



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 28/11/2018

COMMITTEE DATE 13 December 2018 **WARD** Central and New Cross

APP REF V/2018/0408

APPLICANT A McGivern Chardstock Management Services Ltd

PROPOSAL Erection of 4 Five Bedroom And 2 Six Bedroom Dwelling Units, (Class C4) Within A Two Storey Block With Ancillary Car Parking And New Vehicular Access.

LOCATION Land at Junction of Outram Street and Park Street
Sutton in Ashfield Nottingham NG17 4BB

BACKGROUND PAPERS A, B, C, D, E, I

App Registered 04/07/2018

Expiry Date 28/08/2018

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

This application has been referred to Planning Committee by Cllr Helen Smith on the grounds of over intensification of the site.

The Application

The application seeks planning permission for the erection of 4 x five-bedroom and 2 x six-bedroom dwelling units within a two storey block, with ancillary car parking and the creation of a new vehicular access.

Location of the Site

The site is located at the junction of Outram Street and Park Street close to the centre of Sutton in Ashfield. It lies immediately outside of the District Centre as identified by the Ashfield Local Plan Review 2002 but within the identified Outram Street Local Centre although the site has no previous history of retail use.

The site is currently vacant and has been so for some years. It is surrounded by close boarded fencing to Outram and Park Street, with an adjacent residential property to the north west. The fourth boundary, which is a public footpath/cycleway, is formed by galvanised steel fencing.

Consultations

Site Notices have been posted together with individual notification of surrounding residents. The proposal has also been advertised within the local press. Below is a summary of the responses received:

Ashfield District Council Landscaping – The development of the site is welcomed, due to it being vacant for many years. A detailed landscaping scheme should be provided along with details of the sites boundaries.

Ashfield District Council Housing – Registered Providers are unlikely to take apartments within a block due to management and leasehold issues, however it is expected they should be approached. A commuted sum might be most appropriate for the development.

Ashfield District Council Drainage – No known drainage issues with the site, but guidance from the Local Lead Flood Authority and Severn Trent Should be followed.

Ashfield District Council Planning Policy - The proposal site is located within the main Urban Area and the principle of development for residential use has been established. Due to the size of the site and the need to consider the number of planning units as oppose to households, it is unlikely that any developer contributions can be sought.

The lack of outdoor amenity space, especially in light of the cramped indoor living space, is of concern, as is the large amount of impermeable hard surfacing which fundamentally covers the whole site along with the new building.

Ashfield District Council Land Contamination – Request a full four stage contamination condition.

Nottinghamshire County Council Rights of Way. – No definitive paths are affected by this development, but it is possible that other public rights of way exist, which have not been registered.

Nottinghamshire County Council Planning Policy – No comments.

Local Lead Flood Authority – No objections.

Severn Trent Water –Request a condition for the applicant to submit detailed drainage plans prior to works commencing on site.

Nottinghamshire County Council Highways – 17 unallocated spaces are provided across 32 bedrooms, which gives a rate of 0.53 spaces per bedroom. This should be acceptable for this use in this location. Details of the cycle shelter should also be provided.

Pedestrian visibility splays of 2x2m should be provided at the entrance, with the height of the fencing reduced and the gate set back 5m. Parking bay 17 should also be increased by 0.5m in width.

A response from County Highways also brought to our attention that a section of adopted highways land fell within the red boundary of site. The plan has been amended to omit this area and NCC have provided comments on how to remove highway rights.

A.D.C Housing - In the area that this proposal covers (Sutton Central) there are currently two Licensed HMO's; both of these are at the further end of Outram Street and approximately a 1/3 of a mile away from the proposed development. Evidence from our records at this time do not indicate that this would lead to unbalanced concentration.

As a result of the legal change which came into force on the 1st October 2018, each unit will require a Mandatory HMO licence, so a total of 6 Mandatory HMO licences. Although the proposal would place the HMOs in the currently designated selective licensing area, this would have no bearing as a selective licence would not apply to this type of accommodation.

Local Community

A total of 5 local residents have objected to the planning application on the following grounds:

Highways Safety

- Existing parking problems in the vicinity and requests made for resident permits on Park Street.
- Concerns over traffic on Outram Street and children traveling to school being affected.

Residential Amenity

- Anti-social behavior emanating from the potential residents in this type of accommodation.
- Concerns over the type of residents to be housed.
- Concerns raised over a facility on Welbeck Street
- Disruption during building works.
- High levels of noise and rubbish existing in the area.

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 (2002)

ST1 – Development

ST2 – Main Urban Areas

TR6 – Developer contributions to transport improvements

HG3 – Housing density

HG5 – New Residential Development

HG6 – Open Space in Residential Developments
SH4 – Local Shopping Centres
HG8 – Residential Care Facilities, HMOs, Bedsits, Flats and Hostels

National Planning Policy Framework (2018)

Part 4 – Decision making
Part 5 – Delivering a sufficient supply of homes.
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 14 – Meeting the challenge of climate change, flooding and coastal change

Other Relevant Documents:

- Affordable Housing SPD, 2009 (updates Policy HG4 Affordable Housing).
- Residential Design Guide SPD, 2014
- Residential Car Parking SPD, 2014

Relevant Planning History

V/2004/0653: Erection of 28 flats. Conditionally Approved subject to S106 Agreement, which required contributions of £42,000 towards Public Open Space improvements and £64,000 towards off-site affordable housing.

V/2005/1073: Erection of 37 apartments. Refused but allowed on appeal subject to conditions requiring schemes to be submitted for off-site public open space improvements and the provision for off-site affordable housing.

V/2016/0737: Outline application for the erection of 24 one and two bedroom apartments and associated works. Refused for the applicant not being willing to enter into a Section 106 agreement, and the proposal therefore representing unsustainable development.

V/2018/0262: Outline application for the erection of 24 one and two bedroom apartments and associated works. Ongoing.

Comment:

The main considerations are the principal of development, visual amenity, residential amenity, highways safety. These are discussed in turn below:

Principle of Development

The site is located close to Sutton in Ashfield Town Centre in an area containing and mixture of commercial, retail and residential uses. As such it has good access to the range of services and facilities afforded by its central location as well as being

served by well-defined pedestrian routes and crossing facilities. The site also has good access to public transport facilities with bus stops close by.

Planning permission has previously been granted on two separate occasions for the development of the site for the erection of dwellings and flats.

It is therefore accepted that in principle the development of the site for residential purposes would be in accordance with both national and development plan policies.

Visual Amenity

The site has been vacant for many years and has become colonised by a number of self-set trees and ruderal species, which will be cleared to facilitate the development. The proposed development comprises a two-storey apartment block, which continues the built edge along Outram Street, with active frontages also facing onto Park Street and the adjacent footpath.

The design of the proposal reflects the Victoria terraced properties found along Outram Street with the use of red brick and stone cills. The proposal features landscaping around the peripheral of the site, complimented by low brick walls, which is welcomed by the Councils Landscaping Team. The layout, scale and appearance of the building complements the existing street scene and is likely to enhance the character and appearance of the area.

Residential Amenity

Existing Occupiers

The nearest residential dwelling to the site is found on Park Street, where its gable-end wall faces onto the site. The location of the building toward the front of the site results in a separation from the rear boundary of approx. 19m, which is considered sufficient to ensure there would be minimal impact on the amenities and privacy enjoyed by the residents. Likewise, the intervening separation distances to neighbouring businesses and properties on Outram Street ensures the building would not result in any loss of privacy, or overshadowing concerns.

Neighbouring residents have raised concerns surrounding ongoing anti-social behaviour problems in the vicinity and the type of apartments proposed potentially exacerbating the issue.

Paragraph 91 of the National Planning Policy Framework sets out that planning decision should aim to achieve healthy, inclusive and safe places, where crime and disorder, and the fear of crime do not undermine the quality of life, or community cohesion. Fear of crime is therefore a material consideration in planning decisions, although the weight that can be given to it is often limited unless there is significant

evidence to show that the increased fear of crime would actually occur as a result of the development.

The genuine concerns of local residents surrounding a potential increase in crime, vandalism and anti-social behaviour are acknowledged. However, there is no firm evidence that such occurrences, which are ultimately a matter for the relevant authorities in specific instances, would be attributed to future occupants of the proposed development. It is also considered that crime and disorder is not an inevitable consequent of multi-occupation, but rather a question of individual behaviour and appropriate management.

The property will require 6 HMO licenses from the Council. The requirement for a license places strict management controls on the licence holder and in turn the occupants; as such there is no requirement to place a planning condition that would be covered under a separate regime. The requirement for licenses should ensure the building is appropriately managed and, in turn, reduce the potential for instances of anti-social behavior, rubbish being left out etc. This is administered by Private Sector Enforcement and is not a planning matter.

A.D.C Housing have noted that the proposal in Sutton Central only contains two Licensed HMO's. Consequently, the evidence suggests the proposal would not lead to an unbalanced concentration of HMO within the area.

In terms of the design, the proposal features low level boundary walls, providing high level of natural surveillance to the car parking area, Outram Street, Park Street and the adjacent footpath. Measures such as CCTV and lighting, could be imposed through a planning condition, setting out how the development meets the Secured by Design Specification. Meeting this specification will further assist in securing a safe environment for future and existing residents.

A resident has raised concerns surrounding disruption during construction works. A condition requiring a Construction Management Plan to be submitted should ensure that disruption during construction phase is minimised.

In light of the above, it is considered that the neighbouring amenity of residents would not be unduly affected and the proposal would comply with Local Plan policies ST1 (a) and HG8 (a), which seek to protect the amenity of neighbouring residents. It would also comply with paragraph 91 of the NPPF, which seeks that planning should not undermine safe inclusive places.

Proposed Occupiers

The overall floor space for the five bedroom units would be approx. 106sqm, for the six bedroom units this would be 120sqm. The proposed bedrooms measure between 11 – 18sqm, potentially providing a mixture of single and double rooms. Each of the flats would also be served by a shared kitchen, dining and living area. All rooms

within the development would receive adequate amounts of light and have a good outlook.

In terms of comparing the room sizes to national and local standards, the Councils Supplementary Planning Guidance only goes as far as 4 bedroom properties. The National Standards are set out within the Department for Communities and Local Government Technical Housing standards (2015) and set minimum bedroom sizes and overall floor-space. The bedroom sizes would accord, with these standards in terms of single and double rooms.

The proposal would provide limited amenity space, to the rear of building, however, given the proximity to the town Centre and walking distance to areas of open space - the lack of private garden area, would not unduly undermine the living conditions of future occupiers. Overall, it is considered the proposal would provide a good standard of living for future occupants.

Highways Safety

A number of residents have voiced concerns surrounding highways safety, specifically concerns have been raised over parking problems within the vicinity. The proposal would provide a total of 17 unallocated spaces across 32 bedrooms, which gives a rate of 0.53 spaces per bedroom. A cycle store is also provided with space for up to 10 cycles. The Highways Authority have assessed the level of parking and considered it to be sufficient. The proposal is located in a highly accessible location with excellent access to services and facilities. As a result, the parking provided is considered to be sufficient.

In terms of access into the site, no gate is to be provided, thereby cars could pull straight into the development and not impede the flow of traffic on Park Street. Adequate vehicular visibility splays have also been provided. Overall, it is considered that the number of vehicle movements would not result in any congestion, or highway safety risk.

Other Matters

Affordable Housing (S106 Contributions)

The current affordable housing requirement is set out in the Affordable Housing SPD 2009 which updates and supplements 'saved' ALPR policy HG4. This sets a threshold above which contributions will be sought at 15 dwellings. As the proposed accommodation only amounts to 6 planning units, this policy requirement will not apply. Similarly, NPPF para 64 which expects at least 10% of the homes to be available for affordable home ownership will not apply as this specifically refers to 'major' development which is defined as 10 or more homes or sites over 0.5 hectares. The site, measuring 0.12 hectares, falls below this requirement.

Flooding

The NPPF highlights that it is important to meet the challenge of climate change, and flooding. Council records indicate that part of the site is affected by surface water flooding.

The applicant has confirmed that proposed levels in the parking court would be designed to channel the surface flood water across the site and that the proposed drainage system will be designed to accommodate some of the surface water. The Local Lead Flood Authority have raised no concerns with this approach and planning conditions are recommended for the applicant to submit a drainage scheme.

Intensification

The application was referred to planning committee due to concerns over intensification. The proposal, in theory, represents 6 planning units due to the non-self-contained nature of the flats. The overall bedspaces to be provided is however 32.

The proposal is, however, fairly commensurate with the sites planning history, where 37 apartments were granted permission in 2004. Also, under planning permission V/2016/0737, the Planning Committee initially resolved to approve 24 one and two bedroom apartments, although the applicant eventually declined to enter into the section 106.

Conclusion

It is considered that the proposal, subject to conditions, would not have a materially harmful effect on the fear of crime in the locality. The building is of high quality design and would complement the existing street scene. The parking provided is considered to be sufficient and there are no highways safety concerns. On balance, having regard to all other matters raised, it is concluded that the benefits of the proposal outweigh the harm and approval is recommended, subject to the conditions outlined below:

Recommendation: - Approve Subject to 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:
 - Location Plan. Rev PL02
 - Existing Site Plan. Rev PL02
 - Proposed Site Plan. Rev PL03
 - Street Scenes. PL02
 - Ground Floor Plan. PL01

- First Floor Plan. PL01
- Elevations 1of2. PL02
- Elevations 2of2. PL02

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

3. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
4. No work shall commence until such time as a scheme indicating proposed floor levels of all buildings, and the relationship of such to the existing dwellings has been submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the agreed levels.
5. No development shall take place until details of the materials and finishes to be used for the external elevations, roof of the proposal and boundary treatments have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.
6. The development shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. No development shall take place until details to show how it complies with Secured by Design specification have been submitted to and approved in writing by the local planning authority. The approved details shall be carried out prior to the occupation of the building and shall be retained at all times thereafter.
8. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - a) details of the parking arrangements for vehicles of site operatives, delivery vehicles and visitors;

- b) details of arrangements for loading and unloading of plant and materials;
 - c) details of the arrangements for storage of plant and materials used in constructing the development;
 - d) details of wheel washing facilities;
 - e) measures to control and minimise noise from plant and machinery
 - f) details of the hours the of construction.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Class A of Part 2 of Schedule 2 - no gates shall be erected at the entrance to the car park without the prior written approval of the Local Planning Authority.
10. Prior to the commencement of any works pursuant to this permission the applicant shall submit the following to the Local Planning Authority:
- i. A desktop study/Phase I report documenting the previous history of the site and its immediate environs.
 - ii. A site investigation/Phase II report where any previous use of the site indicates a potential contaminative use. The applicant/developer shall submit a Site Investigation/Phase II Report documenting the characteristics of the ground at the site. The Site Investigation should establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas monitoring and chemical analysis, identified as being appropriate by the Desktop Study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - iii. A Scheme of Remedial Works where the Site Investigation has identified the presence of significant levels of harmful ground gas and/or significant levels of chemical contamination. The scheme should include a Remediation Statement and Risk Assessment Strategy to prevent any significant risk arising when the site is being developed or subsequently occupied.

Any variation to the Remediation Scheme shall be agreed in writing with the Local Planning Authority, in advance of works being undertaken. All remediation should be carried out safely, ensuring that no significant risk(s) remain. The applicant will need to have a contingency plan should the primary remediation or subsequent construction phase reveal any additional contamination. Where additional contamination is found the applicant must

submit in writing, details of the contingency plan for the written approval by the Local Planning Authority.

On completion of remedial works and prior to the occupation/use of the development, the applicant must submit to the Local Planning Authority:

- i. A Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details. The Validation Report must be submitted for the written approval of the Local Planning Authority prior to the development being put to its intended use

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 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.
4. To protect the amenity of the area.
5. To ensure the satisfactory appearance of the development.
6. In the interests of visual amenity.
7. In the interests of security and safety.
8. In the interests of safety.
9. In the interests of highways safety.
10. To ensure the site is developed free from contamination

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. The applicant is advised that the proposed development will require a HMO License. The applicant should contact the team to make applications for the 6 Mandatory HMO's please email the Private Sector Enforcement Team at privatesectorenforcement@ashfield.gov.uk or phone 01623 457345 .