
Appeal Decision

Site Visit made on 17 August 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2021

Appeal Ref: APP/J3015/W/21/3274627

Former Bramcote Hills Golf Course, Thoresby Road, Bramcote, NG9 3EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Champions Gate Ltd against the decision of Broxtowe Borough Council.
 - The application Ref 20/00058/REM, dated 21 February 2020, sought approval of details pursuant to condition No 2 of planning permission Ref 14/00677/OUT, granted on 28 February 2017.
 - The application was refused by notice dated 11 November 2020.
 - The development proposed is to develop part of the former Bramcote Hills Golf Course (all matters reserved except for access from Deddington Lane) for use as a continuing care retirement and specialist care community consisting of accommodation units comprising up to 38 x 2 bed bungalows, 4 x 1 bed bungalows, 40 x 1 bed assisted units and 18 x 1 bed flats together with specialist care/ancillary communal facilities.
 - The details for which approval is sought are: appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Champions Gate Ltd against Broxtowe Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The outline application, granted on appeal, was to develop part of the former Bramcote Hills Golf Course (all matters reserved except for access from Deddington Lane) for use as a continuing care retirement and specialist care community consisting of accommodation units comprising up to 38 x 2 bed bungalows, 4 x 1 bed bungalows, 40 x 1 bed assisted units and 18 x 1 bed flats together with specialist care/ancillary communal facilities.
4. However, the reserved matters submission proposes a different mix to that specified above at 31 x 2 bed bungalows, 33 assisted care units (1 and 2 bed) and 36 x 1 bed flats together with specialist care/ancillary communal facilities. In particular this includes 36 x 1 bed flats which would be an increase in the "up to" figure specified above, although it is accepted that the overall number of dwellings would remain the same.
5. The Council accepted and validated the reserved matters application, including the alteration of the specific breakdown of the living accommodation and went on to consult upon it. The proposal has been fully considered by the Council

and was fully advertised and debated by the Planning Committee. It was then refused for reasons documented which form the basis of their case. Therefore, in this instance, it is appropriate to continue to consider the reserved matters submission on the basis of the revised mix.

Main Issue

6. The main issue is the effect of the proposed development on the living conditions of neighbouring residents, with particular regard to its scale and appearance.

Reasons

7. The appeal site comprises the western part of the former Bramcote Hills golf course and extends to approximately 3.3 hectares. The land is undeveloped and comprises a mix of trees, some protected by Tree Preservation Orders, and grass. The land slopes up from the residential development beyond the appeal site of Wembley Gardens, Killburn Close and Gateford Close. The site is enclosed by trees and vegetation on three sides and bordered by a public footpath.
8. The proposed development includes two main buildings, an extra care building and an independent living building as well as a range of individual apartments and bungalows which are distributed across the site along the main spine road.
9. The Council's concerns centre on the impact of the extra care building which is located close to the boundary of the site, adjacent to Wembley Gardens. The properties within Wembley Gardens and Gateford Close are at a lower level than the northern site boundary. In order to take account of the existing levels the proposed building has accommodation arranged over three storeys, with the lower ground floor being set into the slope.
10. The overall scale of the building would extend to approximately 9.5m high with a width of 90m and would be the largest building within the development. The dwellings within Wembley Gardens have relatively short gardens and are bordered by the existing public footpath. This runs along their rear boundary and when walking along the footpath the first floor windows of those properties are visible.
11. Having regard to APP/J3015/W/16/3162096 where the Inspector considered the principle of development on the site. The impact of the development on the character and appearance of the area was a main issue. It was noted that the impact of the built development would be greatest during the months when a number of the boundary trees would be without leaves. From my observations of the site I have no reason to disagree with this assessment.
12. The Inspector accepted that the proposal would result in some harm to the character and appearance of the area, and that this could be minimised by way of the provision of a 15m wide landscaped buffer along the northern and southern boundary and by ensuring the development is kept very low, however only an indicative layout was before the Inspector.
13. It is noted that landscaping exists along part of the boundary, however, this is deciduous in its nature and therefore would not provide effective screening of the site in winter months and there are also a number of existing gaps within the landscaping.

14. Whilst the intervening landscaping would soften the presence of the proposed extra care building, it would still appear as a large and prominent feature when viewed from outside of the site. I have had regard to the submitted landscape strategy drawings and note that some of the existing landscaping appears to be located outside of the appeal site and therefore its longer-term retention could not be secured by condition.
15. In addition, whilst a small number of trees are shown to be planted along the rear boundary of the extra care living building, having regard to the separation distance between the existing and proposed development, the extent of landscaping shown would not be sufficient to mitigate the impact of the development on neighbouring properties. Therefore, it would fail to provide sufficient screening of the proposed extra care building and as a result of its overall scale and appearance would represent an overbearing form of development.
16. In conclusion, having regard to the overall change in levels, the proximity of the development and its overall scale and the lack of sufficiently robust planting, which would be within the control of the appellant, I find that the proposal would have an overbearing impact on the dwellings within, in particular, Wembley Gardens. This would result in an unsatisfactory relationship and in my view would be harmful to the living conditions of those residents.
17. Therefore, in this regard the proposal would be contrary to Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014 which requires development to be assessed in terms of its treatment of massing, scale and proportion and the impact on the amenity of nearby residents or occupiers. It would also fail to accord with Policy 17 of the Broxtowe Borough Council, Part 2 Local Plan 2019 which permits development which ensures a satisfactory degree of amenity for occupiers of neighbouring properties.

Other Matters

18. Paragraph 131 of the National Planning Policy Framework (the Framework) requires planning decisions to ensure that new streets are treelined, unless there are clear, justifiable and compelling reasons why this would be inappropriate. However, as I am dismissing on other grounds, it has not been necessary for me to reach a conclusion on this matter.

5-yr housing land supply

19. A development of 100 dwellings would give rise to some economic benefits during the construction phase and beyond in supporting the services within the locality and I consider that there would be modest social benefits arising from the contribution to the Council's housing supply. The delivery of specialist housing in the form of retirement and care will result in social benefits, to which I have attributed great weight. I have also given some weight to the benefits associated with opening up parts of the site for public access.

20. However, the appeal site is in a sensitive location given its proximity to existing residential dwellings. Paragraph 130f of the Framework requires that planning decisions should ensure that developments create places with a high standard of amenity for existing users. The scheme fails to adequately mitigate the overbearing impact of the development on the residents whom overlook the site. This significant, permanent harm to their amenity is a matter which weighs heavily against the proposal.
21. The appellant challenges whether the Council can demonstrate a five-year supply of deliverable housing sites. The Council has not commented. However, even if this was the case, the identified adverse effects of the proposed development on the living conditions of neighbouring residents would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

22. For the reasons given above, the proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR