



## Appeal Decision

Site visit made on 20 May 2019

by **E Symmons BSc (Hons), MSc**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

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**Appeal Ref: APP/Q3060/W/19/3222709**

**273 Castle Boulevard, Nottingham NG7 1HA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Sam Burt (The Grove Nottingham Ltd) against the decision of City of Nottingham Council.
  - The application ref 18/01082/PFUL3, dated 13 August 2018, was refused by notice dated 20 December 2018.
  - The development proposed is for refurbishment and external alterations of the of the existing public house on the ground floor. Change of use of the upper 2 floors to 2no. student cluster apartments. Conversion of the existing loft space to 5no. student studios. Erection of three storey extension to the rear consisting of 20no. student studios (in total 38 student beds).
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appellant altered the description of the proposal from that shown on the application form in an e-mail dated 8 October 2018. This is reflected in the banner heading above.
3. A properly completed unilateral undertaking, and associated Deed of Variation, made under Section 106 of the Town and Country Planning Act 1990 has been submitted. It secures financial contributions towards public open space and the implementation of a Student Accommodation Management Scheme and includes restrictions on the use of motor vehicles. Its terms are addressed in more detail within the decision.
4. The emerging Nottingham City Land and Planning Policies Document (LAPP) has not yet been adopted. The examination hearing has concluded, and the Inspector has issued a letter<sup>1</sup> detailing modifications which are currently the subject of public consultation. Inspector comments relating to Policies HO1, HO5, HO6 and Appendix 6 are relevant to this case and the Inspector has advised amendments to these. I have considered the implications of the amendments and despite this still find the emerging policies to be relevant to this appeal. I therefore afford these policies considerable weight.
5. Since submission of this appeal the National Planning Policy Framework<sup>2</sup> (The Framework) has been revised. As the changes are minor, and do not relate to

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<sup>1</sup> LAPP.INSP 19 15.1.19 Main Modifications Note Jan 2019.

<sup>2</sup> February 2019.

issues within this appeal, I have had regard to the revised Framework in my decision and I am satisfied this has not prejudiced either party.

### **Main Issues**

6. The main issues are the effect of the proposal on;
  - the living conditions of occupiers of neighbouring properties with respect to outlook, light, noise and disturbance;
  - the housing balance within the area;
  - the character and appearance of the area; and
  - highway safety.

### **Reasons**

#### *Living conditions of neighbours*

7. The appeal site is currently occupied by the vacant Grove Public House. This red brick Victorian building sits in a prominent position and has considerable character with many interesting architectural features. To the rear of the building is a car park which abuts the adjacent dwelling at 4 Grove Road (no 4). Otherwise the site is bounded by highway consisting of Castle Boulevard, Abbey Bridge and Grove Road. The proposed development would construct a large extension on the current car park and utilise almost the entire site.
8. There is considerable concern from third parties regarding the potential for an increase in noise and disturbance arising from additional students within the area. This particularly relates to late night time, with third party representations referring to existing disturbance experienced within the Lenton area.
9. The proposal would result in an additional 38 students living in close proximity to Grove Road. As the entrance to the proposed development would be on Castle Boulevard, which would be away from the adjacent residential properties, this would lessen its impact. The appellant also contends that travel would tend to be to and from the City Centre via Abbey Bridge rather than Grove Road. Although the proposed position of the entrance would make this route more attractive it would not preclude other routes being taken with associated potential for more widespread disturbance.
10. A Student Management Scheme has been submitted which proposes CCTV at entrances and a 24 hour staffed contact phone number which can be used in the event of disturbances occurring. Although this may exert some control over residing students when in the immediate vicinity of the building, it would be difficult to enforce over a wider area and within adjacent residential streets. It is also unclear how timely any response would be and its ability to address any problems as they occur. Thirty-eight students and associated visitors could generate a significant number of movements to and from the building. Due to the residential nature of the surrounding area this would be likely to materially increase noise and disturbance and harm the living conditions of local residents.
11. The rear of the abutting dwelling at No 4 sits at a lower level than the public house. As observed during my site visit, this property has a small rear yard

which is currently overshadowed by the existing high boundary wall of the appeal site. Through the preapplication process the proposal was scaled down to reflect its proximity to Grove Road. This reduced its impact by introducing a chamfered corner adjacent to this dwelling with angled windows to prevent overlooking. Although overlooking would not be an issue, the proposed wall on the boundary would be higher than the current wall and would result in a further overbearing effect upon No 4. Also, the proposed extension, despite being to the north east of the property, due to its mass and height, would affect general light levels to the rear elevation. This would impact the living conditions of occupiers due to reduced outlook and light.

12. In conclusion, the proposal would harm the living conditions of residents of Grove Road and other residential streets in the vicinity due to increased levels of disturbance due to the addition of 38 students into the area. It would also affect No 4 with respect to outlook and light due to its overbearing height. The proposal would therefore be contrary to Policy 10 of the Aligned Core Strategies 2014<sup>3</sup> (ACS), Policies H2, H6 and NE9 of the Nottingham Local Plan 2005 (Local Plan) and Policy HO6 of the emerging LAPP, which together and amongst other matters, seek that new development protects the character and amenity of the area, safeguards the living conditions of neighbours with respect to noise and disturbance and provides management arrangements to allow integration of student accommodation with the existing community.

#### *Housing balance*

13. Saved Policy ST1 of the Local Plan, Policy 8 of the ACS, Policies HO1 and HO6 of the emerging LAPP together and amongst other matters seek to achieve balanced communities and preclude additional student housing where there is already a significant percentage within a community. Supporting these policies, the Council has an adopted Building Balanced Communities Supplementary Planning Document 2007 (SPD). This document, in addition to Policy H05 of the emerging LAPP, has a presumption against permission for student accommodation in areas defined as having a significant percentage of student households.
14. Paragraph A2.14 of the SPD states that an area is in danger of becoming imbalanced when the percentage of student households reaches 25% of the total households. A more recent definition of 'significant concentration' can be found in paragraph 4.60 of the emerging LAPP which defines areas as having a significant concentration of student housing if they comprise 10% of the households. The SPD shows the various output areas where levels of student households are monitored. The monitoring report from November 2018 shows the appeal site is within an area with a student concentration of less than 10%.
15. However, although the proposal would have beneficial aspects which are considered below, these must be balanced against the needs of occupiers of existing properties within the wider area including Grove Road. Although the site itself is in an area with less than 10% students, it is adjacent to an area with nearly 42%. The SPD identifies the issues often associated with this which include: higher levels of crime and anti-social behaviour; altered demographic profile impacting public and retail facilities and a skewed residency pattern throughout the year. The households in this area would be directly affected by

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<sup>3</sup>Greater Nottingham Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies, Part 1, Local Plan, September 2014.

this proposal. Additionally, I have concern that the proposed management arrangements could not control potential noise and disturbance so affecting the living conditions of neighbouring properties.

16. On balance, I consider that the proposal would not accord with the SPD and would have a significant adverse impact upon the housing balance within the area. The proposal therefore conflicts with Policies H6 (a, b and d) and ST1 of the Local Plan, Policy 8 of the ACS and Policy HO1 and HO6 of the emerging LAPP.

#### *Character and appearance*

17. The proposed extension would encompass the entire site including the car park. Although it would be relatively large, it would have a subservient appearance relative to the host building due to its more contemporary and less ornate design. The extension would provide a backdrop to the refurbished public house with its ornate historic appearance and character. The proposal would also step down in height adjacent to the front elevations of properties on Grove Road which would visually reflect these dwellings' scale. The refurbishment and reopening itself would also benefit the character and appearance of the area as the property is currently boarded over.
18. With respect to the effect of the proposal on the character and appearance of the area I find no conflict with Policy 10 of the ACS which seeks that development respects and contributes positively to the public realm and Policy H2 which seeks an appropriate density of development which is compatible with its surroundings.

#### *Highway safety*

19. Concern has been raised by both third parties and the Council regarding potential highway safety issues resulting from the proposal. This would be due to the limited access to Grove Road which is only via Alderney Street and the loss of the in-curtilage parking and servicing areas which could accommodate visiting cars and servicing.
20. The area is well served by the adjacent cycle route and there are signposted walking routes in the vicinity. Technical advice provided by the Highway Officer considers that the proposal would be acceptable with certain conditions which would secure drop off and pick up arrangements for students and cycle storage. I have no reason to disagree with these conclusions.
21. The appellant has undertaken, by virtue of a Unilateral Undertaking, that motor vehicle use by residents would be severely restricted. I therefore consider that the proposal would not conflict with Policy 10 (2f) of the ACS; Policies NE9 and T3 of the Local Plan and Policy HO6 of the LAPP. These policies, together and amongst other matters, seek that development does not impact the amenity of neighbouring occupiers and incorporates adequate management arrangements and appropriate car parking. I also find no conflict with Policy 14 of the ACS which has the broad aim of reducing reliance on private cars.

#### **Other Matters**

22. The appellant suggests that the site would not be viable for residential development without demolition of the appeal building and considers that it would also be unsuitable for family housing. There is no substantive evidence

to suggest that a residential scheme would not be possible on this site and I give this argument little weight.

**Conclusion**

23. I acknowledge the development would have benefits due to its commercial nature; reinstatement of a community facility; refurbishment of an attractive Victorian building; would be in a sustainable position for travel and add to the supply of PBSA. However, these do not outweigh the harm I have identified above.

24. For the reasons stated above I conclude the appeal should be dismissed.

*E Symmons*

INSPECTOR