

Report of the Chief Executive

**17/00873/FUL
CHANGE OF USE FROM RETAIL (CLASS A1) TO RETAIL AND
RESIDENTIAL (CLASS C3) TO CREATE 6 FLATS AND EXTERNAL
ALTERATIONS INCLUDING SIDE DORMER
54 DERBY ROAD, STAPLEFORD, NOTTINGHAMSHIRE**

Councillor McGrath has requested this application be determined by Planning Committee.

1 Details of the application

- 1.1 The application seeks permission to retain the use of a ground floor vacant retail unit (A1), previously used as a carpet shop and convert the first and second floors into six residential flats (C3) (consisting of five, two bedroom flats and one, one bedroom flat) including external alterations and a flat roof dormer. The building, including the ground floor shop, has been vacant for a significant amount of time.
- 1.2 The external changes include the following: a flat roof dormer with four windows and two new first floor windows in the south west (side) elevation and roof slope; nine roof lights, four replacement first floor windows in the north east (side) elevation; two doors, a roller shutter and a window and door with adjoining glazing at ground floor level in the north east (side) elevation and a second floor window in the north west (rear) elevation.

2 Site and surroundings

- 2.1 The building is located on the corner of William Road and Derby Road in a row of commercial premises within the prime shopping frontage of Stapleford town centre. The building has an ornate gable fronting Derby Road, is predominantly two storeys with the front element containing a second floor in the attic and projections to the rear with a gabled element fronting William Road. There are large shop windows at ground floor level. No outside space or parking is associated with the building. There is pedestrian access from Derby Road and William Road.
- 2.2 Pound Stretcher and a public car park (Victoria Street) are positioned opposite the site on Derby Road, Treetops Hospice and no. 52A (flat above) are positioned to the north east, Farmfoods is the adjoining single storey building positioned to the south west, and semi-detached and detached dwellings on William Road are positioned to the north and north west. William Road is covered by a residents parking permit scheme. No. 1 William Road, the adjoining house to the north west, has one first floor window in the south east (side) elevation.



Front (south east) elevation



Front (south east) elevation



Side (north east) elevation



Side (north east) elevation

3. Relevant planning history

3.1 A planning application (89/00734/FUL) to construct two shops at nos. 56 and 58 and to renovate no. 54 was granted permission in November 1989.

4. Policy context

4.1 National Policy

4.1.1 The National Planning Policy Framework (NPPF) March 2012, outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, a good standard of amenity for existing and future occupants should be secured and high quality design should be demonstrated. The document outlines that the government's key housing objective is to increase significantly the delivery of new homes and states that there should be a wide choice of high quality homes within safe and accessible environments.

4.1.2 Paragraph 49 states if a local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing will not be considered to be up-to-date.

4.1.3 In relation to assessing the highway impacts of a proposal, paragraph 32 states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Paragraph 39 states if setting local parking

standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development
- the type, mix and use of development
- the availability of and opportunities for public transport
- local car ownership levels
- an overall need to reduce the use of high-emission vehicles.

4.2 Draft Part 2 Local Plan

4.2.1 As this Plan has only recently been subject to public consultation and is not yet adopted, it can only be afforded limited weight.

4.2.2 Draft Policy 10 'Town centre and district centre uses' - permission will only be granted for development at ground floor level providing it comprises an A1 use (or a 'main town centre use' as defined in the NPPF if certain thresholds are not exceeded) and does not result in an adverse impact on the vitality and viability of the centre and permission for upper floor development will be granted providing it comprises a 'main town centre use' or residential accommodation.

4.2.3 Draft Policy 15 'Housing size, mix and choice' - developments should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the borough are met.

4.2.4 Draft Policy 17 'Place-making, design and amenity' - provides a number of criteria for development including that it should integrate into its surroundings, have good access to public transport and ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.

4.3 Broxtowe Aligned Core Strategy

4.3.1 Policy 6 'Role of Town and Local Centres' - sets out the hierarchy of centres, with further details to be included in Part 2 Local Plans.

4.3.2 Policy 8 'Housing Size, Mix and Choice' - states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes.

4.3.3 Policy 10 'Design and Enhancing Local Identity' - states that development should be assessed in relation to its massing and scale, materials, design and impact on the amenity of nearby residents.

4.4 Saved Policies of the Broxtowe Local Plan

4.4.1 Policy H4 'Subdivision or Adaption of Existing Buildings' - confirms that permission will be granted providing residents would have an acceptable standard of amenity and the development would not result in unacceptable parking problems. In the case of proposed flats above shops, development should not prejudice the operation of the shop by the loss of storage space or by preventing servicing.

4.4.2 Policy S1 'Shopping and Associated Uses Within Town Centres' - advises that permission will be granted for the redevelopment or expansion of shops (Class A1), providing that proposals do not have an unacceptable impact on neighbouring uses, or on the vitality and viability of the town centre.

4.4.3 Policy T11 'Guidance for Parking Provision' - states new development will not be permitted unless appropriate provision is made for vehicle parking and servicing.

5. Consultations

5.1 The Senior Environmental Health Officer advises that before the development commences, the applicant should submit a noise report to ascertain the impact of the existing noise climate on the proposed living accommodation and detailing necessary mitigation measures. Any further comments will be reported verbally to Committee.

5.2 The Environment and Business Development Manager advises on the bin requirements for the flats and that suitable access to a dropped kerb for manoeuvring the bins should be available

5.3 Nottinghamshire County Council Highways Authority advise they have no objection but raise concerns that retail staff and occupants of the flats may cause an inconvenience to the existing residents and their visitors who also have a current demand for parking in the area.

5.4 There have been 15 objections from surrounding neighbours. One objection includes two additional neighbours' addresses. A further 6 objections were received from amended plans. As part of the consultation process, 10 neighbours (including adjoining neighbours) were consulted and a site notice was displayed to the front of the building. The objections can be summarized as follows:

- All residents of William Road should have been consulted.
- Unrestricted parking on Albert Road means there are already parking problems caused by residents of adjoining roads and people visiting Stapleford town centre.
- Any new residential accommodation should have allocated parking.
- Difficulties accessing driveway due to parked cars.
- Increase in traffic.
- Proposal of three ramps onto William Road which could cause problems for pedestrians using the pavement.
- Some residents are elderly and disabled and struggle with access to their cars.
- Safety concerns of people crossing the road (especially children) due to cars, vans and lorries being double parked all down the neighbouring streets.
- Potential of 12-18 more cars associated with the flats.
- William Road is restricted to permit parking between 9:00am-5:00pm so outside of these hours will mean further pressure on parking on this road.
- William Road is not very wide and an accident has already occurred in which a car was written off due to careless driving.
- Parking issues will increase if occupants of the flats are given parking permits/visitor passes for William Road.

- As the flats are within Stapleford town centre, this should mean the residents cannot utilise William Road for parking.
- Flats granted permission at the bottom of Toton Lane were given allocated parking in a nearby car park which should be the case for these flats.
- Permit times on William Road should be extended due to parking issues.
- Additional parking from the retail unit for staff and deliveries has not been considered.
- Design and Access Statement states there is on street parking which is an inaccurate comment.
- The application states there is no new or altered pedestrian access but the proposed plans show a new entrance from William Road.
- Work has started on the building before permission has been granted.
- Noise, smell and disturbance from the conversion of the building.
- Loss of privacy and overlooked by side and rear windows.
The need for 1-2 person accommodation is recognised.

6. Appraisal

6.1 The main issues to assess in respect of this application relate to the principle of the development, whether an acceptable standard of design has been achieved, whether a loss of amenity will occur to neighbouring properties and whether parking should be provided.

6.2 Principle

6.2.1 It is considered that the principle of converting the building into six flats and retaining the ground floor as a retail unit is acceptable. The property is currently in a state of disrepair and has been vacant for a significant amount of time so its redevelopment is considered to be positive.

6.3 Amenity, design and parking

6.3.1 Amended plans were received during the course of the application to change the internal layout of flats and retail unit and to insert a second floor rear window.

6.3.2 The footprint of the building will remain the same. The proposed dormer will not be visible from Derby Road or William Road and therefore have no impact on the street scene. The new first floor windows in the north east and south west (side) elevations will have matching stone cills and replicate the style of the existing sash windows. The proposed windows in the north east (side) elevation are considered to be a visual improvement to the existing windows due to them matching the style of the main windows. As the materials are not stated on the proposed plans, a condition will be applied to ensure the materials used to partially block up window openings match the main building. The roof lights and doors are considered to be acceptable additions in regards to size and style. Part of the north east (side) and south east (front) elevations at ground floor level will remain relatively the same. Two windows will be blocked up and replaced with doors but the openness of the retail unit will still be retained and provide an active frontage for a future business. The proposed roller shutter door serving the bin store is of a relatively small scale and therefore is considered it will not appear

- prominent in the street scene. It is considered the proposed external alterations are relatively minimal and the building will achieve an acceptable level of design.
- 6.3.3 Environmental Health have advised that due to the proximity of the proposed residential flats to Farmfoods (no. 56 Derby Road), a retail use, the noise from their air conditioning units and storage area being close to flats 1 and 5, should be considered.
- 6.3.4 It is considered the proposed flats will provide a satisfactory amount of living space and a sufficient outlook for future occupants. Although no outdoor amenity space is proposed for the occupants, the site is within a short walking distance to Queen Elizabeth Park which is 0.5 mile to the south east and is considered acceptable due to the building being located in a town centre.
- 6.3.5 No. 1 William Road directly adjoins the site and is positioned to the north west (rear) of the site. The second floor window proposed in the north west (rear) elevation of the building is considered to be a sufficient distance from no. 1 that it will not cause any adverse overlooking to these occupants. The proposed dormer windows will be obscured by the rear most element of the building so will not afford any direct views over the rear garden of no. 1 and will directly face the roof of FarmFoods. The new first floor windows in the side (south west) elevation will not directly overlook any residential properties and will face the roof of Farmfoods. The proposed windows in the side (north east) elevation are smaller than the existing windows and therefore are considered to be acceptable. The proposed roof lights are considered to be in acceptable locations and will not have any adverse effect on the amenity of the surrounding neighbours. The proposal of three ramps onto William Road are considered to be of a relatively small scale that it is likely they will have minimal impact on pedestrians using this part of the pavement. It is considered the proposed external alterations will not have an adverse effect on the amenity of the surrounding neighbours.
- 6.3.6 It is evident within the consultation responses that there is significant concern that the development does not include sufficient parking provision and that this will lead to increased demand for on-street parking.
- 6.3.7 In relation to assessing the highway impacts of a proposal, paragraph 32 of the National Planning Policy Framework states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Whilst paragraph 39 refers to the setting of local parking standards rather than the determination of planning applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development. Policy 10 of the Aligned Core Strategy states that development should be designed to reduce the dominance of motor vehicles.
- 6.3.8 The site lies within Stapleford town centre with regular bus services on Derby Road directly to the front of the building which provide access to Beeston town centre, Nottingham and Derby city centres (i4 and the number 18). Victoria Street public car park is directly opposite the flats and facilitates one hour free parking and up to three hours at a cost. Parking is restricted to permit holders on William Road between the hours of 9:00am - 5:00pm, Monday to Saturday which controls

the number of cars that can park along this road in the day. It is accepted that there will be additional parking demand from the development and this may lead to on-street parking along William Road in the evening and Albert Avenue. However, it is considered that there would not be a severe highways impact and residents would have the opportunity to use more sustainable transport options. Based on the above, it is considered that a pragmatic approach needs to be taken in respect of developing empty buildings within existing urban areas.

6.3.9 An objection highlights that the flats constructed adjacent to Maycliffe Hall on Toton Lane were allocated parking in a nearby car park. No parking was provided at the time this application was approved and the site is now privately owned. The Council has not provided any car parking spaces in association with these flats.

6.4 Other Issues

6.4.1 An internal bin store has been provided which accommodates sufficient waste receptacles for the flats and retail unit. A dropped kerb is within close proximity of the entrance to the bin store and therefore is considered sufficient for manoeuvring bins.

6.4.2 The building is currently being internally renovated and works have not started on the conversion. It is acknowledged that if the application is granted permission, there would be some degree of noise, smell and disturbance and anything that is considered overly excessive should be reported to Environmental Health.

6.4.3 The application form states there will be no new or altered pedestrian access. Access via doors to the flats in the side (north east) elevation will be created from William Road.

6.4.4 Concerns with permits and the restriction on hours of parking should be addressed with Nottinghamshire County Council as the relevant authority dealing with residents' parking permits.

6.4.5 It is considered a positive aspect of the application that the ground floor retail unit will be retained and renovated which will attract new business and contribute positively to the local economy and vitality of Stapleford town centre.

7. Conclusion

7.1 It is concluded the proposal of converting the building into six flats, external alterations (including a dormer) and the retention of an A1 use at ground floor is acceptable and will not have an adverse effect on neighbouring amenity or highway safety. The proposal therefore accords with Policies H4, T11 and S1 of the Broxtowe Local Plan, with Policies 6, 8 and 10 of the Broxtowe Aligned Core Strategy, Policies 10, 15 and 17 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of the permission.
2. The development hereby permitted shall be carried out in accordance with the Site Location Plan received by the Local Planning Authority on 27 December 2017, Proposed Elevations and Roof Plans received by the Local Planning Authority on 20 March 2018 and Proposed Floor Plans received by the Local Planning Authority on 22 March 2018.
3. Any materials used in the external alterations of the building should be of a type, texture and colour so as to match those of the existing building.

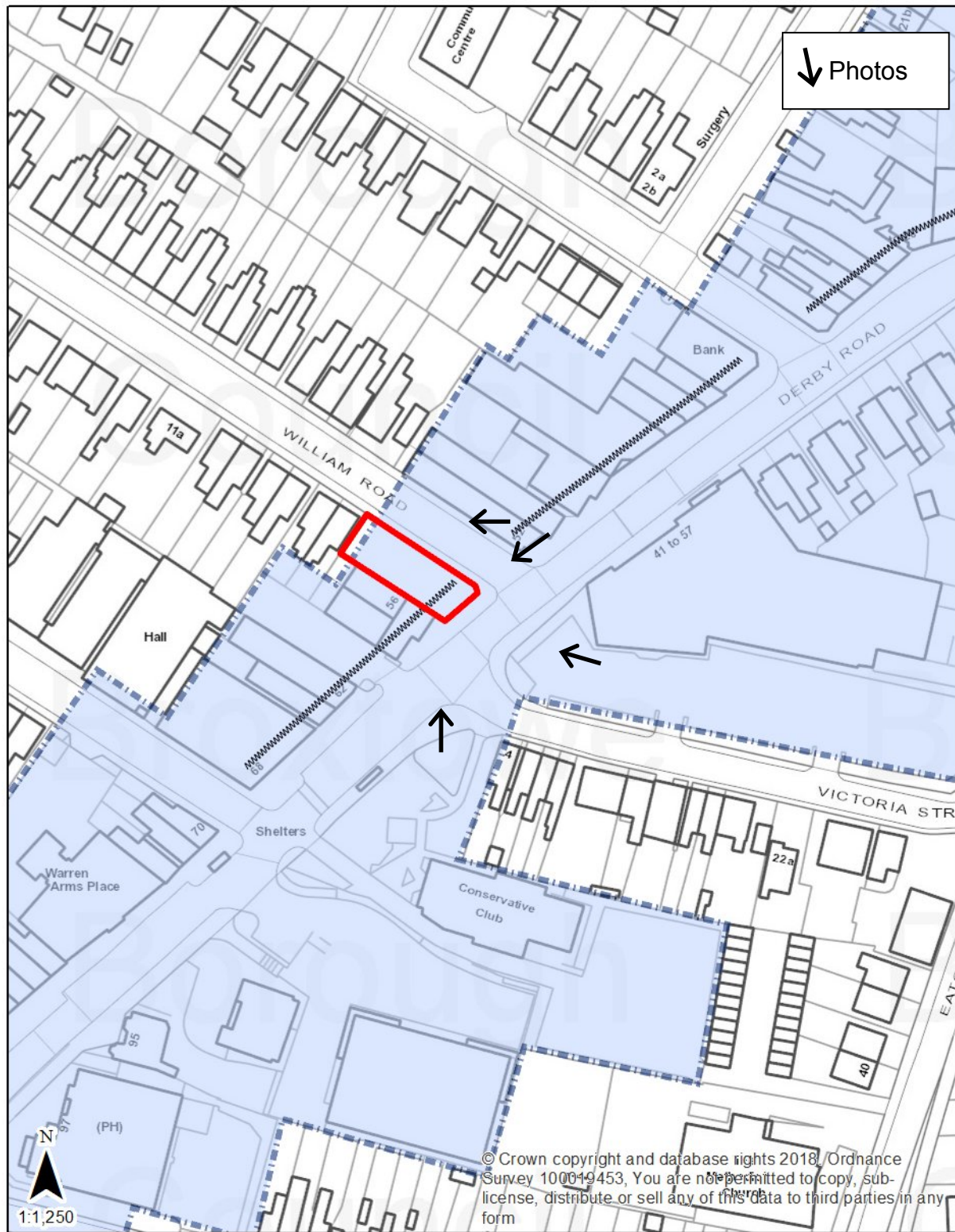
Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

Note to applicant:


1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by working to determine this application within the agreed determination timescale.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <https://www.broxtowe.gov.uk/for-you/planning/development-in-former-coal-mining-areas/>

Background papers
Application Case File




↓ Photos

Legend

 Site

 Prime shopping frontages

 Town centre