

17/02880/FUL

Applicant Mr P Buckingham

Location 100 Melton Road West Bridgford Nottinghamshire

Proposal Extension and conversion of B1 office to create four self-contained flats

Ward Musters

THE SITE AND SURROUNDINGS

1. The application site concerns the current commercial premises at 100 Melton Road, West Bridgford, and specifically relates to part of the overall building which is located adjacent to the Sainsbury's convenience store and petrol station to the south west. The building currently contains the "Signature" restaurant at ground floor with the scope of the planning application predominantly affecting the first floor (most recently in office use) and the currently undeveloped flat roof space that is sited above the ground floor Signature restaurant and to the rear of the existing first floor commercial unit. At the rear of the site is the raised and wooded embankment of the Green Line pedestrian footpath and Local Wildlife Site. The site falls within Flood Zone 3 as defined by the Environment Agency. The surrounding area consists of a stylistic mix of two storey buildings with front gables and shops with commercial units at ground floor.

DETAILS OF THE PROPOSAL

2. The application seeks full planning permission for the proposed extension and conversion of the B1 Office into four self-contained flats (2 x two beds and 2 x one beds). The application therefore involves the cessation of the office use and construction of a new first floor rear extension with a hipped mansard roof treatment above. New windows are proposed to the first floor side elevation overlooking the Sainsbury's forecourt and to the rear with an outlook overlooking the Green Line. Rooflights are proposed within the second floor roof slope to the side and rear elevations. An existing stainless steel flue serving the ground floor restaurant premises to the side (south west) elevation is to be repositioned, redirected and discharged towards the rear of the building.
3. The application is supported by a Flood Risk Assessment and Sequential Test, a Noise Assessment and an Odour Assessment.

SITE HISTORY

4. 07/00232/FUL – Planning Permission granted in April 2007 for the erection of a two storey and single storey building comprising two commercial units to be

used for A1 (shop), A3 (Restaurant/café) or A2 (Financial and Professional Services).

5. 11/00761/FUL – planning permission was refused and an appeal dismissed for a first floor extension to the existing office accommodation. The 2012 appeal was dismissed with the Inspector stating that the flat roofed element of the rear extension did not constitute good design and as such would be harmful to the character and appearance of the area when viewed from the Green Line.
6. 13/02526/PAJ – In March 2014 it was determined that prior approval was not required for the change of use and conversion of the first floor office unit to a single three bedroomed flat. The change of use was therefore deemed to be permitted development under the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) and did not require planning permission.
7. 16/02729/FUL – Planning Permission was refused for the extension and conversion of B1 Office into four self-contained flats. The reasons for refusal were as follows:-
 1. *It is considered that the large flat roof element of the proposed extension would not represent good design as required by Part 7 of the National Planning Policy Framework, and would unacceptably harm the character and appearance of the local area, contrary to Policy 10.2. of the Rushcliffe Plan Part 1: Core Strategy, and to policy GP2 (d) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.*
 2. *The impacts of noise and odour on the amenity of future occupiers from existing nearby users has not been adequately demonstrated to the satisfaction of the Local Planning authority. Therefore the development would be contrary to Policy GP2 g) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.*

REPRESENTATIONS

Ward Councillor(s)

8. One Ward Councillor (Cllr. Jones) objects to the application, in summary, whilst he accepts the principle of infill in this location he has concerns regarding the increased massing and bulk of what is already a bulky building in the streetscene, lack of outdoor amenity space, lack of parking provision and lack of bike/pram store. The Councillor is also concerned about the design of the second floor in which flat 4 is only provided with Velux windows and flat 3 is little better with one small window. Concerns have also been raised about the position of the flue and the likelihood of health risks to the second floor velux windows.
9. Following the receipt of amended plans, Cllr. Jones retained his objection as outlined above, but noted the change to the flue and also raised concerns regarding noise and fumes from the adjoining garage forecourt and from the restaurant below and considers this is a poor design for future living, contrary to the NPPF.

Statutory and Other Consultees

10. The Environment Agency raises no objections, provided that the measures as detailed in the submitted Flood Risk Assessment, specifically in relation to finished floor levels and flood resistance/resilience measures, are secured by condition.
11. Nottinghamshire County Council as Highway Authority raises no objection
12. The Borough Council's Environmental Health Officer has no objections to the application and agrees with the findings of the submitted noise and odour assessments. Officers have considered the proposed flue details and provided that the odour treatment equipment is installed internally as per the drawing MRN/FW/002 and the discharge facility is also as per this drawing then no objection is raised to this application in relation to odour impact. In respect of noise impacts, no objection is raised subject to the imposition of a planning condition that requires details of a noise insulating floor and ceiling between the commercial and residential units which shall be installed prior to the use commencing.
13. The Borough Council's Waste and Recycling Officer has stated concerns that the bin storage is in the form of 2x 660L and 2x 240L (one each for refuse and recycling) which could be confusing for residents.

Local Residents and the General Public

14. One letter of objection has been received from the commercial occupier of a neighbouring retail unit raising the following concerns:-
 - a. Harm to the commercial viability and vitality of businesses within this retail area
 - b. Increased on street parking pressures
 - c. Noise from proposed residential units

PLANNING POLICY

15. 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).
16. 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).
17. 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 considerations.

Relevant National Planning Policies and Guidance

18. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and carries a presumption in favour of sustainable development.
19. Paragraph 14 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
20. Paragraph 17 states that planning should, amongst other things, "*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*" it goes on to state that planning should "*take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.*"
21. Paragraph 49 states that "*to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.*"
22. Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
23. Paragraph 103 states "*When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.*"

Relevant Local Planning Policies and Guidance

24. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 10 states that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; and reinforce valued local characteristics.
25. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been recently adopted its policies are still a material consideration in the determination of any planning application providing they have not been

superseded by the NPPF or the policies contained within Rushcliffe Local Plan Part 1: Core Strategy. The following policies are considered relevant.

26. Policy GP2 (Design and Amenity Criteria) states that planning permission for new development 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 surrounding areas; that they do not lead to an over-intensive form of development; that they are not overbearing in relation to neighbouring properties; and do not lead to undue overshadowing or loss of privacy.
27. Policy MOV6 (Facilities in New Development) requires developers to make provision for cyclists in new developments.
28. Policy WET2 (Flooding) states that development will not be permitted in areas where a risk of flooding exists unless; the location is essential for a particular development and there is no alternative location in a lower risk area; or the proposal is in an existing developed area and can be adequately protected against potential flood risk and include compensatory measures; and it can be demonstrated that the proposal would have no adverse effects on the management of flood risk.
29. Consideration should also be given to supplementary guidance provided within the 'Rushcliffe Residential Design Guide'.

APPRAISAL

The Principle of Development

30. The site is located within the built up area of Greater Nottingham which Policy 3 of the Core Strategy makes provision for approximately 7,650 homes in or adjoining this area.
31. The site is located within Flood Zone 3 on the Environment Agency's maps, however, the application has been supported by a Flood Risk Assessment which, following a site specific assessment, considers the site to be within Flood Zone 2. The results of the site specific flood risk assessment are not unreasonable as the site is shown on the Greater Nottingham Strategic Flood Risk Assessment, which takes into account the defences along the River Trent, to be within an area which is equivalent to Flood Zone 2.
32. With regard to the sequential test, Rushcliffe Local Plan Part 1: Core Strategy identifies a requirement for at least 7,650 new dwellings to be provided in or adjoining the main built up area of Nottingham (within Rushcliffe) as part of the overall housing provision across the district. This includes around 7,000 within 3 identified sustainable urban extensions (SUE's), leaving around 650 dwellings to be provided through windfall sites by 2028. Whilst there are other sites in other areas of West Bridgford at less risk of flooding which have been identified in the SHLAA, it is considered that all of these sites and more, would be required in order to meet the requirements of the housing provision set out in the Core Strategy and National Planning Policy Framework requirement of a 5 year housing land supply plus 20%. Notwithstanding that the site is within an area of medium probability of flooding, it is otherwise in a

highly sustainable location and would contribute towards the Borough's housing supply. It is therefore considered that the site passes the sequential test.

33. Where it is considered that a development passes the sequential test and is not highly vulnerable, in this instance the development would be classified as 'more vulnerable', it is not necessary to apply the exception test. Furthermore, the potential risk to the development could be mitigated. The living accommodation would be set at 27.06AOD which would be 2.5m above the 'defences breached' event (24.56AOD) providing a safe haven for future residents. With regard to dry access and egress, this would be available in all events up to and including a 1 in 100 year flood event, but not during a 1 in 1000 year event. The FRA provides an evacuation route should such an event occur, this would take residents uphill and south along Melton Road. Following consultation with the Environment Agency they raise no objections to the proposal, provided that a condition is attached requiring the development to be carried out in accordance with the mitigation measures outlined in the Flood Risk Assessment submitted in support of the application.
34. The fall-back position that currently exists by virtue of Class O of the GPDO 2015 (as amended) and the previous determination of the Council under this piece of legislation is a material consideration in considering the principle of development. The council has previously determined that prior approval was not required for the change of use of the existing first floor office unit to a single three bedroom residential dwelling as it was considered to comply with the legislative requirements of this Class. It is considered that the broad principle of development can be accepted by virtue of these provisions and that the application gives the local planning authority the benefit of greater control over the proposed use and development through the formal planning process to the greater wider public benefit.
35. It is therefore considered that the principle of development is acceptable and that the key considerations in the determination of this application are the design and scale of the proposal and the impact on residential amenity, having specific regard for the noise and odour impacts associated with adjacent uses, and whether the submitted scheme adequately overcomes the previous reasons for refusal.

Design and Impact on the Character and Appearance of the Area

36. The proposed first floor extension would project a further 12m to the rear of the site with a hipped roof to the south east side elevation and a part-hipped mansard roof at second floor level to the rear. The extensions are to be constructed in materials to match the existing building which consists primarily of brick to the external walls and zinc standing seam roof. The materials proposed are considered to be acceptable within the context of the existing and adjoining buildings and the surrounding area.
37. The previous reason for refusal related to the substandard design of the large expanse of flat roof that was proposed. It is considered that the now proposed hipped and hipped-mansard roof adequately addresses this concern. From ground level, the proposed building would have the

satisfactory appearance of a hipped roof. From vantage points along the Green Line, views of the building are limited due to the amount of vegetation along the path, and the mansard roof would, from this elevated footpath appear as a hipped roof. It is considered therefore that the design of the roof, in terms of its form, appearance, scale, pitch and use of materials is acceptable within the context of the existing and adjoining building and the wider area. The refusal reason related to the 2011 application was pre-NPPF and therefore carries less weight as a material consideration. However, it is considered that the current proposal adequately overcomes this additional previous reason due to the difference in design and the now presence of the Sainsbury's convenience store and forecourt resulting in the immediate site context having a more urban character with which the proposal would not be out of scale or character.

38. The building at present features an unsightly metallic extraction flue that is highly visible on the south west elevation of the building. The amended plans propose to relocate and redirect the flue towards the rear of the building, which is to be painted in a dark matte finish which would reduce the visual prominence of this necessary feature within the street scene and thus reduce the overall impact on the character and appearance of the area.

Residential Amenity

39. The application has been supplemented by Noise and Odour Assessments. Three dimensional noise modeling has been undertaken to predict noise levels at a large number of locations. The Noise Assessment states that the noise levels associated with vehicles travelling along Melton Road and the adjacent petrol filling station would be in line with. Noise mitigation measures to better protect future residents have been incorporated within the scheme in line with the recommendations of the Noise Assessment. These measures have included the redesign of the internal layout to relocate bedrooms on rear facing elevations where noise levels are generally lower. A glazing and ventilation strategy has been submitted which satisfactorily mitigates noise impact from the surrounding environment. A condition is also recommended to require details of the sound insulation between the ground floor commercial unit and the first floor residential unit to be submitted and approved prior to the use commencing.
40. In respect of the submitted Odour Assessment, this considers the main source of odour to be from the extraction flue associated with food cooking within the ground floor restaurant, which currently discharges on the south west elevation. The submitted plans show the relocated and redirected flue towards the rear of the building discharging one meter above ridge height to ensure effective dispersal of any odour. Furthermore, the specification of the extraction system both internally and externally is to be enhanced and fitted with odour controlling filters to prevent unacceptable adverse odour impacts on future residents.
41. In conclusion, it is considered that odour, noise and activities associated with the existing surrounding uses would not result in unacceptable adverse impacts on the future occupiers of the proposed dwellings by virtue of the mitigation measures to be implemented and those which can be secured by a planning condition.

42. The mixed commercial/residential use of the site gives rise to an increased demand for external waste storage space. The submitted plan shows that there is sufficient space for the storage of refuse and recycling waste associated with the four residential units in close proximity to the edge of the highway for ease of collection by the borough waste collection service. There is also separate space available for the storage of bulk waste associated with the ground floor commercial use to prevent conflict between the different uses. The Waste and Recycling Officer's concerns are noted, however, a fewer number of bins of larger (1100L) capacity would not be satisfactorily accommodated within the site whilst still allowing for side access. Furthermore, 8x240L bins would litter the highway on collection days. Officers are therefore satisfied that the arrangement proposed represents the most suitable layout whilst providing adequate refuse and recycling storage for future residents.
43. In relation to outside amenity space for future residents the proposal is for four first and second floor flats, the Residential Design Guide states "*Private or communal garden/outdoor amenity space for apartments is desirable and should be provided where practicable. However, much will depend on the nature of the scheme and the character of the surrounding area and every case will be treated on its merits*". In this case it is considered that West Bridgford provides numerous opportunities for outside recreation and use of public amenity space and therefore it would not be reasonable to refuse the application on this basis.
44. In terms of the impact on the amenity to adjoining commercial units to the north west, having specific regard for access to light, overshadowing and overbearing, it is not considered that the proposed first floor extension to the rear which would extend beyond the rear elevation of the adjoining unit would result in unacceptable harm or loss to amenity having regard for the number and position of windows within the rear elevation of Unit 2 and the rooms that they served. The Inspector in the 2012 appeal decision (11/00761/FUL) stated that that development, which was of the same footprint and scale as now proposed would not result in significant adverse effect on the living conditions of those who worked in the adjacent unit and that the proposal would comply with Policy GP2(d) of the Non- Statutory Local Plan. It is therefore concluded that the current proposal, owing to the similar scale and footprint to that which has been considered previously is not unacceptable in this regard.

Highway Safety and Parking

45. Concerns have been raised in respect of the lack of any off street parking and the shortfall in capacity for on street parking within this area. Whilst the concerns of the Councillor on this matter are acknowledged, the site is considered to be a highly sustainable location within the built up area of Nottingham and therefore reliance on the private car is expected to be less by virtue of the wide range of public transport available and the close proximity of the site to facilities and services. Space provision is made within the site for the storage of bicycles.
46. The Local Highway authority raises no objection to the proposal and therefore there would be no reasonable basis to refuse the application in respect of parking or highway safety.

Other Matters

47. The proposal does not involve increasing the overall footprint of the building or require any construction works or excavations at ground level and therefore would have no impact on surface water run off rates, protected species or wildlife habitats or encounter any contaminated material.
48. In conclusion, it is considered that the application adequately overcomes the previous reasons for refusal in respect of the design and external appearance of the roof, and the Noise and Odour Assessments adequately address concerns in respect of the amenity of future occupiers.
49. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, 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 plans ref.

- 003 Rev F received on 30th April 2018
- 004 Rev E
- 005 Rev F
- 006 Rev D all received on 12th March 2018
- Flue Details - MRN/FWP/002 Rev B received on 12th March 2018
- Noise Assessment by WYG received on 12th March 2018
- Odour Assessment by WYG received on 3rd December 2017

The development shall be completed in accordance with these approved details prior to the occupation of the dwellings

[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. The extension(s) hereby permitted shall be constructed using suitable fenestration, facing and roofing materials as specified in the submitted

application to match the external elevations of the existing property.

[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 development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2016, compiled by SCC Consulting Engineering, and the following mitigation measures detailed within the FRA: Finished floor levels for the habitable space are set no lower than 25.24m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation

[To reduce the risk of flooding to the proposed development and future occupants. This accounts for the 1 in 100 year flood level in a 30% climate change breach scenario. The level is from the Greater Nottingham River Trent Climate Change Scenario, modelled by the Environment Agency in 2016]

5. Before the use is commenced, an insulation scheme to effectively reduce the transmission of noise to adjacent properties through the separating floor/ceiling, shall be submitted to and approved by the Head of Environment & Waste Management Service. The sound insulation scheme shall have regard to BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings, Approved Document E Standard and within all living rooms and bedrooms the Noise Rating Curve of 30 shall not be exceeded in any octave band. The approved scheme shall be installed prior to the use commencing.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

NOTES TO APPLICANT

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins

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.

