



Appeal Decision

Site visit made on 5 December 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/N3020/W/23/3325230

Beacon Baptist Church, Birchfield Road / Firbeck Road, Arnold, Nottingham NG5 8BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Lovatt (Direct Land Investments) against the decision of Gedling Borough Council.
 - The application Ref 2021/0126, dated 4 February 2021, was refused by notice dated 27 April 2023.
 - The development proposed is residential development (outline) (to include demolition of existing site buildings).
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Decision

1. The appeal is allowed, and outline planning permission is granted for residential development (outline) (to include demolition of existing site buildings) at Beacon Baptist Church, Birchfield Road / Firbeck Road, Arnold, Nottingham NG5 8BB in accordance with the terms of the application Ref 2021/0126 dated 4 February 2021 subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application was made in outline form, with layout and access to be determined at this stage.

Application for costs

3. An application for costs was made by Mr Lovatt (Direct Land Investments) against Gedling Borough Council. This application will be the subject of a separate Decision.

Main Issue

4. The main issue in this appeal is the suitability of the development, with regard to the exploration of alternative uses for the premises and the availability of other premises for users.

Reasons

5. The premises are located in a predominately residential area and are single storey in nature with a varied roof profile, but a hexagonal central section that a spire sits atop.
6. I understand that the building has not been used for church services for some considerable time, has been the subject of some water damage, and asbestos has been found during assessment works.

7. Evidence provided by the parties also demonstrates that the building has been both marketed for a period of time and allocated as an Asset of Community Value. It appears that, despite interest, no firm offer was ever received.
8. Viability appears to be an issue, with the dated nature of the building increasing renovation costs, as well as the discovery of asbestos in the building.
9. It would appear from the evidence that the congregation has utilised alternative premises as there are two other Baptist churches within 3km identified, as well as alternative community facilities. No alternative facilities have been offered as part of the application.
10. The application indicated that the existing building was to be demolished, and the layout aspect of the application indicates that the layout will be for 2no. detached dwellings and three pairs of semi-detached dwellings. Design would be a Reserved Matter. Means of access has not raised any objection from consultees or planning officers.
11. The objections from the Council relate to the provision of alternative community facilities and a lack of evidence to prove that the building cannot be retained.
12. The appellant has demonstrated that there are alternative facilities available within a reasonable distance, accessible by public transport if necessary, and that given the length of time that the premises have been closed, that any parishioners have made alternative arrangements where necessary, so there is no need for replacement premises to be provided.
13. With regard to demonstration of the retention of the building, it has, as indicated above, been vacant for a number of years, marketed appropriately, and has had limited interest. In addition, I consider that water damage to the building and the presence of asbestos makes it unviable to any potential purchaser for renovating the building.
14. As such I find that the proposal does not conflict with policy LPD56 of the Gedling Borough Local Planning Document (2018) where development should not result in the loss of community facilities unless certain criteria are met including alternative provisions and lack of economic viability.

Other Matters

15. I note the comments of a local group that were looking at the possibility of purchase of the site. The site was marketed and was also listed as an Asset of Community Value, so was open to purchase from interested parties. This would apply to the local residents who wish to see some community use. Unfortunately, the site has undergone a thorough process and the applicant has been successful. Objectors may want alternatives, but if financial backing does not support this, then it will not be forthcoming.

Conditions

16. I have taken into account the conditions prepared by the Council, and find them fair and reasonable, and, subject to some minor alterations to wording, have included them below.

17. Conditions 1 to 3 are in the interests of proper planning. Condition 4 allows proper consideration of site levels, whilst Conditions 5 through 8 are to maintain safe highways usage for the development.
18. Condition 9 is to ensure the provision of correct drainage; Condition 10 ensure that works are carried out in a considerate manner whilst Condition 11 allows future residents options in terms of vehicle use.

Conclusion

19. Subject to the imposition of conditions, there are no material considerations that indicate that the application should be determined other than in accordance with the development plan, of which the relevant policies attract full weight. For the reasons given above, I therefore conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of scale, appearance and landscaping (Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any development takes place. The development shall then be carried out as approved.
- 2) An application for the approval of Reserved Matters must be made no later than three years from the date of this outline permission and must be begun within two years from the date of the final approval of Reserved Matters.
- 3) The aspects of the outline development hereby permitted shall be completed in accordance with the submitted documents and plans.
- 4) With the submission of Reserved Matters, full details of the existing and proposed ground levels of the site, and finished floor levels of the dwellings, including sectional drawings shall be submitted to, and approved in writing by the LPA and development shall be undertaken in accordance with those approved details.
- 5) No part of the development shall be brought into use until all dropped vehicular footway crossings are constructed and available for use, to Local Highway specifications.
- 6) No part of the development shall be brought into use until all existing site access points that have been made redundant have been permanently closed and reinstated as footway with full height kerbing.
- 7) No part of the development shall be brought into use until all parking and turning areas are surfaced in hard-bound material (not loose gravel) for a minimum of 5.5m behind the highway boundary and permanently retained in such hard-bound material.
- 8) The development shall not be brought into use until all access driveways are constructed with provision to prevent the unrestricted discharge of water from the access driveway to the public highway. These details shall be submitted to and approved in writing by the LPA prior to commencement of the construction of said driveways.
- 9) With the submission of Reserved Matters, full details of the means of foul and surface water drainage shall be submitted to, and approved in writing by the LPA, and development undertaken in accordance with those details.
- 10) Prior to commencement of development a Construction Emission Management Plan (CEMP) for site preparation and construction must be submitted to and agreed in writing by the LPA.
- 11) Prior to the first occupation of any dwelling, that dwelling shall be provided with access to an electric vehicle charging point, with a minimum power output of 7kw on a dedicated circuit.

END OF SCHEDULE