



Broxtowe
Borough
COUNCIL

Annual Monitoring Report

2012-2013



DRAFT

Broxtowe Borough Council Local Development Framework Annual Monitoring Report 1 April 2012 – 31 March 2013

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Executive Summary

Progress in producing Development Plan Documents:

Core Strategy – This has been prepared in full alignment with our neighbouring Councils at Nottingham and Gedling and sets out a positive planning framework to promote the required amount and distribution of new housing and economic development over the plan period within an over-arching strategy of urban concentration with regeneration. It was submitted for public examination on 7th June 2013 and the examination hearing sessions were held over four separate weeks in October and November 2013 and in February 2014. Consultation into proposed main modifications was undertaken during March and April 2014 and the final Inspectors report is expected shortly. If the Core Strategy is found to be sound, a report will be taken to September Council seeking approval to adopt it.

Site Allocations and Development Management Policies Local Plans – An Issues and Options consultation was undertaken on Site Allocations over the winter of 2013/14 with a summary of the site allocations page of the Councils website. Further evidence is in the process of being prepared over the summer and autumn of 2014 which includes Green Belt Review, landscape and visual impact assessments, retail and employment needs studies and plan wide viability work. This work is expected to be concluded by the end of 2014 and will enable a further consultation to take place on a preferred approach to Site Allocations and issues and options on Development Management policies.

From this year onwards a section on progress in preparing Neighbourhood Plans has been added as any adopted Neighbourhood plans will be Development Plan Documents. Progress is being made in consulting on area designations for Eastwood, Greasley and Nuthall with at least two more expected to follow.

Progress in achieving planning policy objectives:

Although the specific objectives will be amended on adoption of the Core Strategy, the principle of encouraging sustainable development will be retained within a strategy of urban concentration with regeneration. For the 2012/13 monitoring year new residential development was constructed in highly sustainable locations all within 30 minutes travel time of a GP, hospital, primary school, secondary school and areas of employment.

The provision of new employment space:

There is no specific quantified requirement for employment land within the borough prior to the adoption of the Core Strategy. The current borough total of employment land available is 39.274 Ha; of this, 21.4 Ha is allocated in the current local plan, but does not have planning permission, 18.3 Ha has outline permission and 0 Ha has detailed permission. Average yearly rates of take up of employment land have been 1.455 Ha which if continued would give a 27 year supply.

The provision of new dwellings:

Since the 2008/09 monitoring year housing completions have been adversely effected by the recession and in particular the significant impact on the construction sector. The net completion figure of 67 dwellings for the 2012/13 is substantially below that required to meet objectively assessed need for new homes, a point that was acknowledged in the Core Strategy hearing sessions. However this figure is skewed by substantial numbers of residential demolitions to make way for the tram during the year, and looking forward there is much more reason for realistic

optimism that the situation will significantly improve. There are sustainable previously developed sites, many allocated for housing in the 2004 Broxtowe Local Plan, which are available for development now and a number of these have planning applications under consideration. The Council remains committed to a programme of affordable house building with a number of sites successfully built out with several more in the pipeline. The final Inspectors report into the Core Strategy is expected to be issued shortly which (subject to the Inspector endorsing the approach) will identify locations for a further 1500 homes at Boots (550), Toton (500) and Field Farm (450) and on adoption of the Core Strategy the Council will be able to demonstrate a five year supply of deliverable housing sites for the first time since the effects of the recession hit (see page 10 of this AMR). In addition the Council is looking to make progress on Site Allocations with Issues and Options consultation successfully undertaken over the winter of 2013/14 and the aim is to have an adopted plan by the end of 2015.

Details of co-operation with other organisations on strategic planning policy issues:

A duty to co-operate compliance statement was submitted with other supporting evidence to the Core Strategy examination which is the most up to date evidence regarding co-operation with other organisations on strategic planning policy issues. This demonstrates how the Councils have worked in partnership with the relevant bodies to consider options and find solutions including amending the text of the Aligned Core Strategies in direct response to the comments received through the various stages of consultation and on-going dialogue.

It remains a substantial achievement that in the face of taking difficult decisions to meet in full the objectively assessed development needs across the Greater Nottingham Housing Market Area there were no unresolved objections at the Core Strategy examination from the three environmental groups of English Heritage, the Environment Agency or Natural England.

The duty to co-operate statement is available via the link below

<http://www.nottinghamcity.gov.uk/CHttpHandler.ashx?id=43214&p=0>

Background Information:

Population (2011 Census): 109,500

Area: 8102 ha

Wards: 21

Councillors: 44

Conservation Areas: 15

Listed Buildings: 145

Ancient monuments: 6

Sites of Special Scientific Interest: 258 ha

Mature Landscape Areas: 1181 ha

Sites of Importance for Nature Conservation: 551.1 ha

Crime Rate:

Table 1: Number of Notable Offences Recorded by the Police 2012/2013

	Broxtowe	East Midlands	England
	Non-Metropolitan District	Region	Country
Violence with Injury	387	23713	291851
Violence without Injury (Includes Harassment and Assault)	376	23263	271533
Robbery	45	3008	63888
Theft from the Person	23	5525	98142
Criminal Damage and Arson	743	43128	493620
Domestic Burglary	365	16135	219205
Non Domestic Burglary	377	18931	219523
Vehicle Offences (Includes Theft of and from Vehicles)	623	27774	368222
Drug Offences	205	12141	191692
Sexual Offences	53	4108	50020

Table 2: Housing Stock Condition

Dwelling stock position in authority area at 1 April 2013

	LA owned	Registered Landlord	Social	'Other' sector	public	Private (non RSL)	Total
Total stock	4,631		800*		198	43,837**	49,466

(* exact figures unknown as not all RSL's responded to request. ** approximate figure)

Local Development Scheme Programme and Progress:

The Borough Council is required to publish a programme for preparing its Local Development Documents (LDDs). This is known as the Local Development Scheme (LDS) and is available on the Council's website (<http://www.broxtowe.gov.uk/index.aspx?articleid=12271>).

Broxtowe's LDS has been accepted by Department of Communities and Local Government and adopted by the Council. The LDS gives details of the documents that the Council intends to prepare to form part of the overall Local Development Framework (LDF), together with expected dates of key milestones and indications of when consultation stages were expected to take place.

Core Strategy:

This document will provide the essential strategy for all the authorities across the Nottingham Core Housing Market Area. It has been prepared as a high priority and progress has been linked to an agreed timetable arising from the joint working initiative.

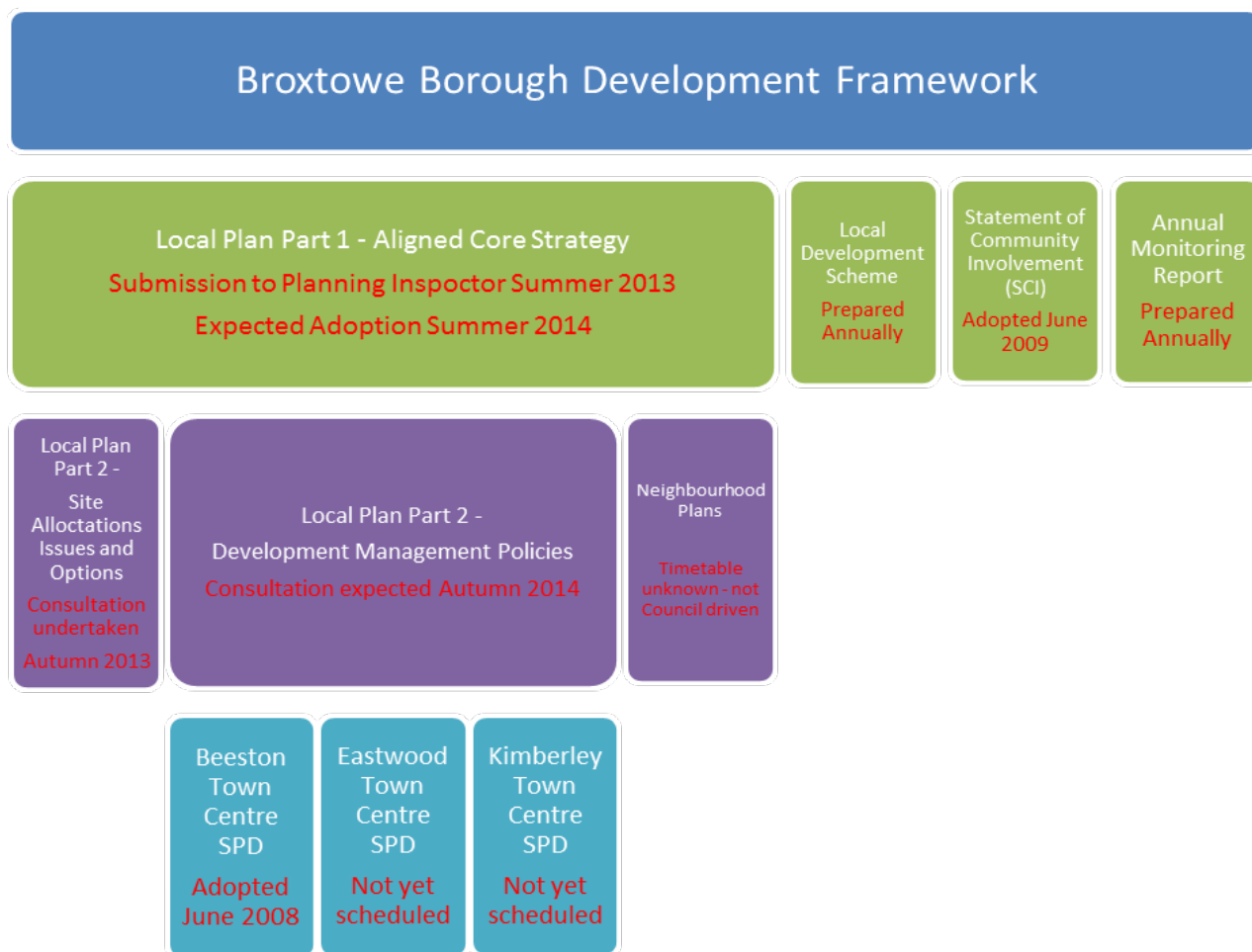
Although there has been a slight delay in the Core Strategy timetable this has been due to the Examination taking longer than expected with the Plan submitted over a year ago on 7th June 2013. The final report from the Inspector is however expected shortly and if found to be sound a report will be taken to Council in September 2014 seeking approval to adopt the Core Strategy.

Allocations and Development Management DPDs:

Subject to Member approval in the Autumn 2014 it is envisaged that a single further 'informal' round of consultation will be undertaken in late Autumn 2014 combining a 'Preferred Approach' for site allocations with an 'Issues and Options' consultation for Development Management Policies. This will allow the DPD to be brought together as a Single Part 2 Local Plan and it remains the intention to achieve the adoption of this plan by the end of 2015.

It is also envisaged that the work on Town Centre Plans can be incorporated into this Part 2 Local Plan, progress is shown in the following Diagram.

Diagram 1: The Development Framework



Neighbourhood Plans:

The following table shows the stage of Neighbourhood Planning that the parished areas of the borough are at with Neighbourhood Plan preparation. As yet the Council has not received any applications from Neighbourhood Forums wishing to plan for non-parished areas.

Table 3: Progress of Neighbourhood Plans in the Borough

Stage	Town (TC) / Parish (PC)								
	Awsworth PC	Brinsley PC	Trowell PC	Eastwood TC	Nuthall PC	Greasley PC	Kimberley TC	Stapleford TC	Cossall PC
N'hood Area Application Submitted to Broxtowe BC				✓	✓	✓			
N'hood Area Consultation				✓	✓	✓			
N'hood Area Designation									
Draft Plan submitted to Broxtowe BC									
Draft Plan Consultation									
Plan at Examination									
Examiners Report Published									
Referendum									
Adoption									

1. Business Development

Table 4: Summary of employment land and floorspace development

		B1	B2	B8	Mixed (Unrestricted)	Total
Additional Floorspace	m ²	1974.1	1339.78	1063	-	4376.88
Floorspace lost to other uses		-1002.59	-711	-1282.91	-	-2996.5
Total		971.51	628.78	-219.91	-	1380.38
Additional Land	Ha	0.046		0.002	-	0.548
Land lost to other uses		-0.07	-	-	-	-0.07
Total		-0.024		0.002	-	-0.022

Table 5: Summary of employment land available

	B1 (ha)	B2 (ha)	B8 (ha)	Mixed (Unrestricted) (ha)	Total (ha)
Allocated no planning permission	1.2	-	-	20.2	21.4
Allocated w. outline permission	1	-	-	17.3	18.3
Allocated w. detailed permission	-	-	-	-	0
Not allocated outline permission (potential gains)	-	-	-	-	-
Not allocated detailed permission (potential gains)	0.04	-	0.03	-	0.048
Not allocated outline permission (potential losses)	-	-	-	-	0
Not allocated detailed permission (potential losses)	-0.144	-0.26	-0.07	-	-0.474
Total Net Supply Currently Available	2.096	-0.26	-0.04	37.5	39.274

Table 6: Land taken-up 2001-2013

Year	Gross Amount (Ha)		Net Total
	Gains	Losses	
2001/2002			0.0
2002/2003			1.4
2003/2004			4.1
2004/2005			0.9
2005/2006			1.22
2006/2007			5.07
2007/2008			3.97
2008/2009			1.02
2009/2010	1.13	-0.096	0.17
2010/2011	0.34	-0.015	0.19
2011/2012	0.05	-0.61	-0.56
2012/2013	0.048	-0.07	-0.022
Total taken up between 2001-2013	1.568	-0.791	17.458
Annual Average	0.392	-0.198	1.455

Comment:

The net take-up of employment land in 2012/13 was a loss of 0.022 hectares, well below the annual average of 1.455 hectares take-up which had been achieved since 2001, this year's take up is indicative of a longer term downward trend of new employment site delivery. If average yearly take ups of employment land are continued then this would give 27 years supply of available employment land.

However, the trend of gains in floorspace shown over the past few years including the net gain of 1380.38 sq metres of employment floorspace that was achieved this year (largely as a result of a new building at Simplex Knitting in Beeston), suggests that throughout the borough existing employment sites are intensifying and adapting to accommodate the expansion and diversification of existing businesses.

2. Housing:

Table 7: Summary of position as at period ending 31 March 2013

Total 'Requirement'	Maximum	Total Net Completions	Net Requirement	Additional	Annual Net Additional Requirement
2011-2028		Dwelling completions 2011-2013	Needed in remainder of period 2013-2028		Needed in remainder of period 2013-2028
6150 dwellings		207 dwellings	5943 dwellings		396 Dwellings

Housing Trajectory:

Comment

The RSS was abolished on the 12th April 2013 therefore the monitoring of housing figures will in the future be based upon the Core Strategy requirements. At the time of drafting this AMR the final report of the Inspector is awaited but the Core Strategy as modified has lower housing delivery early and higher later also known as a staggered trajectory.

There has been extensive evidence submitted to the Core Strategy examination regarding the 5 and 15 year housing land supply in Broxtowe. The most recent relevant information can be found in;

The Broxtowe SHLAA (2012/13) ([CD/HOU/49](#)) with table 11 on page 15 giving the five year supply on specific deliverable sites both with and without a proposed Housing Allocation in the Core Strategy at Field Farm.

Broxtowe 5 Year Supply Assessment:

Statement prepared jointly by Broxtowe Borough Council and Oxalis Planning ([CD/EX/15](#)) providing commentary and analysis of the different methods of calculating supply and the results of each together with more comments both from Broxtowe and Oxalis on the delivery of sites.

Broxtowe Proposed Changes to the Core Strategy ([CD/EX/48](#)):

This explains the most recent position in Appendix 14 and full details of the supply and trajectories in Appendix 20. This includes the addition of a minimum of 500 dwellings in Toton which is expected to commence delivery towards the end of the first 5 year period of the Core Strategy.

Taken together these documents show how Broxtowe Borough Council will be able to demonstrate a five year housing land supply at the point of adoption of the Core Strategy.

Table 8: Annual completion calculations

	A	B	C	D	E	F	G	H
Year	Gross Convns	Gross loss through Convns	Net Convns =(a-b)	Gross new dwgs exc. convns	Gross demolitions exc. convns	Net dwgs convns =(d-e)	Total loss =(b+e)	Total net dwgs =(c+f)
2011- 2012	18	-9	9	136	-5	131	-14	140
2012- 2013	11	-5	6	108	-47	61	-52	67
Total	29	-14	15	244	-52	192	-66	207

Table 9: Net residential completion rates, annual average completion rate, 5 year moving average, affordable housing completions compared with the number of dwellings given permission and under construction

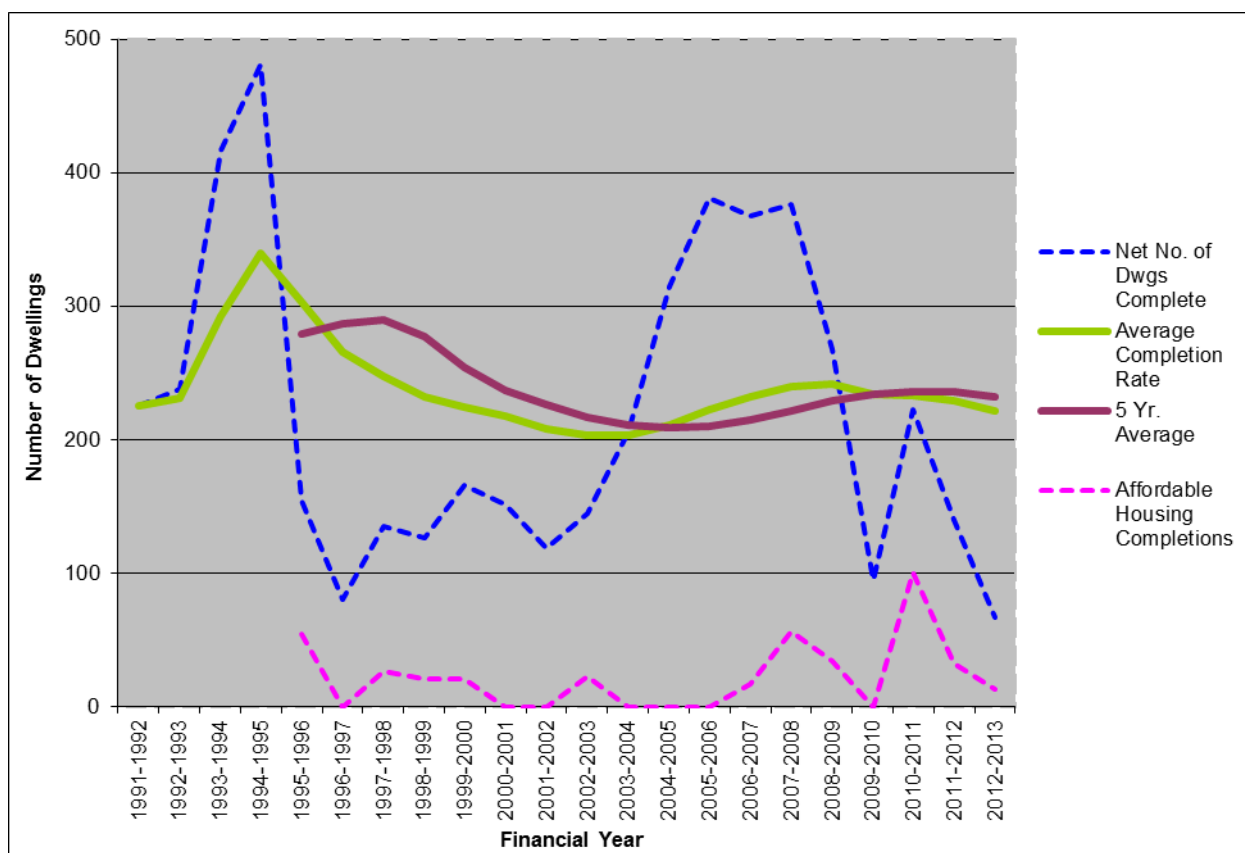
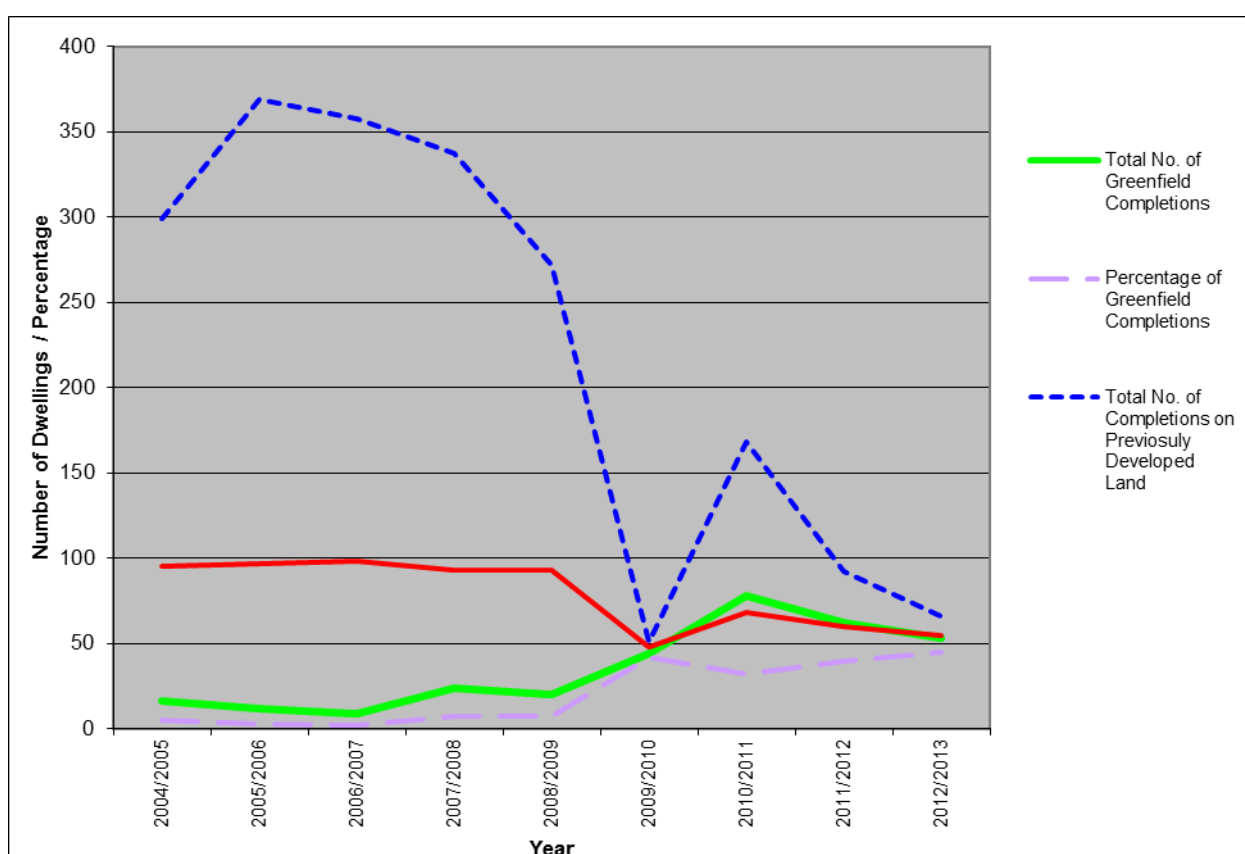


Table 10: Percentage of new and converted dwellings on previously developed land (Gross)

Year	Greenfield		Previously Developed				Total
	No. Complete	%	Small & Large Sites	Conversions / Change of Use	Sub Total	%	
2012/2013	53	45	55	11	66	55	119

Table 11: Annual number and percentage of completions on Greenfield and Previously Developed land



Comment

There is no government target regarding housing built on previously developed land in the National Planning Policy Framework, the framework does however state that: *“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed... Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land”*. Since the change of the definition of previously developed land (to exclude private residential gardens) in 2010 the percentage of completions on previously developed land has dropped considerably.

Density:

Table 12: Densities of all new build dwellings complete and under construction 2012-2013

	Density		
	Less than 30 dwellings/Ha	Between 30 and 50 Dwellings/Ha	Above 50 dwellings/Ha
Number of new dwellings	27	69	23
Percentage of new dwellings	23	58	19
Number of dwellings under construction	3	27	13
Percentage of dwellings under construction	7	63	30

The National Planning Policy Framework states that Local Planning Authorities should “*set out their own approach to housing density to reflect local circumstances*”. The current average net density of housing sites (under construction, not started and outline, not including complete sites) in the borough is 27.1 dwellings per hectare.

Affordable Housing Completions:

There is a high demand for affordable units in Broxtowe with the Nottingham Core Strategic Market Assessment Needs Update 2009 suggesting that the potential level of net affordable housing need is 445 dwellings per annum. However, evidence suggests that meeting this level of provision through the planning system is unviable. As set out in the Core Strategy, Broxtowe will seek to negotiate a 30% target for affordable housing provision in new residential developments on appropriate sites.

Table 13: Affordable housing units granted planning permission 2012-2013 and the percentage of affordable housing provision on the site

Planning Reference	Number of Affordable Units		Total Number of Units on the site	% of affordable housing provision on site
	Shared	Rented		
12/00719/REG4		17	17	100
12/00693/REG3		10	10	100
12/00618/REM		4	37	11
TOTAL	0	31	64	-

Table 14: Annual number of affordable housing units granted planning permission and total number of affordable housing units complete

Year	11-12	12-13	Total
No. of Affordable Units granted Planning Permission	0	31	31
Total Units Complete	32	13	45

The 13 affordable properties completed in 2012/13 represent 19% of the total net dwellings completed for the year.

Windfall Completions:

Table 15: Annual total net annual completions, total net windfall completions and annual windfall completions as a percentage of the total net annual completions

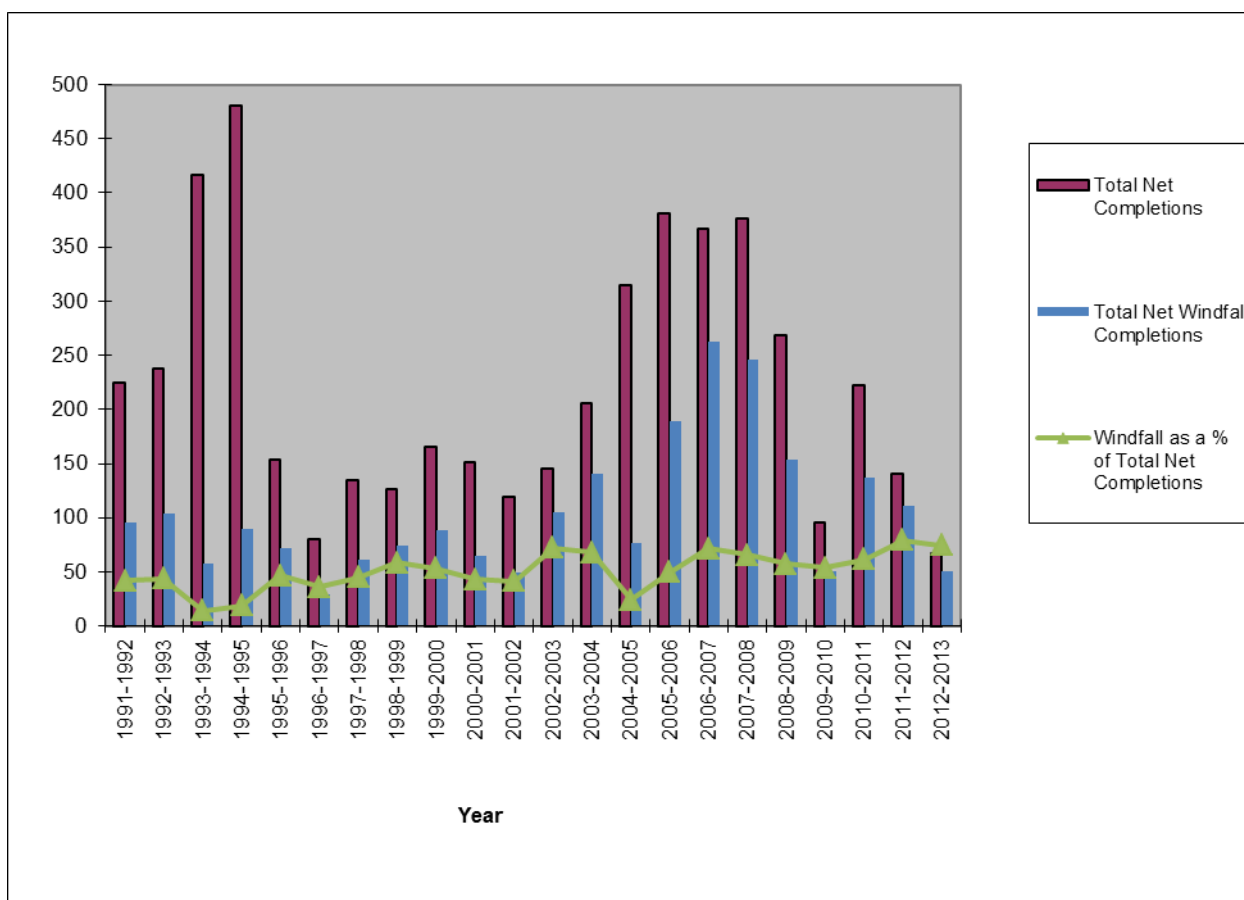


Table 16: Net Windfall Completions on small sites (excluding gardens)

Year	Net Windfall Completions on small sites (excluding gardens)
07/08	39*
08/09	55
09/10	36
10/11	62
11/12	23
12/13	23
Total	199

*Figure shown for information only and has not been included in the total net completions which is only showing the total for the last 5 years.

Comment

The drop in windfall completions needs to be seen in the context of the drop in total net completions likely to be as a result of a significant slowdown in house building on all sites, primarily due to the housing slump and lack of availability of mortgage finance. Notwithstanding this, in 2012/13 (as in 2011/12) windfall completions accounted for a high proportion (75%) of the total net completions, demonstrating their importance in housing delivery.

The chart above demonstrates that at the time of adoption of the 2004 Local Plan housing delivery was boosted by the allocation of sites for housing, however as time progressed and delivery on allocated sites decreased then windfall sites increase in importance.

3. Transport:

- 3a Amount of completed non-residential development within Use Class Order categories A, B and D complying with car-parking standards set out in the local development framework.
- 3b Amount of new residential development within 30 minutes public transport time of: a GP; a hospital; a primary school; a secondary school; areas of employment; and a major retail centre.

Table 17: Parking standards and accessibility to public transport

Amount of completed non-residential development complying with car parking standards set out in the LDF	100%
Amount of new residential development within 30 minutes public transport time of:	
(a) A GP	100%
(b) A hospital	100%
(c) A primary school	100%
(d) A secondary school	100%
(e) Areas of employment	100%

Table 18: Large site travel time to key services

Site Address	GP Surgery	Hospital	Primary School	Secondary School	Area of Employment
	Travel Time	Travel Time	Travel Time	Travel Time	Travel Time
Land off Main Street, Awworth	13	29	4	14	14
Ponderosa, Gin Close Way, Awworth	12	27	3	13	13
Long Eaton Textiles	11	26	8	5	5
Land Off Acorn Avenue, Giltbrook	6	39	11	15	9
83-103 Kimberley Road, Nuthall	8	50	10	18	13

Comment

The above figures demonstrate that Borough Council continues to ensure that new developments are located in highly accessible locations, which is in accordance with the principles of sustainable development encouraged by the NPPF.

4. Local Services:

- 4a Amount of completed retail, office and leisure development respectively.
 4b Amount of completed retail, office and leisure development in town centres.
 4c Amount of eligible open spaces managed to green flag award standard.

Table 19: Summary of retail, office and leisure development and quality of open space

Amount of completed floorspace gains:	m²
retail	636
office	264.6
leisure	0
Amount of completed retail, office & leisure devt. in town centres:	
retail	0
office	264.6
leisure	0
Amount of eligible open spaces managed to green flag award standard	53.4Ha

Comment

As with previous years the amount of leisure space completed is limited (in this case entirely absent), which suggests a higher demand for other uses across the borough.

There has been an increase in retail floorspace; however none of the completions have been within the defined town centre suggesting a continuing preference for out of town facilities and the development of local centres.

Adversely all of the new office development in the Borough during 2012/13 has been focused within the town centres. This reflects a national trend for business wanting to locate close to facilities in town centre locations.

Table 20: Losses of A1 shops (square metres) to other uses (policies S4/S1/S6)

Mixed Use	818
A2 financial services	264.6
A3 restaurants and cafes	382
A5 hot food takeaways	0
C3 Residential	13
Total	1577.6

5. Flood Protection and Water Quality

Table 21: Number of permissions granted contrary to EA advice

Flood Protection & Water Quality	2012/2013
Number of planning permissions granted contrary to the advice of the Environment Agency on either flood defence grounds or water quality	0

The proposals map prepared to accompany the adopted local plan shows areas of 'high risk' of flooding. These areas are mostly located close to the River Trent in Beeston and the River Erewash, running north to south on the western borough boundary.

Water quality:

Substantial areas of the borough contain major aquifers that are highly vulnerable to pollution due to the high permeability of the rocks and the high leaching potential of the soil. Other areas are less vulnerable but still require protection as groundwater forms part of the base flow of rivers and

watercourses and provides a substantial proportion of water used for public supply. Consultation is carried out with the EA where appropriate.

6. Biodiversity

Table 22: Changes in areas and populations of biodiversity importance

Changes in areas and populations of biodiversity importance	2012/2013
i) change in priority habitats and species (by type)	0
ii) Increase in SINC area (ha)	0.667

7. Renewable Energy

Table 23: Renewable energy capacity installed by type.

Renewable Energy	2012/2013
Renewable energy capacity installed by type (MW)	0

This figure does not refer to domestic installations on an individual basis, but refers to the measure of energy exported to the national grid on a commercial basis during the year. It may be possible, if required, to report smaller contributions in future, once monitoring thresholds are decided and adequate recording systems in place.

Kilograms of CO² saved through Council initiatives

The Council are recording and monitoring CO² emissions from council owned and run buildings, street lights and transportation, in order to use new technologies and reduce CO² emissions via reduced energy usage and wastage across its services.

Table 24: CO² emissions from council owned and run buildings and transportation

Year	Total CO ² emission (Kg)	Emissions from buildings (Kg)	Emissions from transport (Kg)	Percentage change from last year
2012-2013	3,594,656	2,760,748	833,908	5%

(Reduction seen in 2012/13 due to a reduction in fleet and business mileage)

Comment

The net increase in CO₂ emissions in this year (despite the significant reduction in emissions from transport) is a result of the increased usage of the gas boilers in the Council Offices to provide heating during the Winter whereby the cold period lasted longer than the previous year.

Appendix 1

Local Plan Policies

This appendix contains monitoring information regarding policies as follows:

- a) Record of how policies have been challenged through appeal (2012/13)
- b) Record of progress with policies allocating land (to 2013)
- c) A note on “saving” policies beyond the Local Plan 3-year validity period

(a) Policy Monitoring: Summary of appeals

This summary reports on appeal decisions received between 1 April 2012 and 31 March 2013. It also provides information on decisions over the last 8 years.

In 2012/13, 15 appeals were determined. 12 (80%) of these were dismissed and 3 allowed.

One appeal was allowed in circumstances where the inspector considered the proposal to be contrary to policy. This case (12/00005/FUL) concerned policy H9, which requires that domestic extensions “must be in keeping with the original building”. The inspector indicated that proposals which are not in keeping should be supported if they would improve the appearance of a poorly-designed original building. This implies that the wording of any equivalent future policy should be amended.

As mentioned in previous reports, there will be an associated need to consider consistency and duplication between policies E1 (good design), H7 (new dwellings) and H9 (domestic extensions). There is also a wider point concerning policy H9, which is that, following two successful appeals out of four in 2012/13, the proportion of appeals allowed over the past eight years has risen to 39% (11 out of 27). Whilst this proportion is not huge, it is higher than what would be hoped for. Some degree of difference of opinion with inspectors is inevitable on largely subjective issues such as design and impact on neighbours. However, it appears that the precise purposes of the policy may not be sufficiently clear to inspectors. It may therefore be appropriate to consider making aspects of the policy more specific – possibly including what constitutes a “terraced or cramped effect” and what kinds of impact represent “an unacceptable degree of loss of privacy or amenity”.

Three appeals (including, in part, the one mentioned previously) were allowed because the inspector disagreed with the Council’s view that the proposals were contrary to policy. These decisions largely involved judgements about design quality, impacts on the street scene and residential amenity. In topics such as these (and as mentioned above regarding policy H9), it is inevitable that differences of opinion between councils and inspectors will sometimes occur. With the partial exception referred to below, these appeal decisions did not involve any questioning of the policy objectives or the interpretation of policy wording, so generally there appears to be no need to review the policies concerned.

The partial exception was policy S7 (food and drink retailing outside town centres, 11/00263/ROC), which requires that proposals should not cause “detriment to residential amenity”. The inspector considered that attitudes to Sunday opening have “changed enormously”, so that it would be “unnecessarily restrictive” to prevent Sunday opening (as the condition in question did). The inspector considered that the objective should be to “strike a reasonable balance between the needs of the wider community and local residents”. He therefore allowed the appeal but limited opening to 8pm, rather than the 10pm requested.

There is also a wider point concerning policy S7, as, following a successful appeal in 2012/13, the proportion of appeals allowed over the past eight years has now risen to 50%. Although the absolute numbers are not very large (six appeals allowed in total), the proportion is disturbingly high. Inspectors have tended to consider the impacts on residents and the environment as being less severe than the Council has perceived them to be.

These points suggest that it may be appropriate to reconsider the current general ‘presumption against’ this sort of development. Alternatively, if the Council wants to avoid its own judgements being substituted by those of inspectors, it may be necessary to consider how to persuade inspectors to give more weight to the Council’s concerns. Possibilities may include trying to be more precise about what degree (if any) of “detriment to residential amenity” is acceptable, about when cumulative effects become excessive, and/or about days or hours of operation that are likely to be unacceptable.

A few other points, noted below, also arose from this year’s appeal decisions. They too may be relevant to the forthcoming production of the Development Management Policies Local Plan.
Policy E8 (development in the green belt):

The inspector in the case of 11/00243/FUL supported the Local Plan’s reference, in the explanatory text, to an increase in volume of above 50% being likely to be considered “disproportionate”. He said that this “accords with” the NPPF. The inspector also referred to the Council’s “new approach” to extensions (following the June 2009 cabinet decision), whereby larger extensions could be allowed if they were below permitted development sizes and their design took account of the openness of the green belt. These points suggest that both the 50% threshold and the “new approach” should be incorporated in policy, to ensure that they are given full weight in future appeals.

The inspector in the case of 11/00474/FUL concluded that the NPPF takes precedence over policy E8 and so proportionate extensions to all buildings (rather than just dwellings) are now appropriate in the green belt. Any new policy will therefore have to recognise this point (or make a strong case as to why a local exception to national policy is appropriate).

In 3 cases in 2012/13, inspectors agreed with the Council’s ‘hard line’ view that, whilst extensions to dwellings can be “appropriate development”, detached buildings such as garages cannot, even if very similar buildings could be erected under permitted development rights.
Policies E1 and H7 (residential amenity):

In the case of 11/00390/FUL, the inspector said that it is “not clear whether the Council applies a standard for private amenity space”. (He mentioned the Council’s guidance leaflet but noted that neither party had referred to it.) This suggests that, if the Council wants to apply standards or guidelines for residential amenity space – such as the length of rear gardens – they will need to be included in policy and/or an SPD in order for them to carry weight in appeal decisions.

Possible additional policy (heritage assets):

The inspector for 11/00474/FUL indicated that non-designated heritage assets do not have to be referred to in the Local Plan in order to be given weight in appeal decisions, in accordance with the NPPF. However, presumably such assets would be given more weight if a reference to the County Council’s Historic Environment Register was included in forthcoming policy.

No policies were the subject of more than two appeals that were allowed in 2012/13.

There are five policies which have been the subject of appeals in double figures over the past policies years; policies E1, E8, H7, H9 and S7. Policies H9 and S7 have been referred to in detail above. Policy E1 (good design) was the subject of two successful appeals in 2012/13 and seven unsuccessful appeals. 71% of appeals have been dismissed over the eight-year period 2005/06-2012/13. Policy E8 (development in the green belt) was the subject of six appeals in 2012/13, all of them unsuccessful. 86% of appeals over the eight-year period have been dismissed. Policy H7 was the subject of three unsuccessful appeals in 2012/13. 77% of appeals over the eight-year period have been dismissed. Subject to the qualifications mentioned above, therefore, the policies which are most used are still proving to be robust on appeal. With regard to policies which have been the subject of smaller numbers of appeals, no significant trends seem to be emerging.

Details of each appeal for 2012/13 are given in table 24 below. Table 25 summarises the outcomes of these appeals in relation to the policies that were referred to in the refusal reasons. Table 26 shows a similar summary for the combined results from the Monitoring Reports between 2005/06 and 2012/13. Table 27 shows the rate of dismissal of appeals over the eight-year period.

Table 25: Appeal decisions (received over period 01.04.12 to 31.03.13)

<u>Application</u>	<u>Policy</u>	<u>Decision</u>	<u>Allowed because of perceived conformity with policy</u>	<u>Allowed despite perceived conflict with policy</u>
11/00241/FUL	E8	Dismissed	-	-
11/00243/FUL	E1, E8	Dismissed	-	-
11/00263/ROC	S7	Allowed	√	X
11/00306/FUL	E1, H7	Dismissed	-	-
11/00390/FUL	E1, H7	Dismissed	-	-
11/00474/FUL	E1, E8	Dismissed*	-	-
11/00519/FUL	E8	Dismissed	-	-
12/00005/FUL	E1, H9	Allowed	√ (E1)	√ (H9)
12/00031/FUL	E1, H7	Dismissed	-	-
12/00037/FUL	E1, H9	Dismissed	-	-
12/00093/FUL	E8	Dismissed	-	-
12/00269/FUL	E1, H9	Dismissed	-	-
12/00299/FUL	E8	Dismissed	-	-
12/00310/FUL	H4	Dismissed	-	-
12/00424/FUL	E1, H9	Allowed	√	X

* (The inspector disagreed with the refusal with regard to policy E8 and he also disagreed with the Council's particular reason for refusal (character of setting) with regard to policy E1; however he considered that the proposal was contrary to another part of the same policy (design).)

Table 26: Summary of appeal decisions in relation to policies referred to in refusal reasons

<u>Policy</u>	<u>Appeals allowed</u>	<u>Appeals dismissed</u>
E1	2	7
E8	-	6
H4	-	1
H7	-	3
H9	2	2
S7	1	-

Table 27: Summary of appeal decisions in relation to policies referred to in refusal reasons: combined results from 2006 to 2013 Monitoring Reports

<u>Policy</u>	<u>Appeals allowed</u>	<u>Appeals dismissed</u>
K6*	3	-
E1	20	49
E3	2	6
E4*	-	1
E5*	-	1
E7*	2	-
E8	4	24
E9*	1	2
E12	1	1
E13	1	1
E24	-	2
E28*	-	1
E35	-	3
H4	1	2
H7	9	30
H8	1	4
H9	11	17
H11	1	1
H12	1	-
EM1	1	1
EM2	2	2
T11	3	5
S1	1	-
S4	-	2
S6	1	2
S7	6	6
S9	-	2
S10	3	-
RC5	-	1
RC8	1	-
RC12	-	1
RC13	-	1

* Indicates that the policy was not "saved" in 2007

Table 28: Rate of dismissal of appeals

<u>Year</u>	<u>Appeals allowed</u>	<u>Appeals allowed in part</u>	<u>Appeals dismissed</u>	<u>Total</u>	<u>Proportion dismissed</u>
2005/06	5	1	13	19	68%
2006/07	9	0	16	25	64%
2007/08	4	0	19	23	79%
2008/09	7	1	16	24	67%
2009/10	6	1	13	20	65%
2010/11	4	0	16	20	80%
2011/12	5	0	13	18	72%
2012/13	3	0	12	15	80%
Total	43	3	118	164	72%

(b) Policies which allocate land: progress chart

Housing site progress 2010/11

H1 Phase 1

- a Completed: 377 dwellings total
- b Completed: 95 dwellings total
- c Not granted permission
- d Under construction: 146 dwellings completed (on sports ground site)
- e Completed: 56 dwellings total
- f Not granted permission
- g Not granted permission
- h Not granted permission
- i Complete: 88 dwellings
- j Complete: 57 dwellings
- k Detailed permission granted for 91 dwellings
- l Not granted permission
- m Not granted permission
- n Not granted permission
- o Not granted permission
- p Outline application granted for 20 dwellings
- q Complete: 194 dwellings completed

Employment Sites

EM1

- a Not granted permission
- b Completed: 3.2 hectares
- c Not granted permission
- d Not granted permission
- e Not granted permission
- f Detailed permission granted: part taken up: balance 0.66ha lost to sui generis use: scheme for all site refused.
(Note: The 2.2 hectares of allocated employment land forms part of a wider land ownership. It is under discussion as a component of a proposed mixed use (including residential) as such this employment allocation is unlikely to proceed.)
- g Not granted permission
- h Outline permission granted
- i Not granted permission
- j Completed: 3 hectares
- k Detailed permission granted: part taken up: balance 0.87ha lost to residential development.
- l Completed: 2.7 hectares
- m Outline permission granted
- n Completed: 2.8 hectares
- o Permission granted for 15 dwellings
- p Not granted permission
- q Not granted permission

Retail Sites

- S2 a Beeston shopping allocation: granted; implementation started
- b Stapleford shopping allocation: not granted permission
- c Nottingham Road Giltbrook shopping allocation: construction completed

Education sites

- RC3 a Land safeguarded for primary school or community facility, Chilwell Meadows: not implemented. Residential development complete. Nottinghamshire County Council Education Authority did not require site to be further safeguarded for education purposes.
- b Primary School, Eastwood: granted; not implemented
- c Primary School, Gilthill: constructed
- d School Playing field, Kimberley: constructed
- e Primary School, Stapleford: no planning application

Community facilities

- RC3 f Land safeguarded for primary school or community facility, Chilwell Meadows: not implemented. Residential development complete.
- g Library and Drop-in Centre, Chilwell: complete

Playing fields and informal open space

- RC7 a Weirfields, Beeston: complete
- b Sand Quarry, Bramcote: not implemented
- c Walker Street, Eastwood: not implemented
- RC8 a Open space planned as part of housing area H1a with detailed planning permission: complete
- b Weirfields, Beeston: complete
- c Leyton Crescent, Beeston: not implemented
- d Sand Quarry, Bramcote: not implemented
- e Former tip, Cossall: part of employment development allocation for which there is no planning application yet
- f North of Hall Park, Eastwood: part of employment allocation for which there is no planning application yet
- g Walker Street, Eastwood: part of housing development allocation for which there is no planning application yet
- h Smithurst Road, Giltbrook: most of northern part implemented and adopted; remainder is part of housing development allocation planning application not yet implemented
- i Chewton Street, Newthorpe: part of housing development allocation for which there is no planning permission
- j Bilborough Road, Strelley; part of housing development allocation H1q: adopted
- k Holly Road, Watnall: adopted as "Watnall Green"

Cemetery extensions

- RC11 a Field Lane, Chilwell: not implemented
- b Church Walk, Brinsley: not implemented
- c Knowle Hill, Kimberley: implemented

(c) 'Saved' and 'Expired' policies

The Secretary of State for Communities and Local Government has made a Direction that 'saves' most of the policies of the Broxtowe Local Plan beyond 27 September 2007. As a result of the Direction the following policies 'expired', and therefore ceased to form part of the development plan, from 28 September 2007:

- K1 Sustainable Development
- K2 The Economy
- K3 Housing
- K6 The Environment (character and amenity)
- K7 Access and Transport
- K8 The needs of the disadvantaged
- E4 Demolition within Conservation Areas
- E5 Listed buildings
- E6 Setting of listed buildings
- E7 Advertising
- E9 Visual impact of development on Green Belt
- E10 Activities in the Green Belt
- E11 Dwellings for agricultural workers
- E15 Sites of Special Scientific Interest
- E17 Sites supporting species protected by law
- E18 Local biodiversity
- E20 Agricultural land quality
- E21 Ancient Monuments
- E22 Other sites of archaeological interest
- E28 Protection of flood plains and flood risk
- E30 Derelict land
- EM4 Exceptional developments
- T8 Millennium cycle route

For any enquiries relating to any information contained within this report please contact the Planning Policy Team at Broxtowe Borough Council, tel. 0115-9177777 ex.3452, 3468 or 3482, or **policy@broxtowe.gov.uk**

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