

18/01376/FUL

Applicant Mrs H Wells

Location 1 Fairfield Street Bingham Nottinghamshire

Proposal Two storey rear extension and internal alterations to provide additional office B1(a) accommodation with alternative A2/B1(a) use of all units.

Ward Bingham East

THE SITE AND SURROUNDINGS

1. The existing property has a lawful use as a class 'A2' financial and professional services unit (ref: 10/01101/COU) with a planning restriction on the hours of operation to between 08.30 and 17.30 Monday to Friday and 09.00 – 12.00 on Saturdays, with no operation on Sundays.
2. The property is attached to the White Lion Public House which sits on the corner of the main crossroads in the centre of Bingham. The property itself lies just to the north of the crossroads and is of two storey scale with a red brick build, with white render to the front elevation and clay pantiles to the roof. It is noted that there is a historic two storey flat roofed extension to the rear, adjacent the south side of the unit adjoining the White Lion. The property has a small yard to the rear which is largely unmaintained and overgrown, fenced from the adjacent areas with a 1.8m high slatted fence. The site does not have its own parking but it was noted that there are allocated spaces within the adjacent pub car park.
3. The car park serving the public house lies to the west (rear) with the car park entrance to the immediate north of the property allowing public views across the rear of the property when approaching the site from the north. The site itself is situated just outside the Bingham Conservation Area with residential properties to the north, east and west, across the roads/car parks respectively.

DETAILS OF THE PROPOSAL

4. The development under consideration is revised from the original proposal with alterations made to the development including removal of the A1 uses, creation of a small bin store and addition of a more high quality boundary with planting and seating to the north, and most visible boundary of the site. The description of development has been altered accordingly.
5. The proposed extension would be a two storey feature to the west (rear) of the property, extending beyond the existing north (side) elevation of the original premises where set back in the site, up to the northern boundary. The northern element of the extension would have a gabled roof form with eaves at 4.175m, just below the original property, and a ridge set some 0.25m lower than the original property at 5.95m. The more square infill to the centre of the site would have monopitched roofs to each side with eaves to match the

feature it adjoins (either original house or northern gabled extension respectively) with a flat top including one roof light.

6. The development would include ground and first floor windows to the north, south and west elevations, whilst some minor alterations are proposed to the fenestration on the east (front) elevation of the original building, including the removal of one small central window and the replacement of the southern side ground floor units door and main window to be more in keeping with the north side layout and proportions.
7. The works propose to create 6 better proportioned units on the site with both A2 and B1 office uses. The works would also involve the creation of a small bin store and a new 0.9m tall boundary wall and planter to the north side of the site. A replacement 1.8m hit and miss fence is proposed to the west.

SITE HISTORY

8. Application 10/01101/COU - Change of use to A2 (Financial and Professional Services) – PERMITTED. This permission has been implemented and represents the current ongoing use of the site. Prior to this the site had permission in 2008 (ref: 08/00458/FUL) for a use class A5 hot food takeaway that was never implemented, with uses before this of an A1 retail nature of development.

REPRESENTATIONS

Ward Councillor(s)

9. One Ward Councillor (Cllr Hull) has declared a non-pecuniary interest in the application.

Town/Parish Council

10. Bingham Town Council discussed the application at its meeting of the 10 July 2018 and had no objection to the plans.

Statutory and Other Consultees

11. Nottinghamshire County Council as Highways Authority raised no objection to the proposal. They noted the block plans indicated parking was available in the adjacent car park, although outside the red line. They also noted that on street parking in the locality was controlled by a traffic regulation order.
12. The Borough Council's Waste and Recycling Officer provided comments following the addition of the bin store. The officer commented the bin store would seem to provide space for one general waste bin and one recycling bin. The officer noted that this would be appropriate for one unit but that if 2 units/companies or more occupy the building then there would not seem enough provision.
13. The officer then clarified further that each floor has a kitchen with the offices likely to generate recyclable wastes. The Officer commented that if the offices agree to share facilities then he could see no reason why this should cause issues in terms of refuse provision.

14. The Borough Council's Conservation and Design Officer raises no objections but makes a number of comments. The Officer notes that the boundary of the Bingham Conservation Area runs along the rear boundary of the shallow plot of the property on the opposite side of Fairfield Street. As such the site is in reasonable proximity to the Bingham Conservation Area but is well outside of its boundary. The Officer also raises queries over bin storage and possible plant in the form of air conditioning units.
15. The Officer comments that the pitched roof range would be situated north of the gable end of the main frontage range, leaving a section of its own gable end visible in true elevation from Fairfield Street. It was not considered that this arrangement would represent a poor design arrangement, however some elements of the fenestration become slightly contrived where raised to 1.7m above floor.
16. Beyond that observation the Officer was of the view that the design and appearance of the proposal in itself would be well designed and would not represent an intrusive or unattractive feature in approaches to the nearby conservation area and would not harm the setting of the conservation area. The Officer did, however, suggest a materials condition to ensure brickwork and roof tiles do represent a reasonable match with the existing exposed brick on the north facing gable.

Local Residents and the General Public

17. No representations were received.

PLANNING POLICY

18. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the five saved policies of the Rushcliffe Borough Local Plan 1996. None of the five saved policies are applicable to this proposal. The publication version Local Plan Part 2: Land and Planning Policies (LPP2) is also a material consideration, although the policies within this emerging document currently carry very limited weight as they are yet to be subject of an examination. Other material considerations include the National Planning Policy Framework (NPPF) (Revised 2018), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006).
19. Any decision should therefore be taken in accordance with the Core Strategy, the NPPF and NPPG, policies contained within the NSRLP where they are consistent with or amplify the aims and objectives of the Framework, together with other material planning considerations including the emerging LPP2.

Relevant National Planning Policies and Guidance

20. The NPPF includes a presumption in favour of sustainable development. Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In assessing and determining development proposals, local planning authorities should apply the

presumption in favour of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible.

21. Section 6 - 'Building a Strong and Competitive Economy' states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
22. Section 9 - 'Promoting Sustainable Transport' states that it should be ensured that safe and suitable access to the site can be secured for all users, going on to identify in paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
23. Section 12 - 'Achieving Well Design Spaces' states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments, inter alia:
 - a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Relevant Local Planning Policies and Guidance

24. The following Policies of the Rushcliffe Local Plan Part 1 - Core Strategy are particularly pertinent to the consideration of this application:
 - Policy 1 – Presumption in Favour of Sustainable Development
 - Policy 5 – Employment Provision and Economic Development
 - Policy 10 – Design and Enhancing Local Identity
25. Policy 1 states that the Borough Council will take a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

26. Policy 5 states that proposals for development, which generate employment in sectors including retail, health and civic/science-based institutions will be considered favourably where they are considered to comply with other sustainable development objectives. It is important to recognise that jobs created outside of the traditional employment uses of offices, manufacturing and warehousing will assist in sustaining a strong and flexible economy.
27. Policy 10 states that all new development must have regard to the local context including valued landscape/townscape characteristics, and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings. Policy 11 then sets out how proposals will be supported where the historic environment is conserved and/or enhanced in line with their interest and significance.
28. The following Policies within the Non-Statutory Local Plan are relevant to this application:
 - GP1 - Delivering Sustainable Development
 - GP2 - Design and Amenity Criteria
29. Policy GP1 sets out the principles of sustainable development whilst policy GP2 states that planning permission for new development, changes of use, conversions or extensions will be granted provided that the scale, density, height, massing, design, layout and materials of proposals are sympathetic to the character and appearance of neighbouring buildings and the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.
30. The following Policy from the emerging Rushcliffe Local Plan Part 2 – Land and Planning Policies is particularly pertinent to the consideration of this application:
 - Policy 25 – Development within District Centres and Local Centres
31. Policy 25 states that main town centre uses (retail, office, entertainment, cultural and leisure) will be permitted within the District Centres and Local Centres, as defined within the policies map, provided they are designed at a scale and character which reflects the role, function and distinctive qualities of the centre. Any development that would harm the vitality and viability of a defined centre will not be permitted.

APPRAISAL

32. The most pertinent material planning considerations in the determination of this application are whether the development would have any impact on the amenity of neighbours or the wider area and whether the development would have any impact on the character and appearance of the area. Parking, storage and location must also be considered in the balance, as well as wider sustainability objectives and benefits of the scheme.
33. As identified in the LPP2 policies map the site lies outside the primary and secondary retail frontages of Bingham, but still within the identified district centre. This location is, therefore, considered to be a sustainable one in

which economic growth of an appropriate form should be supported in principle, with good transport and servicing links. The principle of the expansion of the unit is, therefore, considered acceptable.

34. The proposed uses within the building would be A2 – financial and professional services and B1(a) offices. Both uses can be considered as less intrusive employment and retail operations, given the bounds of the identified use classes. The closest neighbour to the site is the adjacent public house which is considered to represent a much more active use, whilst residential properties lie to the north, east and west across the pub carpark and Fairfield Street. These properties lie at least 20m from the site, and given the proposed uses, the development would not be considered to raise any amenity concerns through the increased intensity of use on the site.
35. The existing use is limited to operating between the hours of 08.30 and 17.30 Monday to Friday and 09.00 to 12.00 on Saturdays with no working Sundays or bank holidays. There is no request to extend the approved hours of operation and as such it is considered sensible to restrict the proposed use to similar hours in the interests of the amenity of surrounding residents.
36. There are a number of external plant units labelled on the submitted drawings as 'if required'. In the absence of any further information it is considered sensible to condition the submission of any details prior to any external plant being installed on site. Furthermore the proposed A2 and B1(a) uses would not likely generate any notable delivery requirements whilst waste would be collected as existing for which no concerns have been raised in terms of impact on neighbouring amenities. As such it is not considered necessary to condition such controls.
37. The scale, massing and layout of the development would not raise any direct amenity concerns in the form of overlooking, overshadowing or overbearing issues given the distance to surrounding residential sites and two storey scale as proposed.
38. In regards to design, the development would be notable in size and visible on approaches from the north and when in the car park to the west. The northern flank of the design would be more traditional in form with a red brick and clay tile finish and gabled design, with the development seeking to be subservient to the original roadside frontage with the lower eaves and ridge heights and set back beyond the rear of the original building.
39. The central block with its screened flat roof would have more limited visibility, with the section visible to the north to be finished with glazing and black tinted glass to provide a more modern 'link' style addition where it connects the original building with the more traditional gabled northern extension. This approach is considered reasonable and appropriate to the location. The section visible to the west from the car park would retain a traditional brick finish but would not be considered to represent a poor design or finish given the size and layout of the site.
40. A new high quality boundary wall with seat and raised planter is proposed to the northern side of the plot where access to the rear elements of the building would be provided. This would be a positive addition to the area. Furthermore the alterations to the shop frontage would seem sensitive to the building and

appropriate. Reference to a further 1.5m boundary fence as noted by the conservation and design officer has been removed, whilst the section of 1.8m hit and miss fence to the west would be as existing and not raise any concerns.

41. The Conservation and Design Officer has confirmed the site is located outside of the conservation area and that the development would not harm the setting of the Bingham Conservation Area. Amendments to the design since receipt of the officer's comments have altered the north facing windows to a more traditional size and layout, improving the design and finish of the scheme.
42. The architect has further clarified the building would not include additional architectural embellishments, given the simple form and finish of the original building. This would seem a reasonable approach to the matter with the architect seeking a high quality external brick finish. As such I would agree with the Conservation and Design Officer's comments regarding the submission of details for materials to ensure the quality of the scheme. Subject to the above it is concluded that the development would represent a positive design that would be sympathetic to its surroundings and subservient to the host property.
43. In regards to highways and parking, it is noted that there is no existing provision within the site, but that the units appear to have allocated parking in the adjacent car park which is likely subject to a separate legal agreement with the landowner. The site is located in a sustainable location in the centre of Bingham which benefits from good bus and train links. Furthermore the comments of NCC Highways are noted in that the local roads are controlled by a traffic regulation order so on street parking would be limited. As such they raise no objection. In light of these comments, and when considering the sustainability of the location, it is not considered that any objection or refusal on highway safety grounds could be sustained.
44. The limited bin storage is noted. Given this, the comments of the Waste and Recycling Officer were sought. The applicant has confirmed that prospective tenants would all utilise the shared storage area and that is how the existing site operates. On the basis of the information and comments provided, it is considered that the proposed bin storage would be appropriate, and that further storage could be provided to the rear of the site in the maintenance access if required.
45. The proposed alterations to the signage are noted. These may require separate advertisement consent and an appropriate note to applicant to advise of this is considered appropriate.
46. In conclusion it is considered that the proposed extensions and alterations would be sympathetic to the character and appearance of the existing property, the neighbouring properties and the surrounding area, and would not lead to undue harm to the residential amenity of the adjacent neighbours. Sufficient servicing space would also be retained and no significant highways issues have been raised. Therefore, the proposal would be in accordance with the development plan for Rushcliffe with no material considerations arising to outweigh the presumption in favour of sustainable development.

47. This application was subject to pre-application discussions. Further negotiations and revisions through the course of the application have sought to address impacts identified by officers which has resulted in a recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing and Proposed Plans and Elevations - 17-43-P03 - Rev.E
Block Plan - 17-43-P02 - Rev.A

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. The development hereby permitted shall not progress beyond foundation level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. Prior to the installation of any externally mounted plant or equipment (e.g. air conditioning, extraction, heating units, etc.) or any internally mounted equipment which vents externally, the noise levels along with details of the intended positioning of the features in relation to the development, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details. If this information is inconclusive or not complete then the applicant will be required to undertake a full noise assessment in accordance with BS 4142:2014: Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. The premises shall only be used for the use hereby permitted between the hours of:

08.30 - 17.30 Monday to Friday;

09.00 to 12.00 Saturdays;

No working on Sundays or Bank Holidays.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

NOTES TO APPLICANT

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

The owner of the neighbouring property claims that there is a legal right of access to your ground in order to maintain that property. You may wish to seek legal advice as to whether that is the case. This grant of planning permission does not override or supersede any such right.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

The alterations to the advertisements as indicated on the proposed plans have not been subject to consideration under this planning application. Such alterations may require separate advertisement consent.