



Appeal Decision

Site visit made on 28 April 2022

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Ref: APP/N3020/W/21/3288397

Land at corner of Cross Street, Arnold, Nottingham, NG5 7AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Lovatt against the decision of Gedling Borough Council.
 - The application Ref 2020/1040, dated 15 October 2020, was refused by notice dated 30 July 2021.
 - The development proposed is a residential development [of] (2no. one and a half storey dwellings).
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Decision

1. The appeal is allowed, and planning permission is granted for a residential development (2no. one and a half storey dwellings) on land at corner of Cross Street, Nottingham, NG5 7AX in accordance with the terms of the application, Ref 2020/1040, dated 15 October 2020, subject to the conditions in the Schedule attached to this Decision.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is a former utility compound at a junction of several, smaller roads to the east with the larger, busier, Mansfield Road to the west. The roads to the east of Mansfield Road are largely characterised by residential development of various scales, forms and appearance, with varying heights and numbers of storeys, including two storey houses and bungalows. This varied and mixed character and appearance is reinforced in my view by the rising land to the east.
4. Elsewhere along and around Mansfield Road, and very much within the setting, context and surroundings of the appeal site there is a wide variety of built form, material, scale and use, with food retail, car sales, offices and services, as well as residential use. Indeed, the diverse nature of the area is noted by the Council.
5. Whilst I accept that there are terraces with similar design, scale, rhythm and form within them close to the site, I do not find that their character is so strong or dominant that it wholly typifies the area. All of this creates a mixed character and appearance, within which no single building scale, form or height dominates.

6. The open nature of the site, with views across it to and from areas of differing character and appearance further reinforces this mixed nature, as well as the ability of the site to host a form of development different to that which surrounds it.
7. As a result, I do not find that the one and a half storey nature of the proposal would either appear out of keeping with, or harmful to the established character and appearance of the area.
8. I turn now to the layout of the site, and the inward-facing nature of the two proposed dwellings. I accept that layout is different from much of the wider area. However, given the mixed character noted above, and the peculiarities of the appeal site itself in terms of its shape, access, relationship to the relatively complex junction, and relationship to the dwellings around it, I do not find that it would be so markedly different as to cause harm to the established character and appearance of the area. In addition, given the nature of Mansfield Road and some of the consultation comments, the layout appears to be a pragmatic response.
9. I therefore find that the scale, design, location and layout of the proposal would not harm the character and appearance of the area. As the proposal is considered acceptable in all other regards, including its effect on the amenities of the area and other nearby occupiers, I find that it would neither conflict with Policy 10 of the Greater Nottingham Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan, adopted 2014, nor policies LPD33 or LPD40 of the Gedling Borough Local Planning Document Part 2 Local Plan, adopted 2018. These policies seek, amongst other things, to ensure that development makes a positive contribution to its surroundings, is of appropriate density, mix, massing, scale, proportion, materials, style, and detail, with an overall high standard of design.
10. The proposal would also not conflict with the guidance in the National Planning Policy Framework (the Framework) on achieving well-designed places.

Conditions

11. The Council has suggested a number of conditions to be attached, should planning permission be granted. I have had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2), which have been listed, as these changed during the course of the application. Conditions 3 and 4 are necessary to ensure the satisfactory appearance of the completed development, although I have amended the trigger for condition 4 to match that of condition 3. I have also removed the tailpiece from condition 4 as it is inappropriate and can be used to bypass other statutory processes.
12. Conditions 5, 6, 7 and 8 are necessary to satisfy highway requirements, to ensure that the development can be appropriately accessed, parking and turning areas are appropriately surfaced and provision is made for electric vehicle charging. Conditions 9, 10 and 11 are necessary as they relate to investigating potential ground contamination and delivering any mitigation found to be necessary.

13. I note from consultation responses that additional conditions were requested to deal with air quality matters arising from the site location. I consider that these are reasonable and necessary, and they have been imposed as conditions 12 and 13.
14. The appellant has confirmed that they have no objection to the terms of the pre-commencement conditions proposed by the Council. It is necessary and reasonable that the information required by these conditions be provided prior to the commencement of development, as these are matters which cannot properly or reasonably be addressed following the commencement of the development.
15. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Conclusion

16. For the reasons given above I conclude that the proposal accords with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. That the development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1447 501 SITE LOCATION PLAN
 - 1447 502D BLOCK PLAN
 - 1447 504 PLANS AND ELEVATIONS
 - 1447 Design and Access Statement OCT 2020 RFS
3. No above ground construction works shall commence until samples of the proposed external facing and roofing materials to be used in the construction of the development 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 and shall be retained as such thereafter.
4. No above ground construction works shall commence until full details of both soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscape plans and particulars shall include: (a) details of size, species, positions and densities of all trees, hedges and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, and the frontages of properties such as driveways and footpaths to front doors, and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
5. The dwellings shall not be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification.
6. The dwelling shall not be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.
7. No part of the development hereby permitted shall be brought into use until the access driveway / parking / turning area (s) is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
8. Prior to occupation, each off street parking space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable. All EV charging points shall be clearly marked with their purpose and their purpose drawn to the attention of new residents in their new home welcome pack / travel planning advice.

9. Prior to the commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority:

Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

Submission of Remediation Scheme

Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

10. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
12. Prior to the commencement of development an assessment of the air quality impacts (including exposure) of the proposal shall be submitted to and approved in writing by the Local Planning Authority. The level of assessment should be commensurate with the scale of development and should characterise the significance of the impact from all sources. The assessment should be carried out in accordance with relevant guidance by suitably qualified persons. Measures required mitigating the air quality impacts of the development on the local environment should be agreed by the Local Planning Authority and implemented prior to the occupation of any building. The measures shall thereafter be retained for the life of the development.

13. Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the IAQM Guidance on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

End of Schedule of Conditions