

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>22/00044/REG3</b>
<b>LOCATION:</b>	<b>Inham Nook Hotel Inham Road Chilwell Nottinghamshire NG9 4HX</b>
<b>PROPOSAL:</b>	<b>Demolition of Existing Public House</b>

The application is brought to the Committee as the site is owned by the Council.

1 Executive Summary

- 1.1 The application seeks planning permission for the demolition of the vacant public house and associated garage.
- 1.2 The public house is vacant and has been a failing business for a number of years prior to its closure.
- 1.3 The main issues relate to the loss of a community facility (public house), the visual impact of the site once cleared following demolition, potential impact on biodiversity and impact on neighbour amenity from noise and disturbance.
- 1.4 The benefits of the proposal (demolition) are that the building is vacant and there is little chance of a pub becoming a viable business given the recent history; the demolition of the pub will ensure that the site will not fall into a state of disrepair and will be left in a tidy state ready for redevelopment for the benefit of the community; impact on biodiversity and neighbour amenity would be safeguarded through imposition of conditions. There would be a loss of a community facility but as the use as a pub has not been proven to be a viable option, and that there are alternative community facilities both directly adjacent to the site and other alternatives within easy access via walking and public transport in the wider area, it is considered that the loss of the community facility would be outweighed by the benefits of the scheme.
- 1.5 The committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

## Appendix 1

**1 Details of the Application**

- 1.1 The proposal seeks to demolish the existing public house, which is now vacant. A small garage to the west of the site, associated with the pub, is also proposed to be demolished.

**2 Site and surroundings**

- 2.1 The building is a former public house, now closed and vacant. The building is detached and two storey and sits in a slightly elevated position from the road. There is a car park to the east, accessed from Great Hoggett Drive.
- 2.2 Inham Road is to the south and on this south side there are dwellings and a care home. To the west is Inham Nook Community Centre and Library and an amenity area and to the north / north west is an access from Barn Croft which leads to council owned garage blocks. To the north east of the site and east of the garage blocks are two storey dwellings which are side on to the site.

**3 Relevant Planning History**

- 3.1 Aside from an application notifying the council of intention to demolish the public house and council garaging to the north (reference 21/01038/DEM), which was withdrawn due to the requirement of the demolition of any public house now needing full planning permission, there is no relevant planning history for the site post 1997.

**4 Relevant Policies and Guidance****4.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

- 4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 17: Biodiversity

**4.2 Part 2 Local Plan 2019:**

- 4.2.1 The Council adopted the Part 2 Local Plan (P2LP) on 16 October 2019.

- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 31: Biodiversity Assets

**4.3 National Planning Policy Framework (NPPF) 2021:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 8 – Promoting healthy and safe communities.

- Section 12 – Achieving well-designed places.

## 5 Consultations

- 5.1 **Council's Environmental Health Officer:** No objections subject to note to applicant regarding no burning of waste on site.
- 5.2 **County Council as Highway Authority:** No objections subject to note to applicant regarding no deposit of mud or debris on the public highway.
- 5.3 **Notts Wildlife Trust:** Two nocturnal activity surveys must be carried out prior to the determination of the application and should be undertaken during bat activity period between May to August, with one survey as a minimum taking place in June / July. Vegetation / site clearance works should be undertaken between March and September, to protect breeding birds. Whilst agree that the site is unlikely to support badgers, due to the proximity to arable fields and woodland, recommend a condition requiring all excavations be covered overnight or alternatively have an escape ramp to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework greater than 150mm should be capped off at the end of the day, and chemicals should be stored securely. Recommends that due care should be taken during site clearance to avoid harm to hedgehogs. All trees should be retained and protected during the demolition / construction works. The future development must demonstrate a minimum of 10% biodiversity net gain (BNG) to be delivered in perpetuity, and supports the recommendation for integrated swift boxes to be installed on any proposed buildings, as well as bat roosting provisions. A revised Ecology Survey has been submitted which should address the concerns regarding bat surveys and Notts Wildlife have been re-consulted and the second response notes that whilst the two night-time surveys have been undertaken, they were both dusk time surveys (one should be at dawn) and both taken toward the end of the season. NWT support the recommendation of a precautionary working method being carried out involving construction workers stripping the roof by hand prior to demolition but recommend that the roof strip be supervised by a bat ecologist and that it should be carried out between the months of October and May to avoid the maternity season and main bat activity period.
- 5.4 25 properties either adjoining or opposite the site were consulted, a site notice was displayed and a press notice published, with an overall expiry date of 25.02.22. Two responses were received, one of observations / no objections and one objection:

### Observations:

- Would like the security fencing to remain as is

### Objections:

- Building forms important part of local community
- No other public houses in the area, nearest is 1 mile away

## 6 Assessment

- 6.1 The main issues for consideration are the loss of a community facility (public house), visual impact following demolition, impact on biodiversity and impact on neighbour amenity (noise and disturbance).

## 6.2 **Principle**

- 6.2.1 Section 8 of the NPPF (Promoting healthy and safe communities) states that, in order to provide the social, recreational and cultural facilities and services the community needs, planning decisions should (paragraph 93 c)) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

- 6.2.2 Whilst it is acknowledged that the public house is the only one serving the estate (prior to its closure), it has not been run as a successful or thriving business for a while prior to its closure, and the former owners had struggled to find long term tenants to run the pub. The pub did not have a restaurant facility. The former owners, Trust Inns, have supplied a supporting document regarding the viability of the pub, with extracts as follows:

*Ostensibly the site has every necessary facility including car park, outside seating and secure garden area for families.*

*However, from 2012 to late 2021 we had 8 TAW occupants (i.e. an operator who would only take the site on a day to day basis) and 6 one year agreements (of which only 2 completed the term) we also had 2 periods of closure totally 21 months when we could find no one to run the premises.*

*The last tenant from 26/3/20 to 4/7/21 failed to trade with us or pay rent during the period however we were unable to recover the site due to covid restrictions on possession action.*

*The full rent asked never increased from 2012 above £8,000 pa (including the flat) and was discounted regularly to incentivise tenants to take on the site.*

*The average volume for the site was only 100 composite barrels' pa. which suggests trade was less than £1,500 pw including vat.*

*It is evident from the number of occupants, failures and periods of closure that despite the pub being in reasonable condition and having all the requisite facilities it was unviable due to the poor level of trade available from the estate and due to other issues such as drug and alcohol abuse and violence which were endemic in certain sectors of the catchment and were of necessity excluded from the premises.*

*We rarely give up on a site and run over 350 pubs effectively – however despite investing in the site it became evident that we would never find a substantive tenant for the pub who could control the clientele and build a profitable business.*

*It's also worth noting that recent utility increases which are not controlled by a cap for commercial use have led to a trebling of costs – an average sized pub would*

*historically use circa £15k pa however this would now be in the region of £45k and will make many more pubs unviable but would certainly not have been sustainable from a site taking £1,500 pw like the Inham.*

*I've been the Operations Director for Trust Inns since 2006 and the pub has always been difficult to trade and find suitable operators clearly evidenced by the failure of anyone to become stable at the site."*

- 6.2.3 The supporting document goes on to state that the pub has clearly struggled to be a profitable business for over 10 years with a high turnover of tenants. Although the pub itself has a range of facilities, it is in the wrong location to attract passing trade and does not generate sufficient acceptable trade from the existing community to make it profitable. There is no catering kitchen (other than a small galley behind the bar) which precludes any food opportunity. The income of circa £1,500 a week before overheads does not make for long term stability as tenants need to make more profit than this to generate a sufficient income. There are not enough 'compliant' customers to raise the income above around 100 barrels per annum. This has historically barely made a living for the tenants or a return for the Brewery and doesn't provide for any longevity and stability and the tenants get worn down and rarely stay. It is also impossible to get people to visit from off the estate so its immediate catchment is fixed. The site is effectively a casualty of its 'isolated' location, the changing way pubs are being used by the wider community, as well as being a casualty of Covid. The impact of which, on wet led sites like the Inham Nook, makes them difficult to trade effectively with the resultant higher cost base and lower turnover.
- 6.2.4 The pub is not featured on the list of Assets of Community Value (ACV) nor has it been listed on the Assets of Community Value for Disposal and Requests to Bid list. No nominations have been forthcoming to date.
- 6.2.5 There are other public houses nearby, the nearest being The Charlton Arms, High Road Chilwell, to the south east, one mile away, and The White Lion, in Bramcote Village, which is 1.3 miles away. There is a frequent bus route passing by the site, which loops round the Inham Nook estate, and the tram route passes through the estate. Both these services would provide convenient and easy access to the wider area, including Chilwell and Beeston, for alternative public house and restaurant provision.
- 6.2.6 Adjacent to the site are other community facilities which include a library, community centre, sure start centre, primary school and a place of worship.
- 6.2.7 It is therefore considered that the loss of the pub would not result in the unnecessary loss of a valued facility, and that the loss would not reduce the community's ability to meet its day-to-day needs, given that other community facilities are directly adjacent, or available and accessible a short distance away.
- 6.3 Visual Amenity**
- 6.3.1 Following the demolition of the pub and associated garage, the site will be enclosed by Heras style fencing, and all waste material removed. This is considered acceptable and the removal of the waste on site would leave a clear and tidy site

ready for future development and would not have a long term significant impact on the visual amenity of the street scene.

#### **6.4 Neighbour Amenity – noise and disturbance**

- 6.4.1 The Demolition Statement sets out the working hours to be Monday to Friday 7.30am to 6pm, with no working on weekends or on Bank / Public holidays. Steps would also be taken to minimise noisy works, and to minimise the creation of dust. As the Environmental Health team have no objections or have recommended different hours of working, it is considered that these hours are acceptable and would not result in a detriment to neighbour amenity.

#### **6.5 Impact on Biodiversity**

- 6.5.1 Whilst a large part of the site is taken up with built form and hard surfacing, there are trees within the site, mainly to the common boundaries. There are areas of soft landscaping too. The building itself also has the potential to support roosting bats.
- 6.5.2 As the application relates to demolition, there are no proposals to remove the trees to the common boundaries and it should be possible to achieve the demolition whilst retaining the trees.
- 6.5.3 The building has moderate potential for roosting bats and as such it is recommended that two nocturnal surveys be carried out between May and September to establish this. The survey should also include the Beech tree on site as this also has bat roosting potential. Should bats be found in the building, an EPS licence would need to be obtained prior to the demolition of the building. A revised Ecological Survey has been submitted, which shows that the two surveys have been carried out. Notts Wildlife Trust recommend that the roof stripping be supervised by a bat ecologist in order to safeguard any bats which may be roosting in the roof. These measures should ensure that the protected species are safeguarded, should any be found within the buildings to be demolished.
- 6.5.4 The application is for demolition of buildings and as result there may be a negative impact on biodiversity. However, it is considered that the impact would not be significant as any trees worthy of retention are mostly on the adjacent community centre site with the Beech tree, on the west boundary, being retained and protected species, if any are found, would be adequately protected. Any future development would need to demonstrate a net gain in biodiversity and this would be measured from the current state of the site, that is, before demolition, to ensure that it is a gain and not mitigation for any loss.
- #### **6.6 Access**
- 6.6.1 Access will be from the existing access on Great Hoggett Drive, to the east, which would minimise any impact on neighbouring properties, and the Highway Authority raise no objection to this, subject to a note to applicant regarding mud and debris on the public highway.

**6.7 Other Matters Raised at Consultation Stage****6.7.1****7 Planning Balance**

7.1 The benefits of the proposal are that the vacant site can be cleared ready for redevelopment and would be left in a tidy state.

7.2 The negative impacts are the loss of a community facility and potential impact on biodiversity.

7.3 On balance, as there are alternative community facilities both within the immediate vicinity and others easily accessible by public transport, matters regarding biodiversity can be secured by condition, and the method of demolition is found to be acceptable, the proposed demolition of the pub and associated garage would be acceptable and would make way for redevelopment of a vacant site which has little prospect of being re-used as a public house.

**8 Conclusion**

8.1 Recommend granting of conditional planning permission.

**Recommendation**

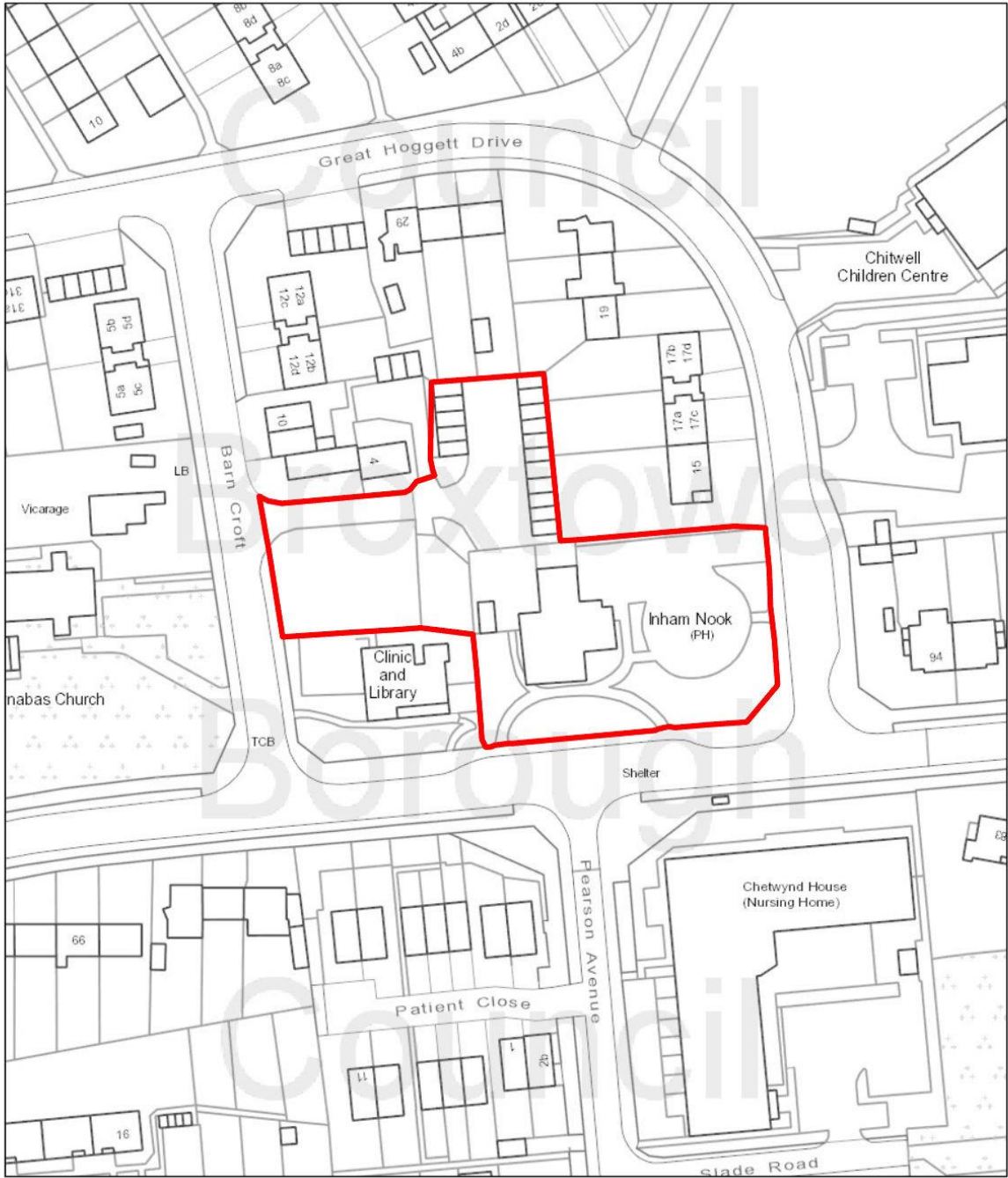
**The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.**

<b>1.</b>	<b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b>  <b><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></b>
<b>2.</b>	<b>The development hereby permitted shall be carried out in accordance with the site location plan, Demolition Method Statement and the Ecological Appraisal, received by the Local Planning Authority on 17.01.22.</b>  <b><i>Reason: For the avoidance of doubt.</i></b>
<b>3.</b>	<b>The erection of fencing for the protection of the retained trees shall be undertaken in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority, before any equipment, machinery or materials are brought on to the site for the purposes of the demolition, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be</b>

	<p>stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.</p> <p><i>Reason: To ensure the retained trees are not adversely affected and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
4.	<p>All excavations shall be covered overnight or otherwise have an escape ramp to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework greater than 150mm should be capped off at the end of the day and chemicals should be stored securely.</p> <p><i>Reason: To ensure the protection of fauna on or passing through the site, in accordance with Policy 17 of the Broxtowe Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
5.	<p>A precautionary working method should be undertaken which shall require the roof of the public house to be stripped by hand and the works supervised by a qualified bat ecologist.</p> <p><i>Reason: In the interests of safeguarding protected species, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
	<b>NOTES TO APPLICANT</b>
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
3.	<p>The Highways Authority advise:</p> <p>It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud / debris on the public highway and as such you should undertake every effort to prevent it occurring.</p>
4.	The applicant is reminded of their responsibility to safeguard species protected under the Wildlife and Countryside Act 1981 as amended by the Environmental Protection Act 1990, which include the avoidance of demolition within the bird breeding season and to be vigilant for the presence of bats.

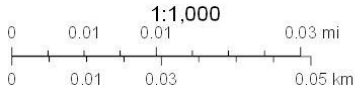


Inham Nook Public House, Inham Road, Chilwell NG9 4HX



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 Site



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Photographs



Front elevation from Inham Road



Side elevation from Great Hoggett Drive



Rear and side elevation from the garaging area off Barn Croft. Garage associated with the pub is behind the gate



Library and Community Centre, to the west and adjacent of the site



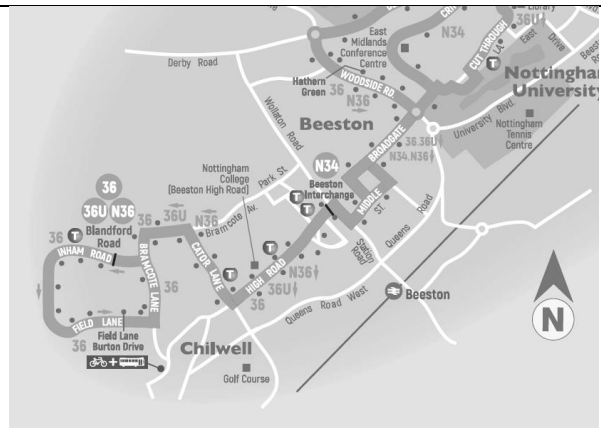
St Barnabas Church, to the west of the Community Centre, on the west side of Barn Croft



Rear of the Community Centre from Barn Croft



Sunnyside Academy (primary school) and Sure Start Children's Centre to the east of the site

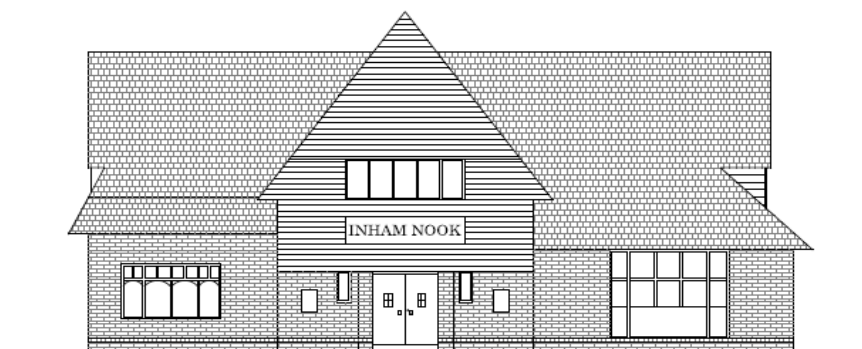


Excerpt from NCT route map (no. 36) which runs directly outside the site and which links to Beeston Town Centre and beyond

### Plans (not to scale)



North Elevation



South Elevation

**Existing building to be demolished**