

Report of the Chief Executive

APPLICATION NUMBER:	22/00228/FUL
LOCATION:	Gardeners Inn, Awsworth Lane, Cossall, Nottinghamshire NG16 2RZ
PROPOSAL:	Demolish public house and construct five detached dwellings and associated parking

1. Purpose of the Report

The application is brought to the Committee at request of Councillor L.A. Ball BEM.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be refused on the grounds outlined in the appendix.

3. Detail

- 3.1 The application seeks full planning consent for the demolition of the public house and the erection of 5 detached dwellings. The site includes the Gardener's Inn, public house off Awsworth Lane within the built up area of Cossall.
- 3.2 The site is in a predominantly residential area including residential properties to the south, west and north. To the east includes a farm yard and open fields beyond forming the Nottingham Derby Green Belt. It should be noted that the neighbouring site was granted planning permission for 3 dwellings on land that formed part of the public house car park 20/00298/FUL. The 3 dwellings are currently under construction.
- 3.3 The main issues relate to whether the loss of a public house has been justified; whether the design is acceptable; whether there would be unacceptable impact on the amenity of future and neighbouring occupiers and whether the proposal would have an unacceptable impact on highway safety.
- 3.4 The benefits of the scheme are that the proposal would provide new housing for the Borough; and would provide a good standard of living for the future occupiers. The negatives of the scheme are that the proposal would result in the loss of an existing public house which serves as a wider community facility.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

6. Background Papers

- Planning Statement
- Design and Access Statement
- Bat survey

APPENDIX

1. Details of the Application
2. The application seeks full planning consent for the demolition of the public house and the erection of 5 detached dwellings. The site includes the Gardener's Inn, public house off Awsworth Lane within the built up area of Cossall.
3. Site and Surroundings
 - 3.1 The site is in a predominantly residential area including residential properties to the south, west and north. To the east includes a farm yard and open fields beyond forming the Nottingham Derby Green Belt. It should be noted that the neighbouring site was granted planning permission for 3 dwellings on land that formed part of the public house car park 20/00298/FUL. The 3 dwellings are currently under construction.
4. Relevant Planning History
 - 4.1 In 2008, planning permission was granted for two smoking shelters. In 2011, advertisement consent was granted for a totem sign in relation to the public house.
 - 4.2 It should be noted that the neighbouring site was granted planning permission for 3 dwellings on land that formed part of the public house car park 20/00298/FUL. The 3 dwellings are currently under construction.
5. Relevant Policies and Guidance
 - 5.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**
 - 5.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
 - Policy A: Presumption in Favour of Sustainable Development
 - Policy 8: Housing Size, Mix and Choice
 - Policy 10: Design and Enhancing Local Identity
 - Policy 13: Culture, Tourism and Sport
 - Policy 17: Biodiversity
 - 5.2 **Part 2 Local Plan 2019:**
 - 5.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.
 - Policy 15: Housing Size, Mix and Choice
 - Policy 17: Place-making, Design and Amenity
 - Policy 25: Culture, Tourism and Sport
 - Policy 31: Biodiversity
 - 5.3 **National Planning Policy Framework (NPPF) 2021:**

Section 2: Achieving sustainable development
 Section 4: Decision-making
 Section 5: Delivering a sufficient supply of homes
 Section 8: Promoting healthy and safe communities
 Section 9: Promoting Sustainable Transport
 Section 11: Making effective use of land
 Section 12: Achieving well-designed places
 Section 15: Conserving and enhancing the natural environment

6. Consultations

6.1 Environmental Health – no objections subject to conditions:
 Restrict construction hours.
 Construction / Demolition Method Statement.

6.2 Coal Authority – objection.

The site falls within a high risk area and therefore there are coal mining features and hazards which need to be considered.
 The application submitted does not include a Coal Mining Risk Assessment.

6.3 County Highways – no objections subject to conditions.

The access has been amended to create a new access to serve the proposed 5 dwellings.
 Access width is acceptable for the scale of the development and visibility splays have been demonstrated on the revised submitted details.

6.4 Nottinghamshire Wildlife Trust

Bat surveys show no detrimental impacts to roosting bats on the site.
 The boundary hedgerows and trees should be retained to preserve existing habitats.
 Bat and bird boxes (or bricks) should be integrated into any new properties.

6.5 Resident comments: 1 site notice was posted and neighbouring properties were consulted. 73 objections and 1 letter of support.

Objections:

Loss of a community asset for local people
 Loss of a local pub
 No need for large house types / affordable housing is required
 Unacceptable design, scale and height
 Increased traffic
 Noise pollutions during construction
 Local infrastructure cannot cope with more housing i.e. school
 Proposed development will negatively affect views of the countryside
 The proposal is overdevelopment of the site

Contrary to policies contained within the Part 2 Local Plan 2019.
 Inaccuracies within submitted details
 Negative economic impact on existing business
 No site notice has been put up

Campaign for Real Ale – object to the proposal on the following grounds:

Building should be affordable local listing
 Loss of a community asset
 Proposal contrary to the Part 2 Local Plan 2019
 No viability assessment has been provided

Support:

Support for the demolition of the pub.

7. Assessment

7.1 Principle

7.1.1 The site is located within the built up area of Cossall and therefore is considered to be in a sustainable location. As such, the general principle of residential development in this location is considered to be acceptable subject to any other material considerations.

7.1.2 A significantly high number of objections have been raised in respect of the loss of the public house which serves as a local community facility. In terms of significance, public houses are long established commercial premises, which form an integral part of the area's identity. It should be noted that the Gardener's Inn public house previously was listed as an asset of community value, however in 2021 it was removed from the list as it was judged that there was no evidence of realistic continued use.

7.1.3 Policy 13 – Culture, Tourism and Sport of the Aligned Core Strategy 2014 states that where appropriate, existing cultural, tourism and sporting facilities will be protected and their further development will be supported. As such, existing facilities will be protected and enhanced where there is a continuing viable need for them.

7.1.4 Paragraph 93 a) of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. Paragraph 93 c) of the NPPF states planning decisions should 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.

- 7.1.5 It is important to note that the applicant has been given the opportunity to submit evidence to demonstrate that there is no viable need to continue to operate the public house. No viability assessment or marketing information has been submitted to accompany the planning application to evidence any lack of interest in the continued operation of the public house. No evidence has been put forward which demonstrates any decline in sales in recent years. It is noted that there are 2 public houses within less than 1 mile of the site to the north including: The Crown Inn off Croft Crescent and The Gate Inn off Main Street.
- 7.1.6 Evidence submitted to justify the loss of a public house includes reference to a number of local news articles relating to local interest in preserving the public house. The applicant claims the previous occupier of the public house had removed/damaged the internal facilities of the building. It would appear that the public house has been boarded up and closed for business temporarily.
- 7.1.7 It is considered that a lack of evidence has been submitted to justify the loss of a community facility and that there is no longer a need for a public house in this location. The application is as such contrary to Policy 13 - Culture, Tourism and Sport of the Aligned Core Strategy Part 1 Local Plan 2014 which seeks to protect existing community facilities. The application also runs contrary to Part 8 - Promoting healthy and safe communities of the NPPF 2021 which seeks to guard against the unnecessary loss of valued facilities and services.

7.2 Design

- 7.2.1 Concerns have been raised in respect of the loss of the public house which is considered to have historic value. However, it should be noted that the building is not listed as a designated or non-designated heritage asset and it is considered that the building is limited in heritage value.
- 7.2.2 Further to this, a number of concerns have also been raised with the design of the proposed dwellings. The proposed development consists of 5 detached dwellings approximately 2.5 storeys with plot 5 being the largest dwelling. The proposed design of plots 1-5 is reflective of the newly built properties next door on the approved site for 3 dwellings (20/00298/FUL) featuring gable frontages including contemporary materials. Whilst there is an increase in land levels from south to north, it is considered that the layout of the proposed dwellings continues the prevailing pattern of development in this location. The proposed dwellings would be set back from Awsworth Lane and this would lessen the visual impact of the development on the street scene.
- 7.2.3 There are limited concerns with regards to the siting, size, scale and design of the proposed dwellings. As a result, it is considered that the proposed design would comply with the requirements contained with Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan (2014)

and Policy 17 – Place-making, Design and Amenity of the Part 2 Local Plan (2019).

7.3 Amenity

7.3.1 A number of concerns have been raised in relation to the proposal. It should be noted that given the limited scale of the proposal there are limited concerns with regards to any potential disruption resulting from the proposal. Moreover, there are limited concerns with regards to the impact of the proposal on local infrastructure.

7.3.2 To the north includes residential properties along Westby Lane, to the west and south includes residential properties off Awsworth Lane and to the east includes fields and farmland. The proposed dwellings would be set back from the highway and sufficiently separated from surrounding residential properties. Internal and external amenity spaces would provide future occupiers with acceptable living conditions with appropriate outlook. Due to the siting, size, scale and design of the development the proposal is considered not to significantly impact the amenity of any neighbouring properties in terms of any potential overlooking, overbearing or overshadowing impact.

8 Highway Safety

8.1 The proposed access has been amended from the existing public house access to a new access to serve the 5 dwellings off Awsworth Lane. County Highways have reviewed the amended access details and have provided no objections subject to conditions. The access width is 6m and is of a sufficient width to allow two vehicles to pass each other without causing any obstruction to users of Awsworth Lane. Moreover, 2.4m x 43m visibility splays have been provided to ensure there is adequate vehicular visibility for vehicles leaving the site. The parking area to the front of the site also provides sufficient off street car parking and turning space to the front of the dwellings. It is considered that the proposal would not be detrimental to the safety or capacity of the highway.

8.2 In conclusion, it is considered the proposed development would not have an unacceptable impact on highway safety.

9 Coal High Risk Area

9.1 The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

9.2 The Coal Authority records indicate that the site is underlain by recorded shallow coal workings and probable unrecorded underground shallow coal workings. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The records also suggest that the application site is likely to have been subject to

historic unrecorded coal mine workings at shallow depth associated with a thick coal outcrop.

9.3 The Coal Authority have objected to the proposal as no Coal Mining Risk Assessment has been submitted. As no assessment has been provided of the potential impacts of the proposal on the high risk coal mining area in this location the Council is therefore unable to make a judgement on the acceptability of the proposal.

10. Other Matters

10.1 Nottinghamshire Wildlife Trust have reviewed the submitted bat survey and have provided no objections. The bat surveys show no detrimental impacts to roosting bats on the site. It is recommended that the boundary hedgerows and trees within the site should be retained to preserve existing habitats. This could be secured by conditioning a Landscape and Ecological Management Plan. As such, it is considered that the proposed development could be appropriately conditioned to ensure the proposal delivers ecological enhancements measures.

11. Conclusion

11.1 The benefits of the scheme are that the proposal would provide new housing for the Borough in a sustainable location; and would provide a good standard of living for the future occupiers. The negatives of the scheme are that the proposal would result in the loss of an existing public house which serves as a wider community facility.

11.2 No coal mining risk assessment has been provided and therefore the Council is therefore unable to make a judgement on the acceptability of the proposal in terms of the potential negative impact on the coal mining high risk area.

11.3 On balance, it is considered that any potential benefits would be outweighed by the concerns with the scheme. The application is deemed contrary to the policies contained within the development plan. This is given significant weight.

11.4 It is recommended that planning permission be refused.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be refused for the following reasons:	
1.	Insufficient evidence to justify the loss of a community facility has been submitted to demonstrate that there is no longer a need for a public house in this location. The application is as such considered contrary to the aims of Policy 13 - Culture, Tourism and Sport of the Aligned Core

	<p>Strategy Part 1 Local Plan 2014 and paragraph 93 (a) and (c) of the National Planning Policy Framework 2021 which seeks to protect community facilities and guard against the unnecessary loss of valued services.</p>
<p>2.</p>	<p>No coal mining risk assessment has been provided and therefore the Council is therefore unable to make a judgement on the acceptability of the proposal in terms of the potential negative impact on the coal mining high risk area.</p>

Site Location Plan (not to scale)



Legend

-  Site Outline
-  Green Belt

Photos

The Gardener's Inn



Site and neighbouring 3 dwellings under construction - 20/00298/FUL



View of site from opposite side of Awsworth Lane, Cossall



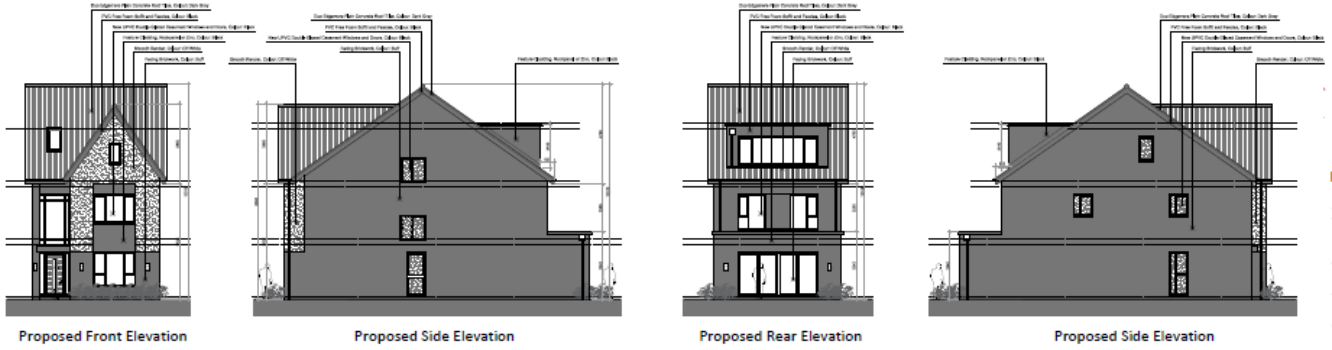
Proposed layout plan



Proposed Street Scene



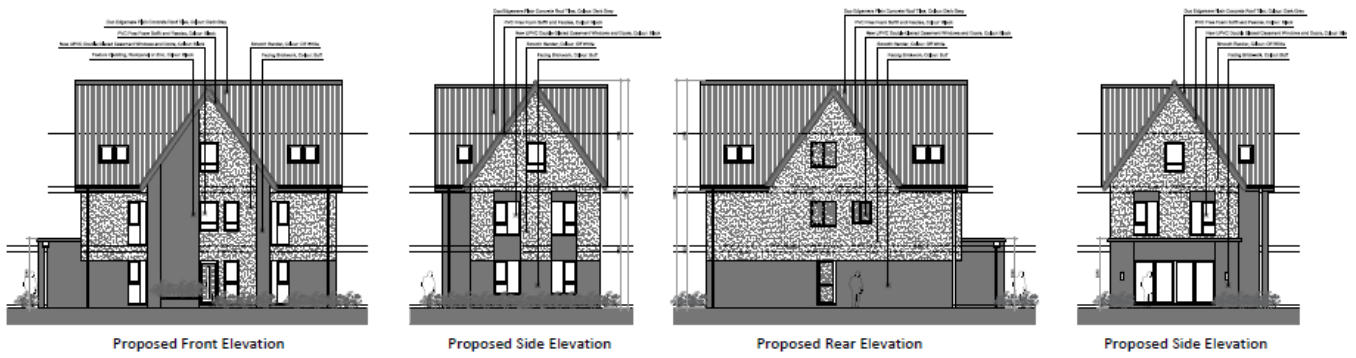
Proposed elevations plots 1-4



Proposed floor plans plots 1-4



Proposed elevations plot 5



Proposed floor plans plot 5

