

**Report of the Chief Executive**

**Appeal Summary**

<b>Application Number:</b>	<b>24/00690/REM</b>
<b>Location:</b>	<b>72 - 78 Nottingham Road, Stapleford</b>
<b>Proposal:</b>	<b>Application for the approval of all reserved matters (landscaping, scale, access, appearance and layout) to construct 30 dwellings (reference 20/00847/OUT) and associated infrastructure including access onto Nottingham Road.</b>

**APPEAL ALLOWED**

**DELEGATED DECISION TO REFUSE**

**RECOMMENDATION BY OFFICER – REFUSE**

**REASONS FOR REFUSAL –**

1. The proposed development, by virtue of the design of the carriageway and footway, would have a detrimental impact on highway safety contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).
2. By virtue of the siting of the dwellings in relation to the highway, which would result in an unsatisfactory character of development, and lack of detailing for the windows and doors, the development would be contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).

**LEVEL OF DECISION – WRITTEN REPRESENTATIONS**

The application was refused planning permission under delegated powers on 26 January 2025 and at appeal was considered by The Planning Inspectorate by way of written representations.

The Inspector issued a decision letter and considered the main issues to be:

- i) the effect of the proposal on the character and appearance of the area;
- ii) highway safety, and;
- iii) the standard of accommodation for prospective occupants.

The appeal site is presently used as an external storage area for vehicles related to a local car sales business with single storey commercial buildings towards the rear. The site is open to view from Nottingham Road due to the low front boundary wall and railings and taller, transparent security fencing behind. To the rear of the site is an

imposing escarpment heavily covered with trees and other foliage. Recent residential development of 15 dwellings stands to the western side with the buildings and grounds of St John's Church of England Primary School to the west. The schoolhouse, two gatehouses and the front boundary wall of the school are Grade II listed. A modern two/three storey apartment building stands directly opposite the site, flanked to the east by an older two storey block of maisonettes and to the west a former place of worship, Stapleford House, which is now flats.

The site has the benefit of outline planning permission to construct 30 dwellings and associated infrastructure including access from Nottingham Road (reference 20/00847/OUT). All matters aside from Access were reserved, hence the submission of a Reserved Matters application seeking approval of landscaping, scale, access, appearance and layout, the subject of this appeal.

Post decision and prior to the submission of an appeal, the applicant informally submitted plans for review to the LPA, and were advised informally that the amendments shown on those plans would broadly address the reasons for refusal. Those plans were not formally consulted on at that time.

The applicant, at appeal, submitted the revised plans as part of their grounds of appeal. The Planning Inspector accepted and based their decision on these plans, contrary to the LPA's contention that as the plans had not been submitted formally prior to the appeal, statutory consultees and members of the public had not had a reasonable opportunity to technically assess the merits of the amendments. However, the Planning Inspector took the view that as the consultees and neighbours had been notified of the appeal, they would therefore have had an opportunity to make representations.

The Planning Inspector concluded that the amended plans submitted as part of the appeal addressed the reasons for refusal and as such the appeal should be allowed.

The Inspector's conclusions can be summarised as follows:

- The amendments to the positioning of Plots 11-17 is marginal but results in an improved spacing to the public realm, alongside the regularised width of the access road. The re-orientation of Plot 18 would create an active frontage to its western side, adding visual interest to a prominently placed dwelling at the site entrance.
- The amendments include an increase in the number of parking spaces, which in the case of Plots 4-9 include the omission of detached garages in favour of tandem parking. The Council has not opposed this element of the scheme in visual terms, and I am content that it would ensure vehicles are parked off-street and prevent the access road being dominated by street parking.
- Overall, I find the landscaping details would add to the overall quality of the development and are acceptable.
- Overall, I conclude that the appearance, scale and layout of the appeal scheme would preserve the character and appearance of the area, in accordance with the

requirements of Policy 10 of the Broxtowe Aligned Core Strategy (2014) (the ACS) and Policy 17 of the Part 2 Local Plan (2019) (the P2LP) that developments create an attractive, safe, inclusive and healthy environment; have regard to the local context including valued townscape characteristics, and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings.

- I conclude that the access and layout of the development would preserve highway safety, in accordance with Policy 10 of the ACS and Policy 17 of the P2LP in terms of their requirements that developments create well defined streets and spaces, provide sufficient, well integrated parking and safe and convenient access.
- Another concern relates to cycle and bin store accessibility within the apartment block, which as initially proposed would have been accessible internally to only half of the units. As reconfigured, both bin stores would have internal access from each communal lobby/stairwell, with external access for removal of waste, whilst the cycle store would be externally accessible to the rear elevation. This would provide an improved and equitable arrangement for all occupants that would be more functional and convenient for day-to-day use.
- The appellant has also addressed other concerns, including missing plans for Plot 14 and an absence of section plans for Plots 1-10. Having observed these details, I am satisfied that the internal accommodation would be acceptable in these dwellings. All units appear to have sufficient internal room sizes and overall floorspace, as well as acceptable size and shape of garden areas. The Council does not otherwise raise concerns about the standard of accommodation.

The Inspector granted permission subject to conditions relating to levels, highway works, provision of bin and cycle storage, access and parking prior to occupation, details of materials, and protection of retained trees.