



MAP SCALE 1: 1250
CREATED DATE: 20/02/2024

COMMITTEE DATE 06/03/2024 **WARD** Sutton Central and New Cross

APP REF V/2023/0703

APPLICANT Paul Crawford Ashfield District Council

PROPOSAL Refurbishment of Existing Theatre and Associated Facilities. Minor Works to External Fabric of Building, Installation of External Goods Lift, and New Gates.

LOCATION Sutton Community Academy, High Pavement, Sutton in Ashfield, Notts, NG17 1EE

WEB-LINK <https://www.google.com/maps/@53.1239437,-1.2614468,18.54z?entry=ttu>

BACKGROUND PAPERS A, B, D, K

App Registered 11/12/2023

Expiry Date 04/02/2024

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

This application has been referred to Planning Committee as Ashfield District Council is the applicant.

The Application

This is an application for the refurbishment of an existing theatre and associated facilities at Sutton Community Academy. Included within the refurbishment are minor works to the external fabric of the building along with the installation of an external goods lift and new gates. Included in the works to the external fabric is the enlargement of a window, installation of a new window, installation of louvres in various places, removal of redundant signage, refinishing of cladding and other minor alterations.

The proposal is one of the projects under Ashfield District Council's Future High Streets funding programme through the Department for Levelling up, Housing and Communities. As discussed within the submitted information the proposal is seeking to refurbish and upgrade the existing theatre to provide a venue for a multifunctional community space for the academy and other community uses.

Consultations

A site notice has been posted together with individual notification of surrounding residents.

Environment Agency

- Development falls within flood zone 1 and therefore no fluvial flood risk concerns associated with the site.

Nottinghamshire County Council Highways

(1st Comments)

- Application proposed the installation of 168 new retractable seats at ground floor level together with 27 further seats at first floor level. Existing capacity of theatre is not stated in the application.
- To determine the impact, it will be necessary to understand whether the applicant proposes an increase in audience capacity compared to the established use. Additional info required.
- Applicant will need to show how goods vehicles can enter, turn and leave Parliament Street in forward gear when servicing the new goods lift. Swept path plots will be needed to demonstrate that such manoeuvres, for the largest vehicles anticipated to use the site, are feasible and that goods vehicles would not obstruct access for other vehicles using , or displace car parking from Parliament Street.
- Planning application blue line encloses an area of Parliament Street which is public highway. Amendments required.
- Servicing proposal should have regard to the need to avoid obstruction of the highway.
- Feasibility of goods vehicles access into Parliament Street via Forest Street will need to be demonstrated.
- Applicant should confirm whether the proposed new gates which will provide access onto High Street are intended solely for pedestrian use or whether vehicular access is required. If only pedestrian access is required, the applicant should provide details which show how vehicles will be prevented from using the new High Street Access
- Application should not be determined until the above issues have been satisfactorily resolved

(2nd Comments following submission of further information and amendments)

- Note that the number of seats will reduce from 230 to 200 which means no concerns over traffic generation or parking requirements as the scheme will potentially reduce such demands.
- Confirmation of the proposal to prevent vehicular access via the proposed new gates off High Street is welcome and can be addressed by condition relating to approved plan.
- Blue line shown on revised location plan now appears to properly reflect the ownership boundary with public highway.

- Site plan indicates that service access will be taken from the public highways. Can the existing gated area off Parliament Street be used to accommodate smaller vehicles which require access to goods lift. This area should also be included in red line.
- Swept path shows access from an 11m long pantechnicon. Will this be largest vehicle likely to serve site.
- Swept path plots show pantechnicon can turn within highway. Area for turning not fully protected by waiting restrictions. Waiting restrictions would be required to prevent service access from being obstructed.
- Applicant should fund introduction of traffic regulation order and lines/signs for waiting restriction.
- Service vehicle will obstruct access to car parking spaces if parked in location on swept path. Two spaces will be affected. More appropriate if two spaces were given up for the use for service vehicle access. That would assist in ensuring the pantechnicon would be less likely to obstruct highway. Area where cars currently park should be included in red line.
- Planning condition requiring a delivery and servicing management plan, to address issues in relation to service vehicle sizes, servicing times, parking location etc would be appropriate.

(3rd Comments following further information submitted and amendments)

- Clarification received that the number of seats will reduce therefore no concern over traffic generation or parking requirements.
- Applicant has confirmed the proposal to prevent vehicular access via proposed new gate. Address by planning condition
- Site plan indicates that service will be taken from the public highway. Swept path plots show access for 11m pantechnicon which the applicant confirms will be largest vehicle likely to serve the site.
- Swept path plots show pantechnicon can turn within highway. The area required for turning is not fully protected by waiting restrictions and can be obstructed by parked vehicles. The applicant has suggested that obstructive parking could be controlled by means of signage, attached to site boundary fencing. Such informal signage will be ineffective, and the applicant will have no powers to prevent obstructive parking. Should such parking continue to occur, obstruction of service vehicle access could displace service vehicles and exacerbate obstruction elsewhere. This would be object able in highways terms. 'At Any Time' waiting restrictions are required.
- Developer will need to fund the introduction of a traffic regulation order and lines/sign for such a waiting restriction. Planning condition can address this.
- Service vehicle if parked where shown on the swept path will obstruct access to car parking spaces. It is appropriate for such spaces to be given up for use for service vehicle access which will assist in ensuring pantechnicon will be less likely to obstruct free flow. The area where the cars currently park has now been included within the red line. Removal of these spaces can be dealt with by planning condition.

- Planning condition requiring delivery and service management plan to address issues in relation to service vehicle sizes, servicing times, parking location is appropriate.
- No objections subject to conditions

Theatres Trust

- Welcome the investment that is being made into theatre and the arts by the Council and that Future High Street funding is being utilised in this way.
- At upper ground floor level what was previously school staff offices will become a foyer with a new opening into the auditorium, with a bar/kiosk to the rear. Limited bar space, current standards suggest preferable level of 0.75 square metres per person. Should be designed to accommodate wheelchair users, both staff and audience.
- Uplift in WCs as well as changing facilities is welcomed.
- At stalls level within the auditorium new retractable seating will be installed which will allow for different formats. On the plans upon entering the auditorium in seated mode it appears there are steps at different levels which represents a health and safety issue. There should be wheelchair places made available in a variety of positions and under current regulations should constitute greater of six places or 1%. Presently there are positions at the balcony level but not in the indicated stalls. This could be addressed by making the retractable seating more flexible.
- There is no accessible WC serving the balcony, we would urge the opportunities to provide one within the front of house area.
- It is positive and welcomed that the control room can accommodate staff or students in wheelchairs.
- No specific accessible dressing room provided to the back of stage area so this should be further considered.
- Would be desirable for there to be more than one back of house WC
- General access to back of house is constrained. Only external access avoiding crossing the stage is through fire escape which has stairs so the practicality will need to be considered and planned for.
- Robust operational plan will need to be drawn up, if not in place already so that constraints associated with operating within a school environment are fully understood and incorporated in proposed business model. This would include the impact of the venue potentially being available only outside of school hours due to some elements being shared and how separation can be achieved for reasons of safeguarding.
- Whilst a number of points have been raised for further consideration, we welcome the upgrading of the theatre. These are however matters which could be addressed as the project moves forward.
- Overall position is to support the granting of planning permission.

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

SH1 – District Shopping Centre

National Planning Policy Framework (NPPF) (December 2023)

Part 8 – Promoting healthy and safe communities

Part 12 – Achieving well designed and beautiful places

Relevant Planning History

V/1980/0502 – Erection of Two Storey Extension for Classrooms + Housecraft Room – Conditional

V/2000/0155 – Erection of Perimeter Security Fencing – Conditional

V/2007/0961 – Erection of 2 Metre High Steel Security Fencing to Boiler House Service Yard & Bin Store Area – Conditional

V/2008/0746 – Workshop Spaces, Classrooms, Reception and Associated Ancillary Spaces, Single Storey Extension for Storage, Entrance Lobby with Canopy, Change of use from Bowling Hall to Learning Facility – Conditional

V/2009/0014 – Erection of 2.4m High Security Fencing – Refuse

V/2021/0745 – Installation of Solar Panels – Car Park 1 – Conditional

V/2022/0164 – Non Material Amendment Following Planning Permission
V/2021/0745 – Change Steel-Framed Canopy Structure to Woodend – Non Material Amendment Conditional

V/2023/0523 – Installation of Solar Panels – Car Park 1 – Non Material Amendment Conditional

V/2023/0515 – Application for Consent to Display an Advertisement(s) – Installation of 3no Organisation Signs – Conditional

Comment :

Main Considerations

The main issues to consider in the determination of this application are considered to be:

- Visual Amenity
- Residential Amenity

- Highway Safety
- Other

Visual Amenity

The external works proposed include the installation of an external goods lift, new gates, installation and alteration of windows, installation of louvres and refinishing of cladding and other areas.

The proposal will be visible within the street scene and the refinishing of the cladding will be visible within the wider vicinity. The external goods lift will mainly be visible from Parliament Street but is located on an elevation of the building which already accommodates the existing fire escape, bin storage and car parking for the school. Due to the scale and siting of the elements of the proposal it is considered that the proposal would not have a detrimental impact on visual amenity or that character of the street scene.

Residential Amenity

The application site is located within the town centre of Sutton in Ashfield. It is surrounded mostly by commercial premises with some having residential properties above. The refurbishment, minor external alterations, installation of the external goods lift and erection of new gates are considered unlikely to have an impact on the amenity of residential properties within the vicinity of the site that would go above what may already be experienced.

Highway Safety

Within the vicinity of the application site are council owned car parks as well as the site being located within the town centre and close to the Sutton bus station. As confirmed by the agent/applicant the proposal will not increase the number of seats within the theatre therefore no concerns are raised in relation to an increase in traffic generation or parking.

The proposal does include an external goods lift however it must be noted that deliveries would already have been taking place at the premises as existing either for the theatre or just the school in general. The proposed goods lift will help with deliveries and will allow another way of getting the goods into the building. Swept path analyses have been provided to show how a vehicle will access the good lift from Forest Road, onto Parliament Street to then be able to manoeuvre and leave in a forward gear.

The proposal also includes the enlargement of an existing pedestrian access gate and installation of a new access gate to provide additional pedestrian access. To ensure that this is used for pedestrians only it has been proposed that a bollard will also be installed.

Nottinghamshire County Council Highways have been consulted during the consideration of the application and have raised concerns and queries, a full

summary of these can be found earlier in this report. Further information and amendments have been provided during the consideration of the application in response to queries raised.

The main queries raised were surrounding the proposed capacity of the theatre, access via the proposed gateway and service access, amongst other things. Following the receipt of further information and amended documents the Highways Authorities latest comments raise no objections to the proposal subject to conditions. The conditions proposed by the Highways Authority are to restrict vehicular access through the proposed new gate by means of the measures shown on the plan which is the installation of a bollard, to restrict car parking within the application site where it fronts on to Parliament Street, for no part of the development to be brought into use until off site traffic management works comprising waiting restrictions have been provided and for no part of the development to be brought into use until a delivery and service management plan has been submitted and approved.

Overall it is considered that the works proposed are minor and are unlikely to have a detrimental impact on highway safety or highway capacity.

Other

During the consideration of the application comments were received from the theatres trust. The overall position of the comments received was to support the granting of planning permission and welcomed the investment being made. The comments did however raise some points for consideration in relation to accessibility in different areas. A full summary of the comments can be found earlier in this report.

Further information was provided by the agent/applicant in response to the queries raised. It has been detailed that the designated foyer space shown on the plans is the primary foyer however the dining halls will be utilised as foyer space when the occupancy levels require them enabling a total foyer space of 200sqm.

The auditorium seating will be a proprietary retractable system including steps to gain access and will be a contractor design element however it will be designed in accordance with health and safety requirements.

There are 3 places shown on the balcony which are designated for potential wheelchair access with the ability to have a flexible companion seat if required however the remaining spaces required will be accommodated within the stalls and as the seating designs are refined this item will be reviewed.

In relation to accessible WC's this is restricted within the existing building and school use which means there is no space on the balcony level that can accommodate an accessible toilet. A changing space WC has been designed within the main reception accessible from the lift for the balcony users. Similarly, although it is desirable to have more than one accessible WC to the back of house there is restricted space.

They acknowledged the comments in relation to the dressing rooms and will look to officially allocate one of the changing rooms as accessible. The ground floor changing rooms can incorporate a wheelchair turning circle and have been designed with counters that can accommodate a wheelchair user.

In regards to the access to the back of house area the agent/applicant noted that although it is not desirable the access to the back of the house is through the stage area with sufficient width to accommodate and/or provide temporary flexible separation when and if required. Consideration has been given to separating out the right side to maintain a corridor however given the workable space this would lose, the current arrangement is considered the best fit.

Finally in relation to an operation plan it has been advised that the school are developing and refining an operational plan which will be in place when the theatre is launched which will include safeguarding elements which are considered to be manageable throughout the working day.

Conclusion :

The proposal will improve the existing theatre and offer a multifunctional venue for the academy and community benefiting the existing academy and wider community. Having reviewed the submitted information and comments received against all relevant policies and material considerations it is considered that the proposal is unlikely to have a detrimental impact on visual amenity, residential amenity and highway safety. The application is therefore recommended for conditional consent.

Recommendation: - Grant Consent Conditionally

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application.
3. This permission shall be read in accordance with the following plans:
 - Site Location Plan, Dwg No G70-001 Rev P3, received 16/02/2024
 - Site Plan as Proposed, Dwg No. 70-002 Rev P3, received 16/02/2024
 - Lower Ground Floor Plan as Proposed, Dwg No. 20-001 Rev P14, received 16/02/2024
 - Upper Ground Floor Plan as Proposed, Dwg No. 20-002 Rev P16, received 16/02/2024

- First Floor Plan as Proposed, Dwg No. 20-003 Rev P17, received 16/02/2024
 - Elevations as Proposed, Dwg No.20-010 Rev P4, received 11/12/2024
- The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
4. There shall be no vehicular access to the site via the proposed new gates on High Street. Vehicular access shall be physically prevented by means of the measures shown on drawing number 9224-70-002 Rev P3. Such measures shall be maintained for the life of the development.
 5. There shall be no car parking within the application site where it is served via, and fronts onto, Parliament Street.
 6. No part of the development shall be brought into use until off-site traffic management works comprising “At Any Time” waiting restrictions around the frontage of the site on Parliament Street have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained thereafter unless the highway authority deem their removal or amendment to be appropriate.
 7. No part of the development shall be brought into use until a delivery and servicing management plan (the plan) has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out proposals for the management of the service access on Parliament Street. The plan shall include a timetable for implementation and an enforcement mechanism. The plan shall be implemented in accordance with the timetable set out in the plan and shall operate for the life of the development.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
4. In the interests of highway safety.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. In the interests of highway safety.

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. No consent is granted or implied for any adverts and/or lighting/illumination which may require separate advertisement consent.
3. The proposed development requires the implementation of a Traffic Regulation Order (TRO) before the development is brought into use. The Order can be made, and the works implemented, on behalf of the developer by Nottinghamshire County Council, at the developer's expense. This is a separate legal process. The developer should contact businessdevelopment@viaem.co.uk or Nottinghamshire County Council Customer Services (on 0300 500 8080) and ask for the Improvements Team within VIA East Midlands Ltd to initiate the process. The order making process requires public consultation. The developer is therefore strongly advised to arrange for the TRO process to commence at as early a stage as possible.