

## PLANNING COMMITTEE REPORT – 28 APRIL 2020

<b>Application No:</b>	<b>19/02237/FUL</b>	
<b>Proposal:</b>	<b>Conversion of first floor space into 6 apartment units, 5 x one Beds and 1 x Studio, external entrance and fire exit staircase introduced on the facade facing the existing car park.</b>	
<b>Location:</b>	<b>First Floor At Robin Hood Hotel, Kirklington Road, Rainworth, Mansfield, NG21 0AE</b>	
<b>Applicant:</b>	<b>Mr Kamaljeet Nijjar</b>	
<b>Registered:</b>	<b>19 December 2019</b>	<b>Target Date: 13 February 2020</b>
	<b>Extension of Time Agreed to 30 April 2020</b>	

**Local Ward Members Cllr Tom Smith has called in this Planning Application to the Planning Committee for the following reasons:**

- **Potential for considerable safety and traffic related issues**
- **Concern over parking provision**

### The Site

The application relates to the Former Robin Hood Hotel located on the corner of Kirklington Road and Southwell Road East in the village of Rainworth. The ground floor of the building is currently in use as a Tesco Express. The first floor was previously used as event space for the former public house and is currently not in use.

The building itself sits on the street edge with frontage to both Southwell Road and Kirklington Road. The surface car park to the rear provides space for 13 vehicles and is accessed from Southwell Road. A fenced off area to the north east corner of the site provides an additional surfaced parking area.

### Relevant Planning History

11/01795/FUL – External alterations to facilitate permitted change of use (A4 to A1). Approved 16.02.2012

### The Proposal

The application proposes the conversion of the first floor of the existing building into 6 apartments, including 5 x one beds and 1 x studio. A bespoke entrance would be created through the erection of a two storey extension to the east side of the building, measuring approximately 4.0 metres wide by 6.7 metres in length. It would include a hip roof and chimney with matching eaves but lower ridge height to existing. The application also proposes the installation of an external entrance and fire exit staircase to the rear elevation of the building facing the existing car park.

The proposed development would include the provision of 7 resident's parking spaces to the north east corner of the application site.

### Revised Plans

Various revisions have been made to the proposal as submitted, to address comments/concerns of consultees. Please refer to the assessment below for further details.

For the avoidance of doubt, the final assessment is based on the following plans:

- PL-01 Site Location Plan
- PL-02 Existing Floor Plans
- PL-03 Existing Building Elevations and Sections
- PL-04 Existing Roof-Site Plan
- PL-05 REV A Proposed Ground Floor Plan
- PL-06 REV A Proposed First Floor Plan
- PL-07 REV B Proposed Elevations
- PL-08 REV D Proposed Roof-Site Plan

### Departure/Public Advertisement Procedure

Occupiers of 11 properties have been individually notified by letter.

### Planning Policy Framework

#### The Development Plan

#### **Newark and Sherwood Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 7 - Sustainable Transport  
Core Policy 3 - Housing Mix, Type and Density  
Core Policy 9 - Sustainable Design  
MFAP1 – Mansfield Fringe Area

#### **Allocations & Development Management DPD**

Policy Ra/MU/1 Rainworth Mixed Use Site  
DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM5 – Design  
DM12 – Presumption in Favour of Sustainable Development

### Other Material Planning Considerations

National Planning Policy Framework 2019  
Planning Practice Guidance

### Consultations

**Revised plan and supporting information received by email dated 12 February 2020 in response to initial comments from Rainworth Parish Council and NCC Highway Authority.**

**Rainworth Parish Council (19 February 2020)**

At Rainworth Parish Council's meeting held on 13<sup>th</sup> February 2020 it was unanimously agreed to object to the amended planning application due to issues raised regarding both pedestrian and vehicle safety in the Tesco car park.

The Parish Council were only made aware of the amended plans a few hours before their meeting via a telephone call from yourself asking the Parish Council to reconsider the application!

Rainworth Parish Council objected to the original planning application in January 2020 and their stance on the matter still stands.

The Parish Council consider that the location of the entrance to the new proposed car park is utter madness as it would compromise the safety of anyone gaining access to the Tesco store. The direction of vehicles leaving the new proposed car park to exit onto the highway means they would have to drive straight into the path of customers leaving or entering the store entrance.

The amended plans are misleading as they show that the white marked chevrons on the floor butt [sic] right up to the side of the building when in fact they are approximately 4 to 5 meters [sic] away from the wall of the building, this would mean the entrance to the new proposed car park would encroach onto the safety exclusion zone around the store entrance.

I have spoken to the manager of the Rainworth Tesco store and she also has serious concerns as the delivery lorries need the space allocated for the new entrance in which to park and unload plus the exclusion zone that needs to be maintained when deliveries take place. Deliveries are by way of large cages that are lowered down on an extended platform creating a need for more space behind the lorries. The lorries only means of entering the car park is to reverse into the loading area as they cannot turn in the car park, lorry parking is then parallel to the store entrance and therefore anyone leaving the store would not be able to see any oncoming vehicles exiting from the proposed new car park as they would be hidden behind the length of the lorry.

I have attached photographic evidence which clearly shows the amount of room these large lorries need to make deliveries.

**(21 January 2020)** Concerns regarding the location of the main entrance steps as these lead straight down to the entrance of a busy car park. Residents would park in the Tesco car park rather than the new car park as it is nearer to the proposal leaving vehicles for long periods of time preventing customers access to retail car parking spaces. Cars exiting from the new car park entrance would have to drive straight across the entrance to Tesco in the path of pedestrians entering and leaving the store.

**NCC Highway Authority (12 February 2020)** The layout as shown on dwg. PL 08 Rev. B is acceptable due to the additional parking provided. Therefore, the Highway Authority would now not wish to raise objection. It is recommended that the following condition be imposed:

No part of the development hereby permitted shall be occupied until the additional parking spaces are provided in accordance with plan PL08 Rev. B and shown as 'dedicated residents parking'. The parking spaces shall not be used for any purpose other than the parking of vehicles associated

with the residential use. **Reason:** To ensure adequate parking is provided for the proposed development.

**(11 February 2020)** It is considered the reduction in parking spaces for Tesco customers would be unacceptable. It is a well-used site, as is the existing car park, which is regularly fully parked. There are normally 1-2 employee vehicles regularly parked daily and with the potential for a further 6 vehicles being parked within the site, the number of spaces would be insufficient for existing customers, resulting in an increase in vehicular movement at the site access, in close proximity to the existing traffic signaled junction, as drivers look for alternative parking.

It is therefore recommended that this application be refused as the proposed development fails to make adequate provision for the parking of vehicles within the site curtilage for the existing and expected use of the site. **Reason:** In the interests of highway safety.

**NSDC, Environmental Health (16 March 2020)** I refer to the above application. I have reservations that access is via outside steps which do not appear to be covered in any way. As a result this may lead to unnecessary slips associated with falls from stairs. It would be best if access to the properties were from an enclosed entry which is protected from the risk of collisions from vehicles using the car park.

The application does not make it clear what noise mitigation shall be implemented to ensure the occupants are not bothered by noise from the business below.

No representations have been received from local residents/interested parties.

### Appraisal of the Business Manager

#### Principle of development

Spatial Policy 1 'Settlement Hierarchy' of the Amended Core Strategy (Adopted March 2019) identifies Mansfield Fringe Area as a Service Centre and a focus for housing and employment growth in the District. Between 2013 and 2033, 30% of the overall housing growth is expected to be delivered within the Service Centres, including 10% of Service Centre growth within Rainworth (Spatial Policy 2 'Spatial Distribution of Growth').

The application site is allocated on the Local Plan Policies Map for mixed use development. Policy Policy Ra/MU/1 Rainworth Mixed Use Site of the Allocations & Development Management DPD states the site will accommodate around 6 dwellings and retail and town centre uses. The proposed residential development is therefore considered acceptable in principle, subject to the detailed considerations outlined below.

#### Housing needs

Core Policy 3 'Housing Mix, Type and Density' of the Amended Core Strategy identifies a District wide need for smaller houses of 2 bedrooms or less. Whilst the Council's most recent Housing Market and Needs Assessment (DCA, 2014) suggests that the demand for 1 bedroom units mainly comes from people requiring a bungalow, the Council has recently commissioned a district wide housing needs survey for 2020, which may update this position. It is therefore considered the proposed development has the potential to contribute positively towards meeting the housing needs of the District.

## Impact on visual amenity

Core Policy 9 'Sustainable Design' of the Amended Core Strategy (Adopted March 2019) requires new development proposals to, amongst other things, *"achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments"*. In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design' of the Allocation and Development Management DPD.

The proposed two storey side extension has been designed to complement the main building in terms of its form and scale and would be set back from the front and rear elevations to be viewed as a subservient addition. It would include materials and architectural features to match existing, including a wide brick arched doorway to the front elevation. It would provide a dedicated enclosed entrance for residents, and replace the existing and less sympathetic lean-to extension and external staircase to the side. It is therefore considered the proposed extension would be successfully assimilated into the area without any detrimental impact on visual amenity. The proposed fire exit would be installed to the rear elevation and have a negligible impact on visual amenity. The proposed development therefore accords with the relevant provisions of Policy DM5 of the Allocations & Development Management DPD.

## Impact on residential amenity

Policy DM5 of the Allocations & Development Management DPD requires development proposals to have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

There are no residential properties adjoining the application site. The ground floor of the building is currently in use as a Tesco Express store, with opening hours from 6.00am to 11.00pm, 7 days a week. It is not considered this existing use would have a detrimental impact on the amenities of future residents of the proposed apartments. The Government actively encourages the conversion to housing of vacant space above retail units in town centres, allowing up to two flats under permitted development.

The Council's Environmental Health Officer considered the application as submitted and initially raised concerns regarding the proposed use of the existing external staircase as the main entrance to the proposed apartments. The applicant subsequently proposed a two storey extension to the side of the building to house a bespoke entrance to the proposed apartments including stairs and a lift to the first floor. The proposed site plan indicates a clear pedestrian route from the proposed dedicated residents parking to the proposed entrance, so future residents would be able to safely access the apartments without risk of collision with vehicles.

It is therefore considered there would be no detrimental impact on the amenities of existing or future residents in accordance with Policy DM5 of the Allocations & Development Management DPD.

## Highway safety and parking

Spatial Policy 7 'Sustainable Transport' of the Amended Core Strategy DPD requires development proposals to ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 'Design' of

the Allocations & Development Management DPD requires parking provision for vehicles and cycles to be based on the scale and specific location of the development. Development resulting in the loss of parking provision will require justification.

The application as submitted initially suggested residents of the proposed apartments would use car parking spaces within the existing Tesco car park, which Planning and Highways officers considered unacceptable. Consequently, and in addition to concerns raised by Rainworth Parish Council, revised plans were submitted showing new car parking spaces for residents to the north east corner of the site. The Highway Authority has considered this revised plan and confirmed they do not wish to raise objection to the application. The proposed number of car parking spaces accords with their standing advice of one space per one bedroom flat. To ensure adequate parking provision is provided throughout the lifetime of the development, it is considered appropriate to impose a condition on an approved application requiring the proposed car parking spaces to be provided and shown as 'dedicated residents parking' prior to the first occupation of the proposed apartments and for the spaces to be maintained as such at all times thereafter.

Rainworth Parish Council has raised concerns regarding the safety of customers leaving and entering the Tesco store. Whilst additional car parking spaces are proposed to the north east corner of the site, it is not considered these would present additional pedestrian safety issues that would significantly and demonstrably outweigh the benefits of the proposed development which seeks to deliver housing in accordance with the Development Plan as outlined earlier in this report.

Whilst there are no obvious restrictions on the car parking spaces for Tesco Express customers, use of the car park is monitored, suggesting that if future residents were to use existing car parking spaces, this would be at their own risk.

#### Bin storage and collection

The application proposes the installation of a dedicated bin store for refuse from the proposed apartments. This would be located adjacent to the proposed residents' parking spaces and be formed of vertical timber hit and miss fencing c. 2.1 metres in height. It would match the design of the existing bin store to the front of the Tesco store, and visually look no different to the existing fenced off area there at the moment.

#### Conclusion

The proposed development is acceptable and would contribute positively towards meeting the housing needs of the District in accordance with Core Policy 3 'Housing Mix, Type and Density' and Policy Ra/MU/1 Rainworth Mixed Use Site of the Allocations & Development Management DPD.

The proposed extension has been appropriately designed and overall the proposed development would have no adverse impact on visual amenity nor the amenities of existing or future residents in accordance with Policy DM5 'Design' of the Allocations & Development Management DPD.

Subject to dedicated residents parking spaces being provided for future residents, the proposed development would not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems in accordance with Spatial Policy 7 'Sustainable Transport' of the Amended Core Strategy DPD and Policy DM5 'Design' of the Allocations & Development Management DPD.

## **RECOMMENDATION**

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

### Conditions

1. 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.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, reference  
PL-01 Site Location Plan,  
PL-05 REV A Proposed Ground Floor Plan  
PL-06 REV A Proposed First Floor Plan  
PL-07 REV B Proposed Elevations  
PL-08 REV D Proposed Roof-Site Plan

Reason: So as to define this permission.

3. The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

4. No part of the development hereby permitted shall be occupied until the additional parking spaces are provided in accordance with plan PLO8 Rev. B and shown as 'dedicated residents parking'. The parking spaces shall not be used for any purpose other than the parking of vehicles associated with the residential use hereby permitted.

Reason: To ensure adequate parking is provided for the proposed development.

### Notes to Applicant

1. The applicant is advised that all planning permissions granted on or after the 1<sup>st</sup> 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/](http://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 given that there is no net additional increase of floorspace as a result of the development.

2. This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. 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 accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

BACKGROUND PAPERS

Application case file.

For further information, please contact Amy Davies on ext 5851.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Growth and Regeneration**



Committee Plan - 19/02237/FUL

