

Report of the Chief Executive

**18/00288/FUL
CHANGE OF USE OF 4 GROUND FLOOR RETAIL UNITS AND
BASEMENTS (CLASS A1) TO FORM 11 APARTMENTS (CLASS C3),
EXTERNAL ALTERATIONS AND CONSTRUCT REAR EXTENSIONS
242, 244, 248, 250, 252 AND 254 DERBY ROAD STAPLEFORD,
NG9 7BG**

Councillor J W McGrath requested this application be determined by the Committee.

1 Details of the Application

- 1.1 This is a major planning application for the change of use of ground floor retail units and basements to form 11 apartments, along with external alterations and the construction of extensions to the rear.
- 1.2 The proposal comprises 9 x one bed apartments to the ground floor, and 2 x one bed split level apartments to the basement and rear ground floor of 252 and 254 Derby Road. Six of the apartments would face the street, with three of these having direct access from the street. The remaining eight apartments would have access either from the rear or through side entrances accessed via the dividing alleys.
- 1.3 With the exception of 242, single storey flat roofed extensions would be built to the rear of each property in order to facilitate the provision of apartments to the rear of 244, 248 and 250, and smaller single storey pitched roofed extensions to enlarge the foot print to enable the conversion of the basement and part of the ground floor to two apartments at 252 and 254. External alterations to the sides and rear consist of re-instatement of windows to 248 and 250, external stairs to 254 re-aligned and a new door to the rear of 250.
- 1.4 All shopfronts would be removed, and replaced with windows and doors, as appropriate. A dwarf wall with railings above would enclose the frontage.
- 1.5 During the course of the application amended plans have been received which see the rear extensions enlarged so as to provide improved internal layout, and amendments to the front elevation of 252 and 254 in order to improve the proportions of the new openings.

2 Site and Surroundings



242, 244 and 248 Derby Road



250, 252 and 254 Derby Road



Rear of 254 and 252 Derby Road



Rear of 248 and 250 Derby Road



Rear of 242 and 244 Derby Road



Wider view of 242 to 250 Derby Road



Wider view of 250 to 254 Derby Road



Detail of 248 Derby Road



Rear of 250, former window openings



Rear of 244 Derby Road



Rear of 242 Derby Road



View across the rear of 252 and 254

- 2.1 The application site encompasses numbers 242, 244, 248, 250, 252 and 254 Derby Road (no number 246). These are retail units at the ground floor, with separate living accommodation above. The retail units are all vacant. There is a forecourt to the front of the shops. Access to the rear of the shops, and to some of the upper floor apartments, is via two alleyways which are between 242 and 244, and 248 and 250 Derby Road.
- 2.2 The ground level is lower to the rear of the site, more so toward the west end (252 and 254) and as a consequence these properties appear as three storeys to the

rear. Whilst all the properties have basements, those at 252 and 254 have more usable space than the others.

- 2.3 To the rear of the site, which continues to the north and west (and to the side of 254 Derby Road), the land is undeveloped. This piece of land is known as the Former Dyeworks Site, West End Street. A planning application for the erection of six Class B2 industrial units, reference 18/00308/FUL, was refused planning permission at September committee. These units would have been accessed from Derby Road, to the west of the site. They would have been positioned such that the side elevation of the end unit would face the rear of 254 Derby Road. A parking and service yard would have separated the units from the Derby Road properties. It is noted that planning permission for a similar development, albeit slightly larger units, has been granted planning permission and work has commenced on this (reference 13/00609/FUL).
- 2.4 The site is to the west of Stapleford, but falls outside of the town centre. Beyond the development site to the west, there are railway lines. This line, and land either side, is safeguarded in part for the proposed HS2 line. Beyond the railway line is a scrap vehicle dismantling business.
- 2.5 To the east of the site is 240 Derby Road, a former retail unit now converted to a dwelling. The rest of the parade, toward the junction with West End Street, are in retail use on the ground floor.
- 2.6 Opposite the site is The Midland Hotel and its' car park, the entrance to which is from Derby Road.
- 2.7 Part of the site, to the rear, is within Flood Zone 2.

3 Relevant Planning History

- 3.1 Prior to 2013, there has been no relevant planning history for any of the addresses included in the application site. In 2013, conditional planning permission was granted for the conversion of the ground floor units to form 6 self-contained apartments, and external alterations (reference 13/00113/FUL). No extensions to the rear were proposed at that time, and all six apartments fronted the highway. This permission was not implemented and has since lapsed.

4 Policy Context

4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.
- 4.1.2 Paragraph 59 states that a sufficient amount and variety of land should come forward where needed, and that land with permission is developed without unnecessary delay.

- 4.1.3 Paragraph 127 states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible.
- 4.1.4 Paragraph 155 outlines how inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 4.1.5 Paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

4.2 **Broxtowe Aligned Core Strategy**

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.3 'Policy 1: Climate Change' sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings.
- 4.2.4 'Policy 8: Housing Size, Mix and Choice'. Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space.
- 4.2.5 'Policy 10: Design and Enhancing Local Identity'. Aims to ensure that all new development should aspire to the highest standards of design, including construction methods and materials, and consideration of residential amenity should be integrated in the design.

4.3 **Saved Policies of the Broxtowe Local Plan**

- 4.3.1 The Part 2 Local Plan is currently awaiting Examination hearing sessions. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy H4: Subdivision or adaptation of existing buildings - development will be permitted provided that residents would have an acceptable standard of amenity, and it would not result in unacceptable parking problems.

4.3.3 Policy S6: Protection of Local Shopping aims to ensure that changes of use from Class A1 (shops) do not result in a deterioration of local shopping facilities to an unacceptable degree.

4.4 Part 2 Local Plan (Draft)

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been submitted for Examination, with examination hearing sessions currently anticipated to take place toward the end of this year. The representations on the plan included seven representations in relation to Policy 1, 12 no. representations in relation to Policy 15, 11 no. representations in relation to Policy 17 and four representations in relation to Policy 19. Given that there remain outstanding objections that will need to be considered through the Local Plan examination process, these policies can be afforded only limited weight.

4.4.2 Policy 1 'Flood Risk' states that development will not be permitted in areas at risk from any form of flooding unless: there are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and in the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent quality; and adequate mitigation measures are included.

4.4.3 Policy 15 'Housing Size, Mix and Choice' seeks to ensure that housing developments provide a mix of house type, size, tenure and density to ensure the needs of the residents of all parts of the borough are met.

4.4.4 Policy 17 'Place-making, design and amenity' states that permission will be granted for development which meets a number of criteria 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.

4.4.5 Policy 19 'Pollution, Hazardous Substances and Ground Conditions' states that permission would not be granted for developments until site investigations have been carried out to assess contamination and measures to deal with contamination have been agreed prior to occupation of the development.

5 Consultations

5.1 The Private Sector Housing Officer raised concerns in regard to the internal layout where some flats would fail to provide a safe means of escape from bedrooms (flats 1, 3 and 5). Amended plans received have addressed this concern.

5.2 The Environmental Health Technical Officer has no objections subject to advisory notes relating to noise insulation, hours of building work operations and bonfires.

5.3 The County Council as Lead Local Flood Authority have no comments but give general advice in regard to flood risk and sustainable drainage.

- 5.4 The County Council Policy team would require no contributions in regard to transport or education. Recommend securing details of waste storage and removal. It is noted that bin storage is annotated on the block layout plan as being provided to the rear of the properties.
- 5.5 The County Council as Highway Authority had initial concerns regarding the boundary treatment to the rear of the bus shelter, as this would have reduced the footpath to an unacceptable width. Amended plans now received which show the boundary treatment at this point set back so as to allow for a width of footpath which is now acceptable and would enable ease of access for all users of the footpath.
- 5.6 The Business and Projects Manager (Environment) would not require on-site provision of open space but would require a financial contribution to off-site provision, which would be allocated to be spent on upgrades to play equipment at Queen Elizabeth Park.
- 5.7 19 neighbouring properties were consulted. All properties have been re-consulted on the amended plans. One comment has been received in regard to the amended plans, in support of the proposal.

6 Appraisal

6.1 The main considerations relate to the principle of residential accommodation in this location, the loss of retail units and parking.

6.2 **Principle**

6.2.1 Planning permission (reference 13/00113/FUL) was granted in July 2013 for the conversion of the shop units at ground floor only to six apartments. Whilst this was a less intensive development than the 2018 application proposes, it is considered that the principle of residential development has been established and that there has been no material change in circumstances that would affect this assessment.

6.2.2 As noted in the appraisal of the 2013 application, whilst the proposal would result in the loss of A1 retail units, the site is not located in the designated town centre of Stapleford, and given the proximity of the centre and other local facilities in the area, it is considered that the loss of these units, most of which have been vacant for the intervening years, would not result in an unacceptable loss of local shopping facilities for the existing residents.

6.3 **Amenity**

6.3.1 There are six existing apartments above the retail units. It is considered that the residential amenity of the occupiers of these apartments would not be unduly affected, since there is more potential for noise and disturbance from retail use, through deliveries, servicing and comings and goings of customers, compared to residential accommodation. The proposed extensions and alterations would not have a significant impact on the amenities of these occupiers. 240 Derby Road has been converted to living accommodation. For similar reasons, the conversion

to residential accommodation of the adjacent unit would not have a detrimental impact on the amenities of the occupiers of 240 Derby Road.

- 6.3.2 It is considered the proposal would not be detrimental to the amenities of other property in the immediate vicinity, that is, the residents of The Midland Hotel, and nearby dwellings on West End Street, due to the separation between these properties and the site. It is noted that the development land to the rear has extant permission for units with B2 industrial use. In terms of amenity, the future occupiers of the commercial units would not be significantly harmed by the proposal, as the closest unit would be side on to the application site.
- 6.3.3 In terms of the amenities of the future occupiers of the proposed apartments, six of the apartments would have an outlook to the front overlooking Derby Road, and have windows to the bedrooms in the side elevations. These windows would also provide an adequate level of light. The five apartments to the rear would have an outlook across the rear garden area, and further windows in the side elevations. In terms of outlook and access to natural light, this is considered to be acceptable.
- 6.3.4 In regard to the internal layout, in the original submission some of the apartments would have an acceptable level of amenity. However some of the apartments (6, 8 and 10), would have had a floor area less than the expected minimum as per the Housing Act 1985. Amended plans received now show the extensions to the rear enlarged, and windows inserted in the side elevations so as to allow for access to natural light and an outlook. The internal layout as amended is much improved and future residents would potentially consider longer leases thereby contributing to the maintenance of a sustainable community by virtue of a less transient occupation.
- 6.3.5 A condition in regard to boundary treatments and landscaping would be imposed to secure privacy for the occupiers of the apartments, and to enhance the visual appearance of the development on the frontage.
- 6.3.6 It is noted that the land to the rear has extant permission for the erection of Class B2 units, and that there is a railway and a vehicle dismantling yard to the west. The site is also adjacent to a busy highway. As such there is the potential for noise nuisance emanating from these operations, for the future occupiers. However, as there are existing residential properties both above the retail units, and to the rear on West End Street, it is considered that the impact on the amenities of the future occupiers would be no different than for the existing residents. It is also noted that building regulations would potentially provide an improved level of sound insulation. In addition, Environmental Health raise no objection to the application.

6.4 Design

- 6.4.1 The alterations to the frontage, which see the shopfronts replaced with domestic windows and doors, facing Derby Road have been amended and are acceptable, being similar to the design approved in the 2013 permission. The extensions and alterations to windows and doors to the rear and side elevations are considered

to be of an acceptable scale and massing, and would not be highly visible from the public domain. Materials will be conditioned to match the existing.

6.5 Highways

6.5.1 Concerns have been raised in regard to the lack of provision for off-street parking. It is noted that no concerns were raised by the County Council as Highway Authority. This section of Derby Road has parking restrictions either side of the road. Notwithstanding this, the site is in a highly sustainable location, with a well-served public transport route and bus stops directly outside on both sides of the road, giving access to Stapleford, Nottingham, Derby and Long Eaton. The application site is also within easy access of other facilities such as shopping, health and education, and in close proximity to employment sites. As such it is considered that the occupiers of these one bedroom apartments would be less reliant on a private motor vehicle than other developments in less sustainable locations. Parking restrictions are a matter dealt with by the Highways Authority and parking is available should this be required, in the vicinity along Bessell Lane.

6.6 Other matters

6.7 Flood Risk

6.7.1 Part of the rear garden area of the site falls within Flood Zone 2. This is at a lower ground level than the buildings. A Flood Risk Assessment has been submitted and this concludes that there would be no significant increased risk to the occupiers of these properties, as they could safely reach higher ground (Derby Road) through either the front entrances or via the retained alleys between the buildings. The report also concludes that there would be no significant increased off site flooding risks as a result of the development. The development is therefore considered to be acceptable in terms of flood risk.

6.8 HS2 Safeguarding

6.8.1 The site does not fall within the HS2 safeguarding area.

6.9 Section 106 Obligations

6.9.1 The development would not attract a requirement for a contribution to education as the development is for one bedroom apartments. A financial contribution for off-site open space would be required and this is to be secured by a Section 106 Agreement.

6.10 Housing Land Supply

6.10.1 The proposal for 11 dwellings would be of benefit as the Council do not currently have a 5 year land supply. The development is considered to provide much needed housing in a sustainable location.

7. Conclusion

- 7.1 It is concluded the proposal of converting the building into 11 apartments, external alterations and extensions to the rear is acceptable and will not have an adverse effect on neighbouring amenity or highway safety. The proposal therefore accords with Policies H4 and S6 of the Broxtowe Local Plan, with Policies 8 and 10 of the Broxtowe Aligned Core Strategy, Policies 1, 15, 17 and 19 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

Recommendation

The Committee is asked to RESOLVE that:

The Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:

- (i) the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and**
- (ii) the following conditions:**
 - 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
 - 2. The development hereby permitted shall be carried out in accordance with site location plan received by the Local Planning Authority on 23 April 2018; the drawings numbered: DB/MW/17/49/05 rev A, received by the Local Planning Authority on 10 July 2018; and DB/MW/17/49/04 rev C, DB/MW/17/49/06 rev A, DB/MW/17/49/07 rev D and DB/MW/17/49/08 rev C received by the Local Planning Authority on 17 September 2018.**
 - 3. The extension shall be constructed using bricks and, where applicable, tiles of a type, texture and colour so as to match those of the existing building.**
 - 4. The proposed boundary treatment/fencing for each dwelling shall be erected in accordance with the approved plans and details prior to the occupation of that dwelling.**
 - 5. No dwelling shall be occupied until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:**
 - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development**
 - (b) numbers, types, sizes and positions of proposed trees and shrubs**
 - (c) proposed hard surfacing treatment**
 - (d) proposed lighting details**
 - (e) planting, seeding/turfing of other soft landscape areas**

The approved scheme shall be carried out strictly in accordance with the agreed details.

6. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.

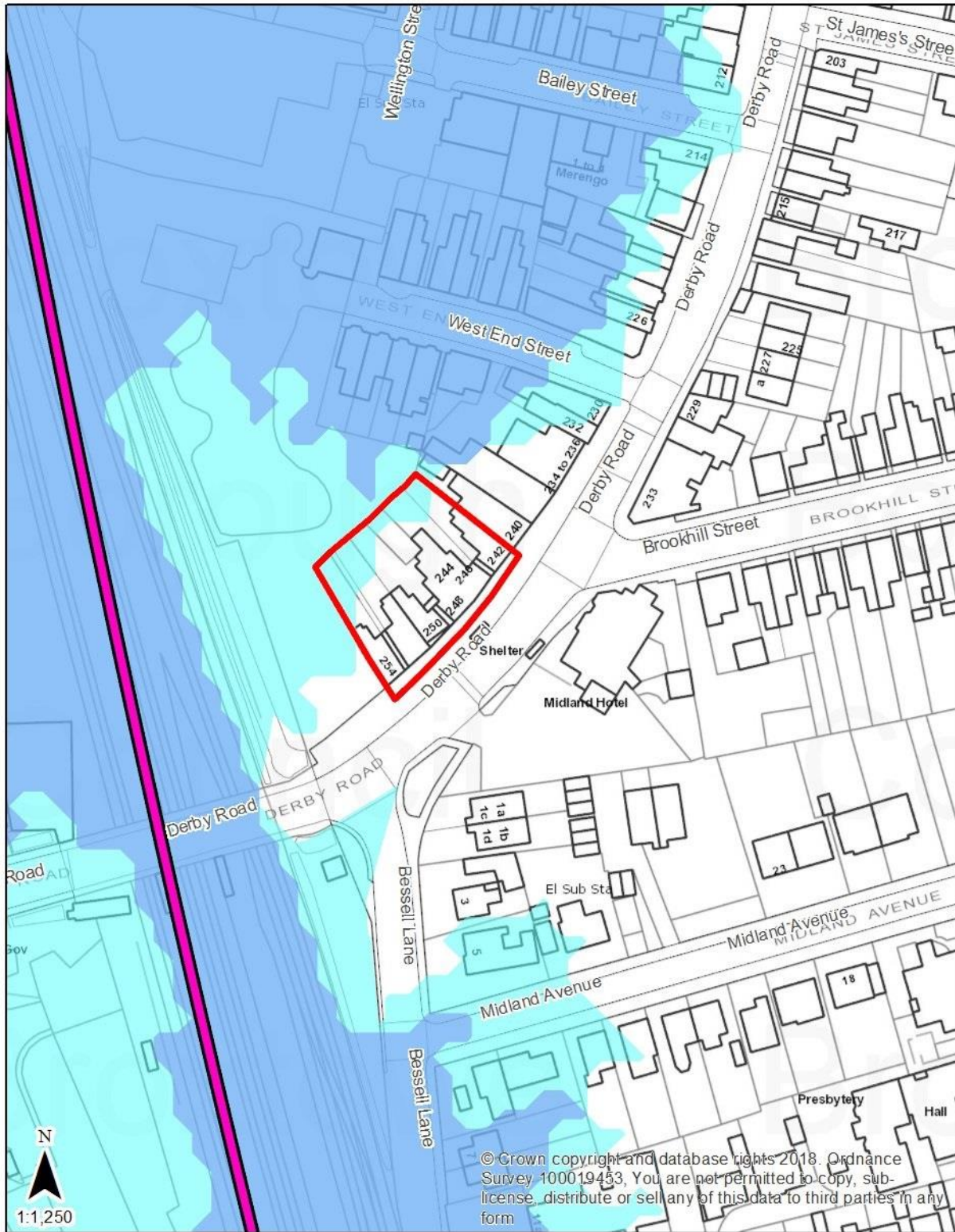
Reasons

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 Aligned Core Strategy (2014)
4. In the interests of residential amenity and the appearance of the area and in accordance with Policy 10 of the Aligned Core Strategy (2014)
5. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014)
6. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 10 of the Aligned Core Strategy (2014)

Notes to Applicant

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. Please note that this permission has been granted contemporaneously with an agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3. Sound insulation to limit the transmission of noise between each property should achieve the minimum requirements as contained in the current version of British Standard Approved Document E.
4. Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. There should also be no bonfires on site at any time.

Background papers
Application case file



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Legend

-  Site
-  HS2 Route
-  Flood Zone 3
-  Flood Zone 2