



Broxtowe  
Borough  
COUNCIL

## Broxtowe Borough Council

# Monitoring Report

**1 April 2016 – 31 March 2017**

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# Broxtowe BC Authority Monitoring Report 2016-17

This Authority Monitoring Report (AMR) comprises three sections:

- Introduction and compliance with legal requirements;
- Summary of appeal decisions;
- Policy monitoring indicators.

## Introduction and compliance with legal requirements

This AMR is prepared in accordance with Section 35 of the Planning and Compulsory Purchase Act 2004, Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Regulation 17 of the Environmental Assessment of Plans and Programmes Regulations 2004.

This legislation requires the AMR to include information on:

- the implementation of the Local Development Scheme (LDS);
- policies that the local planning authority are not implementing;
- net additional dwellings;
- neighbourhood development orders and neighbourhood development plans;
- the Community Infrastructure Levy;
- the 'duty to co-operate';
- the significant environmental effects of the authority's plans.

*Part (1) of the 2012 Regulation requires the AMR to contain information regarding the implementation of the authority's LDS.*

The Broxtowe Local Plan was adopted in September 2004. This Plan is to be replaced by a combination of the 'Part 1' and 'Part 2' Local Plans. The 'Part 1' Local Plan, the 'Aligned Core Strategies' (ACS) for Broxtowe, Gedling and Nottingham City, was adopted in September 2014.

The 'Part 2' Local Plan is the sole document that is specified in the LDS. The 2013 version of the LDS indicated that the 'Part 2' Local Plan was expected to be published in winter/spring 2013/14, submitted in spring/summer 2014 and adopted in winter 2015. This timetable was delayed for reasons including work on the 'Part 1' Local Plan, the commissioning of supporting information and a change in the administration of the authority. The LDS was amended in May 2017 to indicate that the Plan is expected to be published in summer 2017, submitted in autumn 2017 and adopted in autumn 2018. The Publication version of the plan was approved by the Jobs & Economy Committee in July 2017 and will be published in early September 2017, in accordance with the LDS.

*Part (2) of the 2012 Regulation requires the AMR to contain information on policies in a local plan which the authority “are not implementing”.*

All the policies in the ACS are being implemented. Several policies in the 2004 Broxtowe Local Plan are not being implemented, for two reasons. Firstly, in 2007 the Secretary of State for Communities and Local Government decided that specified policies should not be ‘saved’ and these policies therefore ‘expired’ in September 2007. This applies to policies K1, K2, K3, K6, K7, K8, E4, E5, E6, E7, E9, E10, E11, E15, E17, E18, E20, E21, E22, E28, E30, EM4 and T8. Secondly, when the ACS was adopted in September 2014 several further policies were not ‘saved’. This applies to policies E1, E2, E3, E19, E23, E25, H2, H3, H13, EM2, T2, T3, T7, T9, RC4 and RC9.

*Part (3) of the 2012 Regulation requires the AMR to contain information on net additional dwellings.*

Full details of the provision of dwellings are included in the Council's [Strategic Housing Land Availability Assessment \(SHLAA\)](#), which is available on the Council's website.

Part (4) of the 2012 Regulation requires the AMR to contain information on neighbourhood development orders and neighbourhood development plans that have been “made”.

No neighbourhood development orders are being prepared in Broxtowe. Several neighbourhood development plans are being prepared, however none have yet been “made” (i.e. finalised). The following table gives information on the progress of these neighbourhood plans.

### Progress of Neighbourhood Plans in the Borough

Stage	Parish									Neighbourhood Forum	
	Awsorth	Brinsley	Trowell	Eastwood	Nuthall	Greasley	Kimberley	Stapleford	Cossall	Bramcote	Chetwynd: Toton and Chilwell
Area Application Submitted to Broxtowe	✓	✓		✓	✓	✓	✓	✓		✓	✓
Area Consultation	✓	✓		✓	✓	✓	✓	✓		✓	✓
Area Designation	✓	✓		✓	✓	✓	✓	✓		✓	
Forum Application Submitted to Broxtowe	-	-		-	-	-	-	-		✓	✓
Forum Consultation	-	-		-	-	-	-	-		✓	✓
Forum Designation	-	-		-	-	-	-	-		✓	
Pre-Submission Consultation					✓						
Draft Plan submitted to Broxtowe											
Draft Plan Consultation											
Plan at Examination											
Examiners Report Published											
Referendum											
Adoption											

*Part (5) of the 2012 Regulation requires the AMR to contain information regarding any report prepared under the Community Infrastructure Levy Regulations 2010.*

The Council has not prepared such a report. (Options for CIL remain under consideration.)

*Part (6) of the 2012 Regulation requires the AMR to contain details of actions taken regarding co-operation with other local planning authorities, county councils, bodies and persons prescribed under the Act.*

The Council is a member of the Joint Planning Advisory Board (JPAB) for Greater Nottingham. Membership of JPAB includes all the County, City, District and Borough Councils in Greater Nottingham. The role of the Board is “to facilitate the sustainable development and growth of Greater Nottingham by discharging the Duty to Co-operate (S110 of the Localism Act), and advising the constituent councils on the alignment of planning work across the Greater Nottingham area and other spatial planning and transport matters of mutual concern”. JPAB oversees the work of all authorities in Greater Nottingham on planning policy issues. This includes: the preparation of ‘Part 2’ Local Plans; planning for the implications of HS2, including liaison with other East Midlands authorities; commissioning evidence on issues such as employment, retail and gypsies & travellers; and liaison with other organisations such as the D2N2 Local Enterprise Partnership (LEP), the Homes and Communities Agency and the Environment Agency.

At officer level the Council is involved with regular meetings of the Greater Nottingham Planning Officers Group, the Nottinghamshire Policy Officers Group and the Nottinghamshire Development Management Officers Group, all of which co-operate on planning issues of inter-authority importance.

The Council also co-operates with adjoining authorities and other organisations as and when required on specific issues, such as Green Belt Reviews, the implications of major developments and the drafting of Local Plan policies.

*Part (1) of the 2004 Regulation requires the AMR to “monitor the significant environmental effects of the implementation of each plan”.*

The ACS includes monitoring indicators relating to each policy in the Plan. These are reported on in the third section of this AMR. (In a few cases ACS monitoring indicators which are not considered to be relevant have been omitted.) This enables European legislative requirements to be complied with and helps to identify any “unforeseen adverse effects” of the Plan, as required by the Regulation. Future AMRs will also refer to the monitoring indicators for policies in the emerging ‘Part 2’ Local Plan.

## Summary of appeal decisions

This summary reports on appeal decisions received between 1 April 2016 and 31 March 2017. It also provides information on decisions over the last twelve years.

In 2016/17, seventeen appeals were determined. Eleven (65%) were dismissed, four allowed and two allowed in part.

The two that were allowed in part were appeals that asked for conditions to be removed; instead the conditions were varied.

One appeal was allowed in circumstances where the inspector considered the proposal to be contrary to (four) policies. This was application 14/00677/OUT at Bramcote Hills Golf Course, in which the inspector considered that the absence of a five-year supply of housing land outweighed other considerations. This raised broadly similar issues to the application at Hempshill Hall (12/00539/OUT, reported in the 2013/14 AMR) and again emphasises the importance that inspectors attach to the issue of housing land supply (at least in the case of large applications; see below). The forthcoming production of the Part 2 Local Plan will address this issue and ensure that the Council does have a five-year supply in the near future.

Three other appeals were allowed because the inspector disagreed with the Council's view that the proposals were contrary to policy. These decisions mainly involved judgements about issues such as design, the character of the area and the amenity of neighbours. In topics such as these, it is inevitable that differences of opinion between councils and inspectors will sometimes occur. These appeal decisions did not involve any questioning of the policy objectives or the interpretation of policy wording. The proposed introduction of a new, more detailed, policy on design in the forthcoming Part 2 Local Plan may help to clarify the Council's objectives and therefore result in more success in future appeals.

There was one case of an inspector interpreting a policy differently from the Council. This also relates to application 14/00677/OUT (Bramcote Hills Golf Course), in which the inspector interpreted Broxtowe Local Plan (BLP) policy RC5 as allowing development on protected open spaces where there is other open space nearby. Although there were other more significant issues in this decision (as mentioned above), and although it could be argued that the inspector misinterpreted the policy, this perhaps emphasises the importance of care with detailed policy wording in the Part 2 Local Plan.

The decision on application 15/00841/REM (Field Farm) may also have lessons for the Part 2 Local Plan as it draws attention to the need for important issues to be dealt with in the policies themselves, rather than only in the supporting justification text. It also highlights the importance of using appropriate terms and grammar.

The 2015/16 report referred to an issue regarding the large number of appeals which arose from decisions which were contrary to officer recommendations, and the high proportion of those appeals which were allowed. This issue did not recur on 2016/17: there were four appeals arising from decisions which were contrary to officer recommendations; two of these were allowed and two dismissed.

There were seven appeals in 2016/17 against refusals of permission for small-scale residential developments and six of these were dismissed. In none of these appeal

decisions did the inspector refer to the issue of five-year housing land supply. This is perhaps curious, given the weight attached to the issue in respect of large-scale residential developments (as mentioned above). Most decisions on other small-scale housing proposals in recent years have similarly give little weight to the issue of housing land supply. The implication appears to be that inspectors generally treat marginal increases to housing supply as being relatively unimportant compared to other policy considerations (such as design and neighbours' amenity), whereas substantial increases to housing supply are likely to outweigh other considerations.

In previous AMRs concern was expressed about the relatively high proportion of appeals that had been allowed relating to policies H9 (domestic extensions) and S7 (food and drink retailing outside town centres). However in 2016/17 there were only two appeals relating to H9, one of which was dismissed, and none relating to S7. The rate of dismissal of appeals for H9 (67%) is now similar to the figure for all policies (70%) and the situation regarding S7 has again not deteriorated.

References were also made in previous AMRs to policy E8 (development in the Green Belt). There were three appeals in 2016/17 relating to this policy, only one of which was allowed, and this only in respect of the wording of a condition. This confirms the generally satisfactory situation regarding the control of development in the Green Belt.

Only one policy was the subject of more than two appeals that were allowed in 2016/17; Aligned Core Strategy (ACS) policy 10 (design and enhancing local identity), on four occasions. As mentioned previously, difference of opinion on this issue will inevitably happen on some occasions. In addition, eight appeals relating to this policy were dismissed during the year. The proportion of appeals relating to this policy that have been dismissed has now risen to 60%; this is still relatively low, and the situation will continue to need to be monitored carefully, however, as mentioned previously, the potential new Part 2 Local Plan policy should help in this regard.

There are still eight policies which have been the subject of appeals in double figures over the past twelve years: BLP policies E1, E3, E8, H7, H9, T11 and S7; and ACS policy 10. BLP policies E8, H9 and S7 have been referred to above, as has ACS policy 10. BLP policies E1 and E3 were not 'saved' when the ACS was adopted in 2014 and have been superseded by ACS policy 10. The rate of dismissal of appeals relating to policies H7 and T11 in the twelve-year period has been 73% in both cases, which is not a cause for concern.

Details of each appeal for 2016/17 are given in table the first table below. The second table summarises the outcome of each of these appeals in relation to policies that were referred to in the refusal reasons. The third table shows a similar summary for the combined results from monitoring reports between 2005/06 and 2016/17. The fourth table shows the rate of dismissal of appeals over the twelve-year period.



*Appeal decisions (received over period 01.04.16 to 31.03.17)*

Application	BLP Policy	ACS Policy	Decision	Allowed because of perceived conformity with policy	Allowed despite perceived conflict with policy
14/00677/OUT	E12, E13, RC5, RC16	16	Allowed	√ (RC5)	√ (E12, E13, RC16, ACS16)
15/00268/FUL	E8	3	Dismissed	-	-
15/00369/FUL	E8	-	Allowed in part	√	×
15/00385/FUL	-	10	Dismissed	-	-
15/00454/FUL	E8	-	Dismissed	-	-
15/00563/FUL	H7	10	Dismissed	-	-
15/00674/FUL	H9	10	Allowed	√	×
15/00775/FUL	S1	10	Allowed	√	×
15/00779/FUL	H4	10	Dismissed	-	-
15/00824/FUL	H9	10	Dismissed	-	-
15/00841/REM	-	1, 2, 10	Allowed	√	×
15/00867/OUT	H7	10	Allowed in part	√	×
16/00012/FUL	H7	10	Dismissed	-	-
16/00080/FUL	T11	4	Dismissed	-	-
16/00083/FUL	-	10	Dismissed	-	-
16/00165/FUL	RC17	10	Dismissed	-	-
16/00464/FUL	H7	10	Dismissed	-	-

*Summary of appeal decisions in relation to policies referred to in refusal reasons*

BLP Policy	ACS Policy	Appeals allowed	Appeals dismissed
E8		1 (in part)	2
E12		1	-
E13		1	-
H4		-	1
H7		1 (in part)	3
H9		1	1
T11		-	1
S1		1	-
RC5		1	-
RC16		1	-
RC17		-	1
	1	1	-
	2	1	-
	3	-	1
	4	-	1
	10	4 (one in part)	8
	16	1	-

*Summary of appeals decisions in relation to policies referred to in refusal reasons: combined results from 2006 to 2017 Monitoring Reports*

<b>BLP Policy</b>	<b>ACS Policy</b>	<b>Appeals allowed</b>	<b>Appeals dismissed</b>
K6*		3	-
E1**		24	64
E3**		2	9
E4*		-	1
E5*		-	1
E6*		-	1
E7*		2	-
E8		5	35
E9*		1	2
E12		3	1
E13		2	1
E24		1	2
E25**		-	1
E28*		-	1
E35		-	3
H4		1	4
H5		1	-
H7		14	37
H8		2	5
H9		14	29
H11		1	3
H12		1	-
EM1		1	1
EM2**		2	2
EM3		1	-
T6		1	-
T11		3	8
S1		2	-
S4		-	2

BLP Policy	ACS Policy	Appeals allowed	Appeals dismissed
S5		1	-
S6		1	2
S7		6	6
S9		-	2
S10		3	1
RC5		1	1
RC8		1	-
RC12		1	1
RC13		-	1
RC16		1	-
RC17		-	1
	1	2	-
	2	1	-
	3	-	3
	4	-	1
	8	1	-
	10	10	15
	11	-	1
	14	1	-
	16	1	-

\* Indicates that the policy was not 'saved' in 2007.

\*\* Indicates that the policy was not 'saved' in 2014.

### *Rate of dismissal of appeals*

Year	Appeals allowed	Appeals allowed in part	Appeals dismissed	Total	Proportion dismissed
2005/06	5	1	13	19	68%
2006/07	9	0	16	25	64%
2007/08	4	0	19	23	83%
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%
2013/14	6	0	14	20	70%
2014/15	2	0	11	13	85%
2015/16	9	0	8	17	47%
2016/17	4	2	11	17	65%
Total 2005-17	64	5	162	231	70%

## Policy monitoring indicators

This section details the monitoring indicators for policies in the ACS, in the order in which they appear in the Plan, together with information relating to these indicators. In some cases relevant information is not available for the current year: the Council is revising its monitoring arrangements and further relevant information will be included in future AMRs.

### 1. Climate Change

*Department of Energy & Climate Change's 'Carbon dioxide emissions within the scope of influence of local authorities'.*

Information not currently available.

*Number of permissions in flood risk areas implemented against Environment Agency advice.*

Information not currently available.

*Number of developments incorporating Sustainable Drainage Systems (SuDS).*

Information on completed developments not currently available. However, all large developments granted permission since 1 April 2011 have either incorporated Sustainable Drainage Systems or a condition was attached in the decision requesting details for the disposal of surface water to be approved before commencement of the development. For 2016-2017 there have been 4 applications.

### 2. The Spatial Strategy

*Net additional homes.*

Full details are included in the [SHLAA](#).

*Council supply of ready to develop housing sites.*

Full details are included in the [SHLAA](#).

*Planning permissions of strategic allocations.*

Full details are included in the [SHLAA](#).

### 3. The Green Belt

*Location and area of land removed from Green Belt.*

No land was removed from the Green Belt in 2016-17.

## **4. Employment Provision and Economic Development**

*Overall number of jobs in the plan area.*

Information not currently available.

*Net addition in new office floorspace.*

Information not currently available. However there was a net increase of 0.26 ha of employment land (Use Classes B1, B2 and B8) in 2016-17.

*Available supply of industrial and warehouse land.*

Information not currently available. However the current borough total of employment land (Use Classes B1, B2 and B8) in the borough is 39.7 ha.

*Net change in supply of industrial and warehouse land.*

Information not currently available. However there was a net increase of 0.26 ha of employment land (Use Classes B1, B2 and B8) in 2016-17.

*Planning permissions for strategic sites.*

An outline application (reference 14/00515/OUT) for Boots at Beeston has been agreed in principle, subject to the completion of a section 106 agreement. The application is for mixed-use development including up to 82,000 square metres of employment floorspace.

## **6. Role of Town and Local Centres**

*Planning permissions for retail and other town centre use development.*

Information not currently available. However in 2016-17 there were completions in centres of 7,102 square metres of Class A1 floorspace and 549 square metres of Class A2.

*Amount of new B1 office floorspace created in town centres.*

Information not currently available.

*Amount of retail floorspace approved outside of defined centres.*

Information not currently available. However in 2016-17 there were completions out of centres of 1,553 square metres of Class A1 floorspace and 104 square metres of Class D2

## 7. Regeneration

*Completion of site or certain elements of it (e.g. sq m of offices developed).*

The ACS regeneration policy refers to the Boots / Severn Trent site in Broxtowe: no elements of this development were completed in 2016-17.

## 8. Housing Size, Mix and Choice

*Completions by dwelling type, size and tenure.*

The following table details completions by dwelling type and size. (These are gross figures which do not include losses.) Information on tenure is not currently available.

Type	No. of Beds	Awsworth	Brinsley	Eastwood	Kimberley	Main Built Up Area	Other Rural	Total
Detached	1	1			1			2
	2					1		1
	3	1	1	16		2		20
	4	1		10	3	30		44
	5					4		4
	6+						1	1
Semi-Detached	1							
	2	2		9		4		15
	3	17			2	20		39
	4					20		20
	5							
	6+							
Terraced	1							
	2					5		5
	3				9	21		30
	4					1		1
	5							
	6+							
Bungalow	1					2		2
	2				2			2
	3				1	2		3
	4					4		4
	5							
	6+							
Flat	1			14		48		62
	2				4	29		33
	3					2		2
	4							
	5					1		1
	6+							
<b>Total</b>		<b>22</b>	<b>1</b>	<b>49</b>	<b>22</b>	<b>196</b>	<b>1</b>	<b>291</b>



*Affordable housing completions by Social Rent, Intermediate Housing, Affordable Rent.*

Information not currently available. However the total of affordable housing completions in 2016-17 was 20. All of these were in the Main Built-Up Area.

## **9. Gypsies, Travellers and Travelling Showpeople**

*Number of traveller plots/pitches allocated and granted planning permission and then implemented.*

No plots or permissions were allocated, granted permission or implemented in 2016-17.

## **10. Design and Enhancing Local Identity**

*Indicators to be set locally by each Council.*

New indicators are likely to be included in the emerging 'Part 2' Local Plan.

## **11. The Historic Environment**

*% and number of heritage assets at risk on national register.*

2 Listed Buildings (1% of the total; The Yews, Kimberley Road, Nuthall and Bennerley Viaduct), 3 Conservation Areas (19%; Eastwood, Kimberley and Nuthall) and 2 Scheduled Monuments (33%; Greasley Castle and Beauvale Priory) are on the national Heritage at Risk register.

*Number of Conservation Area Appraisals.*

There are 9 completed Conservation Area Appraisals:

- Attenborough Village,
- Attenborough Barratt Lane,
- Beeston St John's Grove,
- Beeston West End,
- Bramcote,
- Eastwood,
- Kimberley,
- Stapleford Church Street, and
- Stapleford Nottingham Road

and another 3 which are awaiting completion:

- Brinsley,
- Chilwell and
- Strelley.

## **12 Local Services and Healthy Lifestyles**

*% of households with access to public services and facilities by public transport, walking and cycling within 30 minutes travel time with no more than a 400m walk to a stop.*

Information not currently available.

## **13. Culture, Tourism and Sport**

*Number of major sporting facilities developed.*

No such developments took place in Broxtowe in 2016-17.

## **14. Managing Travel Demand**

*Proportion of households with hourly or better daytime bus service to town, district or City Centre.*

Information not currently available.

*Number of public transport trips.*

Information not currently available.

*Plan area wide traffic growth.*

Information not currently available.

*Number of cycling trips.*

Information not currently available.

*Number of travel plans agreed.*

Information not currently available.

## **15. Transport Infrastructure**

*Implementation of individual schemes as in Infrastructure Delivery Plan.*

No aspects of the relevant schemes in Broxtowe (the HS2 hub station and the associated NET extension) have yet been implemented.

## 16. Green Infrastructure, Parks and Open Space

*Number of Local Wildlife Sites under positive conservation management using Single Data List indicator 160.*

Approximately 25.

*Number of Local Nature Reserves with a management plan in place.*

There are 13:

- Alexandrina Plantation Bramcote,
- Bramcote Park Woodland,
- Brinsley Headstocks,
- Colliers Wood Moorgreen'
- Hall Om Wong Kimberley'
- King George's Park Bramcote,
- Nottingham Canal,
- Sandy Lane Public Open Space Bramcote,
- Smithurst Meadows Giltbrook,
- Stapleford Hill Woodland,
- Toton Fields,
- Watnall Green and,
- Watnall Spinney.

*Green Flag status of open space.*

Five sites, with a total area of 59.5 ha, are managed to Green Flag award standard. These are at:

- Colliers Wood,
- Giltbrook;
- Bramcote Hills Park;
- Old Church Tower, Town Street, Bramcote;
- Alexandrina Plantation / Sandy Lane, Bramcote; and
- Brinsley Headstocks.

*Number of S106 contributions related to open space.*

Information not currently available.

*Indicators to be set locally regarding increase in percentage of population with access to GI assets.*

New indicators are likely to be included in the emerging 'Part 2' Local Plan.

## **17. Biodiversity**

*Net change in the area of Local Wildlife Sites.*

The net area increased by 14.41 ha in 2016-17.

*Number of SSSIs in a favourable condition.*

Information not currently available.

*Number of Local Wildlife Sites under positive conservation management using Single Data List indicator 160.*

As above, section 16.

*Number of Local Nature Reserves with a management plan in place.*

As above, section 16.

## **18. Infrastructure**

*Implementation of individual schemes as in IDP and in part 2 Local Plans.*

None of the relevant schemes in Broxtowe (Boots & Severn Trent, Beeston; Field Farm, Stapleford; and land in the vicinity of the proposed HS2 site at Toton) have yet been implemented.

For any enquiries relating to information contained within this report please contact the Planning Policy Team at Broxtowe Borough Council, telephone 0115 9177777 extension 3452 or [policy@broxtowe.gov.uk](mailto:policy@broxtowe.gov.uk).

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