

PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/01435/FUL	
Proposal:	Proposed Apartment building incorporating 8no. Apartments with associated parking	
Location:	The New Ritz, 127 Mansfield Road, Clipstone, NG21 9AA	
Applicant:	Mr S Cooling	
Registered:	24.10.2018	Target Date: 19.12.2018
	Extension of Time Agreed in Principle	

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Clipstone Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

The site lies on the south side of Mansfield Road, set behind a shared forecourt access and parking area. The site previously contained The Ritz Cinema but this has now been demolished and the site cleared. The site drops by approximately 2m below the level of its Mansfield Road frontage and is unfenced from the housing construction site (Vicar Court) currently under way to the south.

The immediate vicinity of the site exhibits a variety of building heights (single storey to tall two storey) and a variety of facing and roofing materials. The site is located within a parade of commercial properties and identified to be within a Local Centre. The closest neighbouring properties to the site are Vicar Water Nursery, a detached property to the north-east and 129 Mansfield Road, also a detached commercial property to the west with a private fenced car park which is accessed from Vicars Court.

The new residential development under construction to the south of the site is faced in red brick.

Relevant Planning History

08/00549/FULM - Demolition of club and post office and erection of single unit containing post office, 3 shops, 30 apartments and related parking and servicing facilities. Refused permission in 2008 due to lack of affordable housing.

PREAPP/00172/17 – pre-application advice was sought in respect of a very similar scheme to that currently proposed; the response given was broadly supportive.

The Proposal

The application seeks permission for the construction of a 3 storey block of 8 flats on this cleared site. The proposed block is shown to be approx. 29.5m front to back, with a maximum width of

14m. Most of the building will be three storeys: approx. 8.5m high on the Mansfield Road frontage and 10.5m high at the rear elevation due to the change in site levels behind the Mansfield Road frontage and towards the rear of the site. Part of the proposed building, on the western side is lower, providing two storeys of accommodation surmounted by a roof terrace which is to be edged in powder-coated metal railings.

The proposed building will be flat-roofed with a front elevation containing architectural reference to the Art Deco style of the former cinema that stood on the site, with vertical emphasis, stepped elements and a finial at rooftop level. The drawings also show a cantilevered canopy projecting at ground floor level on the front elevation, reminiscent of a typical cinema of the period.

Materials proposed are two contrasting red brick types (details unspecified) with render detail at the front entrance. Fenestration is of a broadly contemporary, rather than traditional, design; these and railings for the Juliet balconies are to be powdercoated metal.

With regard to private open space, the plans show a small triangular patio for unit 1, and stepped landscaped areas for each of units 2 and 3 along the western elevation of the block.

Five car parking spaces are proposed on the Mansfield Road frontage with four more accessed from the rear via the adjacent new housing development. This will provide one space per flat plus one off-street visitor space. Pedestrian access to the interior is to be provided from both the front elevation and from the rear car park.

Submission Documents

For the avoidance of doubt, the development has been assessed below on the basis of the following plans

812:1064:25 03 (proposed plans and sections) received 25th October 2018

812:1064:25 10 (proposed ground floor plan inc site),

812:1064:25 11 (proposed first and second floor plans,

812:1064:25 12 (proposed elevations and sections)

812:1064:25 OS (O.S. site location plan) Rev. A received 25th October 2018

Design and Access Statement.

Public Advertisement Procedure

Occupiers of seven nearby properties have been individually notified by letter. A site notice has also been displayed on the highway outside the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 Settlement Hierarchy

Spatial Policy 2 Spatial Distribution of Growth

Spatial Policy 7 Sustainable Transport

Core Policy 9 Sustainable Design

Core Policy 10 Climate Change
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 14 Historic Environment

Allocations & Development Management DPD

Policy CI/LC/1 Clipstone Local Centre Boundary
Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5 Design
Policy DM7 Biodiversity and Green Infrastructure
Policy DM9 Protecting & Enhancing the Historic Environment
Policy DM11 Retail and Town Centre Uses
Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance (Online Resource)

Consultations

Clipstone Parish Council - Clipstone Parish Council objects to the proposal.

The development is in Clipstone's retail zone, yet the development does not encompass any retail units. There appears to be only one parking space per unit. Any additional vehicles would either end up permanently parked in front of retail units taking away customer parking or on the road leading to congestion. Unit one consists of two bedrooms and a ground floor "study" which will easily serve as a third bedroom. Councillors are concerned that the safety of children at the nursery may be put at risk when nursery parking has been taken up by residents.

There is no adequate on road parking on Mansfield Road.

The spaces that are being provided appear to be very narrow.

Fire escapes appear to be insufficient.

NCC Highways Authority – 'This proposal is for the construction of 8 apartments with 5 parking spaces at the site frontage and 4 further spaces at the rear of the site. The access to the rear of the site is not yet in place as it is part of a further development currently being constructed.

Whilst the parking provision is minimal for this proposal, there are adequate public transport facilities in the area and on street parking facilities exist opposite the site on Mansfield Road.

The applicant should note that Clipstone bridleway no. 7 runs along the grass verge on Vicars Court, with a recorded width of 3 metres, and as such, the public have a right to use the route on foot, by bicycle or on horseback. It is strongly recommended that the applicant contact NCC Rights of Way section for advice/approval relating to the access from Vicars Court prior to any permission being granted.

Therefore, there are no highway objections subject to the following:

1. No part of the development hereby permitted shall be brought into use until the access to the site from Vicars Court has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with the approved plan. **Reason:** In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development. **Reason:** To ensure that surface water from the site is not deposited on the public highway causing danger to road users.

3. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan no. 10. The parking areas shall not be used for any purpose other than the parking of vehicles. **Reason:** In the interests of highway safety.

Note to applicant

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.'

Ramblers Association – The nearest right of way to the proposed development is Clipstone Bridleway 7. As this has been incorporated into Vicars Court roadway we have no objection.

Conservation Officer – 'The New Ritz on Mansfield Road in Clipstone was built in 1936 and was demolished in 2018. The building was built in the streamlined 'art-deco' style. The motivation of the decision makers and architects who inspired the 1930's art-deco cinema and theatre movement across Britain were clear; to build functional, low-cost buildings, with unadorned rear elevations and elegant front facades, to convey the glamour of the international style without exceeding their budgets.

The demolition of the New Ritz has resulted in the loss of an important piece of architectural history. The original scheme that was submitted for conservation through a pre-application consultation has been amended from a scheme that failed to respond to its historic context, to a positive building that references the art deco legacy of the site.

The new scheme that has been submitted under 18/01435/FUL is considered to be an imaginative re-interpretation of the original building. While there are no designated heritage assets located in close proximity, it is important to ensure the positive elements of the previous building were not entirely eroded. The present scheme is supported on the basis of its central fin and linear full height window ranges to the front elevation. The side elevations are also supported, as they continue to replicate the form and function of the original building and will not be unduly prominent when viewed from Mansfield Road.'

NSDC Access & Equalities Officer – As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In

order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that inclusive access to, into and around the proposals be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposals. In particular, 'step-free' access to and into the proposals is an important consideration and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route is important to and into the dwelling from facilities such as car parking and from the site boundary. It is recommended that inclusive step free access be considered to external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways etc. all carefully designed to facilitate easy access and manoeuvre throughout and on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Following discussion, the officer responded further:

My comments are general access observations of which the developer should be mindful. Compliance with Building Regulations matters will be for the Building Control Body to determine although site topography usually forms part of their considerations.

Representations have been received from 3 interested parties which can be summarised as follows:

- Concerned over the lack of parking associated to the development and the potential for residents cars to be parked at the front of the site resulting in an impact on highway safety and the safety of the children attending the nursery.
- The adjacent nursery has historically benefitted from gated access onto the application site in the event of a fire which has not been included in this proposal.
- Whilst initially concerned regarding overlooking, this has been addressed in the design of the proposed building

Comments of the Business Manager

Principle of Development

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD (Adopted 2011), forms the Local Plan. Clipstone is designated as a Service Centre within the Settlement Hierarchy set out under Spatial Policy 1 of the Core Strategy. Spatial Policy 2 of the Core Strategy sets out that 30% of housing growth within Service Centres will be focused in Clipstone.

The application site is located within an identified local centre and as such Policies CI/LC/1 and DM11 of the Allocations & Development Management DPD are relevant. These policies seek to encourage and support town centre uses within identified local centres, however, in contrast to sites within larger District Centres, the policy guidance for Local Centres does not specifically preclude residential development without strong justification.

Given the above, and in also considering that the application site is currently vacant following a long period of the previous building lying empty, it is considered that the principle of the new housing development on land within the main built up area of the settlement is appropriate subject to any proposals having regard to the current use of the site and according with wider local and national planning policy considerations which are discussed further below.

Impact on the Character of the Area

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 127 of the NPPF (2018) goes on to advise that Planning policies and decisions should aim to ensure that developments are visually attractive, sympathetic to local character and history, establishes a strong sense of place, optimises the potential of the site and creates places that are safe, inclusive and accessible.

As detailed by the conservation officer the previous building on the site was considered to represent an important piece of architectural history dating to the 1930s. Whilst the Local Authority were aware that elements of the building had been demolished in recent months in the interests of safety of neighbouring sites, it is disappointing that the façade, considered to be the element of the building of most interest has already been demolished.

The previous building with art-deco façade was approximately 3 storeys in height with a roofline that was pitched from east to west, with a central flat element and parapet walls to the north and south. In terms of the overall size and bulk of the proposed building, it is noted that the height and footprint of the proposed building would be very similar to that of the previous building. The proposed building has aimed to reflect the scale of built form which previously occupied the site and, on the front elevation at least, include a greater visual reference to the style of the pre-existing cinema building than was demonstrated at pre-application advice stage. The remainder of the proposal is broadly the same as the earlier draft scheme. It is felt that the re-design of the proposed building has been successful in referencing the design and character of the previous building and historic context of the site. I also note that conservation officer shares the same opinion, raises no objection to the scheme and considers the proposal to represent an imaginative re-interpretation of the scheme. As such it is considered that the proposal would accord with the aims of Policies CP9 and DM9.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity. New development that cannot be afforded an adequate standard of amenity

should also be resisted. Furthermore the NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

In terms of the potential impact on the neighbouring property to the north-east, Vicar Water Nursery and associated playground to the rear, I am mindful that the proposed building would occupy a similar position within the site, close to the shared boundary with this neighbouring property, and would be of a similar overall height to the previous building. It is therefore considered that the proposed development would not result in any material overbearing or overshadowing impact over and above the previous situation which was established for quite some time historically. I am also mindful that all the windows along the north-east side facing elevation are shown to serve either non-habitable spaces or be secondary window to bedrooms, and all would be obscure glazed. I am therefore satisfied that the proposal would not result in any material overlooking on the property to the north-east.

In assessing the potential impact on No. 129 Mansfield Road to the west of the site and bearing in mind that the proposed scheme would result in the built form of the proposed residential building being positioned considerably in from the shared boundary with this neighbouring property, especially in comparison to the position of the previous building at the site, I am of the opinion that the proposal would not result in any material overbearing or overshadowing impact on 129 Mansfield Road over and above the previous situation. I am mindful that there are a number of windows and Juliet balconies on the west facing side elevation of the proposed residential building, however in also taking into account the level of separation between the windows/balconies and the neighbouring properties rear windows which is between 9m and 16.5m as well as the acute angle between the side facing windows of the proposed building located at the closest point to neighbouring property, I am satisfied that the proposal would not result in a material overlooking impact on the amenity of this property. I am also mindful that these windows would overlook the rear of the neighbouring properties site, although as this property is commercial and the rear of the site is in use as informal parking rather than as a private residential garden, I am of the view that it would be unreasonable to withhold planning permission on the grounds of the potential overlooking of this area.

In regards to the terrace area at the front of the building and having considered the side elevation of 129 Mansfield Road which contains only 2 small obscure glazed windows (one at ground floor and one at first floor) as well as the position of the terrace, which would be broadly in line with 129 Mansfield Road, it is considered that this element of the proposal would also not result in any material overlooking impact on the amenity of neighbouring properties.

Amenity of future occupiers

In assessing the level of accommodation within each of the proposed units, I am mindful that the Government has produced a Technical Housing Standards (March 2015). However the National Planning Policy Guidance (online tool) is clear is stating that if an LPA “wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard.” Provision in a local plan can also be predicated on evidence, as the NPPG goes onto describe.

“Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes
- viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.” (Paragraph: 020 Reference ID: 56-020-20150327)

In the case of NSDC we have not adopted the national space standards and thus the guidance is that one should not *require* (emphasis added) them for decision making. The standards however do exist and must be material in some way

The layout plans submitted with the application annotates floor areas of the proposed units and indicates a range in floor areas between 55m2 and 100m2 for each of the proposed units. The stated national space standard for a 2 bedroom 3 person property is 61m2.

The performance of the current scheme against the standard is detailed in the table below:

Unit Number and No.	Floor Area (m2)	Space Standard for 2 bedroom property 3 person property is 61m2.
1 2-bed	100 (Plus 42.7m2 external)	61
2 2-bed	55 (Plus 14.5m2 external)	61 (6m2 or 10.9% shortfall)
3 2-bed	62 (Plus 57.4m2 external)	61
4 2-bed	78	61
5 2-bed	55	61 (6m2 or 10.9% shortfall)
6 2-bed	62	61
7 2-bed	55	61 (6m2 or 10.9% shortfall)
8 2-bed	62	61

Whilst acknowledging that 3 of the units would fall below the threshold which is clearly not ideal, I am also mindful of the NPPG guidance that any requirement from the LPA should be provided by the LDF. I am also mindful that units 1, 2 and 3 would have access to outside amenity space, either a terrace or landscaped area, which is an additional benefit not always afforded to apartments. Taking careful consideration of this, I am of the view that, on balance, this would not result in such a modest level of amenity for future occupiers of these rooms or apartment to justify refusal on these grounds.

Highway Matters

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I note the concerns raised from both the Parish Council and neighbouring properties in relation to the level of associated off street parking within this proposed scheme, although I am also mindful that the Highway Authority have not raised any objection to the scheme having had regard to the public parking amenity within the local vicinity as well as the sites location close to public transport links. Therefore whilst acknowledging that the level of associated off street parking is minimal, I am of the opinion that it would be unreasonable to recommend refusal of the scheme on this basis. I also note the recommended conditions put forward by the Highway Authority and I consider these to be appropriate to attach to any grant of planning permission in order to ensure that Highway safety at the site is maintained.

Affordable Housing

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) will seek to secure the provision of 30% on site affordable housing where the thresholds are met. In this instance given that the proposal is for 8 units the threshold has not been met and as such no affordable housing provision would be required.

Other Matters

I note the concerns raised in relation to emergency egress through the application site in the event of a fire however I am of the opinion that emergency access through the site would be a civil matter between land owners. Furthermore, the fire safety element would be covered in greater detail within building regulations. As such, in this instance I am of the view that this matter cannot be given any significant weight in the determination of this proposal.

Conclusion

The application relates to the erection of a residential building containing 8 No. apartments, within the main urban area of Clipstone which is classified as a service centre within the settlement hierarchy. The principle of development at the site is therefore acceptable.

The application site is also located within an identified Local Centre. Whilst it is acknowledged that there are no retail or specific town centre uses included within the proposed scheme, given the individual circumstances at the site, in which the previous building at the site, now demolished, had laid empty for significant period of time, the proposed residential use of the site is considered to not result in any significant impact on the vitality or viability of the Local Centre and as such is also acceptable.

The design of the proposed building is considered to have successfully taken on references to the art deco architectural detailing and original cinema use of the previous building at the site, and is sympathetic to the historic context of the site. The proposed building is also considered to visually attractive and to be visually acceptable within the street scene.

There would be no adverse impact on neighbouring properties and there are no other material planning considerations that indicate a decision should be made to the contrary. Accordingly it is recommended that planning permission is approved subject to the following conditions.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, reference

812:1064:25 10 (proposed ground floor plan inc site),

812:1064:25 11 (proposed first and second floor plans,

812:1064:25 12 (proposed elevations and sections)

812:1064:25 OS (O.S. site location plan) Rev. A received 25th October 2018

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No part of the development hereby permitted shall be brought into use until the access to the site from Vicars Court has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with the approved plan.

Reason: In the interests of highway safety.

04

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure that surface water from the site is not deposited on the public highway causing danger to road users.

05

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan 812:1064:25 10. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

06

No development shall be commenced until samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Bricks

Cladding

Render

Canopy roof

Finial

Terrace guard rails finish

Reason: In the interests of visual amenity.

07

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Reason: In the interests of visual amenity.

08

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

[an implementation and phasing programme].

proposed finished ground levels or contours;

means of enclosure;

hard surfacing materials

car parking layouts and materials

Reason: In the interests of visual amenity and biodiversity.

09

All hard and soft landscape works shall be carried out in accordance with the approved implantation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

10

The windows opening on the north-east facing elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

Notes to Applicant

01

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

03

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.'

BACKGROUND PAPERS

Application case file.

For further information, please contact Gareth Elliott on ext 5836.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Business Manager Growth and Regeneration

Committee Plan - 18/01435/FUL

