



Planning Report for 2021/0126



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number:	2021/0126
Location:	Beacon Baptist Church Killisick Road Arnold NG5 8BD
Proposal:	Residential development (outline) to include demolition of existing site buildings.
Applicant:	Direct Land Investments
Agent:	Mike Sibthorpe Planning
Case Officer:	Bev Pearson

This application has been referred to the Planning Committee as requested by the Planning Delegation Panel to fully explore the loss of the community use on the site.

1.0 Site Description

1.1 This application relates to the site of the Beacon Baptist Church, an irregular shaped single storey building with a mix of single storey flat roof and hexagonal pitched roof to the main building and central spire. The building has been vacant for some time and occupies a large prominent corner plot at the junction of Firbeck Road and Killisick Road with a grassed area and boundary trees and car park accessed from Killisick Road bounded by mesh fencing.

1.2 To the eastern boundary the site is adjoined by Killisick Community Centre and its associated recreation area and Millbank Court a former care home recently converted to apartments.

1.3 The wider surrounding area comprises predominantly two storey semi-detached properties with a small parade of shops to the south west and Killisick Recreation Ground to the south east.

2.0 Proposed Development

2.1 Outline planning permission is sought for the residential development of the site. All matters except for access and layout are reserved for subsequent reserved matters approval.

2.2 The submitted layout plan proposes the erection of 2 no. detached dwellings with parking to the side accessed from Killisick Road and 3 pairs of

semi-detached dwellings accessed from Firbeck Road with parking court to the rear.

3.0 Relevant Planning History

2015/1332 – planning permission was granted for alterations to roof, windows and doors;

2011/0800 – planning permission was granted in October 2011 for the increase in the height of the perimeter fence;

2008/0990 – planning permission was granted in March 2009 for the erection of a perimeter fence;

79/1986 – planning permission was granted in December 1979 for residential development;

79/0077 – planning permission was refused in March 1979 for the erection of 3 town houses;

77/1129 – planning permission was granted in September 1977 for a hall extension to the church;

77/1130 – planning permission was granted in September 1977 for the retention of a temporary building.

4.0 Consultations

4.1 Nottinghamshire County Council Highways Authority – having assessed the revised plans highways are satisfied that previous issues raised with regard to the layout of the site have been resolved and no objections are raised subject to conditions in relation to the provision of dropped vehicular footway crossings, the existing site access being made redundant and the surfacing and drainage of driveways and parking/turning areas.

4.2 Gedling Borough Council Scientific Officer - no immediate concerns relating to land contamination but recommends conditions requiring the submission and written approval of a Construction Emissions Management Plan, the provision of EV charging points and an informative advising demolition and removal of asbestos are attached to permission.

4.3 Members of the Public

Neighbouring properties were consulted and site notices were placed on 26th February 2021.15no. representations have been received expressing the following concerns:-

- A community hub is required in the area
- Community uses for the site have not been fully explored
- loss of accessible community facility of the locality and wider area would adversely impact on the locality

- Residential development together with existing and planned residential development in the area will mean that the area will be badly served by community facilities and people will become more isolated
- The statement that there is no community service required for the area is incorrect – there is only the small community centre adjacent to the site - The Baptist church should be amalgamated with this centre
- The Church site is an appropriate and suitable location for a local community facility – it is an excellent opportunity to enhance this facility
- The statement that extensive marketing has failed to identify any interest in the continued community use of the building is misleading - there is ongoing interest and support in developing the site and a vision from local organisations and community groups for the land to become a community facility. There have been some offers from community groups as well as developers for the site. Highest offer was accepted.
- Some groups have the financial likelihood to take over the site and rebuilding it as true community use to provide a core centre for the Killisick area
- Previous users support the continued community use of the site to continue working with partners and residents on key local initiatives
- Community use would help reduce anti-social behaviour etc. in the area
- The developer has not consulted with local residents
- Residential use would not be beneficial to the area.
- On street parking issues would be exacerbated

Notification has been received in relation to a petition with 193 signatories [Save Beacon Baptist Church Killisick from Demolition for Housing. petition · save beacon baptist church, killisick from demolition for housing · change.org](#)– the comments have been included within the summary above

1 letter of support has been received commenting that the building is empty and the site is vacant – it would be good for the land to be redeveloped or incorporated into the adjacent community centre.

Further consultations on revised plans were undertaken in February 2023 – 2no. further representations were received raising the following comments:-

- Impact of residential development on highways and pedestrian safety
- Increase of on street parking issues
- 2 and half storey height building would be out of character
- There are no house designs and therefore cannot assess impact on amenity in terms of overlooking
- Devaluation of property in the area
- Further consideration needs to be given to alternative uses rather than residential development

5.0 Assessment of Planning Considerations

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

Development Plan Policies

The following policies are relevant to the application.

5.2 The National Planning Policy Framework (2021) sets out the national objectives for delivering sustainable development. Sections 2 (Achieving Sustainable Development), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well-designed places) are particularly relevant in this instance.

5.3 The Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:

- Policy A (Presumption in Favour of Sustainable Development) sets out that a positive approach will be taken when considering development proposals.
- Policy 2 (The Spatial Strategy) identifies the settlement hierarchy to accommodate growth and the distribution of new homes.
- Policy 8 – (Housing Size, Mix and Density) sets out the objectives for delivering new housing.
- Policy 10 (Design and Enhancing Local Identity) sets out the criteria that development will need to meet with respect to design considerations.
- Policy 12 (Local Services and Healthy Lifestyles) sets out that to protect community facilities there should be a mechanism to control alternative uses to ensure that their continued use is fully explored.

5.4 The Gedling Borough Local Planning Document (LPD) (July 2018) is part of the development plan for the area. The following policies are relevant in considering this application:

- LPD 11: Air quality - states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.
- LPD 32 (Amenity) states that planning permission will be granted for development proposals that do not have a significant adverse impact on

the amenity of nearby residents or occupiers, taking into account potential mitigation measures.

- LPD 33 (Residential Density) sets out criteria for residential densities.
- LPD 35 (Safe and Accessible Inclusive Development) sets out the design criteria for new development.
- LPD 40 - Housing Development on Unallocated Sites) provides that Planning permission will be granted for residential development on unallocated sites not within the Green Belt subject to the criteria listed in the Policy.
- LPD 56 (Protection of Community Facilities) seeks to prevent the loss of community facilities.
- LPD 57 (Parking Standards) sets out the requirements for parking.
- LPD 61 (Highway Safety) sets out that permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.

5.5 Supplementary Planning Documents/Guidance

- Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) sets out parking requirements.
- Air Quality and Emissions Mitigation Guidance for Developers(2019)

6.0 Planning Considerations

Principle of Development

6.1 The National Planning Policy Framework establishes the principle of development in favour of sustainable development with paragraph 11 identifying the need to approve development proposals that accord with an up-to-date development plan without delay. This national presumption in favour of sustainable development is also reflected in the Adopted Core Strategy Policy A. The proposal therefore accords with the NPPF and ACS Policy A and the Spatial Strategy of urban concentration and regeneration as set out in ACS Policy 2.

6.2 The application would bring back into a viable use an existing site which has been vacant and unused for some years and which falls within the urban area of Arnold and is therefore considered an efficient use of land in accordance with Section 11 of the NPPF. The surrounding area comprises a mix of residential properties and a community centre. Killisick Recreation Ground lies to the south with a local parade of shops to the south west. There is also a bus stop with a regular service to Arnold and Nottingham City Centre which are all within a short walking distance of the site.

Loss of a Community Asset

6.3 Notwithstanding the above it is noted that the proposal would result in the loss of the vacant main church building and associated church halls and outdoor areas.

Of particular relevance to this application Paragraph 93 of the NPPF (2021) provides that planning decisions should guard against the unnecessary loss of community valued services and facilities.

The subtext of Section 12 of the ACS (2014) sets out that a mechanism be put in place to protect community facilities to ensure that their continued use is fully explored.

Paragraph a) i) of Policy LPD 56 of the LPD is also relevant to this proposal. This provides that permission would not be granted for proposals that would result in the loss of existing community facilities unless alternative provision exists with sufficient capacity which can be reasonably accessed by walking, cycling or public transport and would not result in a significant increase in car journeys.

Paragraph a) iv. of this policy also provides that it should be demonstrated that the existing community facility is no longer economically viable, or its continued use explored as to whether it would be feasible or practicable.

Part b) of this policy provides that where it is demonstrated that an existing community use is not viable etc preference will be given to the change of use or redevelopment of alternative community uses before other uses are considered.

6.4 The Design and Access Statement submitted with the application provides information that the church and associated grounds have been vacant for some time and are in a poor condition following water damage to the building and the discovery of asbestos.

6.5 Remedial works and restoration of the building would be extensive and beyond the means of the local church. Furthermore the lettings for additional activities to the church serves had dwindled and relocated and the congregations when the church was open were reducing and prior to closure were very small. This, together with the lack of income, would make restoration of the building uneconomic and unviable and the site was handed back to the national Baptist Church body as custodial trustees when it closed. The regional Baptist church has unsuccessfully tried to re-establish a new church within the building.

6.6 Congregations now attend alternative Baptist churches in Daybrook and Mapperley. There are also other community facilities adjacent to the site and within the local area. I am mindful that these alternative facilities would be reasonably accessed by private and public transport given that the site is on a regular public transport route.

6.7 Alternative uses for the site have been explored and under charity law the trustees of the Baptist Church have a duty to act in the best interests of the charity. As a result the trustees have determined that the sale of the site is in the best interests of the charity and as such the site has been offered for sale in accordance with the provisions of the Charities Act 2011. The Charities Act 2011 governs the marketing of the property and receipt of and acceptance of offers.

6.8 Marketing of the Site commenced in September 2020. It has been advised that at that time approximately 20 offers were made, 5 of which were from charities or community based operations but were not acceptable in terms of viability due to tenuous funding proposals or offers that were too low.

6.9 In September 2021 the building was successfully listed as an 'Asset of Community Value' pursuant to the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012. This means that if the owner wishes to dispose of the listed asset they must allow community interest groups to express an interest in the asset and if such an expression is received the owner has to observe a 6 month moratorium to allow an eligible group to prepare a bid for the asset.

The owner is under no obligation to sell the listed asset to such a community group and the group must offer market value. In this case a community group did express an interest and the full 6 month moratorium was observed. During this time the site remained on the market and negotiations were permitted by the above regulations but no contracts or binding agreements were exchanged between the owners of the site and any other parties. However by the end of the moratorium the interested community group were not in a position or did not have the resources to purchase the site. The property agent has confirmed in writing that there were no other expressions of interest or offers during the moratorium period and therefore there were no barriers for the owner to sell the site.

6.10 The vacant application site has been marketed since 2020 and the applicant has provided details of how it was marketed. It has also been advised that no successful offers for a community use of the site have been made either during the marketing process or during the moratorium period following the listing of the site as an Asset of Community Value. I am therefore of the view that a community use of the site has been appropriately explored but has been unsuccessful.

6.11 Taking into account the accessibility of alternative provision, the lack of economic viability to restore the existing church buildings and the marketing strategy that has been undertaken it is therefore considered that the proposal therefore accords with Section 8 of the NPPF (2021), Policy 12 of the ACS (2014) and Policy LPD 56 of the LPD (2018).

Impact on the character and appearance of the area (including density)

6.12 The surrounding area comprises predominantly two storey semi-detached dwellings set back from the highway some with dwarf brick walls and with driveways to the side and hardstanding areas to the frontages.

6.13 The application is in outline form with all matters except access and layout reserved for subsequent determination. The proposed access to and layout of the development as shown on the submitted block plan is considered acceptable and would not result in overdevelopment of the site or undue harm to its character and appearance, the immediate street scene or the wider area. Housing density would equate to 38 dwellings per hectare which would accord with policy LPD 33 which sets a figure of not less than 30 dwellings per hectare.

6.14 Whilst matters of scale, appearance and landscaping are reserved for approval at a later stage, the Design and Access statement refers to two or two and half storey dwellings with accommodation in the roof. Given the nature of the existing street scene it may be likely that this could be acceptable but would require an assessment of the final scale and design which would be done at reserved matters stage. Similarly a full assessment of details of proposed landscaping would be considered at reserved matters stage.

6.15 Overall it is considered that the layout of the proposed development can be satisfactorily accommodated on the site and dwellings so designed in a manner that is not harmful to the street scene or out of keeping with the character of the area. In light of the above, it is considered that the proposal would accord with Section 12 of the NPPF, and Policy 8 and Policy 10 of the Aligned Core Strategy and Policy LPD 33, LPD 35 and LPD 40 of the LPD.

Residential amenity

6.16 The application is in outline form with only access and layout sought for approval at this time. It is considered that the proposed layout of the site is acceptable given the sites size together with its relationships and separation distances with neighbouring properties. It is also considered that the dwellings can be designed in terms of scale and positioning of windows in a manner that affords the neighbouring properties and future occupiers of the dwellings an acceptable standard of residential amenity.

6.17 Taking this into account it is considered that the proposed development accords with the aims set out in the Section 12 of the NPPF (2021), Policy 10 of the Aligned Core Strategy and Policies 32 and 40 of the LPD.

Highway Matters

6.18 The comments received with regards to on street parking and highway safety and the comments of the Highway Authority are noted. Each property would have at least 2 no. allocated off street parking spaces. The Highway Authority as the LPA's qualified technical advisors on highway safety and parking matters has been consulted and has reviewed the submitted layout plans which show the layout of and access points to the proposed dwellings. No objections are raised subject to the conditions noted within the consultation section of this report which are considered reasonable.

6.19 Taking the above into account it is considered that the proposed development would not be detrimental to highway safety and adequate the proposal is considered to accord with Section 9 of the NPPF (2021), policies LPD 50, LPD 57 and LPD 61 and the Parking Provision for Residential and Non-Residential Developments SPD – (2022).

Other Matters

Consultation Process

6.20 With regards to lack of consultation from the developer, although encouraged by the Councils adopted Statement of Community Involvement (SCI) there is no statutory requirement for an applicant to undertake any consultation prior to submitting an application for planning permission. Notwithstanding this the Council has undertaken the correct statutory consultation process in accordance with Part 3 of the Town and Country Planning (Development management Procedure) (England) Order 2015 during the life of the application and the adopted SCI.

Housing Design

6.21 In relation to comments regarding the lack of house design details as noted this current application is in outline form only. Details of landscaping, scale and appearance will be submitted as part of a future Reserved Matters application. The application will however need to be in full conformity with the Design and Access Statement deposited with this outline planning application which sets out the parameters of scale.

Air Quality

6.22 An EV charging point would be required to ensure that the development is broadly sustainable and a Construction Emissions Management Plan in line with Policy LPD11 and the guidance in the Councils Air Quality and Emissions Mitigation Guidance for Developers to ensure that the amenity of occupiers of neighbouring properties is respected. These can be secured by condition.

Non material planning considerations

6.23 Devaluation of neighbouring properties

7.0 Conclusion

7.1 It is considered that the applicant has demonstrated that the retention and restoration of the church use is not viable, practical or feasible and the site has been marketed for some time without success. The layout of and access to the proposed residential development is considered acceptable and the proposed dwellings could be designed so that they would have no undue impact upon the application site, the street scene or its wider setting nor the amenity of neighbouring properties or highway safety.

7.2 It is considered that the proposed development therefore accords with Sections 2, 8, 9, 11 and 12 of the NPPF (2021), Policies 2, 8, 10 and 12 of the Aligned Core Strategy (2014) and Policies LPD 11, LPD 32, LPD 33, LPD 35, LPD 40, LPD 50, LPD 56, LPD 57 and LPD 61 of the Local Planning Document (2018), the Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) and Air Quality and Emissions Mitigation Guidance for Developers (2019).

8.0 Recommendation: Grant full planning permission subject to the conditions listed and for the reasons set out in the report

Conditions

- 1 Details of scale, appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 The development hereby permitted shall be completed in accordance with the submitted documents and plans - the Application Form deposited on the 8th February 2021, and the revised Block Plan deposited on the 27th May 2022.
- 4 At the time of the submission of reserved matters full details of the existing and proposed ground levels of the site and finished floor levels of the dwellings, including section drawings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 5 No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- 6 No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed, and the access crossing reinstated as footway and full height kerbs.
- 7 No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.
- 8 The development shall not be brought into use until the access driveways are constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 9 No development shall be commenced until details of the means of surface and foul drainage have been submitted to and approved in writing by

the local planning authority. The development shall be undertaken in accordance with the approved details.

10 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air (including noise and vibration) during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment.

All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

11 Prior to the first occupation of each of the individual dwellings hereby permitted that relevant property shall be provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle.

All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 For the avoidance of doubt and to define this permission.
- 4 To ensure that the development does not have a detrimental impact upon visual amenity or upon the occupiers of adjacent dwellings.
- 5 In the interests of Highway safety.
- 6 In the interests of Highway safety.
- 7 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
- 8 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
- 9 To ensure a satisfactory means of drainage for the site.

- 10 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 11 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.

Reasons for Decision

It is considered that the applicant has demonstrated that the retention and restoration of the church use is not viable, practical or feasible and the site has been marketed for some time without success. The layout of and access to the proposed residential development is considered acceptable and the proposed dwellings could be designed so that they would have no undue impact upon the application site, the street scene or its wider setting nor the amenity of neighbouring properties or highway safety. The proposed development therefore accords with Sections 9 and 12 of the NPPF 2021, Policies 8 and 10 of the Aligned Core Strategy (2014) and Policies LPD 11, LPD 32, LPD 33, LPD 35, LPD 40, LPD 56, LPD 57 and LPD 61 of the Local Planning Document (2018), the Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) and Air Quality and Emissions Mitigation Guidance for Developers (2019).

Notes to Applicant

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

The development makes it necessary to construct/improve/reinstate vehicular crossings over the footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

The proposed development will include the demolition of the existing building which could contain asbestos materials. The Control of Asbestos Regulations 2012 (CAR 2012) require that suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present before demolition or other work is carried out. CAR 2012 requires that a suitable written plan of work must be prepared before any work is carried out and the work must be carried out in accordance with that plan. If asbestos is not managed appropriately then the site may require a detailed site investigation and could become contaminated land as defined in Part 2A of the Environmental Protection Act 1990.

The lighting column and name plate may require relocation following the widening of the access fronting Killisick Road. The lighting column will need to be relocated by contacting the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80, and Gedling Borough Council for the street name plate. These works will be at the expense of the applicant.

The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.