



Appeal Decision

Site visit made on 6 September 2022

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

Appeal Ref: APP/J3015/W/22/3297042

129-131 High Road, Beeston, Nottingham NG9 2LL

- 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 S & S Developer Group Limited against the decision of Broxtowe Borough Council.
 - The application Ref 21/00971/FUL, dated 24 November 2021, was refused by notice dated 22 March 2022.
 - The development proposed is the 'construction of a 3 storey building to contain 7 Houses of Multiple Occupation providing a total of 41 bedrooms. Change of use class from A1 to C4'.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a 3-storey building comprising 7 apartments (Use Class Order C4) and the provision of a parking area at 129-131 High Road, Beeston, Nottingham NG9 2LL in accordance with the terms of the application, Ref 21/00971/FUL, dated 24 November 2021, subject to the conditions in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by S & S Developer Group Limited against Broxtowe Borough Council. This application will be the subject of a separate Decision.

Preliminary Matter

3. The description of development in the heading above has been taken from the planning application form. However, based upon the final versions of the plans that the Council determined the application upon, the proposal would result in 43 rather than 41 bedrooms. In determining the appeal I have therefore used the more accurate description of development used by the Council in its decision notice and by the appellant at appeal stage.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposal on the living conditions of neighbouring dwellings with regard to outlook; and,

- the effect of the proposal on on-road parking with regard to highway safety and capacity.

Reasons

5. The appeal site is located outside of the defined Town Centre boundary in an area of mixed residential and commercial use. Given these considerations, and the demand that exists for shared housing close to Nottingham University, the change from retail to residential use of the site is acceptable in principle.

Character and appearance

6. The appeal site is occupied by a large, mainly two storey pitched roof building located on the corner of High Road and Marlborough Road. With shop fronts on the ground floor and mock Tudor gables within a hipped, slated roof the building is a modest, attractive structure. High Road is a main thoroughfare through Beeston town centre to the south west.
7. Development along High Road towards the town centre is characterised by two storey terraced buildings set on the back edge of the pavement with commercial uses on the ground floor. To the north east, beyond three neighbouring businesses, is suburban housing. Marlborough Road is characterised by two storey houses set back slightly from the street behind short front gardens.
8. The proposed apartment building would occupy much the same footprint as the existing structure. Owing to its flat roof, it would also be only marginally taller than neighbouring buildings despite being largely three storeys in height. On both streets the three storey part of the building would commence away from neighbouring development. With the third storey set back from the street frontage until towards the prominent corner of High Road and Marlborough Road, an appropriate transition would therefore be achieved that would make efficient use of the site whilst in scale complementing the street scene. The use of setbacks to the façade on both streets would help to break up these elevations and provide relief and interest.
9. Whilst different to the architectural style of the existing building the flat roofed, contemporary appearance of the proposed replacement would be visually attractive. In terms of its fenestration, the building's windows would have a vertical emphasis which would be consistent with both the first floor windows to the parapet wall fronted terrace of shops to the south west along High Road and the first floor of houses along Marlborough Road. With the control that could be exerted by condition over the external materials used in the construction of the building, there is no good reason therefore why it would not integrate successfully with the street scene.
10. A previous application for an apartment building on the site was dismissed on appeal earlier this year. However, as the building in that appeal was four storeys tall it was materially larger than the proposed scheme in this appeal. As a result, reference to this decision has not altered my findings in relation to this main issue.
11. Taking all these matters into account, I therefore conclude that the appeal proposal would complement the character and appearance of the area in compliance with policy 10 of the Broxtowe Aligned Core Strategy (ACS) and policy 17 of the Broxtowe Part 2 Local Plan (Local Plan). These policies, amongst other matters,

require the protection of the character and appearance of a locality through high quality design that integrates with its surroundings.

Living conditions

12. The rear elevations of the houses at 1 and 3 Cedar Road and their rear gardens would face the proposed building. However, with a separation distance between facing elevations estimated by the council to be 30m there would be sufficient separation for the proposed building not to be overbearing in views from within or outside these houses. The outlook experienced by neighbours, and thus their living conditions, would therefore not be materially adversely affected by the scheme. As a consequence, the proposal would comply with policy 10 of the ACS and policy 17 of the Local Plan, which amongst other matters, seeks to secure satisfactory residential amenity.

Parking

13. The proposed development would have eight parking spaces which the appellant states would be reserved for staff. As a result, no on-site parking would be available for residents.
14. No on-road parking is allowed on High Road and parking along Marlborough Road close to the appeal site is restricted. With houses along Marlborough Road having no private parking there is heavy competition for the unrestricted parking that is available along this road. Similar pressure on on-road parking also exists on other nearby roads. The situation though in relation to parking would be clear to future residents and with the range of services and facilities within comfortable walking or cycling distance of the appeal site, and the availability of public transport, a car would be unnecessary to meet their day to day needs. In relation to supporting sustainable modes of transport, I also note that the scheme would have parking for 22 bicycles.
15. As a result, I find that the development would not result in a material increase in demand for on-road parking. Accordingly, I conclude that in compliance with policy 10 of the ACS and policy 17 of the Local Plan the proposal would not exacerbate local parking issues to the detriment of highway safety or capacity.

Other Matters

16. In relation to the proposed building resulting in overlooking and overshadowing of neighbouring dwellings, I note that the Council has not identified any material harm in this regard. I agree with that assessment. As a building containing apartments intended for student accommodation located close to Nottingham University and its ample grounds, on site amenity space is not essential.
17. Concerns have been expressed regarding local disruption during redevelopment of the site. This though could be controlled by a suitably worded condition requiring a Demolition and Construction Method Statement.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

19. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with. In the interests of residential amenity, a noise report to inform acoustic measures to be incorporated into the build and a demolition and construction statement are necessary.
20. To help ensure that the development complements its surroundings further details on external materials and landscaping are necessary and control needs to be exerted over the timing of any planting and related maintenance. In the interests of highway safety, the approved visibility splays need to be provided at the site access, suitably bound and drained surfacing needs to be provided to the access and parking spaces and redundant dropped kerbs removed. To promote biodiversity in accordance with development plan and national planning policy, enhancement measures are necessary.
21. I have required all these matters by condition, revising the suggested conditions where necessary to reflect the advice contained within Planning Practice Guidance.
22. Following the site visit the appellant provided written consent to conditions 4 and 5 being pre-commencement conditions.
23. Conditions have been suggested preventing demolition during the bird breeding season and requiring the identification and safe removal of asbestos. However, as these conditions would duplicate other primary legislation that already controls these matters these conditions are not relevant to planning. As a consequence, I have not attached them to the permission.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: proposed site plan No. 2310/15 Rev. D, proposed ground floor plan No. 2310/10 Rev. E, proposed first floor plan No. 2310/11 Rev. D, proposed second floor plan No. 2310/12 Rev. E, proposed elevations 1 No. 2310/20 Rev. F (all received by the Local Planning Authority 10.02.22), site location plan No. 2310/01, existing block plan No. 2310/02, proposed elevations 2 No. 2310/21 Rev. E, proposed roof plan No. 2310/14 Rev. D (all received by the Local Planning Authority 24.11.21)
- 4) No development shall take place until details of a noise report, which shall be prepared in accordance with the provisions of the DoT Calculation of Road Traffic Noise and BS8233 to predict noise levels at and within the nearest noise sensitive location has been submitted to and approved in writing by the Local Planning Authority. The report shall set out: a large scale plan of the proposed development; noise sources and measurements/ prediction points marked on plan; a list of noise sources; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; noise levels at a representative sample of noise sensitive locations; a comparison of

noise level with appropriate current criteria. Where current criteria are exceeded at any location the applicant shall explain why that excess is immaterial or what further mitigation will be undertaken to ensure that criteria will be met.

Mitigation measures approved as part of the submitted details shall be installed prior to first occupation of the development and retained for the lifetime of the development.

- 5) No development shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:

- a) The means of access for construction traffic;
- b) Parking provision for site operatives and visitors;
- c) The loading and unloading of plant and materials;
- d) The storage of plant and materials used in the construction of the development;
- e) A scheme for the recycling/disposal of waste resulting from construction works;
- f) Details of dust and noise suppression to be used during the construction phase; and
- g) Site preparation, construction and delivery hours.

The statement as approved shall be implemented throughout the construction and demolition period of the development.

- 7) No above ground works shall be carried out until details of the manufacturer, type and colour of the bricks, cladding and window frames to be used in facing elevations have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed in accordance with the approved details.

- 8) No above ground works shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:

- (a) numbers, types, sizes and positions of proposed shrubs and other soft landscape areas
- (b) proposed boundary treatments
- (c) proposed hard surfacing treatment
- (d) proposed lighting details.

The approved scheme shall be carried out strictly in accordance with the agreed details.

- 9) The development hereby permitted shall not be brought into use until the visibility splays as shown on drawing 2310/15 Rev. D have been provided, and

shall thereafter be kept free of all obstructions, structures or erections, for the lifetime of the development.

- 10) The development hereby permitted shall not be brought into use until the access drive and parking spaces (which shall be delineated in accordance with drawing number 2310/15 Rev. D) have been surfaced in a hard bound material (not loose gravel) and shall thereafter be maintained in hard bound material for the lifetime of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
- 11) The development hereby permitted shall not be brought into use until the access drive and parking spaces have been constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The provision to prevent the unregulated discharge of surface water shall thereafter be retained for the lifetime of the development.
- 12) The development hereby permitted shall not be brought into use until the two existing site accesses/redundant kerbs (one each on High Road and Marlborough Road) are made permanently closed and access crossings re-instated as footway and full height kerbs.
- 13) The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species unless written consent has been obtained from the Local Planning Authority for a variation.
- 14) Prior to occupation of the hereby permitted development, a scheme of bird and bat enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

-----End of Schedule of Conditions-----