

## Report of the Chief Executive

## Appeal Decision

<b>APPLICATION NUMBER:</b>	<b>23/00903/FUL</b>
<b>LOCATION:</b>	<b>Beeston Car Centre, Broadgate, Beeston, Nottinghamshire, NG9 2HD</b>
<b>PROPOSAL:</b>	<b>Proposed demolition of existing car garage and construction of residential accommodation comprising 12 studio flats and 2x 6 bedroom C4 cluster flats (HMO) (revised scheme)</b>

**APPEAL ALLOWED****RECOMMENDATION BY OFFICER – APPROVAL****RECOMMENDATION BY PLANNING COMMITTEE - REFUSAL****REASON FOR REFUSAL –**

1. The proposed building, by virtue of its scale and massing, is considered to dominate neighbouring properties in the street scene and cumulatively have an unacceptable impact on the character of the surrounding area. Therefore, the proposed development would be contrary to the aims of Policy 10 of the Aligned Core Strategy 2014 and Policy 17 of the Part 2 Local Plan (2019), and there are no other material considerations that justify treating this proposal as an exception to
2. The proposal would contribute to an increasing imbalance in the local housing mix and represents an unacceptable density of residential development, contrary to the aims of Policy 8 of the Aligned Core Strategy 2014 and Policies 15(6) and 17 of the Part 2 Local Plan (2019), and there are no other material considerations that justify treating this proposal as an exception to these policies.
3. The proposal would result in the loss of facilities and services, place additional demand on those that remain and reduce the sense of locally distinctive character, contrary to Policy 17 of the Part 2 Local Plan (2019) and the Building for Life criteria referred to therein, and there are no other material considerations that justify treating this proposal as an exception to these policies.

**LEVEL OF DECISION: COMMITTEE DECISION**

The inspector considered the main issues to consider were:

- The character and appearance of the area;
- The housing mix in the area; and
- The supply of, and demand for, facilities and services locally, including whether it would undermine local distinctiveness in this respect.

## REASONS

### Character and appearance

The appeal concerns a commercial garage used for car sales and vehicle repairs, on a corner plot at the junction of Broadgate and Cedar Avenue. The front of the site, towards Broadgate, comprises a partly-covered forecourt used for the display of vehicles for sale; to the rear is a single-storey office and workshop building, with vehicular access to the site from Cedar Avenue. It is very close to, though not within, Beeston town centre, which lies a short distance away to the south-west; north and east of the site the area is predominantly residential. The proposed development is the demolition of the existing garage, and the erection of a residential block.

The residential buildings nearest to the appeal site on both sides of Cedar Avenue and on the north side of Broadgate, and the adjacent commercial (or part-commercial) buildings on the High Road, have two storeys and pitched roofs, with ridge heights of around 8.5m. The proposed block would have four storeys, be of a contemporary flat-roofed design and, with a maximum height of around 11m, would be somewhat taller than its immediate neighbours. However, the third floor would only extend over part of the building and would be set behind the parapet above the second floor (which would be at a similar level to the neighbouring rooftops). This would reduce the visual impact of the building and prevent it being unacceptably overbearing or dominant when seen from street level or neighbouring properties.

While the proposed building would be markedly different to its essentially suburban and domestic immediate neighbours, in general terms its style, size or form would not be inherently incompatible with, or unexpected in, a location on the fringe of a reasonably sized town centre of varied character. Indeed, there is already some variation in residential buildings near the appeal site. Cedar Court is a three-storey L-shaped block of flats at the head of Cedar Avenue; I would suggest from its appearance it dates from the 1960s or 70s and, though it is of a very different form to the suburban housing elsewhere in the street, it appears assimilated into the area.

More recently, schemes for the conversion of the four-storey Broadgate House and the construction of a new three-storey residential block at 129-131 High Road very close to the appeal site (and which I was also able to view during my site visit) are illustrative of the area's ability to accommodate and adapt to Appeal Decision change, including denser residential development in more modern styles, around the town centre.

While the existing garage gives the appeal site an active use, the present building does not make more than a neutral contribution to the character or appearance of the surrounding area. Its replacement with a purpose-built block of flats, of a reasonably smart and simple design in an appropriate palette of materials, would not cause unacceptable harm to the character or appearance of the area, and indeed would be likely to represent some enhancement. I therefore find that the proposed development would not conflict with Policy 10 of the 2014 Aligned Core Strategy ("the ACS"), or with Policy 17 of the 2019 Broxtowe Local Plan Part 2 ("the BLP"). Together, and among other things, these policies require new development to make a positive contribution to the public realm and sense of place, and to be integrated into its surroundings.

### Housing Mix

The proposed development is intended to provide purpose-built accommodation for students. It would comprise 12 studio flats (four on the ground floor, three on each of the first and second floors, and two on the third floor). There would also be two six-bedroom “cluster” flats (one on each of the first and second floors), which would be Homes in Multiple Occupation (“HMOs”).

The Council’s 2022 *Houses in Multiple Occupation* Supplementary Planning Document (“the SPD”) seeks to ensure that the demand for HMO accommodation can be met in a way that does not lead to adverse impacts on the character of the area through a saturation of a single type of home, though it also recognises both that HMOs form an important part of the general housing mix through the provision of flexible rental accommodation, and that there are particular demands in Beeston arising from the proximity and influence of the University of Nottingham.

Part 2 of the SPD sets out three main considerations to be taken into account in assessing whether a development would lead to an over-concentration of HMOs; “clustering”, “saturation” (the total number of HMOs within a radius), and “sandwiching”. The Council’s initial officer report did not specifically address clustering, but noted that the proposal would not fail either the saturation or clustering tests.

The SPD appears to be principally aimed at the conversion of existing residential properties, which it acknowledges form the majority of HMOs within the borough; it does not provide specific guidance for new purpose-built accommodation such as proposed here. The appeal scheme includes an HMO element, and the SPD is a relevant material consideration. However, in view of the vagueness in the SPD which the Council has acknowledged, it is not at all clear to me that the development would not comply with the tests in that guidance. For the reasons which I have set out in addressing the preceding main issue, the appeal site’s edge of town centre location makes it well-suited to a reasonably dense residential development. Furthermore, in providing purpose-built accommodation for students the development would make some contribution to meeting the recognised demand in that particular market segment without reducing the general housing stock in the locality.

Bringing these points together, I am satisfied that the proposed development would not contribute to an imbalance in the local housing mix. It would not therefore conflict with Policy 8 of the ACS, or with Policies 15(6) and 17 of the BLP. Together, and among other things, these policies seek to ensure that residential development maintains, provides and contributes to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.

### Local Facilities and Services

The proposed development would inevitably lead to the closure of the garage and car sales operation on the appeal site. That business has also been operating from alternative premises around a mile away, though I understand that this was a temporary measure which was due to come to an end in January 2025. I recognise therefore that the development may mean that the business is unable to continue in the future and so would come at some, perhaps considerable, personal cost to its owner and employees.

Policy 17 of the BLP refers to the “Building for Life” criteria, and the Council considers that the loss of the business would not comply with points 1 or 2 of those criteria. However, a strict compliance with those points along the lines suggested by the Council might be said to militate against *any* proposed development which would lead to the loss of an existing business, which is surely not its intention. I have not been made of any development plan policy which seeks to protect or retain car sales or garage uses specifically, and I understand that there are similar facilities reasonably close by. I am not therefore persuaded that such a strict application of the Building for Life criteria is justified in this case.

I am sympathetic in respect of the potential adverse impact on the business operating from the appeal site itself. On balance though, and taking the broader view, there is nothing before me to demonstrate that the development would have a significant adverse impact on the supply of, or demand for, facilities and services locally, or that it would undermine local distinctiveness in this respect. I therefore find no conflict with Policy 17 of the BLP which applies the Building for Life criteria as I have described above and which, among other things, seeks to ensure that development integrates into its surroundings, is close to community facilities, and encourages walking and cycling.

### Other Matters

Regard to the comments made by various interested parties, both at planning application stage and during the appeal. To the extent that matters raised were material, These have been addressed them in the consideration of the main issues above. Although there was some concern that the development might lead to an unacceptable increase in demand for vehicle parking in the area, it is noted that the proposed provision of six off-street spaces (amounting to one per four bedrooms) was considered acceptable by Nottinghamshire County Council's highways team; in the absence of any substantive information to the contrary, none of the evidence before me leads me to disagree with their assessment. Some specific details relating to parking, and to flood risk, wildlife and environmental matters, can be addressed by the use of conditions as set out below.

One party made adverse comments about the Council's treatment of the planning application, and others, including allegations that it had not acted fairly or transparently. However, no substantive evidence demonstrating this was put forward.

### **CONDITIONS**

The inspector has imposed conditions on the application summarised below:

- 3 year commencement,
- Accordance with the approved plans,
- Submission of a surface water scheme,
- Contamination survey,
- Construction and demolition statement,
- Tree Protection,
- External materials,
- Landscaping,
- Noise,
- Secured by design principles,
- Restoration of kerbing,

- Creation of access,
- Creation of parking bays,
- Creation of cycle parking,
- Protected Species.

**Schedule 2 – Approved drawings and documents**

- Proposed Site Location and Layout Plan (Drawing Reference 22-27 03 Rev H)
- Proposed Ground Floor Plan (Drawing Reference 22-27 04 Rev I)
- Proposed First Floor Plan (Drawing Reference 22-27 04FL Rev F)
- Proposed Second and Third Floor Plan (Drawing Reference 22-27 05 Rev H)
- Proposed Front and Side Elevations Plan (Drawing Number 22-27 06 Rev H)
- Proposed Rear and Side Elevations

**CONCLUSION**

The Inspector has considered there are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, it is concluded that the appeal should be allowed.