

Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	22/00125/FUL
LOCATION:	Land between Styling Street and Station Road, Station Road, Beeston
PROPOSAL:	Construct purpose built student accommodation (sui generis) and ground floor commercial unit (Class E(g)(i)) with associated access, car parking, landscaping and infrastructure

APPEAL ALLOWED / COSTS AWARDED**RECOMMENDATION BY OFFICER - APPROVE****REASON FOR REFUSAL –**

The submitted scheme, by virtue of its size and design represents an unsatisfactory development which fails to provide appropriate internal floor space and consequently the proposal would afford a substandard level of amenity for future occupiers. The proposal also fails to provide sufficient car parking for a development of this magnitude and would increase on street parking in surrounding areas. The proposed restriction of occupation to students would also fail to maximise the potential contribution to town centre footfall during non-term periods. The proposed development is therefore contrary to Policies 6 and 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).

LEVEL OF DECISION: COMMITTEE

The inspector considered the main issues to consider were:

- the effect of the proposal on parking pressure in the surrounding area;
- whether the proposal would provide acceptable living conditions for future occupiers with regard to living space; and
- the effect of the proposal on the town centre.

REASONSParking

The Inspector noted that the proposal would be close to a range of public transport options and the town centre, there would likely be a low demand for car parking; and a package of transport and car parking measures proposed by the appellant. Such measures have been secured by planning condition and obligation. The Inspector noted that the proposal would not lead to unacceptably harmful increases in on-street parking pressure on surrounding streets with its associated inconvenience or disturbance to local residents.

Living Conditions

The Inspector noted that the proposal would be a high-density development, however it was concluded that it would not provide an unacceptable living environment for future

occupiers given all studios exceed the 14m² minimum set out in the Council's House in Multiple Occupation (HMO) Property Standards (2018) including access to ground floor shared amenity areas.

Town Centre

The Inspector noted that despite the fact student expenditure may fluctuate during the year compared to other types of residents, the proposal would generate additional economic activity for Beeston town centre.

S106 Agreement (dated 23/03/23):

- Financial contribution £90,818.25 towards the enhancement of capacity/infrastructure within local GP practices.
- The S106 Agreement restricts occupation of the development to students only, which is necessary as this is the basis on which the proposal was assessed.
- A student management plan would be submitted to the Council for approval prior to the occupation of the development and implemented from the first occupation. Paragraph 2.7 of the s106 Agreement sets out that this would include details of (a) on-site staffing; (b) the management of servicing and deliveries; (c) details of on-site residential car parking prevention measures; (d) sustainable transport incentives; (e) the provision of parking passes during drop off and collection periods; and (f) litter and waste control measures.
- The S106 Agreement ensures that the footway behind the proposed lay-by would remain open to the public and be maintained for the lifetime of the development.

S106 Unilateral Undertaking (dated 23/03/23):

- Occupiers of the accommodation will not be permitted parking permits in relation to Broxtowe Borough Council car parks.
- The Inspector considered that the proposal would not give rise to unacceptable parking pressure in the surrounding area and would not conflict with the development plan in this regard. As such, the Inspector concluded that restricting parking permits by UU would not be necessary to make the development acceptable in planning terms.

S106 Unilateral Undertaking (dated 26/04/23):

- Applicant to submit and pay for the Traffic Regulation Order application to the County Council in respect of the proposed lay-by area.

CONCLUSION

The Inspector considered that in terms of the main issues, the proposal would not cause unacceptable parking pressure in the surrounding area; it would provide acceptable living conditions for future occupiers with regard to living space; and it would not have an unacceptable effect on the town centre, subject to the imposition of conditions and the identified obligations within the s106 Agreement and the UU dated 26 April 2023.

COSTS AWARDED

The Inspector noted that the decision was based on vague, generalised assertions about the proposal's impacts in relation to internal living conditions, parking and the impact on the town centre; which have not been supported by objective evidence. Accordingly, the Council has failed to substantiate its reason for refusal. This amounts to unreasonable behaviour as set out in the Planning Practice Guidance, and the applicant has been faced with the unnecessary expense of addressing this.