

19/00217/FUL

Applicant S Longia

Location 21 Gordon Road West Bridgford Nottinghamshire NG2 5LL

Proposal Change of use of treatment/consulting rooms to retail, extension to shop front, partial demolition of boundary wall.

Ward Trent Bridge

THE SITE AND SURROUNDINGS

1. The application site is a semi-detached Victorian property of brown brick construction with white render to the front. To the front of the site is a small yard with a pathway to the side. To the rear is an existing single storey section used as a beauty salon, the eastern end is used by a taxi company. There is a small open yard to the north of the single storey section providing off street parking and bin storage

DETAILS OF THE PROPOSAL

2. The property is currently a beauty therapy and consultation business with a retail area on the ground floor. The proposal is for sales area associated with the beauty therapy use to be used for the sales of bespoke lingerie, fashion and sportswear with specific attention paid to post-surgery needs.
3. The proposed change of use would include a small extension to the front of the property to create a new shop front. It would have a 1.8m projection and width of 3.95m. It would have a maximum height of 3.4m. It would consist of a dwarf brick wall with fully glazed sides and front entrance with timber painted window frames and a hipped grey tile roof.

SITE HISTORY

4. 05/00443/FUL - Use of building for Beauty Therapy. Insert windows and door to front elevation; rooflights to rear elevation - approved May 2005.
5. 07/01751/FUL - Use of premises for Beauty Therapy - approved October 2007

REPRESENTATIONS

Ward Councillor(s)

6. The former Ward Councillor (Cll Maclnnes - who was the Ward Councillor at the time of the submission of the planning application) objected to the proposal on the following grounds:
 - If approved the development will have a direct physical impact on residential properties in the area, in particular at No 23 Gordon Road;

- The extension and alteration to the front of the building at No 21 Gordon Road will attract increased footfall and will raise the level of noise and general disturbance experienced by residents of adjacent properties, in particular the family living at No 23;
- The proposed extension to the front of No 21 has the potential to cause an overlooking problem due to its nearness to No 23. The extension is just 3.5m from the front door and 6m from the bay window in the main living room of No 23 Gordon Road;
- The application makes no reference to artificial light emitted from the proposed development. The impact of artificial light has the potential to be a nuisance to neighbours and needs to be considered, assessed and mitigated if excessive;
- If approved the proposal will significantly erode the environmental quality, amenity and privacy currently enjoyed by existing residents of the area;
- Aware that the stretch of Gordon Road (odd numbers) between Davis Road and Tudor Square was classified as a commercial area some 15 years ago. However, there has been little interest and activity from the commercial sector to develop the area which has now become blighted. Residents that remain now live in a neighbourhood that is neither one nor the other with the result that there is little investment in the residential properties and people are living in sub-standard housing conditions;
- This should not mean that remaining residents have to put up with a loss of privacy and amenity. Furthermore, lose the full enjoyment of their home and garden because they are forced to live behind an exceptionally high fence which is overbearing, obtrusive and excessively dominate; and
- The area has been left in limbo for far too long and should be actively developed and marketed as a commercial area or returned to much needed residential housing.

Statutory and Other Consultees

7. The Borough Council's Environmental Health Officer does not object, stating "*whilst we have no objection to this proposal on Environmental Health grounds, we would advise that, if permission is to be granted, the hours of operation be restricted to within reasonable daytime hours only*". They also recommend a condition be imposed to minimise potential nuisance caused by delivery and waste collections.
8. The Environment Agency does not object to the proposal and comment: "*This application falls within our standing advice as it is a minor extension within flood zone 3 and the change of use does not increase the flood risk vulnerability. The applicant should follow our standing advice with regards to flood risk for this development.*"

9. Nottinghamshire County Council as Highways Authority has no objection to the principle of this proposal. They state that in line with details in the Design and Access Statement, it is understood that the applicant proposes only an extension of the existing vehicular access off Blake Road, including partial boundary wall removal, as well as removal of the front boundary wall along Gordon Road with only pedestrian access altered to the premises and no new vehicular access created off Gordon Road. They do not envisage that this proposal will change the existing situation

Local Residents and the General Public

10. The neighbour at no. 23 objects to the proposal on the following grounds:
- a. The removal of the wall and the construction of a shop front would attract more shoppers causing more activity;
 - b. Loss of privacy to the front of no. 23;
 - c. Levels of noise and litter would increase; and
 - d. Removal of the front wall would lead to late night noise and disturbance caused by loitering and ant-social behavior.

PLANNING POLICY

11. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014).
12. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006). Rushcliffe Local Plan Part 2: Land and Planning Policies is presently at examination in public stage and has some weight in decision making.
13. Any decision should therefore be taken in accordance with the Core Strategy, the NPPF and NPPG, policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Framework, together with any other material planning consideration.

Relevant National Planning Policies and Guidance

14. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental. One of the core planning principles of the NPPF state that planning should, *'Always seek to secure high quality design and a good standard amenity for all existing and future occupants of land and buildings.'*

Relevant Local Planning Policies and Guidance

11. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028. Policies 1: 'Presumption in Favour of Sustainable Development' and 10: 'Design and Enhancing Local Identity' are relevant.
12. None of the 5 saved policies of the Rushcliffe Local Plan are relevant to this application.
13. The Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP) is a material consideration. Whilst not part of the Development Plan, the Borough Council has adopted the RBNSRLP for development control purposes in the determination of planning applications. Policy GP2 (Design and Amenity Criteria) is relevant as is policy SHOP 2, which states that in the areas defined on the proposals map planning permission will be granted in ground floor frontage locations where the proposal is for an A1, A2, A3, A4 or A5 (retail services) use. Policy 1 of the emerging Rushcliffe Local Plan Part 2 Land and Planning Policies will replace GP2 in considering general matters of amenity and design.
15. Within the Emerging Local Plan Part 2, Policy 1 (Sustainable Development) states that permission for new development will be granted provided that, where relevant, certain criteria apply. These include that there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated and the scale, density, height, massing, design, layout and materials of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.
16. Policy 25 (Development Within District Centres and Local Centres) of the emerging Rushcliffe Local Plan Part 2 states; *"Main town centre uses (retail, office, entertainment, cultural and leisure) will be permitted within the District Centres and Local Centres, provided they are designed at a scale and character which reflects the role, function and distinctive qualities of the centre, they would not have a negative impact on the centre and they would not cause a significant adverse impact on the amenity of nearby residents and occupiers. Development will also be expected to create a more accessible, well-connected and well-designed centre."*

APPRAISAL

17. The property falls within an area identified as a 'main town centre' within the emerging Rushcliffe Local Plan Part 2. The current application is for the use of part of the ground floor of the property for clothing and lingerie sales. As an A1 use, the development is considered to be acceptable for its shopping centre location in accordance with policy SHOP2 of the Rushcliffe Borough Non Statutory Replacement Local Plan and policy 25 of the Emerging Rushcliffe Local Plan part 2.

18. The proposal would see the change of use of an existing building thereby ensuring it would not have a negative impact on the town centre by reason of its scale, bulk, form, layout or materials and it would not result in the loss of buildings or other features, including open space, which make an important contribution to the appearance of the centre.
19. The property is currently a beauty therapy and consultation business with a retail area on the ground floor. The sales area, associated with the beauty therapy use would be used for the sale of bespoke lingerie, fashion and sportswear with specific attention paid to post-surgery needs, would attract specific customers and it is not considered that it would be in conflict with the character, function or distinctive qualities of the area. The proposed use would not harm the vitality and viability of the defined centre and it would comply with the use percentage ratios as defined in policy 25 of the Emerging Local Plan Part 2
20. As the site adjoins a residential property, consideration should be given to the impact of the proposal on the amenities of this adjoining dwelling.
21. The current use was granted on condition that required noise insulation to protect the adjoining residential premises. This took the form of an independent partition installed in front of but not touching the party wall, to all rooms next to the party wall, with dense plaster linings to circulation areas where the independent partition would render the stairway useless. Stair treads were to be covered with a proprietary sound absorbing resilient material to eliminate any impact of noise generated by people using the stairs. It is considered that these noise insulation measures would remain adequate to prevent nuisance to the adjacent dwelling from the proposed sales use.
22. The concerns of the owner of the adjacent dwelling at no. 23 are noted, as are those of Councillor MacInnes, however the shop front extension would comply with the 45° guide when applied to the front bay window of no. 23 and it is not considered that it would cause unacceptable over-shadowing or overlooking towards no. 23. It is not considered that this change would result in an unacceptable increase in the usual activities expected in a commercial town centre such as increase in overall footfall, an increase in litter or anti-social behaviour.
23. An amended plan provides for a privacy screen/close boarded fence to a height of 2m reducing to 1.1m adjacent the pavement, to run for the full length of the boundary between no. 21 and no. 23. This would alleviate any over-looking as well as preventing the blowing of any litter into the curtilage of no. 23.
24. When consulted neither Environmental Health nor the Highways Authority objected to the proposal on grounds of environmental or public safety impacts or lack of provision for servicing and parking. Both recommended conditions be included on any forthcoming permission.
25. Bearing in mind that the proposal is for an extension to an existing commercial property and an increase to an established retail area it would be reasonable to condition the opening hours of the business be the same as the existing hours of operation.

26. The applicant's property is situated within the flood zone and, therefore, it must adhere to the Environment Agency's standing advice on householder development within a flood risk area. The advice states that all new development must be situated on the same level as the existing dwelling or 300mm above existing flood levels. It is considered that the proposal adheres to these policies with the floor level in the extension matching the floor level in the existing property.
27. Therefore, with the necessary conditions, the proposal is not considered to be detrimental to amenity and would not cause a significant adverse impact on the amenity of nearby residents and occupiers.
28. Amendments have been made to the proposal during the consideration of the application to address adverse impacts identified by officers thereby resulting in a more acceptable scheme and the 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 plan(s) received on 25 June 2019.

[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 materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

[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. The premises shall only be used for the use hereby permitted between the hours of Monday - Friday 0800 - 1800 hours, Saturday 0900 - 1700 hours, Sunday / Bank Holidays - no work activity.

[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. Delivery and waste collection times shall be restricted to the following times:-

Monday-Friday 0700 1800 hours
Saturday 0800 1700 hours

Sunday/Bank Holidays No deliveries or waste collection

[In order to cause the minimum amount of disturbance to residents and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

6. No development shall commence until the off-site traffic management works comprising of the relocation of an advisory 20mph speed limit road sign on Blake Road is provided in accordance with details to be first submitted to and approved in writing by the Borough Council.

[To enable unobstructed access to the site over the extended dropped kerb access and to prevent the sign to be damaged and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

7. There shall be no vehicular access on to the site from Gordon Road and, prior to the use hereby approved commencing, a suitable form of barrier shall be provided across the site frontage and thereafter retained for the life of the development. Details of which shall be submitted to and approved in writing by the Borough Council.

[To prevent unsafe and inappropriate vehicular access in this location and in the interest of highway and pedestrian safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

8. No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 1.0 meters x 1.0 meters are provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The area of land within these splays shall be maintained free from all obstruction over 0.6 meters above the carriageway level at all times.

[In the interest of pedestrian safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

Notes to Applicant

The development makes it necessary to amend a vehicular access over a verge of the public highway and relocate an existing highway sign. These works shall be constructed to the satisfaction of the Highway Authority. You are therefore required to contact the County Council's Highway Management Section (South) on 0300 500 8080 to arrange for these works to be carried out.

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website

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.