuation of the footway along the sites frontage will ensure priority to pedestrians and avoid confusion between pedestrians and motorists as to who has priority. This has been requested by the Highway Authority following their internal consultation with Highway Safety and Casualty Reduction specialists at the County Council. Therefore there would be continuity between the material palette of Fox Street and Portland Square to help physically and visually link both areas.

In order to provide the new car park, to ensure there is sufficient manoeuvring space for vehicles to enter and leave the site via the existing access, a total of 4 taxi bays along Fox Street would need to be removed.

The Council's Licensing Team have been consulted on the proposed removal of the 4 bays who raise no objections to their loss, and they acknowledge that provision to retain the taxi rank along Fox Street has been accommodated, recognising the benefits of the redevelopment. It is also understood that the Council's Place and Wellbeing Team discussed the proposal with some of the taxi drivers who use Fox Street. The results from these discussions showed a preference to retain the taxi rank bays on Fox Street (with the loss of 4 bays) as opposed to moving the rank bays in to the proposed Fox Street car park.

Vehicle tracking has been provided for HGV's turning in to the Fox Street site, although further information is required in the form of a Construction Method Statement to identify any temporary measures etc which may need to be implemented during construction to adequately protect other users of the highway and pedestrians etc.

On market days these will be held on the new Fox Street car park (with space available for up to 32 market stalls), and the car park would be closed for general vehicle use on these days. A series of drop bollards at the entrance to the site will be utilised to prevent vehicle access. Stallholders will be able to park up against their stall and be able to easily unload and pack away.

It has been identified within the submitted information that it is the intention to install cycle hoops, but limited details of what this would consist of/where these will be implemented on site have been forthcoming, however it is considered that these details can be secured by way of a condition.

Natural Environment:

A number of trees on site, which fall within the adopted highway extent, are proposed for removal as part of this application. A total of 6 trees are proposed to be removed, comprising of Cherry, Hazel and Lime. 4 of these trees have been identified as Category C trees (low quality trees), with the remaining 2 identified as Category B trees (moderate quality trees).

The submitted 'Arboricultural Report' considers that the cherry trees are an inappropriate species for their location in the long term due to their specific characteristics such as wide spread, raised surface roots and being sensitive to soil compacting. The removal of one of the lime trees will allow a retained lime tree to develop a larger and more symmetrical growth to increase its amenity value.

To off-set this loss a total of 16 trees are proposed to be planted, x8 'small leaved' lime trees at the Fox Street site around the car park/along the river walkway, and x4 'small leaved' lime tree and x4 'common birch' trees are to be planted within Portland Square. A new copper beech hedgerow is to be planted along the north-east boundary of the Fox Street site, in addition to a 'wildflower mix' being planted along the length of the re-opened riverbank.

The small leaved lime trees have been selected for use around the car park/square areas, and are regularly used in more urban areas due to them being durable and tolerant of urban environments. They also do not produce as much sap/ honey dew as common or European lime trees.

A portion of the River Idle is to be opened-up to expose the watercourse which is currently culverted. These measures in combination with one another are considered to represent an enhancement to the town centres green offering, enhancing levels of biodiversity.

The submitted information has been assessed by the Council' Tree Officer who considers that the arboricultural details supplied to support this application are acceptable, and therefore has no objections to the proposal on arboricultural grounds.

Discussions are ongoing between the applicant and the Forestry Team at Nottinghamshire County Council with regards to whether it is appropriate to remove all the proposed trees. However whether or not the County Council as the landowner would allow the District Council to remove the trees or not, this would be a separate matter which would fall outside of the planning process, and would not in its own right prevent this application from being determined.

Nevertheless a 'CAVAT (Capital Asset Value for Amenity Trees) Assessment' has been submitted to support the application. A CAVAT Assessment is a tool used to value amenity trees as public asset. The new trees, which will be planted in tree pits with an irrigation and aeration system, once established are considered to double the

CAVAT value of the existing highway trees which are to be lost through this development.

Historic Environment:

The proposed works at Portland Square are approximately 95m to the north-east of the Sutton in Ashfield Church and Market Place Conservation Area. In addition there are a number of Non-designated heritage assets which have been identified around Portland Square and within the wider vicinity. The closest Listed building is located some 200+m away from the site to the north-west.

Given the location of the sites and their proximity to nearby heritage assets, in addition to there being limited intervisibility, it is considered that the proposal will not have any detrimental harm to the setting and/or significance of any nearby heritage assets.

Other:

Drainage:

Surface water drainage at Portland Square is currently collected via the use of gullies and channel drains which are discharged directly into existing public storm water sewers. The proposed drainage strategy is to collect storm water flows via the use of gullies and channel drains, convey them to attenuation tanks / bio-retention systems to store excess run-off, and discharge the flows into the existing public drainage systems at a controlled rate.

Soakaways are proposed to be used for surface water drainage at Fox Street following infiltration testing. The drainage strategy is to collect all overland flows from the site into gullies and channel drains and allow the flows to discharge into the ground via the use of a soakaway.

Conclusion:

The current area of public realm on Portland Square dates from the early-mid 1990's, with the Fox Street site having stood vacant and overgrown for the past 10 years (approx.).

The proposal seeks to create a contemporary area of pedestrian focused public realm to directly connect a number of primary and secondary routes in and around the town centre, utilising concrete raised planters to function as directional markers and introducing natural green elements through grass, wild flower, hedgerow and tree planting in areas where green infrastructure is currently lacking, which will enhance the visual aesthetics of the area and also improve levels of biodiversity.

The River Idle along the eastern site boundary of the Fox Street site is to be opened up, with a new 1.24m high railing and benches proposed to be installed along the River.

The choice of surfacing, utilising a differentiation of materials will create clear legible routes and areas through the town centre, with trees also being utilised to frame key destinations and routes.

It is considered that the proposal would create attractive areas of public realm which would meet the masterplan principles of improving the quality of public realm, promoting an ease of movement, improving legibility and maintaining and improving diversity through mixed use spaces.

The proposed development will use different types of lighting to ensure all areas are well lit to discourage anti-social behaviour. CCTV will also be relocated to maximise coverage within/along the open areas and pedestrian routes. These contribute towards an attractive and well-designed area of public realm, utilising clear, well lit and legible pedestrian routes.

A total of 41 car parking spaces are to be provided on the site off Fox Street, 3 of these spaces are to be used by those with a disability (1 of which is also proposed to 'double-up' as an Electric Vehicle (EV) parking space), and 3 motorcycle spaces are to be provided.

Although 6 trees have been earmarked for removal, a total of 16 trees are proposed to be planted across the two sites.

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

Recommendation: Grant planning permission, subject to the below 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.(08)PF002 Rev.A, Received 21/11/2022.
 - Proposed Site Layout Plan, Drawing No.73.1210.8-(08)PF001 Rev.G, Received 13/02/2023.
 - Proposed Site Layout Plan (Portland Square), Drawing No.73.1210.8-(08)PS001 Rev.G, Received 13/02/2023.

- Proposed Site Layout Plan (Fox Street), Drawing No.73.1210.8-(08)FS003 Rev.K, Received 09/03/2023.
- Proposed Drainage Details (Portland Square), Drawing No.9381-GCA-XX-XX-DR-C-501 Rev.A, Received 21/11/2022.

The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. The development shall be undertaken in accordance with the schedule of materials as, outlined under Option B, contained within the submitted 'Supplementary Design Information' document, Dated 09/02/2023.
4. All planting, seeding or turfing indicated on the hereby approved drawings shall be carried out in the first planting and seeding season(s) following the site being brought in to use or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
5. Prior to the hereby approved development being brought in to use, 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.
6. Prior to the hereby approved development being brought in to use drainage plans for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The development shall therefore be undertaken in accordance with these details.
7. No part of the development hereby permitted shall be brought into use until the new access off Fox Street is constructed with provision to prevent the discharge of surface water from the access area to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.
8. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Elements to be identified within the Construction Method Statement include but are not limited to; possible temporary junction alterations, protection to pedestrians (including pedestrian footways), site clearance, construction periods and lorry/HGV routing/manoeuvring.

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 ensure the satisfactory appearance of the development.
4. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
5. To promote sustainable modes of travel and an alternative to car ownership.
6. 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.
7. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
8. In the interest of general highway safety.

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. No consent is granted or implied for any adverts which may require separate advertisement consent.
3. The development should not increase flood risk to existing properties or put the development at risk of flooding.
4. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

5. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
6. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.