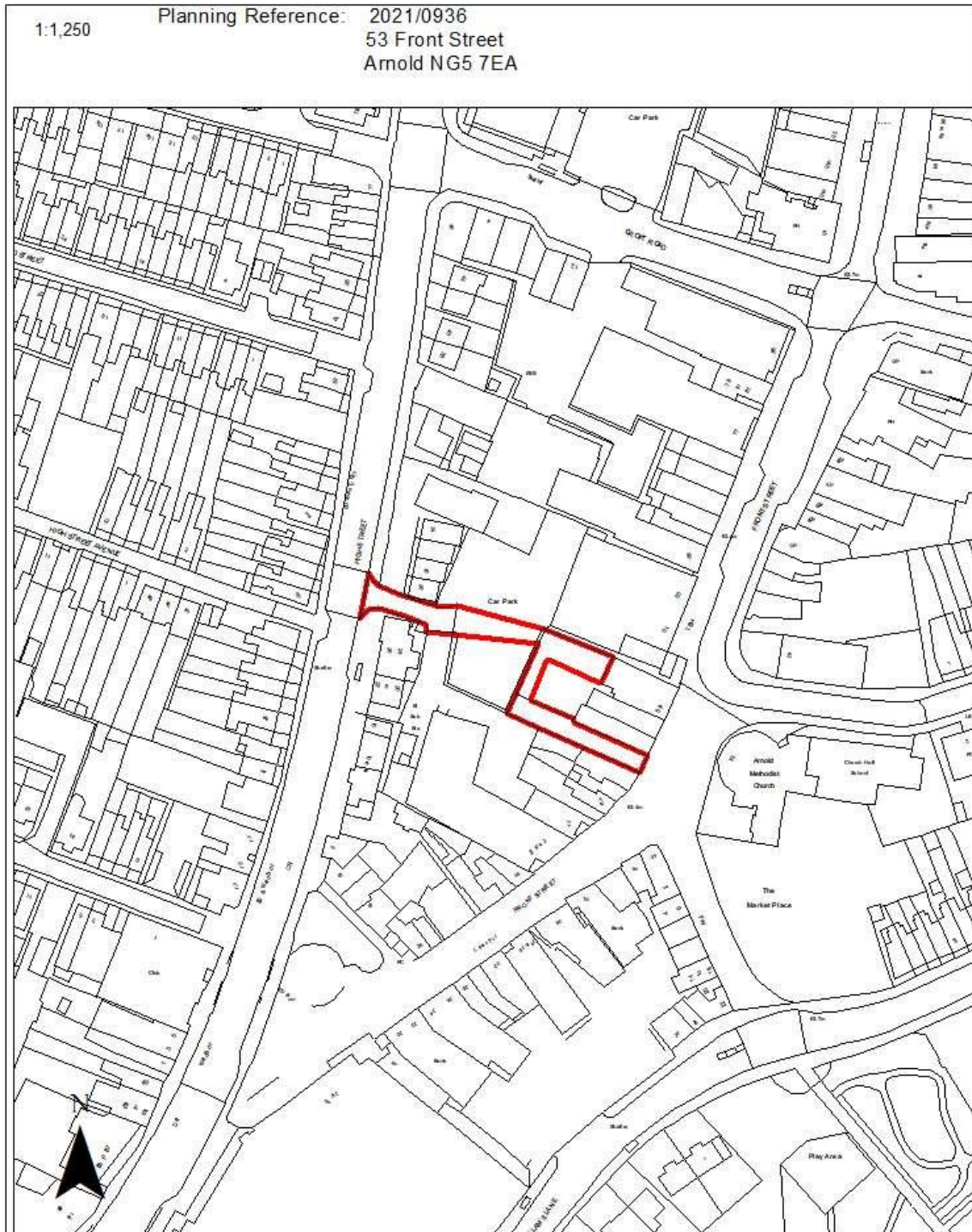




## Planning Report for 2021/0936



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.  
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## Report to Planning Committee

<b>Application Number:</b>	<b>2021/0936</b>
<b>Location:</b>	<b>53 Front Street Arnold NG5 7EA</b>
<b>Proposal:</b>	<b>Proposed refurbishment and conversion of existing storage unit associated with retail premises to provide residential accommodation.</b>
<b>Applicant:</b>	<b>Godfrey</b>
<b>Agent:</b>	<b>Indigo Architecture Limited</b>
<b>Case Officer:</b>	<b>Bev Pearson</b>

**This application has been referred to the Planning Committee as part of the application site is land owned by Gedling Borough Council.**

### **1.0 Site Description**

- 1.1 No. 53 Front Street is the end building of a terrace of three storey properties with frontages facing Front Street. It comprises a ground floor retail unit (pawn shop) with residential on the upper floors which is immediately to the north east adjoined by a barbers, a leisure arcade both of which have residential to their upper floors and a coffee shop to the north east.
- 1.2 This application relates to a vacant storage building located immediately to the rear of and serving the host commercial unit at no. 53 Front Street. It is adjoined to the north east by a service yard overlooked by the upper floors of no. 55, no. 57 and no. 59 front street whilst the rear of the building immediately faces a flat roof landing area which provides access to the upper floor residential unit at no. 53 Front Street. Immediately to the north west is a public car park accessed from High Street. To the south west set at a much lower level is a private car park
- 1.3 The site is located within the Arnold Primary Shopping Area as identified on the Proposals Map of the Local Planning Document (2018).

### **2.0 Relevant Planning History**

- 2.1 **80/1790** – planning permission was refused in November 1980 for a store at the rear

**81/1159** – planning permission was granted in September 1989 for the erection of two storey extension comprising ground floor part retail/part unloading area and first floor store

**95/0559** – planning permission was granted in June 1995 for the erection of a first and second floor extensions for storage purposes

### **3.0 Proposed Development**

3.1 Full planning permission is sought for the erection of an upper floor extension and conversion of the building from ancillary storage to the host retail unit to residential (Use Class C3) to comprise 2no. ground floor 1 bed apartments, 1no. first floor 2 bed apartment and 1no. second floor apartment.

3.2 The proposed extension to facilitate the conversion would have maximum dimensions of 6.1m width x 15.4m depth x 3.2m high.

3.3 External materials would comprise timber cladding with aluminium coping and fascia

### **4.0 Consultations**

4.1 Nottinghamshire County Council Highway Authority – no objections

4.2 Gedling Borough Council Scientific Officer - recommends a condition requiring an EV charging point

4.3 Gedling Borough Council Environmental Health – only concerns raised are the proximity to bars on Front Street albeit the site faces in the opposite direction. Advise that although no noise insulation details have been provided this could be conditioned to secure a sound insulation scheme which includes the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve internal noise levels not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00..

4.4 Gedling Borough Council Property - This is an existing access route across the car park. The bins etc. for the existing commercial buildings are already collected via this route. No objection in principle, however parking is already tight on this site, and no consent will be granted for the builder to use any part of the Council's car park for storage or to restrict its use in anyway while construction is taking place. Nothing in any consent will give or imply any rights for future occupants to use the adjacent car park to park vehicles other than in accordance with the conditions of use advertised on site.

4.5 Members of the Public - Adjoining Neighbours have been notified by letter and a Site Notice posted - 4 representations have been received commenting that no objection is raised to the development itself but raising concern regarding impact on the availability of parking to the rear which is subject to a Deed of Release and Grant dated 1984. The aforementioned Deed stated that the owners of 53 Front Street granted the owners of no. s 55, 57 and 59 Front

Street and their successors in title the right at all times for all purposes with or without vehicles the right of access over part of the application site.

## **5.0 Relevant Planning Policy**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

### **Development Plan Policies**

The following policies are relevant to the application.

- 5.2 The National Planning Policy Framework (2021) The NPPF sets out the national objectives for delivering sustainable development. Sections 2 (Achieving Sustainable Development), 4 (Decision Making), 7 (Ensuring the vitality of town centres), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well-designed places).
- 5.3 The Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:
- Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals.
  - Policy 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.
  - Policy 8 (Housing Size, Mix and Density) sets out the objectives for delivering new housing.
  - Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.
- 5.4 The Gedling Borough Local Planning Document (LPD) (July 2018) is part of the development plan for the area. The following policies are relevant in considering this application:
- LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
  - LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.
  - LPD 50: Development within Town and local centres – identifies the types of uses of development that is likely to be acceptable in town centres.
  - LPD 57: Parking Standards – sets out the requirements for parking.

- LPD 61: Highway Safety – sets out that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

## 5.5 Supplementary Planning Documents/Guidance

- Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) sets out parking requirements.
- 'Low Carbon Planning Guidance for Gedling Borough (May 2021)

## 6.0 **Planning Considerations**

### Principle of development

- 6.1 The site falls within the Arnold Primary Shopping Area. The storage unit is ancillary to the host retail unit at 53 Front Street and has not itself been open to members of the public. Given the change in the nature of the products pawned by the retail unit which are generally smaller electrical products etc the need for such a large storage area has been negated and the building has been vacant and unused for circa 18 months. Although the proposal would result in the loss of the ancillary storage building the existing retail unit to Front Street would be retained. As such the proposal would not result in the loss of a Town Centre offering nor would it be considered to unduly impact on the vitality and viability of the Primary Shopping Area or the wider Town Centre setting.
- 6.2 Furthermore the site is positioned within a highly sustainable location within the Arnold Town Centre in an area in close proximity to good transport links and access to a wide range of shops and services. There are other residential properties nearby and the proposal would contribute to the housing size and mix within the Town Centre.
- 6.3 Taking the above into account it is considered that the principle of the proposed development may be acceptable in line with Section 2 of the NPPF (2021) and Policy A, Policy 2 and Policy 8 of the ACS (2014) and Policy LPD50 of the LPD (2018). This would however be subject to the following material planning considerations:-

### Design and Impact on the character of the area

- 6.4 The application site falls within the Arnold Primary Shopping Area and Arnold Town Centre.
- 6.5 It is accepted that the proposed extension would result in the existing split level building being increased in height. However there are other buildings within close proximity of the existing building which are of a similar heights and as such it is not considered that the proposed extension would have an adverse impact on the character and appearance of the area. Furthermore the existing building is of little architectural merit which presents a predominantly blank brick façade except for a roller shutter door, metal door and some shuttered first floor windows overlooking the public car park.

The proposed development would introduce some additional features and openings which would greatly enhance the buildings visual amenity and its character and appearance within this highly visible location in the Town Centre.

- 6.6 The proposed extension and change of use would also bring this vacant storage building which is no longer required to serve the host retail unit, back into a long term viable use whilst not detracting from the vitality and viability of the Town Centre.
- 6.7 Taking the above into account it is considered that the proposal would not adversely impact on the character and appearance of the site or its wider context providing a more attractive and active building into this part of Arnold Town Centre. The proposal therefore accords with Sections 7, 11 and 12 of the NPPF (2021) Policy 10 of the ACS (2014) and Policies LPD35 and LPD 50 of the LPD (2018).

#### Residential Amenity

- 6.8 Of relevance to this application, Policy LPD32 of the Local Planning Document requires that development proposals should not have a significant adverse impact on the amenity of nearby residents in terms of overlooking, noise, level of activity on the site, traffic or other forms of pollution. Policy LPD50 also sets out that development should not cause adverse impact on the amenity of nearby residents and occupiers.
- 6.9 Proposed windows on the east elevation facing the first floor flat to the rear of no. 53 Front Street and those on the south elevation facing the rear gardens areas of no. 47/49 Front Street would be obscure glazed to safeguard the privacy of these nearby properties. Furthermore the ground floor windows to the north elevation would be fitted with privacy glazing which would allow views out of but prevent views into ground floor apartments.
- 6.10 The comments of the Environmental Health officer with regards to potential noise impacts arising from the bars located on Front Street are noted. However, being mindful that the application site is within Arnold Town centre with a number of bars and restaurants and that it is set behind properties fronting Front Street where the bars referred to are located it is not considered that these would significantly impact on the amenity of the future occupiers of the proposed development to justify refusal on these grounds. The Environmental Health officer has also recommended conditioning of noise insulation details should planning permission be granted. Such conditions are considered reasonable.
- 6.11 Whilst efforts have been made to redesign the proposed development and to control the level of comings and goings to the front of the ground floor apartments it is noted that there is an area of land immediately to the front of Apartment A which does not fall within the application site or the ownership of the applicant. This land is used for parking of vehicles for adjacent properties (55 and 57 Front Street) and there is a right of access to this land through the application site by virtue of the Deed of Release and Grant detailed in paragraph 4.5 and 6.17 of his report. It is not considered that the level of

activity this would generate to the front of Apartment A would be so significantly greater than one would expect for a residential unit within a Town Centre location to justify refusal on these grounds.

- 6.12 Taking the above into account it is considered that the proposal would not result in adverse impact on the amenity of adjacent occupiers and would provide an acceptable level of amenity for future occupiers of the residential units given the Town Centre location. The proposal is therefore considered to be in accordance with the provisions of Section 12 of the NPPF (2021) and Policies LPD32 and LPD50 of the LPD (2018).

#### Highway Matters

- 6.13 Paragraph 4.13 of the Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document states that:-  
'The expectation is that parking standards will be met. However if the development is served by one or more regular public transport, this may be a material consideration justifying a reduced parking provision requirement, especially if the site is located within or close to a central area'
- 6.14 It is noted that the Highway Authority have raised no objections to the proposal. Although no off street parking is provided given the highly sustainable location of the site well served by public car parks and public transport and its proximity to the wide range of shops, services and facilities within Arnold Town Centre it is considered that this would allow a relaxation of the parking standards in this particular location. Furthermore there is a car parking facility adjoining the site with free 2 hour parking during the day and no parking charge in the evening. The proposal would also provide cycle parking.  
Taking this into account it is considered that a refusal of planning permission on the basis of inadequate parking provision would not be reasonable in this instance.
- 6.15 Taking the above into account it is considered that the proposed development would not be detrimental to highway safety and the proposal is considered to accord with Section 9 of the NPPF (2021) and Policies LPD 50, LPD Policy 57 and LPD 61 and the Parking Provision for Residential and Non-Residential Developments SPD (2022) and 'Low Carbon Planning Guidance for Gedling Borough (May 2021).

#### Other Matters

##### *Loss of storage building to serve host retail unit*

- 6.16 It is noted that the proposal would result in the loss of the existing storage building. However it has been vacant for some time given the changes in the nature of the operation and small scale storage requirements of the host unit which would be met within the existing retail unit.

##### *Rights of Access of neighbouring properties*

- 6.17 Comments were received with regards to the rights of access contained in the Deed of Release and Grant dated 24 August 1984 which granted rights to the owners of 55, 57, and 59 Front Street and their successors in title in the form of the right at all times for all purposes with or without vehicles of access over land within the application site. Although this is a private legal matter the proposed development would not be considered to obstruct the current access arrangements.

#### *Air Quality*

- 6.18 The comments of the scientific officer are noted. No parking spaces are proposed given the sustainable location of the site and therefore a condition in relation to EV charging points would not be required.

## **7.0 Conclusion**

- 7.1 Having regard to the above the principle of the development is supported. The layout, design and appearance of the proposed extension is considered acceptable. This together with the proposed use of the building as residential units would not be considered to be detrimental to vitality or viability of the Shopping Area, the amenity of neighbouring buildings, future occupiers of the building nor to parking or highway safety. It is therefore considered that the proposal is a sustainable form of development which is appropriate for its context and in accordance with Sections 2, 4, 7, 9, 11 and 12 of the NPPF 2021, Policy A, Policy 2, Policy 8 and Policy 10 of the Aligned Core Strategy (2014), Policies, LPD 32, LPD 35, LPD 50, LPD 57 and LPD 61 of the Local Planning Document (2018) and the Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) and 'Low Carbon Planning Guidance for Gedling Borough (May 2021).

## **8.0 Recommendation: Grant full planning permission subject to the conditions listed and for the reasons set out in the report**

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.

- 2 This permission shall be read in accordance with the application form deposited on the 29th July 2021 and the following list of approved drawings:-  
Deposited on the 29.07.21

#### Site Location Plan

Existing Site Location Plan drg. no 0326-1-02-00

Existing Upper Floor GA Plan drg. no. 0326-1-03-01

Existing Roof GA Plans drg. no. 0326-1-03-02

Existing GA Elevations A & B drg.no. 0326-04-00

Existing GA Elevations C & D drg. no. 0326-1-04-01

Site Analysis

#### Deposited on the 27.04.22

Existing Ground Floor GA Plan drg. 0326-1-03-00A



Deposited on the 16.09.22

Proposed GA Elevations A and B drg. no. 0326-3-21-00 Rev C  
Proposed GA Elevations C and D drg. no. 0362-3-21-01 Rev C

Deposited on the 21.11.22

Proposed Site Plan drg. no. 0326-3-08-00 Rev D

Deposited on the 06.12.22

Proposed Ground and First floor Plan drg. no. 0326-3-11-00 Rev C  
Proposed Second Floor and Roof Plan drg. no. 0326-3-11-01 Rev D

The development shall thereafter be undertaken in accordance with these plans/details.

- 3 Prior to any works to the extension hereby approved details/samples of materials to be used in the external appearance of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.
- 4 The external material used in the infilling of any openings of the building shall match those of the existing building as closely as possible.
- 5 Apartment A and Apartment B of the development hereby approved shall not be occupied until the ground floor windows on the north elevation have been installed with privacy glazing and the ground floor window on the south elevation has been installed to a minimum of Pilkington Level 4 as indicated on drg. no. 0326-3-21-00 Rev C and 0326-3-21-01 Rev C and secured as non-opening. These shall be retained as such thereafter.
- 6 Apartment C of the development hereby approved shall not be occupied until the windows to the east elevation and the first floor windows to the south elevation have been fitted with obscured glazing to a minimum of Pilkington Level 4 as indicated on drg. no. 0326-3-21 -00 Rev C and 0326-3-21-01 Rev C and are secured as non-opening. These shall be retained as such thereafter.
- 7 Apartment D of the development hereby approved shall not be occupied until the first floor windows to the east elevation and second floor windows on the south elevation have been fitted with obscured glazing to a minimum of Pilkington Level 4 as indicated on drg. no. 0326-3-21 -00 Rev C and 0326-3-21-01 Rev C and are secured as non-opening. These shall be retained as such thereafter.
- 8 No part of the development hereby approved shall be occupied until a sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority. The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve internal noise levels not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00.

- 9 Prior to the first occupation of the building hereby permitted precise details of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be implemented and made available for use in accordance with the approved details prior to first occupation of the building and shall be retained and maintained for the lifetime of the development.
- 10 No part of the development shall be occupied until the cycle racks shown on Proposed Site Plan drg. no. 0326-3-08-00 Rev D have been installed. These shall be retained and maintained for the lifetime of the development

### **Reasons**

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and to define the permission.
- 3 To ensure a satisfactory form of development and the interest of visual amenity.
- 4 To ensure a satisfactory form of development and the interest of visual amenity.
- 5 To ensure a satisfactory development and to safeguard neighbouring amenity.
- 6 To ensure a satisfactory development and to safeguard neighbouring amenity.
- 7 To ensure a satisfactory development and to safeguard neighbouring amenity.
- 8 To ensure a satisfactory development and to safeguard amenity.
- 9 To ensure a satisfactory form of development and the interest of visual amenity.
- 10 To ensure a satisfactory form of development.

### **Reasons for Decision**

The principle of the development is supported. The layout, design and appearance of the proposed extension is considered acceptable. This together with the proposed use of the building as residential units would not be considered to be detrimental to the amenity of neighbouring buildings, future occupiers of the building nor to parking or highway safety. Taking the above into account it is considered that the proposal is a sustainable form of development which is appropriate for its context and in accordance with Sections 2, 4, 7, 9, 11 and 12 of the NPPF 2021, Policy A, Policy 2, Policy 8 and Policy 10 of the Aligned Core Strategy (2014), Policies, LPD 32, LPD 35, LPD 50, LPD 57 and LPD 61 of the Local Planning Document (2018) and the Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022).

## **Notes to Applicant**

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location. The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised by letters of representation submitted in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.