



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Planning Committee

Date: **Wednesday 5 December 2018**

Time: **6.00 pm**

Place: **Council Chamber, Civic Centre.**

For any further information please contact:

Cayte Goodall

Democratic Services Officer

0115 901 3961

Planning Committee

Membership

Chair Councillor John Truscott

Vice-Chair Councillor Paul Wilkinson

Councillor Michael Adams
Councillor Pauline Allan
Councillor Peter Barnes
Councillor Chris Barnfather
Councillor Alan Bexon
Councillor Tammy Bisset
Councillor Jim Creamer
Councillor Kevin Doyle
Councillor David Ellis
Councillor Meredith Lawrence
Councillor Barbara Miller
Councillor Marje Paling
Councillor Colin Powell
Councillor Alex Scroggie
Councillor Jane Walker
Councillor Muriel Weisz
Councillor Henry Wheeler

AGENDA

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1. **Apologies for Absence and Substitutions.**
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- Planning Committee Protocol.**
3. **Declaration of Interests**
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MINUTES PLANNING COMMITTEE

Wednesday 7 November 2018

Councillor John Truscott (Chair)

| | | |
|----------------|-----------------------------|------------------------------|
| In Attendance: | Councillor Paul Wilkinson | Councillor Meredith Lawrence |
| | Councillor Michael Adams | Councillor Marje Paling |
| | Councillor Peter Barnes | Councillor Colin Powell |
| | Councillor Chris Barnfather | Councillor Alex Scroggie |
| | Councillor Alan Bexon | Councillor Jane Walker |
| | Councillor Kevin Doyle | Councillor Muriel Weisz |
| | Councillor David Ellis | Councillor Henry Wheeler |

Absent: Councillor Pauline Allan and Councillor Barbara Miller

Officers in Attendance: M Avery, C Goodall, D Gray and F Whyley

73 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Allan and Miller. Councillor Weisz attended as a substitute.

74 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 3 OCTOBER 2018

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

75 DECLARATION OF INTERESTS

The Chair declared a collective non-pecuniary interest on behalf of all Members of the committee in item 7 on the agenda, as the land was in the ownership of Gedling Borough Council.

76 APPLICATION NO. 2018/0115 - LAKESIDE, MANSFIELD ROAD BESTWOOD

Proposed hotel.

The Service Manager – Development Services introduced the report.

During the debate, the Service Manager – Development Services suggested an additional condition requiring the proposed hotel to be ancillary to the leisure use in the former pumping station on site.

Members then proposed an amendment to the recommendation to include an additional condition and delegated authority to the Service Manager – Development Services to provide the appropriate wording.

RESOLVED to agree the additional condition and delegate authority to the Service Manager – Development Services to provide the appropriate wording.

RESOLVED: Following referral to the Secretary of State Case Work Unit. That the Borough Council GRANTS FULL PLANNING PERMISSION, subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be constructed strictly in accordance with the Application Forms and the following approved plans submitted with the application: Heritage Statement (February 2018 - ref: PP1109); Planning Design and Access Statement (February 2018 - ref: PPS1109); Lakeside Eaves Detail (rec'd: 06.02.18); Site Location Plan; Floor Plans (ref: 970 - 1); Site Plan (ref: 970 - 3); Elevations (ref: 970 - 2); Sections (ref: 970 - 4); Streetscene (rec'd: 06.02.18); Preliminary Ecology Report (dated: 10th May 2018); Preliminary Ecological Appraisal (ref: OXF10939); Additional Information: Heritage Assets (Date: July 2018 - ref: PPS1109); and Flood Risk Assessment (ref: RCEF64439-002 R).
- 3 Prior to the first use of the hereby approved Hotel details of the proposed improvements to the access on the A60 Mansfield Road, as shown for indicative purposes on drawing number 970-3 shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include construction specification of the access, together with the re-location of street lighting column and signage near the entrance point. The works shall be implemented strictly in accordance with the approved details prior to the hotel being first brought into use.
- 4 The Hotel shall not become operational until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 970-3. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development

and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.

- 5 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority, (1) A tree protection plan to graphically show the locations of any tree and root protection barriers; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement to give guidance on aspects of proposed works which were identified within the Arboricultural impact assessment. The AMS provides guidance as to how works might be mitigated or compensated for; (4) Details of any special engineering works and surfacing required near trees. The approved measures of protection shall be implemented strictly in accordance with the approved details for the duration of the construction period.
- 6 Prior to any above ground works commencing on site there shall be submitted to and approved in writing by the Local Planning Authority full details of both soft and hard landscape works. The detailed landscape plans and particulars shall include: (a) details of size, species, positions and densities of all trees, hedges and shrubs to be planted; (b) precise details of the feature garden, rose border and trellis to the booster station; (c) the proposed means of surfacing access roads, car parking areas, roadways, and footpaths (d) a programme of implementation. (e) a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, and (f) details of any proposed external lighting to car parking areas and walkways. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
- 7 No above ground construction works shall commence until samples of the proposed materials to be used in the external construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 8 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; and assessment of

the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

- 9 In the event that remediation identified in the Remediation Scheme is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. Prior to the first occupation of the development an Assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 11 Before development commences details of reveals to be introduced within the brickwork of the building and to window openings shall be submitted to and approved in writing by the Local Planning Authority. The depth of reveals on the former Pumping Station shall be used for reference. The building shall be constructed in accordance with the approved details for the brickwork and window opening reveals.
- 12 Before above ground works commence a sample panel of the proposed brickwork, stonework and eaves details showing the proposed bond, mortar and joints to be used within these aspects and details of proposed downpipes and guttering shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the approved details.

- 13 The development hereby permitted shall not commence until such time as a hydrogeological risk assessment has been submitted to, and approved in writing by the Local Planning Authority. The risk assessment should cover all aspects of the construction and operation of the development. The assessment must demonstrate how the integrity of the source will not be compromised by the foundation design and loading of the development. It should show how during construction site run off will not contaminate the boreholes and any fuel will be stored and transferred in such a way where it is not possible for contamination to enter the aquifer. The risk assessment will need to show that foul and surface water drainage will be managed in such a way that it is not possible for contamination to enter the aquifer and impact the source. The risk assessment should include a site management plan to identify how site personnel will manage the risk and any mitigation action that will be taken.
- 14 The development hereby permitted shall not commence until such time as a scheme for foundation design has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented strictly in accordance with the approved details.
- 15 The development hereby permitted may not commence until a foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and completed prior to the development being brought into use. Any foul drainage design must use best available technology to ensure that there is no risk of contamination entering the public drinking water system. Any discharge of effluent will require an environmental permit.
- 16 Prior to the commencement of development there shall be submitted to and approved in writing by the Local Planning Authority, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details and shall be retained for the lifetime of the development. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. Any proposed infiltrating drainage must adequately demonstrate that contaminated water will not enter the aquifer.
- 17 Before development has commenced there shall be submitted to and approved in writing a Bat Scoping Survey and Mitigation Strategy for the tree marked T4 on Appendix 1: Phase 1 Habitat Plan. Once approved the development shall be carried out strictly

in accordance with the approved Bat Scoping Survey and Method Statement.

- 18 Before development has commenced there shall be submitted to and approved in writing an ecological mitigation and enhancement plan which accords with the recommendations of Section 5 - Preliminary Ecological Appraisal (Dated: April 2018). Once approved the development shall be constructed strictly in accordance with the approved details.
- 19 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 20 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted and the creation of new jobs in the local area. The Local Employment Agreement shall be implemented strictly in accordance with the approved details, unless otherwise prior agreed in writing by the Local Planning Authority.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure works are carried out on the public highway prior to the Hotel opening.
- 4 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 5 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning

Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).

- 6 To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy 17 of the Aligned Core Strategy.
- 7 To ensure a satisfactory standard of external appearance.
- 8 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7 and LPD10.
- 9 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 10 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 11 To ensure a satisfactory development that accords with Policy 10 of the Aligned Core Strategy.
- 12 To ensure a satisfactory development that accords with Policy 10 of the Aligned Core Strategy.
- 13 To protect controlled waters, the adjacent public water supply source, bore holes and underlying adit system in accordance with LPD7.
- 14 To ensure that the proposed development does damage the underlying drinking water supply source. The use of piled foundations will pose a much greater risk to the integrity of the underlying adit system and nearby borehole.
- 15 To protect controlled waters, the adjacent public water supply source, bore holes and underlying adit system in accordance with LPD7.
- 16 To protect controlled waters, the adjacent public water supply source, bore holes and underlying adit system in accordance with LPD7. Infiltration drainage inherently increases the risk of contamination entering the aquifer and water supply source.
- 17 To ensure that practicable and effective measures are taken to protect bats and their roosts during the construction of the development in accordance with LPD18.

- 18 To ensure that practicable and effective measures are taken to protect and mitigate against impacts on biodiversity and ecology in accordance with LPD18.
- 19 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 20 To seek to ensure that the development provides appropriate employment and training opportunities, in accordance with Policy 4 of the Aligned Core Strategy for Gedling Borough (September 2014).

Reasons for Decision

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) The Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), and the Local Planning Document where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

Notes to Applicant

Your attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how to decrease levels by incorporating mitigation measures into scheme design as standard. (see: <http://gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>). It is therefore requested commitment to incorporate provision for an EV (electrical vehicle) charging point per dwelling; to allow future residents to charge electrical/hybrid vehicles into the future. Reference can be made to guidance produced by IET 'Code of Practice for EV Charging Equipment Installation' for details of charging points and plugs specifications.

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.

No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). 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.

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.

77 APPLICATION NO. 2017/1571 - DEVELOPMENT SITE CHASE FARM ARNOLD LANE GEDLING

Erection of employment units (Class B1c/B2/B8 Use), Pub/Restaurant (Class A3/A4 Use) and Drive Thru (Class A3 Use), together with associated parking, servicing and landscaping.

Stuart Ashworth, Head of Planning at Harworth Group (the applicant), spoke in support of the application.

The Service Manager – Development Services introduced the report.

RESOLVED that the Borough Council GRANTS OUTLINE PLANNING PERMISSION with matters relating to Appearance, Landscaping, Scale, and Layout reserved for subsequent approval; subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as local highway authority for the provision of, or financial contributions towards a Management Company,

Integrated Transport Facilities, Translocation of Habitat and a Local Employment Agreement (in accordance with Section 14.0 of the report), and subject to the following conditions:

Conditions

- 1 Approval of the details of Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than five 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 submission of all reserved matters and the implementation of the development shall be carried out in accordance with the plans and documents received on the 22nd December 2017: - Application Forms; Extended Phase 1 Habitat Survey; Bat Survey Report; Breeding Bird Surveys; Design and Access Statement (P17-1794_200); Drainage Strategy (P15-157 - 202A); Planning Statement (Dec 2017 - SLR/ST - P17-1794); Overall Proposed Site Plan (14005-102); Overall Proposed Site Plan (14005-103); Existing Location Plan (14005-100); Existing Location Plan (14005-101); Framework Travel Plan (ADC1616-B); Indicative Zoning Plan (14005-105); and Indicative Design Site Section (14005-104).
- 4 No part of the development hereby permitted shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.
- 5 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). The surfaced drives and any parking areas shall then be maintained in such hard bound material for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the Gedling Access Road is built and open to traffic in its entirety.

- 7 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 8 Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development.
- 9 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority, (1) A tree / hedge protection plan to graphically show the locations of any tree / hedge and root protection barriers. A tree protection plan should be overlaid to graphically show root protection areas in accordance with BS 5837:2012; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement (AMS). The AMS provides guidance as to how works might be mitigated or compensated for; (4) Details of any special engineering works and surfacing required near trees / hedges. The approved measures of protection shall be implemented in accordance with the approved details for the duration of the construction period.
- 10 Before development is commenced, there shall be submitted to and approved in writing by the Local Planning Authority a Desktop Study for Existing Ecological Information, to include: (1) Consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC); (2) An Extended phase 1 Habitat Survey; (3) Details of avoidance, mitigation and compensation measures, and opportunities for enhancements (4) Further surveys and/or assessment in relation to badger, common toad, grass snake and butterflies, and (5) Further information in relation to the loss of Open Mosaic Habitat, including mitigation and/or compensation measures and quantification of losses/gains using

an ecological accounting approach. The development shall be implemented strictly in accordance with the approved details.

- 11 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted (in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape), which shall consist of native species, ideally of local provenance, where possible; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties (d) details of the mitigation and compensation for the loss of Open Mosaic Habitat (e) details of the mitigation and landscaping proposals in relation to dingy skipper (butterflies) and (f) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
- 12 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.
- 13 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented in accordance with the approved details.
- 14 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out in accordance with the approved details, which shall be retained for the lifetime of the development.
- 15 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of

the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

- 16 In the event that remediation identified in the Remediation Scheme is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. Prior to the first occupation of the development an Assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

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.
- 4 To promote sustainable travel.

- 5 In the interest of Highway safety.
- 6 There is no alternative access from the highway.
- 7 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 8 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
- 9 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy LPD18 (July 2018).
- 10 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014) and Policy LPD18.
- 11 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 12 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 13 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 14 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 15 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7 and LPD10.
- 16 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect

controlled waters in accordance with the aims of LPD7 and LPD10.

- 17 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.

Reasons for Decision

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Local Planning Document 2017, where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted.

Notes to Applicant

The detailed surface water drainage scheme to be submitted shall: - require all flows to be attenuated to Qbar for the entire site;- include provision for the entire site to be drained to the surface water drainage system with appropriate run-off coefficients or other factors used to represent the differing run off characteristics of the various parts of the site;- include an exceedance check using microdrainage software to simulate the drainage system for the 100year + 30% climate change event for a range of durations from 15 minutes to 24 hours to assess where the drainage system may flood. If this occurs, provision must be made for the accumulated volumes and flows to be directed to the surface water attenuation areas; - demonstrate that the surface water drainage system is designed in accordance with CIRIA C635 and C753, and the National SUDS Standards;- demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year plus climate change return periods;- confirm how on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Your attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how to decrease levels by incorporating mitigation measures into scheme design as standard. (see:

<http://gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>). It is therefore requested commitment to incorporate provision for an EV (electrical vehicle) charging point per dwelling; to allow future residents to charge electrical/hybrid vehicles into the future. Reference can be made to guidance produced by IET 'Code of Practice for EV Charging Equipment Installation' for details of charging points and plugs specifications.

No removal of hedgerows, trees or shrubs shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council.

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.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). 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.

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 PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

APPLICATION NO. 2018/0926 - LAND ON THE NORTH SIDE OF BRIARBANK AVENUE, CARLTON

Erect 12 No. apartments (resubmission of 2018/0365).

The Service Manager – Development Services introduced the report.

RESOLVED to Grant planning permission subject to the following conditions:**Conditions**

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the following plans and details submitted to the Local Planning Authority: application form, site location plan and drawing numbers 217:38:11, 217:38:12 and 217:38:14 all received on 17th September 2018 and drawing number 217:38:13B received on 22nd October 2018. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
- 3 No above ground construction works shall commence until samples of the proposed external facing materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 4 No building shall be occupied until a detailed scheme for the boundary treatment of the site, including the position, design and materials, and to include all boundaries or divisions within the site, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before the buildings are first occupied and shall be retained thereafter.
- 5 Prior to the erection of any external lighting there shall be submitted to and approved in writing by the Local Planning Authority details of all such lighting, including levels of illumination and a lux plot of the estimated luminance, to be provided on the approved buildings or elsewhere within the site. Any security lighting/floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway or adjacent properties. The external lighting shall be

provided in accordance with the approved details and shall be retained for the lifetime of the development.

- 6 Prior to the first occupation of the building hereby approved there shall be submitted to and approved by the Local Planning Authority a landscape plan of the site showing the position, type and planting size of all trees, hedges, shrubs or seeded areas proposed to be planted. The approved landscape plan shall be carried out in the first planting season following the first occupation of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place.
- 7 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted. The Local Employment Agreement shall be implemented in accordance with the approved details.
- 8 No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 217:38:13B. The parking, and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
- 9 No part of the development hereby permitted shall be brought into use until the bin collection area is constructed in the location shown on approved drawing number 217.38.13B.
- 10 No part of the development hereby permitted shall be brought into use until the secure cycle storage as indicated on drawing 217:38:13B has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
- 11 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:

Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by

the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

Submission of Remediation Scheme.

Where required following the site characterisation assessment, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements set out in Condition 12 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 13 No development shall commence on site in connection with the development thereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority and any protective fencing is erected as required by the AMS. The AMS shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development.
 - b) Details of a tree protection scheme in accordance with BS5837:2012:which provides for the retention and protection of trees, shrubs and hedges on and adjacent to the site.
 - c) Details of any construction works required within the root protection area of trees, hedges or shrubs on and adjacent to the site, as defined by BS5837:2012.
 - d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.
- 14 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air 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 set out in the IAQM Guidance 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.
- 15 Prior to the erection of any bin store structure, details shall first be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 16 No above ground construction works shall commence until details of bat and bird boxes to be incorporated within the fabric of the buildings and/or within the site have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be provided prior to the first occupation of the development hereby approved.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and to define the terms of this permission.
- 3 To ensure a satisfactory standard of external appearance.
- 4 To ensure a satisfactory standard of external appearance and in the interests of residential amenity.
- 5 In the interests of residential amenity.

- 6 In the interests of visual amenity.
- 7 To ensure that the construction of the development provides appropriate employment and training opportunities.
- 8 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 9 For ease of collection by the refuse team, and located within the 25m pulling distance.
- 10 To promote sustainable transport.
- 11 To ensure that land contamination matters are fully addressed.
- 12 To ensure that land contamination matters are fully addressed.
- 13 To ensure that existing trees are adequately protected.
- 14 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough.
- 15 In the interests of visual and residential amenity.
- 16 In the interests of enhancing ecological provision on the site.

Reasons for Decision

The development would be of height that is acceptable within the context of the surrounding area and would not have an adverse impact upon visual amenity, residential amenity or highway safety. The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies, A, 1, 8 and 10 and Local Planning Document Policies 11, 20, 32, 33, 35, 37, 40, 48, 57, 61.

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 PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to

apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). No amendments were considered to be necessary to the proposal as originally submitted.

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

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Daniel Sullivan 01159 773991 for details.

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

When considering carrying out any work to trees it is important to consider the provisions made in the Wildlife and Countryside Act 1981, Conservation (natural habitats) Regulations 1994 and the Countryside Rights of Way Act 2000, which mean it is an offence to intentionally or recklessly kill, injure or take a bat, Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat, Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection, damage, destroy or block access to the resting place of any bat, Intentionally or recklessly kill, injure or take a wild bird, Intentionally or recklessly take, damage or destroy the nest of any wild bird when it is in use or being built, Intentionally or recklessly take, damage or destroy the egg of any wild bird. These points outline the main parts of the above legislation. If you are unsure about these issues, it would be advisable to contact an ecological consultant before undertaking any tree work operations.

Consideration should be given to providing suitable electrical sockets to allow for the charging of electric vehicles on the site.

APPLICATION NO. 2018/0838 - 33 RICHEY CLOSE, ARNOLD, NOTTINGHAMSHIRE

Change of use to residential garden land.

RESOLVED to GRANT PLANNING PERMISSION subject to conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the application form and drawing received on 13th August 2018, Certificate B received on 31st August 2018, site location plan received on 4th September 2018, and e-mail regarding the proposed fence received on 24th October 2018. The development shall thereafter be undertaken in accordance with these plans/details.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council the proposed development would result in no significant undue impact on the safety of pedestrians and accessibility of the public footpath and it would have no undue impact on neighbouring residential amenity. The proposal therefore accords with the guidance set out in the National Planning Policy Framework (July 2018), policy 10 of the Aligned Core Strategy (2014) and policies LPD 32, LPD 35 and LPD 58 of the Local Planning Document (July 2018).

Notes to Applicant

Positive and Proactive Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or

materials unloaded or stored on the RoW so as to obstruct the path. There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team. The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible. If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles. If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of Way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed. The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuring that it is cut back so as not to interfere with right of way. Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/scaffolding-hoarding-and-advertising-boards> If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email countryside.access@nottsc.gov.uk If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if on a bridleway, motorised vehicles if on a byway open to all traffic

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 at www.gedling.gov.uk/cil. The proposed development has been assessed and it is the Council's view that the development hereby approved is not CIL Liable as the development is for a use that is not chargeable on Gedling Borough Council's Community Infrastructure Levy Charging Schedule.

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.

80 TREE PRESERVATION ORDER 000118 - LAND AT MILE END ROAD, COLWICK

Protection of a group of 10 trees by a Tree Preservation Order (TPO).

RESOLVED that the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified trees situated at Park House, Mile End Road.

81 TREE PRESERVATION ORDER 000119 - LAND ADJACENT TO 27 THETFORD CLOSE, ARNOLD

Protection of an Ash tree by a Tree Preservation Order (TPO).

RESOLVED that the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified tree situated on land at 27 Thetford Close, Arnold.

82 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

83 FUTURE APPLICATIONS

RESOLVED:

To note the information.

84 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.00 pm

Signed by Chair:

Date:

PLANNING COMMITTEE PROTOCOL

Introduction

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.
4. This protocol should be read in conjunction with the Council's Member's Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, briefing note on predetermination and the Council's Constitution.

Disclosable Pecuniary and Non- Pecuniary Interests

5. The guidance relating to this is covered in the Council's Member's Code of Conduct and Code of Practice for Councillors in dealing with Planning Applications.
6. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Pre-determination and Predisposition

7. Councillors will often form an initial view (a predisposition) about a planning application early on in its passage through the system whether or not they have been lobbied. Under Section 25(2) of the Localism Act 2011 a Councillor is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and, the matter was relevant to the decision.
8. This provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and therefore should not

comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

9. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. The Councillor will be then not be entitled to speak on the matter at the Planning Committee, unless they register to do so as part of the public speaking provision. For advice on pre-determination and predisposition, Councillors should refer to the Code of Practice for Councillors in dealing with Planning Applications in the Council's Constitution, and seek the advice of the Council Solicitor and Monitoring Officer.

Lobbying

10. The guidance relating to this is covered in the Code for dealing with Planning Applications.
11. If a Councillor requires advice about being lobbied, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Roles at Planning Committee

12. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Councillors may also request that their votes are recorded.
13. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Member Services Officer in attendance, who will provide advice on matters within their own professional expertise.
14. If they have questions about a development proposal, Councillors are encouraged to contact the case Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Committees time and more transparent decision making.

Speaking at Planning Committee

15. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
16. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council

about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. Anyone intending to speak at Committee must register to do so in writing, providing name and contact details, by 5pm three working days before the Committee meeting. As most Committee meetings are currently held on Wednesdays, this is usually 5pm on the Friday before. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair of the Committee's discretion, so where more than one person wishes to address the meeting, all parties with a common interest should normally agree who should represent them or split the three minutes between them. No additional material or photographs will be allowed to be presented to the committee, and Councillors are not allowed to ask questions of speakers.

17. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
18. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

Determination of planning applications

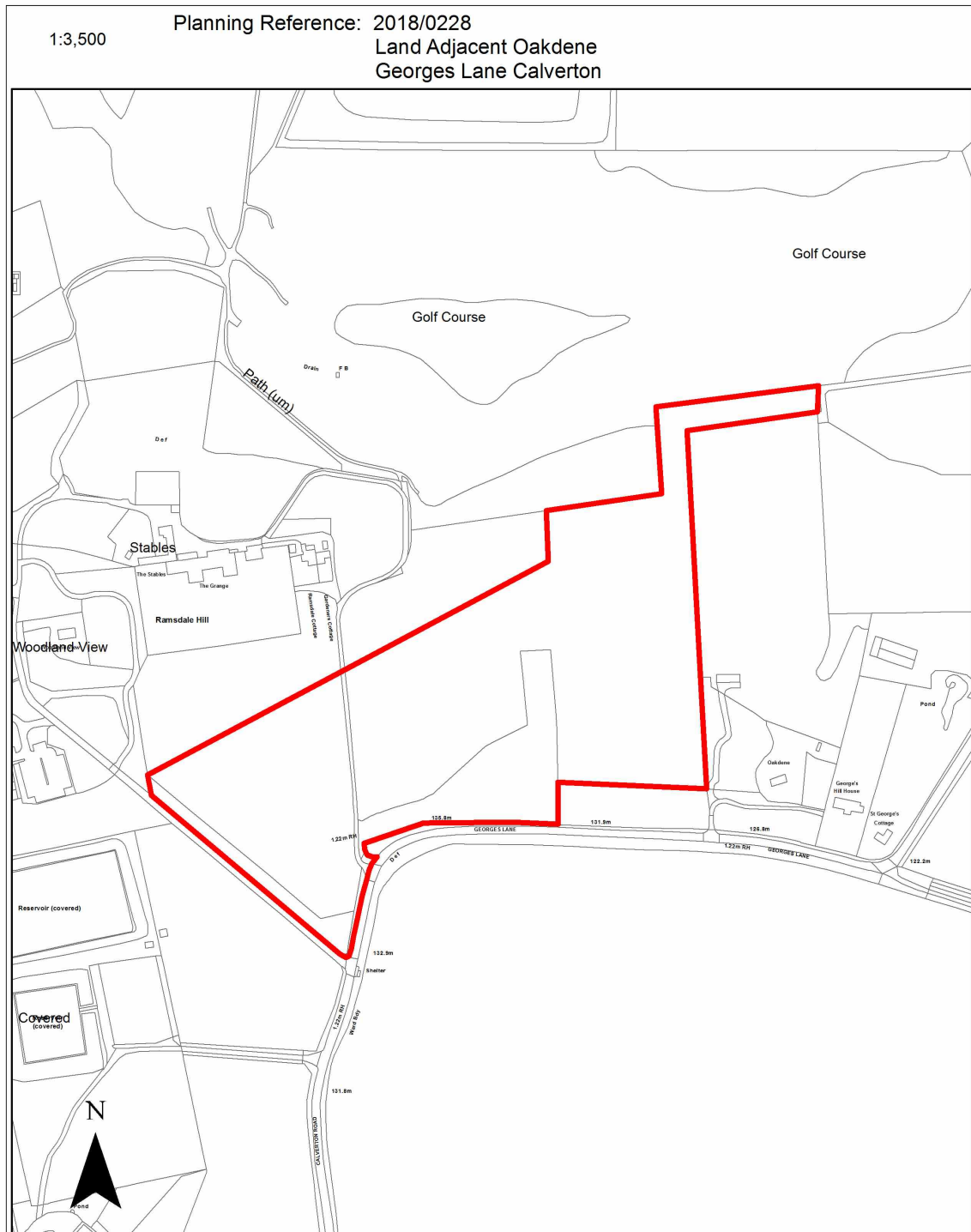
19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the application, a vote will be taken.
20. Whilst Officers will provide advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and reach a decision contrary to Officer advice. In this instance, if the Officer recommendation has been moved and seconded but fails to be supported, or if the recommendation is not moved or seconded, then this does not mean that the decision contrary to Officer advice has been approved; this needs to be a separate motion to move and must be voted on. If, in moving such a motion Councillors require advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion, which will include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that the vote be recorded and, in the event of a refusal of planning permission, record the names of Councillors who would be willing to appear if the refusal was the subject of an appeal.

Oct 2015

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Planning Report for 2018/0228



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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Serving People Improving Lives

Date: 15/10/2018

Report to Planning Committee

Application Number: 2018/0228

Location: Land Adjacent Oakdene Georges Lane Calverton

Proposal: The change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities building and associated car parking, landscaping and new access arrangements onto Georges Lane

Applicant: Mr Gary Davies

Agent: Armstrong Rigg Planning

Case Officer: Graham Wraight

1.0 Site Description

- 1.1 The site is rurally located to the north of George's Lane, between the settlements of Arnold and Calverton. It consists of agricultural land and woodland which has a substantial change in ground levels, with the land generally rising from George's Lane up towards the north.
- 1.2 The site is accessed from George's Lane via an unadopted hard bound road which leads in a northerly direction towards several dwellings that are situated on Ramsdale Hill. Dwellings are also located to the east of the site and to the west is Calverton Hill Hospital. Part of the site to the north also shares a boundary with Ramsdale Park Golf Centre.
- 1.3 The site is located with the Green Belt and Ramsdale Hill to the north is designed as a Scheduled Ancient Monument. A public bridleway runs along the existing access road and a public footpath also passes across the site to the north-east corner.
- 1.4 The site area is 6.1 hectares.

2.0 Relevant Planning History

- 2.1 2013/1010 - Change of use of agricultural field to create natural burial ground with associated car park – Withdrawn.

3.0 Proposed Development

3.1 The application seeks planning permission to establish a burial ground and comprises of the following elements:

- ☐ The change of use of the land to a burial ground consisting of areas for traditional burials, woodland burials and natural burials
- ☐ The alteration of the vehicular access onto George's Lane
- ☐ The construction of a car parking area to accommodate 16 spaces
- ☐ The erection of a single storey facilities building with a footprint of approximately 61m².
- ☐ Internal access roads to the traditional and natural burial areas
- ☐ Tree and shrub planting
- ☐ A footpath link to the existing bus stop adjacent to the site

4.0 Consultations

4.1 Nottinghamshire County Council Highways – no objection subject to conditions relating to the closure of the existing site access, the new site access being provided, improvements to the footway being made and visibility splays being provided.

4.2 Nottinghamshire County Council Rights of Way – no objection.

4.3 Nottinghamshire County Council Environmental Management and Design Team – no objection.

4.4 Lead Local Flood Authority – no objection.

4.5 Environment Agency – no objection subject to a condition to ensure that controlled waters are not contaminated as a result of the development.

4.6 Severn Trent Water – no comments received.

4.7 Historic England – no comments to make, refer to your specialist conservation and archaeological advisers,

4.8 Gedling Borough Council Conservation Officer – no objection.

4.9 Gedling Borough Council Scientific Officer – no comments.

4.10 Gedling Borough Council Parks and Street Care – The need for additional burial space has lessened as a new burial section has been laid out at Carlton Cemetery, although the Council is not in a position to offer burial space on the Arnold site of the Borough.

4.11 Gedling Borough Council Economic Development – a local labour agreement is not required.

4.12 Calverton Parish Council – object on the following grounds:

- ☐ Inappropriate development in the Green Belt
- ☐ Alternative provision at Hollinwood, Calverton
- ☐ Road Safety
- ☐ Pedestrian Safety
- ☐ Impact on scheduled ancient monuments
- ☐ Impact on the recreational amenity of this area of countryside
- ☐ Loss of agricultural land
- ☐ Visual impact due to prominent location

- 4.13 On receipt of the planning application a press notice was published, a site notice displayed and neighbour notification letters posted.

Four representations objecting to the proposal were received and these are summarised as follows:

- ☐ How will the fields access a water supply?
- ☐ What things have been put in place to address problems with the water supply?
- ☐ Access onto Georges Lane is not safe
- ☐ Conflict between users of single track
- ☐ Who will be responsible for road maintenance?
- ☐ Has an alternative access or a widened access been considered?
- ☐ The style of graves should be considered
- ☐ Possibility of increase in waste
- ☐ Visual impact and impact on openness
- ☐ Who will manage the graves?
- ☐ Increase in noise
- ☐ Impact upon walkers and the public footpath
- ☐ Access is dangerous and does not have required visibility
- ☐ Will impede access to exist dwellings
- ☐ Does the proposal comply with the Equalities Act and provide facilities for disabled people?
- ☐ How will the site be secured out of hours
- ☐ Potential for anti-social behaviour out of hours
- ☐ What is the evidence of need – alternative facilities are located nearby
- ☐ Surface water run-off and water contamination
- ☐ Usage will be greater than stated
- ☐ Question the need as alternative facilities nearby
- ☐ Access is not safe and visibility is not good
- ☐ Conflict between users of access track
- ☐ Digging a grave may be problematic due to water fill
- ☐ Site is not allocated for development and the principle of development has not been established
- ☐ Land is not unproductive
- ☐ No need and no special circumstances
- ☐ No evidence of sustainability
- ☐ No sequential test or site selection evidence
- ☐ Compromised access to 4 properties
- ☐ Increase traffic flow on footpath
- ☐ Signage would affect rural character
- ☐ Urbanising effect to meet highway safety standards including removal of trees and hedges
- ☐ Orchard Farm was rejected due to the damage to the Green Belt
- ☐ Half the site is in Calverton where the project was deemed to not be required by local officials
- ☐ Will fundamentally alter the local landscape
- ☐ Harm to Green Belt and inappropriate
- ☐ No VSCs demonstrated
- ☐ No need
- ☐ Site selection methodology and reasoning are flawed
- ☐ Disabled access would be difficult
- ☐ Internal roads and bins would be detrimental to the site

- ☐ Near a historic site
- ☐ Previously for sale as good agricultural land and is not rejuvenating derelict land
- ☐ Water supply is already under strain
- ☐ No account of vegetation which obscures visibility splays
- ☐ Conflict on access track
- ☐ Access to Calverton Hill Hospital is not mentioned
- ☐ What happens if emergency vehicles need to access residential properties?
- ☐ No mention of management structure of the site
- ☐ Refers to APP/N3020/A/2208636 Land at Orchard Farm, Catfoot Lane, Lambley
- ☐ Damage to water supply that crosses the site and issues with maintenance

One representation neither objecting nor supporting was received and this is summarised as follows:

- ☐ No objection but there is already a site in Calverton
- ☐ Concern about the safety of the access road

In addition, two representations of support were received and these are summarised as follows:

- ☐ Fully support but would recommend that the speed limit on Georges Lane is significantly reduced
- ☐ Overall support the application as it will enrich Green Belt land and stop housing development – also states that was not involved in public consultation event, that water supply runs under land and is concerned that shelter does not get enlarged and altered over time

4.14 Following the submission of amended plans which altered the proposed access onto George's Lane and repositioned the northern boundary to address the impact on the Schedule Ancient Monument and which included the submission of an amended red line, a full re-consultation period was undertaken with new press and site notices and neighbour notification letters. Two objection were received and are summarised as follows:

- ☐ Still have concerns about visibility on Georges Lane
- ☐ Has coach parking been added? This has potential to cause conflicts with the use of the shared access road.
- ☐ Will fundamentally alter the local landscape by introducing buildings and extensive hard surfacing and associated infrastructure
- ☐ Inappropriate development in the Green Belt, will have an impact on openness and visual amenity
- ☐ Will result in encroachment
- ☐ The 'very special circumstances' offered are inadequate
- ☐ No evidence of need and other sites are available
- ☐ Local residents and the County Council should be involved in choosing a site
- ☐ It is too steep making disabled access difficult.
- ☐ The internal roads and bins would be detrimental to the site.
- ☐ It is near an historic site.
- ☐ Local residents would have a substantial increase in noise pollution from the site.

- ☐ The present water supply to Calverton hill hospital and properties on Ramsdale Park is already under strain and supply was cut off on numerous occasions last year
- ☐ No mention has been made of advice from Severn Trent .
- ☐ The traffic surveys suggest a 120 m visibility splay is possible but makes no account of the vegetation which obscures the view.
- ☐ Visibility splays cannot be achieved
- ☐ Conflict between users of the access road
- ☐ The need to access Calverton hill hospital that employs a large number of staff is not mentioned.
- ☐ There is no mention of the type of headstone that would be allowed or details of the management company to maintain the site.

One representation in support was received and is summarised as follows:

- ☐ As per my previous comment I fully support this application, it is an excellent change of use.
- 4.15 Calverton Parish Council maintain their objection on the same grounds as originally stated.

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 to be 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'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2018 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:
- 6.2 National Planning Policy Framework 2018 – sets out the national objectives for delivering sustainable development. Sections 13 (Protecting Green Belt land), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment) are particularly relevant.
- 6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 3: Green Belt – sets out the policy with respect to the Green Belt.

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 11: The Historic Environment – sets out the criteria for safeguarding heritage interests.

Policy 17 – Biodiversity – sets out the approach to ecological interests

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 6: Aquifer Protection – states that planning permission will be granted where proposals would not be liable to cause contamination of the ground water in aquifers.

LPD 19: Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a significant adverse visual impact or a significant adverse impact on the character of the landscape.

LPD 26: Heritage Assets – sets out the criteria that development which may affect a designated heritage asset will need to meet.

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 57: Parking Standards – sets out the requirements for parking.

LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

6.5 Calverton Neighbourhood Plan

The eastern part of the site is located within the Calverton Parish area and therefore the Calverton Neighbourhood Plan is relevant:

Policy ISF1: Sustainable Transport – states that opportunities for the use of sustainable modes of transport must be maximised.

Policy ISF2: Car Parking – states that any new development outside of the Village Centre will only be permitted where it has sufficient parking provision.

Policy ISF3 – Highway Impact – sets out the criteria for assessing highway impact.

Policy BE1: Design & Landscaping – states that all development on the edge of Calverton must provide soft landscaping on the approach into the village and sets out criteria to achieve this.

Policy BE5: Heritage Assets – sets out the approach to development that affects designated heritage assets including Conservation Areas and Ancient Monuments.

Policy NE3: Flooding- sets out the approach to preventing flooding and to ensure that adequate drainage is provided.

Policy NE4: Green Infrastructure –sets out the approach to green infrastructure and ecological considerations.

Policy NE5: Biodiversity – sets out the approach to biodiversity.

7.0 Planning Considerations

Principle of the development

7.1 The site is located within the Green Belt. Paragraph 134 of the National Planning Policy Framework states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.2 Paragraph 145 of the National Planning Policy Framework states that

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

7.3 Paragraph 146 of the National Planning Policy Framework states that

Certain other forms of development are also not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it.

Included within the list set out in paragraph 146 is:

Material changes in the use of land (such as changes of use for outdoor space or recreation, or for cemeteries and burial grounds)

7.4 The wording of the National Planning Policy Framework 2018 differs from its 2012 predecessor in that the change of use of land to a cemetery or burial ground could, in principle, be not inappropriate within the Green Belt. In the event that the development was considered to be not inappropriate, there would be no requirement to demonstrate very special circumstances in order to permit the development.

7.5 In order to establish whether the proposed development is not inappropriate, it must be considered whether it would preserve the openness of the Green Belt and whether it would conflict with the 5 purposes set out in paragraph 134.

7.6 There is no local planning policy that is directly relevant to the consideration as to whether this proposal is appropriate or inappropriate development within the Green Belt.

Impact upon the openness of the Green Belt

- 7.7 The quantum of built development proposed is restricted to the erection of a facilities building, a car parking area, access roads and a reconfigured site entrance onto Georges Lane. A pedestrian pavement would also be provided along part of Georges Lane to an existing bus stop. In addition, it is envisaged that burial plots would be marked out by gravestones, in the form of a traditional cemetery.
- 7.8 The facilities building would be single storey and have a small footprint of approximately 61m² thus ensuring it would be of a limited size and scale, the car parking area would contain only 16 parking spaces and the access road and site entrance amendments would be of relatively limited impact.
- 7.9 As none of this built development is of significant scale, it is considered that the development would preserve the openness of the Green Belt in this location in both a visual and a spatial sense. In this respect therefore, the development can be considered to be appropriate development within the Green Belt.

Impact upon the purposes of the Green Belt

- 7.10 The proposal would not result in the unrestricted sprawl of large built-up areas or cause neighbouring towns to merge into one another. The historical considerations arising from the proximity to the Scheduled Ancient Monument have been satisfactorily addressed. It is not considered that the proposal would have any impact on the objective to recycle urban land. It is therefore considered that the only assessment that needs to be made with respect to Paragraph 134 of the National Planning Policy Framework is whether the proposal would represent an encroachment into the countryside.
- 7.11 Whilst the proposal would result in the change of use of land which currently forms open land within the Green Belt, the amount of built form would be limited. It is accepted that the presence of gravestones would change the character of the land visually but they would not be significant in terms of their height or general scale. Furthermore, the 2018 National Planning Policy Framework advises at paragraph 146 that cemeteries and burial grounds are not inappropriate with the Green Belt and it is considered that there would be expectation that such uses would require the provision of gravestones. Therefore it is not considered that the proposal would compromise the objectives of the National Planning Policy Framework with respect to encroachment into the Green Belt and the development is therefore appropriate within the Green Belt.

Need for the development and very special circumstances

- 7.12 As the proposed development is considered to be appropriate development within the Green Belt when assessed against the National Planning Policy Framework 2018, it is not necessary for the applicant to demonstrate that very special circumstances exist in order for the proposal to be supported. This differs from the position when the current application was initially submitted which was prior to the publication of the 2018 Framework and as result the

documents submitted in support of the application include a consideration of need for the development, with the aim as establishing a lack of cemetery provision as a very special circumstance.

- 7.13 However as it is no longer necessary to demonstrate very special circumstances, the consideration of need for this proposed cemetery is no longer relevant. Having established that the development is appropriate in this Green Belt location it is only the following matters that now fall to be considered.

Impact upon visual amenity and landscape character

- 7.14 The application has been accompanied by a Landscape Visual Impact Assessment which considers that the site is relatively discreet and contained, which would help to integrate the proposal into the surrounding landscape and help conserve its rural farming character. This assessment can be accepted, as the topography of the site and the existing woodlands to the south and west would combine to provide screening from many vantage points. It is also proposed to plant native trees and shrubs to the northern boundary, which would provide further screening in addition to that which is naturally afforded by the fact that the land to the north is much higher than to the south.
- 7.15 The car park and facilities block would be located to the south on an area of the site which is a lower level and they would be sited immediately adjacent to an area of existing woodland. Whilst the proposed development would include access tracks within the site, it is considered that these could be surfaced in a material that is appropriate and sympathetic to the surroundings and this matter could be controlled by way of a planning condition. The presence of gravestones would have a visual impact and any impact upon the landscape, however it is not considered that this impact would be significant or intrusive.
- 7.16 It is therefore not considered that the proposal would have a detrimental impact upon visual amenity and it would therefore accord with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10, Local Planning Document Policy 19 and Calverton Neighbourhood Plan Policies BE1 and NE4.

Impact upon residential amenity

- 7.17 The proposed development would lead to an intensification of the use of the land as compared to the current situation. However, the use in itself would not generate any significant amount of noise generation and movements to and from the site would be unlikely to give rise to harm to residential amenity. Furthermore, there is a relatively substantial distance from the site to the adjacent residential properties.
- 7.18 It is therefore not considered that the proposal would have a detrimental impact upon residential amenity and it would therefore accord with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10 and Local Planning Document Policy LPD 32.

Highway matters

- 7.19 The proposed access point onto George's Lane has been amended and repositioned to address concerns raised by the Highway Authority. The Highway Authority consider that the proposed access would be a betterment of the current access and raise no objection subject to conditions relating to the closure of the existing site access, the new site access being provided, improvements to the footway being made and visibility splays being provided.
- 7.20 The improved access point is wide enough to allow cars to pass one another as they enter the site and drive towards the proposed car parking area. It is noted that concern has been raised by the occupiers of neighbouring properties that the access to their dwellings is not wide enough to allow cars to pass, however it is considered that the proposed access arrangements would ensure that there is no harm to highway safety as a result of the development.
- 7.21 Annex D to the Local Planning Document does not specify a parking requirement for burial grounds and therefore the Transport Statement submitted sets out a proposed requirement to serve the needs of the development. It is noted that the Highway Authority do not raise an objection to the proposal and therefore do not consider that any harm to the surrounding highway network would arise. On this basis, there is no evidence to suggest that 16 spaces would not be adequate to provide for the parking needs of the development.
- 7.22 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Local Planning Document Policies 57 and 61 and Calverton Neighbourhood Plan Policy ISF2 and ISF3.

Heritage considerations

- 7.23 Following discussions with Historic England the positioning of the northern boundary of the proposed burial site has been adjusted to align with the recognised extent of Ramsdale Hill Scheduled Ancient Monument. This means that the proposed development would not take place within the extent of the Scheduled Ancient Monument, which was the matter of concern raised when the application was initially submitted. As a result, Historic England do not raise an objection to the proposal and Council's Conservation Officer has also not raised an objection to the proposal. It is therefore considered that the proposal would not have any adverse impact upon this designated heritage asset.
- 7.24 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Aligned Core Strategy 11, Local Planning Document Policy 26 and Calverton Neighbourhood Plan Policy BE5.

Ecological considerations

- 7.25 An ecological assessment has been submitted in support of the application and this concludes that the proposed development would not have an adverse impact upon protected species. In particular, it is noted that the majority of the

site has been managed for agricultural purposes and that there would be limited removal of trees required, with new planting being proposed within the site. Since the time that the ecological assessment was undertaken, negotiations to ensure an adequate access point onto Georges Lane is achieved have resulted in a repositioning of the access. This will necessitate the removal of a small area of existing trees, however in the context of extensive woodland belt in this location, it is considered that any impact upon ecology would be negligible. Remaining matters related to protected species can be addressed by way of notes to applicant.

- 7.26 With regard to the possible Sherwood potential Special Protection Area, I note that the ecological assessment states that the proposed development will be a combined green / traditional and woodland burial ground and no new residential houses or other significant facilities that will increase either population or impose significant additional recreational pressure in the Location. Therefore the potential for any impact on the local Nightjar and Woodlark populations is considered to be negligible and no further assessment with respect to the potential that Sherwood Forest could be designated as a proposed Special Protection Area (pSPA) or Special Protection Area (SPA) for Nightjar or Woodlark is considered to be necessary.
- 7.27 Paragraph 3.17.3 in the Council's Aligned Core Strategy (ACS) (2014) states 'Whilst this is not a formal designation, it does mean that these areas are under consideration by the Joint Nature Conservation Committee, and may be declared a proposed Special Protection Area in due course. The Aligned Core Strategies and Infrastructure Delivery Plan therefore take a precautionary approach and treat the prospective Special Protection Area as a confirmed European Site. The infrastructure Delivery Plan sets out requirements for a range of mitigation measures as recommended in the Habitats Regulation Assessment Screening Record. A decision on the extent of any possible Special Protection Area is not known'.
- 7.28 Natural England's current position in respect of the Sherwood Forest Region is set out in an advice note to Local Planning Authorities (March 2014) regarding the consideration of the likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest Region. While no conclusion has been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interests, Natural England advise those affected Local Planning Authorities (LPAs) to be mindful of the Secretary of State's decision in 2011, following Public Inquiry, to refuse to grant planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats was given significant weight. Having regard to evidence submitted to the inquiry in 2010, the site is not located within a core ornithological interest for breeding nightjar and woodlark area but is situated within an indicative 5km buffer zone.
- 7.29 In light of this decision the Advice Note recommends a precautionary approach should be adopted by LPAs which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. This will

help to ensure that any future need to comply with the provisions of the 2010 Regulations is met with a robust set of measures already in place. However unlike the Council's ACS, Natural England's Standing Advice Note does not recommend that the Sherwood Forest Region should be treated as a confirmed European site.

- 7.30 In terms of the legal background, a potential Special Protection Area (pSPA) does not qualify for protection under the Habitats Regulations until it has been actually designated as a SPA. Furthermore, the site does not qualify for protection under the NPPF as paragraph 176 refers to pSPAs and footnote 59 explicitly states that pSPAs are sites on which the Government has initiated public consultation on the case for designation. This has not occurred and therefore the Sherwood Forest Region does not qualify for special protection and a risk based approach is not necessary to comply with the Habitat Regulations or the NPPF.
- 7.31 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Local Planning Document Policy 26 and Calverton Neighbourhood Plan Policy NE5. Whilst it is noted that a departure is taken from the Aligned Core Strategy Policy 17 in that the prospective Special Protection Area is not being treated as confirmed European Site, the reason for this is set out above.

Other matters

- 7.32 The Environment Agency raise no objection subject to a condition to ensure that ground water is not contaminated. It is therefore recommended that a planning condition addressing this is imposed on the permission. A Flood Risk Assessment has been submitted and the Lead Local Flood Authority has raised no objection with respect to surface water considerations.
- 7.33 It is necessary to remove trees from a small area of the site adjacent to George's Lane in order to create an access point that meets with the requirements of the Highway Authority. However, in the context of the substantial number of trees that front onto George's Lane and on consideration that extensive new planting is proposed on the site, it is considered that the removal of these trees to improve the access point can be supported. It is considered that matters relating to tree removal and tree protection can be addressed by way of planning conditions.
- 7.34 It is noted that reference has been made to previous planning applications in the Gedling Borough however all of these were submitted and determined when the National Planning Policy Framework 2012 was in force. The changes in the National Planning Policy Framework 2018 with respect to material changes of use are noted earlier in this report and mean that the cases considered under the previous Framework are not relevant when it comes to a consideration of changes of use in terms of appropriate and inappropriate development in the Green Belt.
- 7.35 Reference has been made to the location of water supply pipes under the site and concern that these may be damaged or become difficult to maintain. This however is private matter between the parties involved and is not a material

planning consideration, nor is how the development itself will obtain a water supply or any impacts relating to existing water supplies. Furthermore, the Environment Agency has not objected and no comments have been received from Severn Trent Water. There is no objection to the proposal from Nottinghamshire County Council's Rights of Way Officer and therefore it is not considered that the proposal would compromise the rights of way that run through the site. The erection of signage would be likely to require advertisement consent and it is considered such signage could be secured, both in terms of number, size and design, which would be appropriate for this rural location.

- 7.36 The East Midlands Agricultural Land Classification identifies the site as Grade 3 (Good to Moderate). However, the site area (at 6.18 hectares) falls significantly below the 20 hectare threshold where Natural England would become a statutory consultee and where further consideration of this matter would be deemed to be necessary. There is no dedicated coach parking proposed on the site and reference has been removed from the description of development accordingly.
- 7.37 Whilst it is accepted that the site is steeply rising topography, the proposed internal access tracks are designed to allow vehicle access and therefore it is considered that reasonable arrangements could be made to allow disabled persons to visit burial plots. It is not necessary for any type of sequential test to be submitted in support of this application. It is not considered that the proposal would have any significant impact upon the recreational amenity value of the surrounding area.
- 7.38 Maintenance of the existing access road is not a material planning consideration. It is not considered that there is an evidence that the proposal would lead to an increase in anti-social behaviour. It is not considered that the proposal would lead to a significant amount of waste generation nor that the presence of bins would have an undue visual impact. The presence of Calverton Hill Hospital close to the site is noted however it is not considered that the omission of reference to the access to this has any material impact upon the assessment of the application. There is no evidence to suggest that the proposed development would prevent emergency vehicles from accessing existing properties and no concern has been expressed by the Highway Authority.

8.0 Conclusion

- 8.1 The proposed development would represent appropriate development in the Green Belt and would not cause harm to openness or to the purposes of including land within the Green Belt. It is not considered that there would be an undue impact upon visual amenity or landscape character, residential amenity, highway safety, designated heritage assets, ecological considerations or ground water. The proposal therefore accords with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies A, 1, 3, 10, and 11, Local Planning Document Policies 6, 19, 26, 32, 57 and 61 and Calverton Neighbourhood Plan Policies ISF1, ISF2, ISF3, BE1, BE5, NE3, NE4 and NE5. Whilst it is noted that a departure is taken from the Aligned Core Strategy Policy 17 in that the prospective Special

Protection Area is not being treated as confirmed European Site, the reason for this is set out in the report.

RECOMMENDATION: Grant planning permission subject to conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the following plans and details submitted to the Local Planning Authority: Site location plan received on 23rd August 2018, Drawing no. PRI 20524 10 J received on 23rd August 2018 and Drawing no. PL-01 Rev B received on 2nd March 2018. The development shall thereafter be undertaken in accordance with these plans.
- 3 No part of the development hereby permitted shall be brought into use until the existing site access onto Georges Lane has been permanently closed and reinstated to verge, in accordance with details first submitted to and approved in writing by the Borough Council.
- 4 No part of the development hereby permitted shall be brought into use until the new access to Georges Lane and car parking area, as shown indicatively on drawing PRI 20524 10 J, has been provided and made available for use, in accordance with technical details that have been first submitted to and approved in writing by the Local Planning Authority.
- 5 No part of the development hereby permitted shall be brought into use until the footway improvements along Georges Lane, as shown indicatively on drawing PRI 20524 10 J, has been provided and made available for use, in accordance with technical details that have been first submitted to and approved in writing by the Local Planning Authority.
- 6 No part of the development hereby permitted shall take place until visibility splays of 2.4m x 120m have been provided at the site access.
- 7 All burials shall be:
 - o a minimum of 250 m from a potable groundwater supply source;
 - o a minimum of 30 m from a water course or spring;
 - o a minimum of 10 m distance from field drains;
 - o no burial into standing water and the base of the grave must be above the local water table
- 8 Prior to the development hereby approved being first brought into use, there shall be submitted to and approved by the Local Planning Authority a landscape plan of the site showing the position, type and planting size of all trees, hedges, shrubs or seeded areas proposed to be planted together with a management plan for the long term retention of the landscaping. The approved landscape plan shall be carried out in the first planting season following the development first being brought into use and shall be managed in perpetuity in accordance with the approved management plan.

- 9 Prior to the erection of any external lighting there shall be submitted to and approved in writing by the Local Planning Authority details of all such lighting, including levels of illumination and a lux plot of the estimated luminance, to be provided on the approved buildings or elsewhere within the site. Any security lighting/floodlighting to be installed, shall be designed, located and installed so as not to cause disturbance to ecological interests on and adjacent to the site. The external lighting shall be provided in accordance with the approved details and shall be retained as such for the lifetime of the development.
- 10 The internal access roads within the site shall not be installed until precise details of their widths and the proposed materials to be used in their construction have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such in perpetuity.
- 11 No development shall commence on site in connection with the approved car park, facilities building or woodland walk through the Woodland Burial Area (including, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority and any protective fencing is erected as required by the AMS. The AMS shall include full details of the following:
- a) Timing and phasing of Arboricultural works in relation to the approved development.
 - b) Details of a tree protection scheme in accordance with BS5837:2012:which provides for the retention and protection of trees, shrubs and hedges adjacent to the site.
 - c) Details of any construction works required within the root protection area of trees, hedges or shrubs adjacent to the site, as defined by BS5837:2012.
 - d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement
 - e) Details and construction details of any pathways and other development to take place within the Woodland Burial Area.
- The development shall thereafter be undertaken in accordance with the approved Arboricultural Method Statement.
- 12 The Woodland Burial area shall be used for the scattering of cremated remains only and not for ground burials, in accordance with the email received from the Agent on 1st October 2018.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 For the avoidance of doubt and to define the terms of this permission.
- 3 In the interest of highway safety.
- 4 In the interest of highway safety.
- 5 To promote sustainable travel, in the interest of pedestrian safety.
- 6 In the interest of highway safety.
- 7 To protect the quality of controlled waters in the local area.
- 8 In the interests of visual amenity and landscape character.
- 9 To protect ecological interests on and adjacent to the site.
- 10 In the interests of visual amenity and landscape character.
- 11 To ensure that existing trees are adequately protected.
- 12 To ensure that the woodland is retained and to define the permission, for the avoidance of doubt.

Reasons for Decision

The proposed development would represent appropriate development in the Green Belt and would not cause harm to openness or to the purposes of including land within the Green Belt. It is not considered that there would be an undue impact upon visual amenity or landscape character, residential amenity, highway safety, designated heritage assets, ecological considerations or ground water. The proposal therefore accords with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies A, 1, 3, 10, and 11, Local Planning Document Policies 6, 19, 26, 32, 57 and 61 and Calverton Neighbourhood Plan Policies ISF1, ISF2, ISF3, BE1, BE5, NE3, NE4 and NE5. Whilst it is noted that a departure is taken from the Aligned Core Strategy Policy 17 in that the prospective Special Protection Area is not being treated as confirmed European Site, the reason for this is set out in detail in the Officer report to Planning Committee.

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 off-site works associated to this consent will require you to undertake works within the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the work you will need to enter into an Agreement under Section 278 of the Act. Please contact hdc.south@nottsgov.uk for details.

The applicant should make themselves familiar with the Environment Agency's guidance on cemeteries and burials, which can be found at:<https://www.gov.uk/guidance/cemeteries-and-burials-prevent-groundwater-pollution>

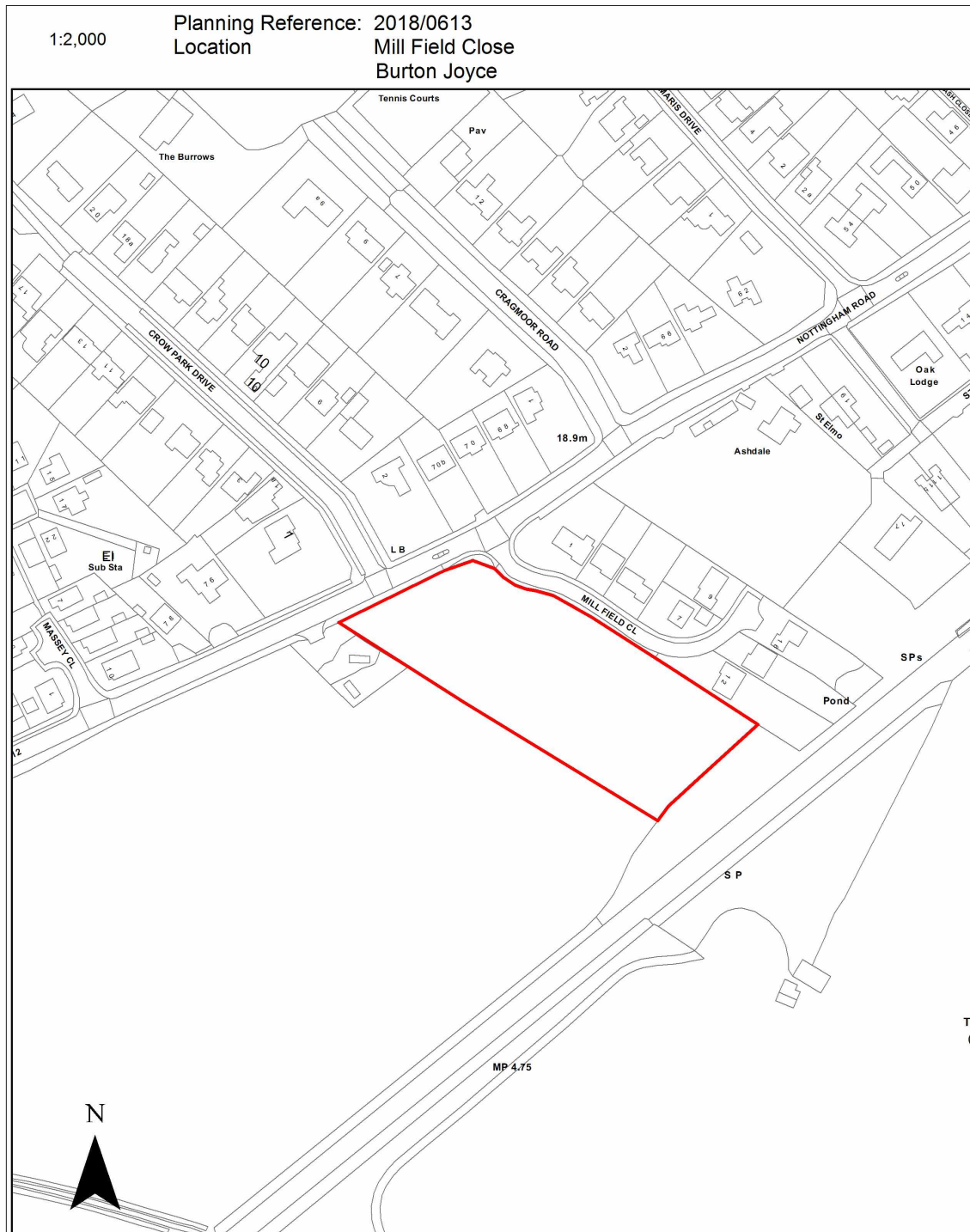
When considering carrying out any work to trees it is important to consider the provisions made in the Wildlife and Countryside Act 1981, Conservation (natural habitats) Regulations 1994 and the Countryside Rights of Way Act 2000, which mean it is an offence to intentionally or recklessly kill, injure or take a bat, Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat, Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection, damage, destroy or block access to the resting place of any bat, Intentionally or recklessly kill, injure or take a wild bird, Intentionally or recklessly take, damage or destroy the nest of any wild bird when it is in use or being built, Intentionally or recklessly take, damage or destroy the egg of any wild bird. These points outline the main parts of the above legislation. If you are unsure about these issues, it would be advisable to contact an ecological consultant before undertaking any tree work operations.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Amendments were secured to address matters arising with respect to highway safety and heritage assets.

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



Planning Report for 2018/0613



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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Serving People Improving Lives

Date: 20/11/2018

Report to Planning Committee

Application Number: 2018/0613

Location: Mill Field Close Burton Joyce

Proposal: Application for the approval of the reserved matters of access, layout, scale, appearance and landscaping following outline approval 2015/0424 - residential development of 14 units with associated parking and garages.

Applicant: St Philips

Agent: Geoff Perry Associates

Case Officer: Graham Wraight

1.0 Site Description

- 1.1 The application site relates to an area of land on the corner of Nottingham Road and Mill Field Close to the south west corner of Burton Joyce. The site is comprised of an area of meadow land on the south-west edge of Burton Joyce.
- 1.2 A number of existing detached dwellings are presently served off Mill Field Close which is accessed off Nottingham Road. No. 12 Mill Field Close directly adjoins the north eastern side of the application site boundary.
- 1.3 The north eastern site boundary is demarcated by a low level post and wire fence along Mill Field Close with a residential boundary hedge to no. 12.
- 1.4 To the north west and south east, separating the site from Nottingham Road and a railway line respectively, is a mature vegetation boundary in the form of hedgerows and trees. The site's south western boundary comprises a mix of hedgerows interspersed with a row of semi-mature Silver Birch trees.
- 1.6 With reference to the Environment Agency's Flood Maps, the entire site is located within indicative Flood Zone 2.
- 1.7 The site is allocated for housing under Policy LPD 68 (H20) of the adopted Local Planning Document 2018.

2.0 Relevant Planning History

- 2.1 2015/0424 - Outline Planning Permission for Residential Development – outline planning permission granted.

3.0 Proposed Development

- 3.1 The application seeks the approval of the reserved matters of access, appearance, scale, layout and landscaping for the erection of 14 detached two-storey dwellings.

- 3.2 The accommodation schedule proposed is as follows:

- ☐ 5 three bedroomed dwellings
- ☐ 5 four bedroomed dwellings
- ☐ 4 five bedroomed dwellings.

The density proposed is approximately 19 dwellings per hectare

- 3.3 Access is to be taken from three separate access points onto Mill Field Close. Works will also be necessary adjacent to the junction with Nottingham Road in order to provide the necessary visibility splay towards the west.

4.0 Consultations

- 4.1 Burton Joyce Parish Council – insufficient provision is made for increased traffic, suggests improvements to public highway and crossing facilities, large number of smaller houses are needed in the village, supports measures to improve the safety of this part of the A 612 in relation to pedestrians crossing.

- 4.2 Nottinghamshire County Council Highways – no objection subject to conditions relating to highway works to the frontage of the site with Nottingham Road, the provision of visibility splays, hard surfacing, surface water drainage and wheel washing facilities.

- 4.3 Nottinghamshire County Council – Lead Local Flood Authority – no objections.

- 4.4 Tree Officer – no objection subject to tree protection measures being adhered to.

- 4.5 Network Rail – no objection in principle but requests conditions relating to fencing, method statements, soundproofing, landscaping and lighting

- 4.6 Gedling Borough Council Waste Services –no comments received.

- 4.7 A press notice was published, a site notice displayed and neighbour notifications letters posted. Five objections were received and these are summarised as follows:

- ☐ Impact on traffic and road safety
- ☐ Gates will prevent access for visitors and delivery vehicles

- ☐ Loss of parking and obstruction of emergency vehicles
- ☐ A new pedestrian crossing should be installed on Nottingham Road
- ☐ Drainage matters should be addressed
- ☐ Ownership and maintenance of hedging should be clarified
- ☐ Ecology matters should be addressed
- ☐ Disruption during construction
- ☐ Bungalows should be included
- ☐ Unhappy with proposed pond
- ☐ Who will maintain and own the pond and is it adequate?
- ☐ A fence should be provided on the boundary with the railway
- ☐ Loss of light
- ☐ Design is out of keeping
- ☐ Noise from railway
- ☐ Fewer homes should be built
- ☐ Lack of school places and pressure on local services
- ☐ Existing pavement in poor condition and of inadequate width

Following the submission of amended plans in September 2018, neighbour re-consultation was undertaken and three objections were received, which are summarised below:

- ☐ Impact on traffic, road and pedestrian safety
- ☐ Object to proposed footway taking land from existing roadway
- ☐ Gates will prevent access for visitors and delivery vehicles
- ☐ Drainage matters should be addressed
- ☐ Ecology matters should be addressed
- ☐ Disruption during construction
- ☐ Loss of light
- ☐ Overbearing impact
- ☐ Appearance and shape would be out of keeping
- ☐ Layout should be changed
- ☐ Hedge is incorrectly shown
- ☐ Who will be responsible for hedge maintenance?
- ☐ Who will maintain and own the pond?
- ☐ Lack of school places

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 to be 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'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2018 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2018

Sets out the national objectives for delivering sustainable development. Section 12 (Achieving well-designed places) is particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A – Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 10 – Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 17 – Biodiversity – sets out the approach to ecological interests.

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 33: Residential Density – states that planning permission will not be granted for proposals of less than 20 dwellings per hectare unless there is convincing evidence of a need for a different figure.

LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 57: Parking Standards – sets out the requirements for parking.

LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

LPD 68: Housing Allocations – Burton Joyce – sets out that this planning application site is a housing commitment.

6.5 Burton Joyce Neighbourhood Plan

The Burton Joyce Neighbourhood Plan will be considered by referendum on 29th November 2018 and if approved it will form part of the development plan from that result. Prior to the plan being formally approved, the plan can be given due weight (but not full weight) given that (a) it is at an advanced stage of preparation; (b) the examiner's report has been published and resolves all objections other than the pending referendum result; and (c) the examiner's report considers consistency with the NPPF.

NP 1: Spatial Strategy – sets out the locational objectives for development in the village.

NP 2: Protecting the Landscape Character of Burton Joyce Parish and Enhancing Biodiversity – sets out criteria for protecting landscape character and biodiversity.

NP 3: Design Principles for Residential Development – sets out the design principles for new residential development.

NP 4: A Mix of Housing Types – sets out that schemes are required to deliver a housing mix that reflects the demonstrable need for smaller dwellings, that how the need has been taken into account must be demonstrated, that accessibility standards be met and that smaller market dwellings will be supported in locations up to a 10-minute walk from the village centre.

7.0 Planning Considerations

- 7.1 The principle of the development of the site for residential use has already been established through the granting of outline planning permission reference 2015/0414. Accordingly, the matters for consideration as part of the current application relate to access, appearance, layout, scale and landscaping only.

Access

- 7.2 The proposed development would be accessed entirely from Mill Field Close to which the Highway Authority raise no objection. Negotiations during the course of the application have secured a pavement along the site frontage onto Mill Field Close and improved visibility splays at the junction with Nottingham Road. It is therefore considered that the access arrangements proposed are acceptable and that the proposed development would not cause harm to highway safety or to the surrounding highway network in general.
- 7.3 The Highway Authority has not requested that there be any amendment to the existing crossing on Nottingham Road nor advised that they have any concerns about parking availability on Mill Field Close.
- 7.4 The proposal therefore meets with the objectives of the National Planning Policy Framework and LPD Policies LPD 57 and LPD 61.

Appearance

- 7.5 Materials for the development are specified as being Ibstock Mercia Antique bricks and Russell Roof Slate Grey Roof tiles, both of which are considered to be appropriate for the surrounding area. Brickwork detailing would be incorporated at eaves level and also around windows.

The appearance and design of the proposed dwellings is considered to be acceptable within the context of the surrounding area.

- 7.6 The proposal therefore complies with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10. The proposal is also considered to meet with the objectives of Policy NP 3 of the Burton Joyce Neighbourhood Plan.

Layout

- 7.7 The proposed dwellings would be accessed from three private drives, all of which would lead onto Mill Field Close. Three dwellings would front onto Nottingham Road whereas the dwellings closest to Mill Field Close have been designed to have an active frontage onto the public highway. The remaining dwellings are positioned in a 'cul-de-sac arrangement.
- 7.8 It is considered that the layout of the site is appropriate and provides a good level of engagement with the public domain. The density of the scheme is commensurate with that of the existing built development in the immediate vicinity. The level of car parking proposed fully meets with the Council's adopted Supplementary Planning Document as 7 of the dwellings have two off-street parking spaces in addition to a garage space and 7 of the dwellings have two off-street parking spaces in addition to two garage spaces.
- 7.9 The proposal therefore complies with the objectives of the National Planning Policy Framework and Aligned Core Strategy Policy 10.

Scale

- 7.10 At two storeys in height, the scale of the proposed development is considered to be appropriate within the context of the surrounding area.
- 7.11 The proposed dwellings would for the most part be separated from existing dwellings on Mill Field Close by the public highway. This would ensure that there is an adequate distance between the proposed development and existing dwellings to ensure that there would not be an undue impact from overlooking, loss of light or through overbearing.
- 7.12 One of the proposed dwellings is located adjacent to the existing dwelling at 12 Mill Field Close however, on balance, it is considered that the proposed dwelling in question would not have an unacceptable impact upon residential amenity with regard to massing or loss of light. In particular, there is a reasonable degree of separation between the two dwellings (approximately 6 metres) and the element of the dwelling which extends beyond the front elevation of 12 Mill Field Close would be single storey in height. It is not considered that the proposed development would result in an undue overlooking impact upon 12 Mill Field Close.
- 7.13 The proposal therefore meets with the objectives of Aligned Core Strategy Policy 10 and LPD Policy 32.

Landscaping

- 7.14 Several trees/hedging would need to be removed on the frontage of the site with Nottingham Road to allow for the required highway visibility splays to be

provided. Whilst it would be preferable to retain this vegetation, this has to be weighed up against the need to remove them to provide an acceptable access to a site that already has an outline planning permission. The removal of the trees is therefore considered to be both necessary and reasonable.

- 7.15 The landscaping plan submitted shows that trees and hedging would be planted within the site and that rear garden areas would be turfed. The proposed surface water attenuation pond would be sown with wildflower grass. As a whole, the landscaping proposals are considered to be acceptable.
- 7.16 The proposal therefore complies with the objectives of the National Planning Policy Framework and Aligned Core Strategy Policy 10.

Proposed Density

- 7.17 The density of the proposed development would be approximately 19 dwellings per hectare which is marginally less than the 20 dwellings per hectare stated in Policy LPD 33. This policy does however allow exceptions to this requirement where there is convincing need for a different figure.
- 7.18 In this instance, the density of the proposed development is considered to be appropriate within the context of the surrounding area, in particular in terms of the sizes of the dwelling plots already found on Mill Field Close. Furthermore, the site represents a transition between the built form of Burton Joyce and the open fields of the Green Belt. For these reasons there is considered to be a convincing need for the density which is proposed.

Conformity with the Burton Joyce Neighbourhood Plan

- 7.19 The Burton Joyce Neighbourhood Plan will be considered by referendum on 29th November 2018 and if approved it will form part of the development plan from that result. Prior to the plan being formally approved, the plan can be given weight (but not full weight) given that (a) it is at an advanced stage of preparation; (b) the examiner's report has been published and resolves all objections other than the pending referendum result; and (c) the examiner's report considers consistency with the NPPF.
- 7.20 Policy NP 4 sets out that schemes are required to deliver a housing mix that reflects the demonstrable need for smaller dwellings, that how the need has been taken into account must be demonstrated, that accessibility standards be met and that smaller market dwellings will be supported in locations up to a 10-minute walk from the village centre. The proposed development would provide 5 three bedroomed dwellings but would also include larger 4 and 5 bedroom dwellings.
- 7.21 It is noted however that Policy NP 1 states:

open countryside to the south of the A612 beyond Mill Field Close continues to provide a clear distinction and sense of openness between the edge of the Nottingham built-up area and the built-up edge of Burton Joyce village

and that Policy NP 3 states:

proposals for development at Mill Field Close are required to reflect the character of the area as set out in the Village Appraisal (Mill Field Close is adjoining recent infill)

- 7.22 Policy NP 4 also states that the provision of smaller market dwellings, especially those suitable for older people, will be supported in locations up to a 10-minute walk from the village centre. Mill Field Close is on the very edge of the 10 minute walk isochrone.
- 7.23 It is considered that the proposed density and layout would be appropriate within the surrounding area whereas a higher density would be out of keeping. Therefore on balance and on consideration with of the relevant policies, it is not considered that the proposed development would conflict with the objectives of the Burton Joyce Neighbourhood Plan.

Network Rail Comments

- 7.24 Network Rail has requested conditions relating to fencing, method statements, soundproofing, landscaping and lighting. The comments from Network Rail do however also acknowledge that a 1.8 metre high fence would be provided on the mutual boundary with the railway and that this would be sufficient to address their concerns. It is also advised that the proposed landscaping is acceptable and therefore conditions relating to fencing and landscaping are not in fact required.
- 7.25 It is considered that the matters relating to method statements and lighting can be addressed by way of notes to applicant. Whilst the site is located close to the railway, it would be no closer to the railway than existing development within Burton Joyce. The matter of soundproofing can also therefore be addressed by way of a note to applicant.
- 7.26 With respect to drainage, there is a condition on the outline permission relating to this matter and the plans submitted for reserved matters shows that an attenuation pond would be provided. The Lead Local Flood Authority has raised no objection to these proposals. It is therefore not considered that a further condition relating to drainage is required.

Ecological matters

- 7.27 To accord with the requirements of Condition 11 on the outline planning permission an updated ecological survey has been provided. This confirms that the development can proceed based on the layout submitted without causing harm to protected species.

Other matters

- 7.28 As there are areas of landscaping and sustainable drainage on the site which do not fall within the curtilage of any dwelling it is considered reasonable and

necessary to impose a planning condition relating to their on-going maintenance.

- 7.29 The gates to the access drives have now been removed from the scheme. No bungalows are proposed on the scheme and it is not considered that there is any basis to insist on their inclusion.
- 7.30 The Section 106 Planning Obligation completed prior to the grant of outline planning permission includes a requirement to for a scheme of the size proposed to provide financial contributions towards education provision (£79,812), integrated transport (£14,700) and public open space (£63,637.04).

8 Conclusion

- 8.1 The proposed development would be of a scale, layout and appearance that would be appropriate in the context of the surrounding area and would not have an adverse impact upon visual amenity or residential amenity. The proposed access and landscaping arrangements are considered to be acceptable. The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies, A, 10 and 17 Local Planning Document Policies 32, 33, 57, 61 and 68 and Burton Joyce Neighbourhood Plan Policies NP1, NP2, NP3 and NP4.

Recommendation: Grant approval of reserved matters subject to the following conditions:

Conditions

- 1 This permission shall be read in accordance with the following plans: BRL-PL201 received on 19th June 2018, 13, 14A, 15, 16, 17, 18, 19A, 20, 21, 22, 31, 32, 33, 36, 37, 39, 023C, 024A, 025A, 026A, 027A, 028A, 029A and 038 received on 4th September 2018 and the S278 works drawing received on 22nd October 2018. The development shall thereafter be undertaken in accordance with these plans.
- 2 The development shall be undertaken in accordance with the recommendations of the Arboricultural Survey dated July 2015.
- 3 No part of the development hereby permitted shall be brought into use until the verge frontage of the development has been hard surfaced as footway, together with the kerbs dropped for the 3no accesses as shown for indicative purposes only on the approved S278 works drawing and constructed under s278 agreement in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- 4 No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with the approved S278 works drawing. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions.
- 5 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel).

The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

- 6 No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 7 The approved landscape plan shown on drawing BRL-PL201 shall be carried out in the first planting season following the first occupation of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Local Planning Authority.
- 8 No dwelling shall be occupied until details of the maintenance arrangements for all landscaped areas, drainage features and other areas not falling within the residential curtilages of the approved dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved details in perpetuity.

Reasons

- 1 To define the permission, for the avoidance of doubt.
- 2 To ensure that existing trees are adequately protected.
- 3 To provide suitable sustainable access facilities for pedestrians.
- 4 To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.
- 5 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 6 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 7 In the interests of visual amenity.
- 8 To ensure that these areas are adequately maintained, in the interests of visual amenity.

Reasons for Decision

The proposed development would be of a scale, layout and appearance that would be appropriate in the context of the surrounding area and would not have an adverse impact upon visual amenity or residential amenity. The proposed access and landscaping arrangements are considered to be acceptable. The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies, A ,10 and 17, Local Planning Document Policies 32, 33, 57, 61 and 68 and Burton Joyce Neighbourhood Plan Policies NP1, NP2, NP3 and NP4.

Notes to Applicant

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please email hdc.south@nottsc.gov.uk

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.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected.

The comments of Network Rail are attached.

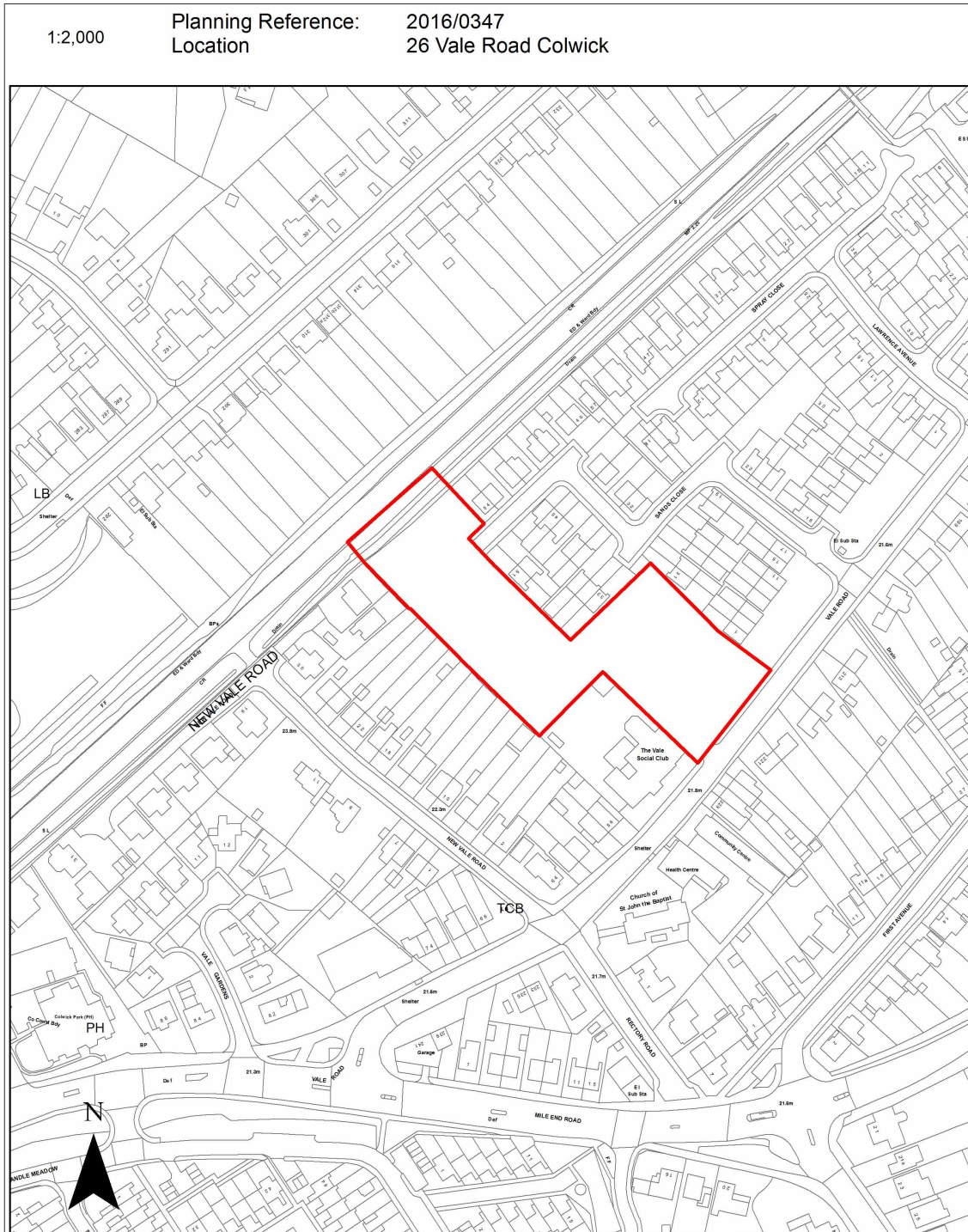
Due to the proximity of the site to the railway, it is recommended that consideration be given to soundproofing measures that could be incorporated into the approved dwellings.

The applicant's attention is drawn to the recommendations set out in the updated ecological survey received on 15th November 2018.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Amendments were secured to address matters arising from comments made by the Highways Authority.



Planning Report for 2016/0347



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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Serving People Improving Lives

Date: 29/01/2018

Report to Planning Committee

Application Number: 2016/0347

Location: Sol Construction Ltd. 26 Vale Road Colwick

Proposal: Section 73 application to amend Condition 12 (approved plans) on 2008/0287 (demolish offices, car parking & storage areas & erection of 44 dwellings with associated roads & sewers) and amend previously agreed Section 106 planning obligation to omit the integrated transport and public open space contributions, and reduce the education contribution from £120,820 to £75,000 on viability grounds.

Applicant: Sol Homes Limited

Agent:

Case Officer: Graham Wraight

1.0 Site Description

- 1.1 The application site is located towards the south-western end of Vale Road and was previously occupied by the offices of the applicant. The site has however now been cleared. The site is approximately 0.7 hectares in area and is irregular in shape, comprising of two connecting rectangular parcels.
- 1.2 The first of these parcels fronts onto Vale Road and has boundaries to the south-west with the Vale Social Club and to the north and north-east with residential properties on Sands Close. The second part of the site shares boundaries with the Vale Social Club to the south-east, to the north-east with properties on Sands Close and to the north-west with properties on New Vale Road.

2.0 Relevant Planning History

- 2.1 2008/0287 – DEMOLITION OF OFFICES, CAR PARKING & STOARGE AREAS & ERECTION OF 44 DWELLINGS WITH ASSOCIATED ROADS AND SEWERS – Planning permission granted with conditions and subject to two Section 106 planning obligations.
- 2.2 In October 2012 the applicant advised that the work had been commenced on the site and that the slabs to plots 33 and 34 had been laid. The Borough Council subsequently confirmed in writing that it is considered that this

represents a material commencement of development and therefore that the permission will now remain extant in perpetuity.

3.0 Proposed Development

- 3.1 This application is made under Section 73 of The Town and Country Planning Act and seeks to vary Condition 12 on planning permission reference 2008/0287. This planning permission allowed for the demolition of the existing office building and associated structures on the site and the erection of 44 new dwellings. Condition 12 lists the approved plans and it is proposed to substitute these plans to allow for the following amendments to the approved scheme to be made:
- Repositioning of north-western boundary adjacent to plots 23 to 37. The boundary has been moved approximately one metre into the site following a resurvey.
 - Plots 33-36 repositioned by approximately one metre in an easterly direction as a result of the boundary change.
 - Insertion, removal and change of design of windows and doors on plots 1, 2, 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 19, 20, 21, 22, 26, 32, 33, 34, 35, 36, 41, 43 and 44.
- 3.2 An application has also been made under S.106A(3) of the Town & Country Planning Act 1990 to modify the required planning obligations. Therefore, in addition to these proposed amendments, a viability assessment has been submitted to support the applicant's assertion that the scheme would not be viable if the education, integrated transport and public open space contributions required by the Section 106 agreements attached to planning permission 2008/0287 are paid. This assessment has been subject to independent review by the District Valuer Service.
- 3.3 Notwithstanding this viability assessment, the applicant has offered to pay a financial contribution of £75, 000 towards education provision.

4.0 Consultations

Nottinghamshire County Council Highways – no objection.

Network Rail – no objection.

Nottinghamshire County Council S106 Officer – requires an increased contribution of £223,915 towards education provision as there is no capacity at either of the catchment schools (Netherfield Primary School and Carlton Le Willows Academy). The split is £122,904 towards primary school places and £124,271 towards secondary school places. This differs from application 2008/0287 as there was primary school capacity at that time.

Confirms that the integrated transport contribution of £24,585 is still required to mitigate the impact of the development.

Gedling Borough Council Parks & Street Care - 44 dwellings which include 3 and 2 bedroom properties will bring with them further need for play and recreation space provision for the new residents in an already developed

urban area with limited existing play provision. I would have looked to spend any offsite sum and the maintenance monies on improving the play and recreation areas at Colwick Rec and at Vale Side Play Area.

Gedling Borough Council Scientific Officer – no objection.

Colwick Parish Council -objects to any reduction in contributions and strongly objects to any omission of contributions, all money should stay in the community.

A press notice was published, a site notice displayed and neighbour notification letters posted however no representations were received.

5 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be 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'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2018 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG)

6 Development Plan Policies

- 6.1 The following policies are relevant to the application:

- 6.2 National Planning Policy Framework 2018

Sets out the national objectives for delivering sustainable development Paragraph 57 referring to viability considerations, Section 2 (Achieving sustainable development) and Section 12 (Achieving well-designed places) are particularly relevant.

- 6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A – Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 8: Housing Size, Mix and Choice – 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 19: Developer Contributions – sets out the requirements for when developer contributions are required.

6.4 Local Planning Document 2018 (LPD)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

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 21: Provision of New Open Space – sets out the criteria for when open space provision will be required.

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 33: Residential Density – states that planning permission will not be granted for proposals of less than 30 dwellings per hectare unless there is convincing evidence of a need for a different figure.

LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 36: Affordable Housing – sets out the criteria for when affordable housing will be required.

LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.

LPD 40: Housing Development on Unallocated Sites – sets out the criteria that new housing development should meet, including in relation to design, residential amenity and parking.

LPD 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.

LPD 57: Parking Standards – sets out the requirements for parking.

LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

6.5 Supplementary Planning Documents

Gedling Borough Council's Parking Provision for Residential Developments – Supplementary Planning Document 2012– sets out the car parking requirements for new residential development.

Open Space Provision SPG (2001) – sets out the open space requirements for new residential development.

Affordable Housing SPD (2009) – sets out the affordable housing requirements for new residential development.

7.0 **Planning Considerations**

Principle of the development and site history

- 7.1 Planning permission was granted in July 2008 for the construction of 44 dwellings and associated works on the site. The Borough Council has accepted that development has commenced and therefore that the permission will remain extant in perpetuity and can be implemented at any point in the future.
- 7.2 The effect of approving a Section 73 application such as this would be to issue a new planning permission and the guidance on such applications is clear in that they should be considered in the context as to whether they have been any material changes in planning policies or other material planning considerations since the original permission was granted.
- 7.3 Given the period of time since the original permission was granted in 2008, the planning policy framework has changed considerably, in particular with respect to the introduction of the National Planning Policy Framework and the adoption of the Aligned Core Strategy and Local Planning Document.
- 7.4 The policies which are relevant at the present time are outlined in this report and it is not considered that they would, in principle, suggest that the redevelopment of the site for residential purposes would no longer be acceptable. Furthermore, the fact that the site benefits from an extant planning permission for the construction of 44 dwellings is a material planning consideration that should be given significant weight in the decision-making process.
- 7.5 Therefore, in the light of the extant permission being in place, it is considered that the assessment of this current Section 73 application can be restricted only to consideration as to whether the proposed design and boundary changes have any adverse impact upon visual and residential amenity and whether the development can proceed without the Section 106 planning obligations being met.

Proposed boundary repositioning

- 7.6 This part of the proposal would see part of the north-western site boundary (adjacent to plots 23 to 37) being brought approximately one metre into the site, following a re-survey of the site. Whilst this would reduce the garden areas of the dwellings in question, it is not considered that the reduction would be significant and adequate garden space would remain to serve the needs of the future occupiers of these properties. The boundary change would not have an adverse impact upon the residential amenities of the existing properties adjacent to the site and there would not be any harmful impact upon visual amenity.

Proposed design changes

- 7.7 The proposed design changes are as follows:
- Beckford – plots 7 and 41 – replace garage window with recessed false window.
 - Sherwood (plots 26 and 32) – omit front bay window, omit side first floor window.

- Sandford (plot 44) – add three new first floor windows, add rear ground floor door, omit first floor side window.
- Ashfield (plots 22 and 43) – add one first floor window, enlarge one first floor window and one ground floor window on the rear elevation.
- Kirkham/Maybury (plots 14/15, 20/21, 33/34, 35/36) – amend front bay window at ground floor, add one ground floor and one first floor window to side elevation, omit heads and cills to six windows to rear elevation.
- Ashton (plots 8, 16, 17 and 19) – omit heads and cills to windows and doors to elevation facing courtyard, replace garage door and window with recessed false windows to the estate road elevation.
- 2 bed apartments (plots 1, 2, 3, 4, 5, 6) – amend two ground floor bay windows, enlarge two windows at first and second floor level to front elevation, enlarge five windows and remove heads and cills to rear elevation.

7.8 The proposed changes are considered to be minor in nature and would not have a significant visual impact on the design and appearance of the development. Where heads and cills have been removed, these are on rear elevations or those which face into courtyard areas. It is therefore not considered that their removal could be resisted.

7.9 In terms of the impact upon adjacent properties, the following assessment is made:

- The new first floor windows to plot 22 would face towards The Vale Social Club however the Agent has advised that these would be obscurely glazed and therefore would not cause overlooking concerns. This matter could be controlled by way of a planning condition.
- The windows at first floor level to plot 44 would face towards Sands Close and would not give rise to concerns with respect to overlooking on to existing properties.
- The new first floor window to plot 43 would face towards 51 Sands Close but it is considered that this would be at an adequate distance so not to give rise to unreasonable overlooking. The enlarged window would be obscurely glazed but notwithstanding this is also considered to be a reasonable distance from the adjacent property.
- The remaining changes proposed are either cosmetic only, are at ground floor level or do not face directly towards the boundaries of the site. It is not considered that these amendments would give rise to overlooking concerns.

7.10 The proposal is therefore considered to meet with the objections of the national planning policy framework, Core Strategy Policy 10 LPD Policies 32 and 40.

Viability assessment

7.11 The financial requirements set out in the Section 106 planning obligations which were entered into with Gedling Borough Council and Nottinghamshire County Council are as follows:

- £120,830 towards education provision
- £24,585 towards integrated transport measures
- £61,467 towards public open space

A viability assessment has been submitted with the application and this has been subject to an independent review by the District Valuer Service. An

- updated review has been undertaken following the adoption of the Local Planning Document and the introduction of the updated NPPF and PPG in 2018. The conclusion of the District Valuer Service is that none of the Section 106 requirements can be met if a viable scheme is to be delivered.
- 7.12 Nottinghamshire County Council have advised that the education provision requirement has changed in the period since the original Section 106 was completed and that there is now a requirement for £122,904 towards primary school places and £124,271 towards secondary school places. This makes a total requirement of £247,175 towards education provision.
- 7.13 The applicant has offered a sum of £75,000 towards education provision, which would represent a shortfall of £172,175 based on the current figure. No sum is offered towards either integrated transport measures or public open space.
- 7.14 Local Planning Policy LPD 36 sets out a requirement of 10% affordable housing in the Colwick Area.
- 7.15 The key matter for consideration in this regard is whether the development can be supported on this basis and whether such development could be considered to be sustainable development, the delivery of which is a key objective of national and local planning policies.
- 7.16 The National Planning Policy Framework states at paragraph 94:
It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
- 7.17 With respect to public open space, the National Planning Policy Framework states at paragraph 96 that:
Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 7.18 The National Planning Policy Framework states at paragraph 108c that:
In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.19 Policy 19 of the Aligned Core Strategy relates to Developer Contributions and Local Planning Document Policy LPD 21 refers specifically to open space requirements.
- 7.20 Local Planning Document Policy 36 states that a lower affordable housing requirement may be justified provided there is sufficient evidence which takes

account of all potential contributions from grant funding sources and a viability assessment has been undertaken by the Council which demonstrates this. Gedling Borough Council Affordable Housing SPD sets out the requirements for negotiations on the content of s106 agreements in respect of affordable housing with input from Housing Strategy and Development Management.

- 7.21 If the proposed development was to proceed as submitted then it would do so without making provision for the required number of school places, the required integrated transport measures or the required public open space provision and affordable housing provision.
- 7.22 The National Planning Policy states at paragraph 57:
Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.
- 7.23 Gedling Borough Council's Local Planning Document was adopted on 18th July 2018 and Nottinghamshire County Council's Planning Obligations Strategy on 12th September 2018. Accordingly, both documents and the policies contained within them are considered to be up to date. The question for consideration is therefore whether the development can proceed without each of the required contributions and whether if the development did take place it would constitute sustainable or unsustainable development.
- 7.24 With regard to education, the need for both primary and secondary school places and the financial cost of providing these is evidenced and justified within Nottinghamshire County Council's Planning Obligations Strategy. Primary places would be provided at Netherfield Primary School and secondary places at Carlton le Willows Academy. The contribution of £75,000 offered by the applicant is a very significant shortfall of £172,175 compared to the £247,175 required by the County Council. It is considered that the size of this shortfall would mean that an inadequate provision of school spaces would be provided and it is considered that this would render the development as unsustainable and contrary to the objectives of national and local planning policies, in particular Section 2 (Achieving sustainable development) and Paragraph 94 of the National Planning Policy Framework and Policy 19 of the Aligned Core Strategy.
- 7.25 With regard to the contributions for public open space and integrated transport, whilst the position that these are required is maintained, in the planning balance it considered that the non-payment of these could be outweighed by the benefits in bringing forward housing development on this vacant site within the urban area. In addition, there is equipped public open space in the vicinity of the site and whilst it is noted that the proposed

development would put pressure on this, as per the comments from Parks and Open Space, it is not considered that the scale of the development proposed would result in significant pressure to the extent that a refusal of planning permission could be substantiated. In terms of the integrated transport contribution, this relates to capacity issues and lighting improvement over the railway to the north of the site and to a nearby footpath, as opposed to highway safety issues. Furthermore, it is noted that Nottinghamshire County Council would seek to spend only approximately £5,000 on the works to the Vale Road/Colwick Road junction which are referred to in the Section 106. Therefore unlike the situation with the education contribution, the absence of the public open space and integrated transport contributions are not necessarily considered to be fatal to the acceptability of the scheme or to render the development as unsustainable.

- 7.26 In this instance, it is accepted that affordable housing would make the development unviable and therefore that it would be unreasonable to insist on its inclusion, given the reference to this matter in local planning policy LPD 36.

8 Conclusion

- 8.1 This application seeks to make design amendments to planning permission 2008/0287 which has been commenced and which is considered to be extant and capable of being fully implemented. Whilst the planning policy landscape has altered in the period since the original planning permission was granted, it is not considered that this more recent planning policy would preclude the redevelopment of this site for residential purposes. It is considered reasonable to seek to make amendments to the design and character of the scheme.
- 8.2 It is however considered the failure to pay the full contribution towards education provision would render the development as unsustainable, contrary to the objectives of national and local planning policies, in particular Section 2 (Achieving sustainable development) and Paragraph 94 of the National Planning Policy Framework and Policy 19 of the Aligned Core Strategy.

Recommendation:

1) That the Borough Council grants planning permission for the S.73 application, subject to the applicant entering into a deed of variation amending the original Section 106 Agreements with the Borough Council as Local Planning Authority and with the County Council as education authority and highways authority pursuant to planning approval 2008/0287 for the provision of financial contributions towards off site public open space, education and integrated transport measures and subject to the following conditions:

Conditions

- 1 Time period for implementation – deleted, development has commenced.
- 2 Section 106 will be required prior to a decision being issued.

3. The external facing materials to be used in the development shall be as per those approved in conjunction with Condition 3 on planning permission reference 2008/0287.
4. Hard surfacing shall be undertaken in accordance with the details approved in conjunction with Condition 4 on planning permission reference 2008/0287 and shown on drawings 917/200/01 Rev A and 917/200/02 Rev A.
5. Landscaping shall be undertaken in accordance with the details approved in conjunction with Condition 5 on planning permission reference 2008/0287 and shown on drawings 917/200/01 Rev A and 917/200/02 Rev A and shall be carried out in the first planting season following the substantial completion of the development. Any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season.
6. Prior to the first occupation of the dwellings they serve, the boundary treatments approved in conjunction with Condition 6 on planning permission reference 2008/0287 and shown on drawings 917/200/01 Rev A and 917/200/02 Rev A shall be erected and shall thereafter be retained in perpetuity.
7. Prior to the first occupation of the dwellings they serve, the bin storage facilities, cycle storage and external lighting shall be undertaken in accordance with the details approved in conjunction with Condition 7 on planning permission reference 2008/0287 and shown on drawings 917/200/01 Rev A and 917/200/02 Rev A.
8. Flood protection and site drainage shall be undertaken in accordance with the details approved in conjunction with Conditions 8 and 9 on planning permission reference 2008/0287.
9. Deleted as conditions 8 and 9 have been combined.
10. Site remediation works shall be undertaken in accordance with the details approved in conjunction with Condition 10 on planning permission reference 2008/0287. Validation of the remediation works shall be submitted to and approved in writing by the Local Planning Authority following the completion of the works.
11. Site clearance works shall not be undertaken within the bird breeding season (March to September) unless a survey of the site for nesting birds is carried out and a report of findings of such a survey are submitted to and approved in writing by the Borough Council prior to site clearance being undertaken. The development shall be carried out in accordance with the mitigation measures proposed within the ecological assessment that was submitted with the application reference SLR 403.0756.00033 dated December 2006 in conjunction with planning application 2008/0287.
12. The development hereby permitted shall be constructed in accordance with the following approved plans: -

Submitted with 2016/0347

- 917/100/01 Rev E
- The Beckford elevations
- The Beckford ground floor
- The Beckford first floor
- The Sherwood elevations
- The Sherwood ground floor
- The Sherwood first floor
- The Sandford elevations
- The Sandford first floor
- The Ashfield elevations
- The Ashfield ground floor
- The Ashfield first floor
- The Kirkham and Maybury elevations
- The Kirkham and Maybury ground floor
- The Kirkham and Maybury first floor
- The Ashton elevations
- The Ashton ground floor
- The Ashton first floor
- Plots 1 – 6 apartment elevations
- Plots 1 – 6 apartment ground floor
- Plots 1 – 6 apartment first floor
- Plots 1 – 6 apartment second floor

Submitted with 2008/0287

- Single garage PL/G02
- Double garage PL/G04
- The Newland PL/13

- The Whitton PL/18
- 13 Time period for surfacing works – delete, not required.
 - 14 Landscaping scheme implementation – delete, combined with Condition 5
 - 15 Means of enclosure implementation - delete, combined with Condition 6.
 - 16 Bin store, cycle storage and external lighting implementation, delete, combined with Condition 7.
 - 17 Landscape and communal car parking maintenance shall be undertaken in accordance with the details approved in conjunction with Condition 17 on planning permission reference 2008/0287.
 - 18 The garages shown to be provided on the approved plan shall remain in use for garage purposes ancillary to the dwelling houses which they serve. They shall be kept available for the accommodation of private vehicles at all times and shall not be used for any other purpose unless otherwise agreed in writing by the Borough Council as local planning authority.
 - 19 The proposed car parking spaces shall be surfaced and marked out in permanent materials before the development hereby permitted is first brought into use, and the spaces shall not thereafter be used for any purpose other than the parking of vehicles.
 - 20 There shall be no pedestrian access formed to Sands Close at any time.
 - 21 The site access junction and internal road of the proposed development shall be designed and constructed to an adoptable standard, including appropriate drainage and lighting, prior to the occupation of the first dwelling, unless otherwise prior agreed in writing by the Borough Council.
 - 22 No part of the development shall be brought into use until such time as a 4.5m x 55m visibility splay has been provided to the southwest and a 4.5m x 70m visibility splay to the northeast has been provided maintaining a minimum carriageway width of 6.75m have been provided in a bound material. Thereafter no structure or planting shall be erected or allowed to grow above 0.6m in height within the visibility splays of the site access with Vale Road.
 - 23 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) no further extensions shall be built without the prior written permission of the Borough Council as local planning authority.
 - 24 Before the development is commenced details of the proposed new access road shall be submitted to and approved in writing by the Borough Council. The details shall include construction specification, drainage outfall proposals, longitudinal and cross sectional gradients and details of street lighting. The dwellings shall not be occupied until such time as the access, parking, turning

facilities are in place in accordance with the details submitted to and approved in writing by the Borough Council.

- 25 The dwellings shall not be occupied until such time as the existing redundant accesses on to Vale Road have been removed and reinstated with a footway. The reinstatement of the footpath shall be carried out to County Council specifications.
- 26 The two first floor windows in the rear elevation of the dwelling on plot 22 shall be glazed with obscure glass to a minimum privacy level of Pilkington 4. The windows shall be permanently retained as such unless planning permission has first been granted by the Local Planning Authority.

Reasons

- 1 Condition deleted, reason not required.
- 2 Condition deleted, reason not required.
- 3 To secure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 4 To secure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 5 To secure a satisfactory development, in the interests of visual amenity.
- 6 To secure a satisfactory development in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 7 To secure a satisfactory development and to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 8 To safeguard the development against flooding and to ensure that adequate drainage is provided.
- 9 Condition deleted, reason not required.
- 10 To ensure that land contamination matters are adequately addressed.
- 11 To safeguard the presence of any flora and fauna that may be present on the site.
- 12 To define the permission, for the avoidance of doubt
- 13 Condition deleted, reason not required.
- 14 Condition deleted, reason not required.
- 15 Condition deleted, reason not required.
- 16 Condition deleted, reason not required.

- 17 To ensure that the development is maintained to a satisfactory standard in the long term.
- 18 To ensure that adequate car parking provision is provided for the proposed development.
- 19 To ensure that adequate car parking provision is provided for the proposed development.
- 20 To ensure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 21 In the interests of highway safety.
- 22 In the interests of highway safety.
- 23 To safeguard the amenities of future occupiers.
- 24 In the interests of highway safety.
- 25 In the interests of highway safety.
- 26 To avoid the possibility of overlooking, in the interests of preserving the amenity of residents.

Notes to applicant

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

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

Reason for decision:

The proposed amendments to the scheme approved under reference 2018/0287 are considered to be reasonable and would not cause harm to visual or residential amenity.

2) Refusal in respect of modification of the planning obligations for the following reason:

The proposed delivery of this development without the full payment of the education contribution would result in a significant shortage in the number school places required to meet with the needs arising from the development. The proposal therefore represents unsustainable development, contrary to the objectives of national and local planning policies, in particular Section 2

(Achieving sustainable development) and Paragraph 94 of the National Planning Policy Framework and Policy 19 of the Aligned Core Strategy.

Nottingham Valuation Office
Gnd Floor Ferrers House
Castle Meadow Road
Nottingham
NG2 1AB

Our Reference: 1695199/LW
Your Reference: 2016/0347

Please ask for: Laura Webb
Tel: 03000 501979
Email: laura.webb@voa.gsi.gov.uk

Date: 22nd November 2018

****By Email****

Confidential

Dear Graham,

**Review of Development Viability Appraisal
Residential Development Land at 26 Vale Road, Colwick, NG4 2GJ**

I refer to your instructions set out in your email of the 07 November 2018 requesting my updated professional advice in relation to the proposed residential development scheme as described below. I have now considered the matter and I am pleased to report as follows:

Instructions

I have been asked to provide an updated appraisal in connection with the established planning permission in respect of the proposed residential development scheme under reference 2008/0287. This comprises the demolition of offices, car parking and storage areas and the erection of 44 dwellings.

In 2016 a S.73 application (ref. 2016/0347) was submitted for a variation of condition 12 of the original planning permission relating to changes to approved layout, plans and elevations. In addition the applicant is now challenging the required education contribution, as detailed below.

Having regard to the updated local plan, adopted in July 2018, I note that 'planning permission will be granted for new residential development on sites of 15 dwellings or more subject to the provision of affordable housing', specifically within Colwick 10% affordable housing is requested. However, as affordable housing has not been requested as part of the original planning permission I have not included an affordable element within my updated appraisal.

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I note that the following S106 contributions have been requested as part of the original planning permission and these are included within the appraisal:

| | |
|-------------------|-----------------|
| Education | £120,830 |
| Highways | £39,506 |
| Public Open Space | <u>£192,785</u> |
| Total: | £353,121 |

Situation/Location The site is situated in the Nottinghamshire village of Colwick, approximately three miles north east of Nottingham city centre, lying between the River Trent and the railway line. Nearby established residential areas include Sneinton, Bakersfield, Carlton and Netherfield.

Colwick Park comprises a 50 hectare designated local nature reserve on the edge of the village and is approximately 0.5 miles away from the site. The Grade II listed Colwick Hall is located two miles to the south west. The A612 road to Newark runs through the area as the Colwick Loop Road and in turn connects with the A60 going north to Mansfield and the A6011 Radcliffe Road which joins the A52 and A46 nearby.

The site itself is located at the south west end of Vale Road within a predominantly residential setting. The site comprises an irregularly shaped, generally flat parcel of land being approximately 0.7 hectares (1.7 acres) which is made up of two contiguous rectangular parcels. The first fronts onto Vale Road and previously comprised two storey, brick built office buildings and designated parking areas to the sides and rear. These buildings have now been demolished. The rear parcel appears to have previously been utilised as open storage land and this too has been cleared. I understand that the site has previously gained Outline Planning Permission for a residential apartment scheme which was granted in 2007 but never implemented.

Inspection This appraisal has been undertaken on a desktop only basis.

Nature of Interest It is assumed that the subject site is held freehold with vacant possession being available.

Easements, Rights of Way and Restrictions affecting Value I have not been made aware of any easements, restrictions, outgoings or charges adversely affecting the subject site.
I have assumed no ransoms.

Planning I understand the applicant applied for and was granted full planning consent for the proposed residential development scheme under planning application reference 2008/0287 and that work has commenced on the site. In 2016 a S.73 application (ref. 2016/0347) was submitted for a variation of condition 12 of the original planning permission relating to changes to approved layout, plans and elevations. In addition the applicant is challenging the required education contribution which they claim undermines the viability of the proposed scheme.

Whilst no affordable housing is required on the site I understand that the following S106 contributions have been requested as part of the original planning permission:

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| | |
|-------------------|-----------------|
| Education | £120,830 |
| Highways | £39,506 |
| Public Open Space | £192,785 |
| Total: | £353,121 |

Floor Areas

The planning Applicant has confirmed the Gross Internal Floor Area (GIA) contained within an appraisal dated June 2017:

2,722 sqm (29,289 sq ft)

I have made the Special Assumption that the floor areas of the residential units have been calculated in accordance with the 'RICS Property Measurement 1st Edition' which is effective from 1st January 2016.

For the purposes of the appraisals the unit sizes have been broken down as follows:

| Plot/Unit Type | Style | Area (GIA) sq m by unit type | No. of Beds | No. of Units | Total GIA (Sqm) |
|----------------|-------------|------------------------------|-------------|--------------|-----------------|
| Plot 1 | Apartment | 54.18 | 2 | 1 | 54.18 |
| Plot 2 | Apartment | 54.44 | 2 | 1 | 54.44 |
| Plot 3 | Apartment | 54.16 | 2 | 1 | 54.16 |
| Plot 4 | Apartment | 54.44 | 2 | 1 | 54.44 |
| Plot 5 | Apartment | 54.16 | 2 | 1 | 54.16 |
| Plot 6 | Apartment | 54.44 | 2 | 1 | 54.44 |
| Beckford | Coach House | 56.11 | 1 | 4 | 224.44 |
| Ashton | CH D/F | 53.88 | 1 | 4 | 215.52 |
| Witton G | House | 77.20 | 3 | 6 | 463.20 |
| Newland | House | 61.04 | 2 | 9 | 549.36 |
| Maybury | Maisonette | 55.83 | 2 | 4 | 223.32 |
| Kirkham | Maisonette | 64.85 | 2 | 4 | 259.40 |
| Ashfield | Coach House | 53.88 | 1 | 4 | 215.52 |
| Sherwood | House | 88.82 | 3 | 2 | 177.64 |
| Sandford | Coach House | 68.10 | 2 | 1 | 68.10 |
| Total | | | | 44 | 2,722.32 |

We have assumed that the areas provided are correct and that the scheme to be assessed is as above.

Site Area

The following approximate land area has been obtained from the planning Design and Access Statement:

| Acres | Hectares |
|-------|----------|
| 1.73 | 0.70 |

Flooding

I have made the Special Assumption that the subject land is unaffected by flooding.

Contamination

I have made the Special Assumption that the subject land is unaffected by contamination.

Archaeology

I have made the Special Assumption that the subject land is unaffected by archaeological remains.

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Ecology

I have made the Special Assumption that the subject land is unaffected by any ecological matters.

**Comments
Regarding the
Viability Report
produced by The
Applicant
(29.06.2017 – Full
S106 Payments)****Gross Development Value:**

I have been provided with a Financial Viability Analysis Report undertaken by the Applicant in June 2017.

The adopted Gross Development Value is based on the provision of Open Market Housing only and totals:

£5,444,480

The sales rates are based on approximately £2,000/sqm which I think is slightly low having regard to the sales evidence from within the locality.

In addition I note that the Applicant does not appear to have included an allowance for the likely ground rental income which could be received in respect of the apartments within the proposed scheme.

Construction Costs:

The Applicant's appraisal adopts construction costs to be applied at £1,149.59/sqm. I understand that the Applicant's build rate is inclusive of preliminaries, overheads & profit and external works. These were originally assessed by a VOA internal QS, in November 2017, who confirmed that these were reasonable having regard to the BCIS construction rates Q4 2017.

The costs have now been reassessed and, having regard to the BCIS construction rates Q3 2018, these are now a little on the low side.

Abnormal Costs

The Applicant has included the following itemised Abnormal Costs:

| | |
|----------------------------|-----------------|
| Demolition/Site Clearance | £59,455 |
| Garden Contamination | £39,506 |
| Piling | £192,785 |
| Railway Embankment Removal | <u>£45,000</u> |
| Total: | £336,746 |

No supporting information has been provided in respect of these costs.

Professional Fees:

The Applicant's appraisal contains an allowance for professional fees at 6% which I understand is inclusive of architects, quantity surveyor and project management fees. These seem reasonable for this type of new build scheme.

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Finance Costs/Development Program:

The Applicant has indicated a construction period of 24 months but has also allowed for a 9 month enabling programme to clear the site. I note that as at the date of my inspection the buildings had already been demolished but the rubble not yet cleared. Based on the fact that demolition works have been undertaken I feel that the 9 month lead in period is excessive.

The planning applicant has included a figure of £468,737 reflecting the total interest paid to finance the project however it is not clear what interest rate they have adopted within their appraisal.

Sales and Marketing Costs:

The Applicant's appraisal makes an allowance for marketing costs at 3% which is a little high. Sales legal fees are included at £500/unit which seems reasonable.

Developer's Profit:

The Applicant has adopted the developers return on GDV approach within their appraisal and set this at 15%. This produces a profit of £816,672 and a residual land value of £17,163.

Site Value

A site value of £799,134 has been included within the Applicant's appraisal in order to demonstrate the difference between the site's existing value and the residual land value produced. However I have not been provided with any commentary in respect of how the existing site value has been calculated.

DVS Development Appraisal**Gross Development Value:**

I have produced an updated development appraisal for the proposed development scheme, based on the scheme details and information provided by the Applicant and taken from the planning application website. This includes the provision of the s106 contributions as verified by Gedling Borough Council.

I have carried out research and I have calculated the GDV as follows:

£5,814,047

My GDV is based on the Open Market sales of new build and second hand properties located within Colwick, Carlton and Gedling from within the last 12 months.

I have also included a ground rent based on the likely income which could be achieved in respect of the x6 flats and x2 maisonettes. This is based on an income of £200/unit per annum which I have capitalised at 5% to provide a total value of £32,000.

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Construction Costs:

Having regard to the BCIS data from Q3 2018 (lower quartile) I have adopted updated construction costs at £1,267/sqm.

This rate is inclusive of external works, preliminaries and overheads/profit.

I have included a construction contingency at 3%.

Professional fees are included at 6%.

Abnormal/Development Costs:

I have adopted abnormal costs, as at November 2017 and as detailed by our QS, as follows:

| | |
|----------------------------------|----------------|
| Demolition/Site Clearance | £76,060 |
| Excavation for rear gardens | £833 |
| Disposal of inactive excavation | £23,562 |
| Membrane to bottom of gardens | £765 |
| Piling | £173,588 |
| Granular capillary break layer | £8,432 |
| Imported topsoil fill to gardens | £15,062 |
| Railway Embankment Removal | <u>£45,000</u> |

Total: **£401,664**
(inclusive of Preliminaries, Overheads and Profit)

Construction Period:

I have allowed for a 21 month development programme (including a 3 month lead in period) which I think is appropriate for a scheme of this size and type.

Sales and Marketing Costs:

I have made the following open market allowances:

| | |
|-------------------------|----------|
| Legal Fees: | £22,000 |
| Marketing/Agent's Fees: | £144,550 |

Total: **£166,550**

Finance costs of 6.5% (inclusive of fees) have been adopted which in my opinion reflects current market conditions.

I have assumed a sale rate of 2.32 units per month.

Developer's Profit:

I have adopted an allowance for developer's profit based on 15.0% of the Gross Development Value. This equates to £867,300. In my opinion, this is reasonable based on the proposed residential development scheme in the current market.

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Land Acquisition Fees:

I have made land acquisition allowances for agent's fees and legal fees at 1.75%. Stamp duty is included at £1,855.

Residual Land Value

The residual land value has been calculated assuming a gross land area of 1.73 acres (0.70 ha) as follows:

£242,748

This equates to £140,317/acre and £346,783/hectare.

Conclusion

Accordingly, my opinion of the proposed residential development scheme is that it is not viable as at the date of this report based on the inclusion of the required s106 contributions and taking into account the Site Value.

Date of Viability Assessment

The date of assessment is the 22 November 2018.

Comments

The subject site comprises two broadly rectangular parcels of land which have previously been used as a site for offices fronting onto Dale Road and as a storage facility to the rear. The buildings have now been demolished although the site is not fully cleared and a significant amount of building debris is still in situ.

I have assessed the Site Value having regard to the revised National Planning Policy Framework (NPPF 2018), published on 24 July 2018. This states that a benchmark land value should be calculated based on the existing use value of the site plus a premium for the land owner (EUUV+). This premium should reflect the minimum return at which it is considered a reasonable landowner would be incentivised and willing to sell their land. The amount must also allow for a sufficient contribution to comply with policy requirements.

The subject site's historic use comprises land with an existing B1/B2/B8 use, the value of which has been uplifted to reflect that planning permission for residential development is in place. At the same time I have also made a deduction to reflect the current condition of the site.

In order to establish my opinion of value I have had regard to sales comparables in respect of sites comprising offices/industrial buildings still in use, as well as sites comprising existing commercial buildings but with the benefit of planning permission for change of use to e.g. residential. Additionally I have collated comparable sales evidence in respect of vacant industrial/storage land and cleared residential development sites.

A Site Value in the region of £615,000 has been adopted for benchmarking purposes.

It should be noted that my assessment is based on the information provided by the planning applicant's agent. If the scheme details were to change the development scheme should be reappraised.

Gedling Borough Council should be aware that we have been provided with a number of development and abnormal costs by the planning

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applicant's agent.

It should be noted that some of these costs are based on estimates and could change.

This viability assessment should be reassessed if and when a revised planning application is made regarding the detailed design/layout of the proposed units.

As agreed with Gedling Borough Council I have made various Special Assumptions as stated. If any of the Special Assumptions stated are incorrect or change, this may materially affect the Residual Land Value reported. Accordingly, the viability assessment should be referred back to me for further consideration.

It is likely that the current market conditions/the economy will change over a reasonable period of time and I would recommend that this assessment should be reviewed, if any planning consent has not been substantially commenced within one year of being granted, or if the development was to be constructed in different phases.

At the present time the planning applicant appears willing to proceed with the proposed development scheme, obviously subject to the Section 106 contributions.

Whilst I cannot provide any professional advice to the planning applicant, it is ultimately up to them to decide how they wish to proceed in this matter.

I have had regard to comparable sales evidence in Colwick and the surrounding areas of Carlton and Gedling. The transactions have been considered adjusting for date, state of the market and location.

Validity

This report remains valid for 3 (three) months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

Restrictions on Disclosure and Publication

The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

Limits or Exclusions of Liability

The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers. No responsibility whatsoever is accepted to any Third Party who may seek to rely on the content of the report unless previously agreed.

Confirmation of Standards

The valuation has been prepared in accordance with the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards 2017 and the RICS Valuation – Professional Standards UK (January 2014, revised April 2015), commonly known together as the Red Book.

Compliance with the RICS professional standards and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS).

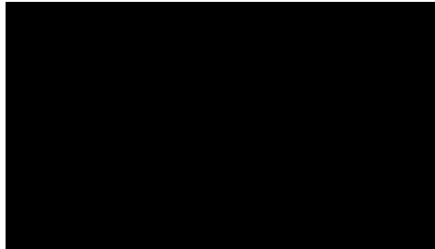
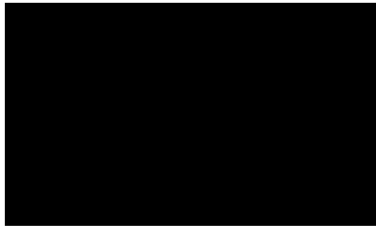
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Measurements stated are in accordance with the RICS Professional Statement 'RICS Property Measurement' (2nd Edition) and, where relevant, the RICS Code of Measuring Practice (6th Edition). If agreed departures from these Standards have been required in accordance with any instruction received from you, these will be specifically identified and detailed in this report.

| | |
|--|---|
| Conflict of Interest | Checks have been undertaken in accordance with the requirements of the RICS standards and have revealed no conflict of interest. |
| Disclosure of Material assistance | The assembly of the comparable evidence in this case was undertaken by Graduate Surveyor, Farhan Hassan. This was reviewed and verified by Laura Webb BA (Hons) MA MRICS, a registered Valuer. |
| Status of Valuer | It is confirmed that the viability assessment has been carried out by Laura Webb, an RICS Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective and unbiased viability assessment. |
| Exempt Information | You may wish to consider whether this report contains Exempt Information within the terms of Paragraph 9 of Schedule 12A to the Local Government Act 1972 (Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985) as amended by the Local Government (Access to Information) (Variation) Order 2006. |

I trust the above will enable you to proceed but should you require anything further, please do not hesitate to contact this office.

Yours sincerely,



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Residual Land valuation

£0

HCA DEVELOPMENT APPRAISAL TOOL**SUMMARY****DETAIL****SCHEME**

Site Address Land at 26 Vale Road, Colwick, Nottingham
 Site Reference Land at 26 Vale Road, Colwick, Nottingham
 File Source
 Scheme Description

Date of appraisal 15/11/2018
 Net Residential Site Area
 Author & Organisation Laura Webb, VOA
 Registered Provider (where)

Housing Mix (Affordable + Open Market)

| | | |
|-------------------------------------|---------------|----------------|
| Total Number of Units | 44 | units |
| Total Number of Open Market Units | 44 | units |
| Total Number of Affordable Units | 0 | units |
| Total Net Internal Area (sq m) | 2,722 | sq m |
| % Affordable by Unit | 0.0% | |
| % Affordable by Area | 0.0% | |
| Density | No Area input | units/ hectare |
| Total Number of A/H Persons | 0 | Persons |
| Total Number of Open Market Persons | 0 | Persons |
| Total Number of Persons | 0 | Persons |
| Gross site Area | 0.70 | hectares |
| Net Site Area | 0.00 | hectares |
| Net Internal Housing Area / Hectare | - | sq m / hectare |

| Average value (£ per unit) | Open Market Phase 1: | Open Market Phase 2: | Open Market Phase 3: | Open Market Phase 4: | Open Market Phase 5: | Total |
|----------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|-------------------|
| 1 Bed Flat Low rise | £115,000 | £0 | £0 | £0 | £0 | |
| 2 Bed Flat Low rise | £124,133 | £0 | £0 | £0 | £0 | |
| 3 Bed Flat Low rise | £0 | £0 | £0 | £0 | £0 | |
| 4 Bed + Flat Low rise | £0 | £0 | £0 | £0 | £0 | |
| 1 Bed Flat High rise | £0 | £0 | £0 | £0 | £0 | |
| 2 Bed Flat High rise | £0 | £0 | £0 | £0 | £0 | |
| 3 Bed Flat High rise | £0 | £0 | £0 | £0 | £0 | |
| 4 Bed + Flat High rise | £0 | £0 | £0 | £0 | £0 | |
| 2 Bed House | £130,000 | £0 | £0 | £0 | £0 | |
| 3 Bed House | £171,250 | £0 | £0 | £0 | £0 | |
| 4 Bed + House | £0 | £0 | £0 | £0 | £0 | |
| Total Revenue £ | £5,782,000 | £0 | £0 | £0 | £0 | £5,782,000 |
| Net Area (sq m) | 2,722 | - | - | - | - | 2,722 |
| Revenue (£ / sq m) | £2,124 | - | - | - | - | |

CAPITAL VALUE OF OPEN MARKET SALES

£5,782,000

Capital Value of Private Rental

| | |
|----------|----|
| Phase 1 | £0 |
| Phase 2 | £0 |
| Phase 3 | £0 |
| Phase 4 | £0 |
| Phase 5 | £0 |
| Total PR | £0 |

CAPITAL VALUE OF OPEN MARKET HOUSING

£5,782,000 £ 2,124 psqm

BUILD COST OF OPEN MARKET HOUSING inc Contingency

£3,553,846 £ 1,305 psqm

CONTRIBUTION TO SCHEME COSTS FROM OPEN MARKET HOUSING

£2,228,154

AH Residential Values**AH & RENTAL VALUES BASED ON NET RENTS**

| Type of Unit | Social Rented | Shared Ownership (all phases) | Affordable Rent (all phases) | Total |
|------------------------|---------------|-------------------------------|------------------------------|-------|
| 1 Bed Flat Low rise | | | | |
| 2 Bed Flat Low rise | | | | |
| 3 Bed Flat Low rise | | | | |
| 4 Bed + Flat Low rise | | | | |
| 1 Bed Flat High rise | | | | |
| 2 Bed Flat High rise | | | | |
| 3 Bed Flat High rise | | | | |
| 4 Bed + Flat High rise | | | | |
| 2 Bed House | | | | |
| 3 Bed House | | | | |
| 4 Bed + House | | | | |
| | | | | |
| | | | | |
| | £0 | £0 | £0 | £0 |

£ psqm of CV (phase 1)

CAPITAL VALUE OF ALL AFFORDABLE HOUSING (EXCLUDING OTHER FUNDING)

£0

RP Cross Subsidy (use of own assets)

£0

LA s106 commuted in lieu

£0

RP Re-cycled SHG

£0

Use of AR rent conversion income

£0

Other source of AH funding

£0

OTHER SOURCES OF AFFORDABLE HOUSING FUNDING

£0

CAPITAL VALUE OF ALL AFFORDABLE HOUSING (INCLUDING OTHER FUNDING)

£0

BUILD COST OF AFFORDABLE HOUSING inc Contingency

£0

#DIV/0!

CONTRIBUTION TO SCHEME COSTS FROM AFFORDABLE HOUSING

£0

Car Parking

| No. of Spaces | Price per Space (£) | Value |
|---------------|---------------------|-------|
| - | - | £0 |

Value of Residential Car Parking

£0

Car Parking Build Costs £0

Ground rent

Capitalised annual ground rent

Social Rented £0
Shared Ownership £0
Affordable Rent £0

Open market (all phases) £32,047

Capitalised Annual Ground Rents**£32,047****TOTAL CAPITAL VALUE OF RESIDENTIAL SCHEME****£5,814,047****TOTAL BUILD COST OF RESIDENTIAL SCHEME****£3,553,846****TOTAL CONTRIBUTION OF RESIDENTIAL SCHEME****£2,260,201****Non-Residential**

| | Cost | Values |
|-------------------------------|------|--------|
| Office | £0 | £0 |
| Retail | £0 | £0 |
| Industrial | £0 | £0 |
| Leisure | £0 | £0 |
| Community Use | £0 | £0 |
| Community Infrastructure Levy | £0 | |

CAPITAL VALUE OF NON-RESIDENTIAL SCHEME**£0****COSTS OF NON-RESIDENTIAL SCHEME****£0****CONTRIBUTION TO SCHEME COSTS FROM NON-RESIDENTIAL****£0****GROSS DEVELOPMENT VALUE OF SCHEME****£5,814,047****TOTAL BUILD COSTS****£3,553,846****TOTAL CONTRIBUTION TO SCHEME COSTS****£2,260,201****External Works & Infrastructure Costs (£)**

| | Cost | Per unit | % of GDV | per Hectare |
|--|-----------|----------|----------|-------------|
| Site Preparation/Demolition | £0 | | | |
| Roads and Sewers | £0 | | | |
| Services (Power, Water, Gas, Telco and IT) | £0 | | | |
| Strategic Landscaping | £0 | | | |
| Off Site Works | £0 | | | |
| Public Open Space | £0 | | | |
| Site Specific Sustainability Initiatives | £0 | | | |
| Plot specific external works | £0 | | | |
| Premier Guarantee (New Build Warranty) | £0 | | | |
| Other 2 | £0 | | | |
| Other site costs | £0 | | | |

Other site costs

| | | | | | |
|-----------------------------|------|----------|-------|------|---------|
| Fees and certification | 6.0% | £207,020 | 4,705 | 3.6% | 295,743 |
| Other Acquisition Costs (£) | | £0 | | | |

Site Abnormals (£)

| | | | | | |
|--------------------|----------|-------|------|---------|--|
| De-canting tenants | £0 | | | | |
| Decontamination | £0 | | | | |
| Other | £0 | | | | |
| All Abnormals | £401,664 | 9,129 | 6.9% | 573,806 | |
| Other 3 | £0 | | | | |
| Other 4 | £0 | | | | |
| Other 5 | £0 | | | | |
| £401,664 | | | 6.9% | 573,806 | |

Total Site Costs inc Fees**£608,684**

13,834

Statutory 106 Costs (£)

| | | | | |
|-------------------------------|----------|-------|--|--|
| Education | £120,830 | 2,746 | | |
| Sport & Recreation | £0 | | | |
| Social Infrastructure | £0 | | | |
| Public Realm | £0 | | | |
| Affordable Housing | £0 | | | |
| Transport | £0 | | | |
| Highway | £24,585 | 559 | | |
| Health | £0 | | | |
| Public Art | £0 | | | |
| Flood work | £0 | | | |
| Community Infrastructure Levy | £0 | | | |
| Other Tariff | £0 | | | |
| Public Open Space | £61,467 | 1,397 | | |
| 0 | £0 | | | |
| 0 | £0 | | | |
| 0 | £0 | | | |

Statutory 106 costs**£206,882**

4,702

Marketing (Open Market Housing ONLY)

| | | per OM unit |
|------------------------------------|------|----------------|
| Sales/letting Fees | 2.5% | £144,550 3,285 |
| Legal Fees (per Open Market unit): | £500 | £22,000 500 |

Marketing (Affordable Housing)

| | per affordable unit |
|--|---------------------|
| Developer cost of sale to RP (£) | £0 |
| RP purchase costs (£) | £0 |
| Intermediate Housing Sales and Marketing (£) | £0 |

Total Marketing Costs**£166,550****Total Direct Costs****£4,535,962****Finance and acquisition costs**

| | | | |
|---------------------------|----------|-----------------------|---------------------|
| Land Payment | £242,748 | 5,517 per OM home | 346,783 per hectare |
| Arrangement Fee | £0 | 0.0% of interest | |
| Misc Fees (Surveyors etc) | £0 | 0.00% of scheme value | |
| Agents Fees | £2,427 | | |
| Legal Fees | £1,821 | | |
| Stamp Duty | £1,855 | | |
| Total Interest Paid | £161,933 | | |

Total Finance and Acquisition Costs **£410,785**

Developer's return for risk and profit

Residential

| | | | |
|--|-------|----------|---------------------|
| Market Housing Return (inc OH) on Valu | 15.0% | £867,300 | 19,711 per OM unit |
| Affordable Housing Return on Cost | 0.0% | £0 | per affordable unit |
| Return on sale of Private Rent | 0.0% | £0 | #DIV/0! per PR unit |

Non-residential

| | | |
|---------------|----|----|
| Office | £0 | |
| Retail | £0 | |
| Industrial | £0 | |
| Leisure | £0 | |
| Community-use | £0 | £0 |

Total Operating Profit **£867,300**

(i.e. profit after deducting sales and site specific finance costs but before deducting developer overheads and taxation)

TOTAL COST **£5,814,047**

Surplus/(Deficit) at completion 15/2/2021 **£1**

Present Value of Surplus (Deficit) at 15/11/2018 **£0**

Scheme Investment MIRR **22.4%** (before Developer's returns and interest to avoid double counting returns)

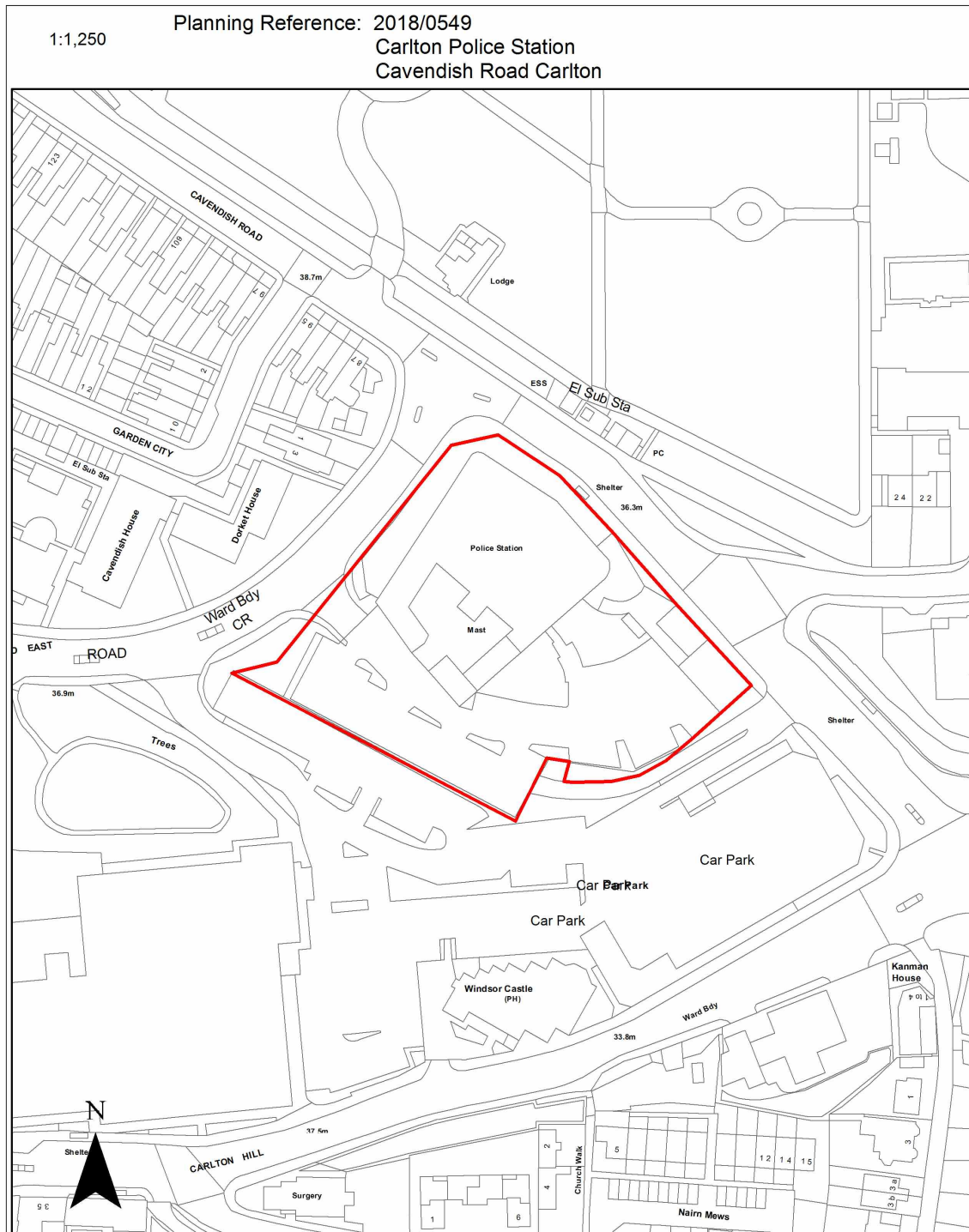
Site Value as a Percentage of Total Scheme Value 4.2% Peak Cash Requirement -£2,172,132

Site Value (PV) per hectare No area input per hectare No area input per acre

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Planning Report for 2018/0549



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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Serving People Improving Lives

Date: 22/10/2018

Report to Planning Committee

Application Number: 2018/0549

Location: Carlton Police Station Cavendish Road Carlton

Proposal: Conversion of former police station into 42 apartments including external alterations, erection of a three storey block of 24 apartments, erection of a three storey office block (B1 use) and reconfigured car parking.

Applicant: Tameway (Midlands) Ltd

Agent: Terry Malpass Associates Ltd

Case Officer: Graham Wraight

1.0 Site Description

- 1.1 The site is the former Carlton Police Station which is now vacant. The main building on the site is located on the corner of Foxhill Road East and Cavendish Road with frontages on to both roads. An extensive hard surfaced car parking area is located to the rear and side of the building.
- 1.2 The site shares boundaries to the south with the Tesco store and its associated car parking areas and to the north-east and north-west with the public highway. The surrounding area is characterised by a mixture of uses including retail, residential and commercial.
- 1.3 The site is located within the Carlton Square Local Centre and partially within Flood Risk Zones 2 and 3.

2.0 Relevant Planning History

- 2.1 There is no planning history relevant to this proposal.

3.0 Proposed Development

- 3.1 The proposed development consists of 3 main element which are as follows:
 - ☐ The conversion of the existing Police Station into 42 apartments which would include the insertion of new windows and the demolition of the existing external courtyard to the rear. All of the apartments would have one bedroom.

- ☐ The erection of a three storey 24 unit apartment block containing 6 two bed apartments and 18 one bed apartments.
 - ☐ The erection of a three storey office (B1 use) building providing a gross internal floorspace of approximately 246 square metres.
- 3.2 In total 90 car parking spaces would be provided on the site, 70 for the apartments and 20 for the office.
- 4.0 Consultations**
- 4.1 Nottinghamshire County Council Highways – no objection subject to conditions relating to dropped vehicular crossings and the surfacing of parking, turning and servicing areas.
- 4.2 Nottinghamshire County Council Planning Policy – request conditions relating to bat and bird boxes and archaeology and contributions towards bus stop improvements.
- 4.3 Lead Local Flood Authority – no objection.
- 4.4 Environment Agency – no objection subject to a condition relating to finished floor levels.
- 4.5 Severn Trent Water – no comments received.
- 4.6 NHS – requests a contribution of £21,357 towards healthcare provision.
- 4.7 Gedling Borough Council Strategic Housing – based on the proposed 66 dwellings, a minimum of 13 dwellings should be affordable (9 social/affordable rent and 4 for intermediate sale).
- 4.8 Gedling Borough Council Scientific Officer – no objection, requests conditions relating to contamination and air quality.
- 4.9 Gedling Borough Council Technical Environmental Health Officer – no comments received.
- 4.10 Gedling Borough Council Parks and Street Care – a contribution of £61,422.92 towards public open space provision will be required.
- 4.11 Gedling Borough Council Waste Services – no comments received.
- 4.12 Gedling Borough Council Economic Development – no objection, a local labour agreement is required.
- 4.13 A press notice was published, two site notices displayed and neighbour notification letters posted. One objection has been received on the following grounds:
- ☐ The trees at the front of the former Police Station building should be retained.

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 to be 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'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2018 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2018

Sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a sufficient supply of homes), 7 (Ensuring the vitality of town centres) 11 (Making effective use of land), 12 (Achieving well-designed places) and 14 (Meeting the challenge of climate change, flooding and coastal change) are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.

Policy 4: Employment Provision and Economic Development – sets out the criteria for delivering employment and economic development.

Policy 6: The Role of Town and Local Centres – sets out the criteria for ensuring that the vitality and viability of town and local centres is maintained and enhanced.

Policy 8: Housing Size, Mix and Choice – 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 19: Developer Contributions – set out the criteria for requiring planning obligations.

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 3: Managing Flood Risk – sets out the criteria that developments in areas at risk of flooding will need to meet.

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 – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 33: Residential Density – states that planning permission will not be granted for proposals of less than 30 dwellings per hectare unless there is convincing evidence of a need for a different figure.

LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 36: Affordable Housing – sets out that a 20% affordable housing provision will be required in Carlton but that a lower requirement may be justified provided there is sufficient evidence which takes account of all potential contributions from grant funding sources and a viability assessment has been undertaken by the Council which demonstrates this.

LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.

LPD 40: Housing Development on Unallocated Sites – sets out the criteria that new housing development should meet, including in relation to design, residential amenity and parking.

LPD 45: Employment Development on Unallocated Sites – sets out the criteria that new employment development should meet, including in relation to its location, highway safety and amenity.

LPD 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.

LPD 49: Retail Hierarchy and Town Centre Boundaries – sets out the hierarchy of town centres and local centres and confirms that Netherfield is a local centre.

LPD 50: Development within Town and Local Centres – sets out the criteria for assessing whether development is acceptable within town and local centre locations.

LPD 56: Protection of Community Facilities – sets out the criteria for permitting the loss of existing community facilities.

LPD 57: Parking Standards – sets out the requirements for parking.

LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

Other

Gedling Borough Council's Parking Provision for Residential Developments – Supplementary Planning Document 2012– sets out the car parking requirements for new residential development.

Open Space Provision SPG (2001) – sets out the open space requirements for new residential development.

Affordable Housing SPD (2009) – sets out the affordable housing requirements for new residential development.

7.0 Planning Considerations

Principle of the development

- 7.1 Following the adoption of the Local Planning Document the site is located within the Carlton Square Local Centre as defined by policy LPD 49 and the policies map. Offices fall within the definition of a main town centre use set out in Annex 2 of the National Planning Policy Framework 2018 however residential development does not, although paragraph 85 f) of the National Planning Policy Framework recognises that residential development often plays an important role in ensuring the vitality of centres and therefore should be encouraged on appropriate sites.
- 7.2 Local Planning Document Policy LPD 50 sets out additional criteria in relation to development proposals within local centres, as defined on the policies map. This includes a requirement that the percentage of other (non 'A' uses) does not exceed 10%. In relation to criteria (a) and (b) all elements of the proposal are categorised as 'other' for the purpose of the policy. As at 10th July 2018, 'other' uses in Carlton Square made up 24% of units, which means that the current proposal would be a departure from the development plan both in terms of the office and residential elements.
- 7.3 Whilst the proposal is a departure from the development plan, it is considered that there are mitigating factors in this instance. In particular, the large building on the site is a purpose built Police Station and does not lend itself to a use within any of the A class planning uses. Furthermore, the unbuilt areas of the site do not have a substantial area of road frontage and also do not lend themselves to retail use. The proposed would bring a derelict site back

into use and would introduce additional office and residential units into a sustainable location and in a proximity that could enhance the vitality and viability of the Carlton Square Local Centre. The proposal also does not result in the loss of any retail units and it is noted that Carlton Square had a vacancy level of 27% on 10th July 2018. For these reasons, it is not considered that the proposal would cause harm to the vitality or viability of the local centre.

- 7.4 The site represents previously developed land in an established urban area and is considered to be sustainably located in close proximity to amenities and public transport. The number of residential units proposed represents a density that far exceeds the requirements of Policy LPD (approximately 110 dwellings per hectare).
- 7.5 The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 6 and Local Planning Document Policy LPD 49. Whilst the proposal is a departure from Policy LPD 50, it is considered that it can be supported in this instance for the reasons outlined above.

Impact upon visual amenity

- 7.6 The proposed conversion of the former Police Station would require the insertion of a number of windows however the plans submitted demonstrate that this would be done in a way that would be sympathetic to the appearance of the existing building. There would be no extension to this existing building and the high walls which surround the external courtyard to the rear of the building would be removed. It is not considered that the proposed conversion of this building would cause harm to visual amenity.
- 7.7 The proposed apartment block would be 3 storey in height which is considered to be appropriate within the context of the surrounding area and the former Police Station building. The apartment block would be brick built with soldier coursing above and below the windows and a pitched roof. It is considered that this element of the proposal is of an acceptable design for this location and that it would not cause harm to visual amenity.
- 7.8 The proposed office block would also be 3 storey in height and again this is considered to be an acceptable scale. The office block would also be brick built with a pitched roof but would have larger expanses of glazing than the apartment block. It is considered that the design of this proposed building is acceptable for this location and that it would not cause harm to visual amenity.
- 7.9 The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10 and Local Planning Document Policies LPD 32 and 40.

Impact on residential amenity

- 7.10 The site shares boundaries with the public highway and a Tesco store. Due to the distance of the proposed development to the nearest residential dwellings it is not considered that there would be any adverse impact with massing, loss of light or overlooking.

- 7.11 The proposed re-use of the site for residential and office purposes would not give rise to any impact upon residential amenity, in particular in comparison to its previous use as a Police Station.
- 7.12 It is considered that the proposed apartments would provide an appropriate amount of internal space for future occupiers and whilst there is no amenity space provided on-site, the site is located in within a Local Centre and close to facilities and amenities.
- 7.13 The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10 and Local Planning Document Policies LPD 32, 40 and 45.

Highway matters

- 7.14 The apartments would be accessed from Foxhill Road East and the office would be accessed from Cavendish Road. 70 spaces would be provided for the 66 apartments and this meets with the Parking SPD. 20 spaces would be provided to serve the office building and whilst this is short of the number that the Highway Authority would normally require (29 spaces), they raise no objection due to the public transport links and the fact that Traffic Regulation Orders prevent indiscriminate parking.
- 7.15 The Highway Authority has requested conditions relating to dropped vehicular crossings and the surfacing of parking, turning and servicing areas. It is considered reasonable to impose planning conditions relating to these matters.
- 7.16 The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework and Local Planning Document Policies LPD 45, 57 and 61.

Flood Risk

- 7.17 The site is partially located within Flood Risk Zones 2 and 3 and a Flood Risk Assessment has been submitted. Consultation has been undertaken with the Environment Agency who raise no objection subject a planning condition relating to finished floor levels.
- 7.18 A sequential and exceptions test has also been submitted and it is considered that these adequately demonstrate that that there are no sequentially preferable sites on which the proposed new development could be located.
- 7.19 The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Policy 1 of the Aligned Core Strategy and Policy 3 of the Local Planning Document.

Planning obligations

- 7.20 Planning policies would require that the following planning obligations be met:

- Affordable Housing - based on the proposed 66 dwellings, a minimum of 13 dwellings should be affordable (9 social/ affordable rent and 4 for intermediate sale).
 - Public Open Space – £61,422.92.
 - Bus stop improvements – £7,500.
 - NHS – £21,357 towards the provision of healthcare provision
 - A Local Labour Agreement
- 7.21 The applicant has submitted a viability assessment which seeks to demonstrate that the development would not be viable if the planning obligations with respect to affordable housing, public open space, bus stop improvements and healthcare provision are met. This viability assessment has been independently appraised by the District Valuer Service who concur that the required obligations would render the proposed development as unviable.
- 7.22 The key matter for consideration in this regard is whether the development can be supported on this basis and whether such development could be considered to be sustainable development, the delivery of which is a key objective of national and local planning policies.
- 7.23 With respect to public open space, the National Planning Policy Framework states at paragraph 96 that:
Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 7.24 The National Planning Policy Framework states at paragraph 108c that:
*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 7.25 Policy 19 of the Aligned Core Strategy relates to Developer Contributions and Local Planning Document Policy LPD 21 refers specifically to open space requirements.
- 7.26 Local Planning Document Policy 36 states that a lower affordable housing requirement may be justified provided there is sufficient evidence which takes account of all potential contributions from grant funding sources and a viability assessment has been undertaken by the Council which demonstrates this. Gedling Borough Council Affordable Housing SPD sets out the requirements for negotiations on the content of s106 agreements in respect of affordable housing with input from Housing Strategy and Development Management.
- 7.27 If the proposed development was to proceed as submitted then it would do so without making provision for the required affordable housing, healthcare provision, bus stop improvements or the required public open space provision.
- 7.28 The National Planning Policy states at paragraph 57:
Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and

any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

- 7.29 Gedling Borough Council's Local Planning Document was adopted on 18th July 2018 and Nottinghamshire County Council's Planning Obligations Strategy on 12th September 2018. Accordingly, both documents and the policies contained within them are considered to be up to date. The question for consideration is therefore whether the development can proceed without each of the required contributions and whether if the development did take place it would constitute sustainable or unsustainable development.
- 7.30 In this instance, it is accepted that affordable housing would make the development unviable and therefore that it would be unreasonable to insist on its inclusion, given the reference to this matter in local planning policy LPD 36. With regard to public open space, given that the development consists solely of apartments and is located within an area that has good access to existing leisure facilities, including Carlton Forum Leisure Centre and the Richard Herrod Leisure Centre, it is not considered that the exclusion of the public open space contribution should render the development as unacceptable given that the payment renders the scheme unviable. The site is located within an established urban centre and benefits from good transport links and the bus stop improvements referred to appear to be at Carlton Square and not directly next to the site, therefore the sum requested is not considered to be essential to allow the development to proceed. Finally, the sum towards healthcare provision is intended to be split across four practices, and it is considered that the development can reasonably proceed in its absence. In particular, given the nominal amount provided to each practice (approximately £5,500), this is unlikely to generate extra capacity to serve residents of the proposed development.
- 7.31 The development may however become viable in future years and therefore it is considered that a Section 106 Planning Obligation is required to be entered into to allow for a review at an appropriate time. The Section 106 would also secure the Local Labour Agreement required by LPD Policy 48.

Other matters

- 7.32 An objection has been received on the grounds that the trees to the front of the former Police Station building should be retained and that they should be subject to protection by a Tree Preservation Order. However, these trees are of substantial size and appear to have greatly outgrown the space available between the building and the public highway. As a result when in leaf they overshadow the windows on the frontage of the building to the extent that their retention in their current form would result in an impact on the level of amenity within the proposed apartments.
- 7.33 To overcome this concern, the agent has advised that is intended to appoint a local arboriculturalist to pollard the existing mature trees on the main frontage and thereafter the building management company will undertake all future maintenance to ensure that further foliage growth does not compromise apartment daylight factors. This proposal is considered to be reasonable in

terms of maintaining the trees and ensuring that adequate amenity levels are provided to the occupiers of the proposed apartments.

8.0 Conclusion

- 8.1 The proposed development would not cause harm to the vitality and viability of the Carlton Square local centre, would be of an acceptable design and appearance, would not cause undue harm to residential amenity, would not be detrimental to the surrounding highway network or highway safety and would be acceptable in flood risk terms.
- 8.2 The proposal would not be viable if the required planning obligations are provided however, in the overall planning balance it is considered that this is outweighed by the fact that the development would bring a vacant site in a prominent location back into use, that it would provide residential and office accommodation in a sustainable location and that it would contribute to the Council's 5 year housing land supply.
- 8.3 The proposal would therefore meet with the objectives of the National Planning Policy Framework 2018, the Aligned Core Strategy Policies A, 1, 2, 4, 6, 10 and 19 and Local Planning Document Policies LPD 3, 11, 32, 33, 35, 37, 40, 45, 48, 49, 50, 56, 57 and 61.

RECOMMENDATION – Grant Planning Permission: Subject to the applicant entering into a Section 106 Agreement with the Borough Council as Local Planning Authority to allow a review of the planning obligations required at an appropriate time and to secure a local labour agreement and the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the following plans: TMA 18-07-01, TMA 18-07 09, TMA 18-07 11, TMA 18-07 12, TMA 18-07 13 and TMA 18-07 14 received on 4th June 2018, TMA 18-07 15A received on 20th August 2018 and TMA 18-07 06A, TMA 18-07 07A, TMA 18-07 08A and TMA 18-07 16 received on 19th November 2018. The development shall thereafter be undertaken in accordance with these plans.
- 3 Prior to the first occupation of the buildings hereby approved there shall be submitted to and approved by the Local Planning Authority a landscape plan of the site showing the position, type and planting size of all trees, hedges, shrubs or seeded areas proposed to be planted. The approved landscape plan shall be carried out in the first planting season following the first

occupation of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Local Planning Authority.

- 4 The new windows and doors and to be inserted into the elevations of the existing building (former Police Station) shall be of the same appearance, colour and materials as the existing doors and windows in the building.
- 5 Prior to the demolition of the enclosed yard to the rear of the existing building (former Police Station), or any other timescale agreed in writing with the Local Planning Authority, details of the proposed finish of the exposed walls shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such in perpetuity.
- 6 The development shall be carried out in accordance with the submitted flood risk assessment (compiled by SCC Consulting Engineering dated August 2018) and the following mitigation measures it details:
 - o Finished floor levels for the apartment building shall be set no lower than 37.0m above Ordnance Datum (AOD).
 - o Finished floor levels for the office building shall be set no lower than 36.3m AOD.
- 7 No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossings/accesses to serve the approved accesses are available for use and constructed in accordance with the Highway Authority specification.
- 8 No part of the development hereby permitted shall be brought into use until the existing site accesses that have been made redundant as a consequence of this permission are permanently closed and the access crossing reinstated as footway and kerbs brought up to full height kerbs.
- 9 No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number TMA 18-07 09. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
- 10 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with: Site Characterisation An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it

originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme. Where required following the site characterisation assessment, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority

- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements set out in Condition 10 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 12 Prior to commencement of an external works, details of Electric Vehicle charging points to be provided within the site, to include their location and specification 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 prior to the first occupation of the development.
- 13 No above ground construction works shall commence until details of bat and bird boxes to be incorporated within the fabric of the buildings and/or within the site have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be provided prior to the first occupation of the development hereby approved.
- 14 a) No external development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved in writing by the Local Planning Authority, and until all pre-start elements of the approved scheme have been completed to the satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
 - i) The programme and methodology of site investigation and recording
 - ii) The programme for post investigation assessment
 - iii) Provision to be made for analysis of the site investigation and recording

- iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- v) Provision to be made for the archive deposition of the analysis and records of the site investigation
- vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- b) The development shall not take place other than in accordance with the Written Scheme of Investigation for archaeological work approved under part a)
- c) The new buildings shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation for archaeological work approved under part a) and the provision to be made for analysis, publication and dissemination of results has been secured.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and to define the terms of this permission.
- 3 In the interests of visual amenity.
- 4 In the interests of visual amenity.
- 5 In the interests of visual amenity.
- 6 To reduce the risk of flooding to the proposed development and future occupants.
- 7 In the interests of Highway safety.
- 8 In the interests of Highway safety.
- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 10 To ensure that land contamination matters are fully addressed.
- 11 To ensure that land contamination matters are fully addressed.
- 12 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 policy LPD11 of the Councils Local Plan.
- 13 In the interests of enhancing ecological provision on the site.

Reasons for Decision

The proposed development would not cause harm to the vitality and viability of the Carlton Square local centre, would be of an acceptable design and appearance, would not cause undue harm to residential amenity, would not be detrimental to the surrounding highway network or highway safety and would be acceptable in flood risk terms. The proposal would not be viable if the required planning obligations are provided however, in the overall planning balance it is considered that this is outweighed by the fact that the development would bring a vacant site in a prominent location back into use, that it would provide residential and office accommodation in a sustainable location and that it would contribute to the Council's 5 year housing land supply. The proposal would therefore meet with the objectives of the National Planning Policy Framework 2018, the Aligned Core Strategy Policies A, 1, 2, 4, 6, 10 and 19 and Local Planning Document Policies LPD 3, 11, 32, 33, 35, 37, 40, 45, 48, 49, 50, 56, 57 and 61.

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Valuation Office Agency
2 Broadway
Broad Street
Birmingham
B15 1BG

[REDACTED]
Planning Department
Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
NOTTINGHAM NG5 6LU

Our Reference : JAS/ 1691123
Your Reference : 2018/0549

[REDACTED]
Date : 23 November 2018

Confidential
[REDACTED]

**Review of Development Viability Appraisal
Proposed Redevelopment at the former Carlton Police Station,
Cavendish Road, Carlton, Nottingham**

I refer to your instructions set out in your email letter of the 7 September 2018 requesting my professional advice in relation to the proposed mixed use residential and office development scheme as described below. I have now considered the matter and I am pleased to report as follows:

Instructions

I have been asked to consider the financial appraisal submitted by AMK Planning, in connection with the submitted planning application for the proposed mixed use residential and office development scheme comprising of 53 x (open market), 9 x (affordable/affordable rent tenure) and 4 x (affordable/shared ownership tenure) housing units.

My understanding of your instructions is to have regard to the viability of the proposed mixed use residential and office development scheme taking into consideration the proposed Section 106 costs as follows:

| | |
|--------------------------------|--------------------------|
| Public Open Space Contribution | £61,422.92 |
| Bus Stop Improvement | £ 7,500.00 |
| Health Care Provision | £21,357.00 |
| Total: | <u>£90,279.92</u> |

**Situation/
Location**

The subject land is located in a mixed established residential and commercial area fronting Foxhill Road East and Cavendish Road, Carlton adjacent to a Tesco supermarket and Army Reserve Centre.

There are services available in the immediate surrounding area with a wider range of services and facilities available in Nottingham City Centre.

The subject property comprises of a detached part two and three building which appears to be of modern construction with brick and reconstituted stone elevations incorporating aluminium powder coated double glazed windows and doors beneath pitch and hipped slate tile and lead roof coverings.

Externally there are enclosed side and rear areas providing car parking, turning and storage areas over tarmacadam surfaces.

Boundaries are by way of brick walling and steel fencing

| | |
|--|--|
| Inspection | The subject land was inspected on the 16 November 2018 on an external site inspection basis only. |
| Nature of Interest | It is assumed that the subject land is held freehold with vacant possession being available. |
| Easements, Rights of Way and Restrictions affecting Value | I have not been made aware of any easements, restrictions, outgoings or charges adversely affecting the subject parcel of land. I have assumed no ransoms. |
| Planning | I understand that a detailed planning application (Reference No: 2018/0549) for the conversion of the former police station into 42 x apartments including external alterations, erection of a three storey block of 24 x apartments, erection of a three storey office block (B1 use) and reconfigured car parking has been submitted but not yet granted as at the date of this report. |
| Floor Areas | I have been provided with the following Gross Internal Floor areas by the planning applicant's agent (based on architect's plans) and I have made the Special Assumption that the floor areas of the residential units have been calculated in accordance with the RICS Professional Statement 'RICS Property Measurement' (2 nd Edition) and, where relevant, the RICS Code of Measuring Practice (6 th Edition). In accordance with the Council's instructions, I have made Special Assumptions regarding the affordable housing tenure split, as stated below. |

Open Market Housing

| Type/ Description | No of Units | Sq M | Sq Ft | Total Sq M | Total Sq Ft |
|-------------------------|-------------------|---------|----------|------------------|-------------------|
| 1 bed flat (G1, F1, S1) | 3 | 51 | 449 | 153 | 1,647 |
| 1 bed flat (G2, F2, S2) | 3 | 56 | 603 | 168 | 1,809 |
| 1 bed flat (G3, F3, S3) | 3 | 47 | 506 | 141 | 1,518 |
| 1 bed flat (G4, F4, S4) | 3 | 45 | 484 | 135 | 1,452 |

| Type/ Description | No of Units | Sq M | Sq Ft | Total Sq M | Total Sq Ft |
|---------------------------------|-------------------|---------|----------|------------------|-------------------|
| 1 bed flat (G5, F5, S5) | 3 | 56 | 603 | 168 | 1,809 |
| 1 bed flat (G6, F6, S6, F16) | 4 | 48 | 517 | 192 | 2,068 |
| 1 bed flat (G7, F7) | 2 | 47 | 506 | 94 | 1,012 |
| 1 bed flat (G8, F8) | 2 | 50 | 538 | 100 | 1,076 |
| 1 bed flat (G9) | 1 | 62 | 667 | 62 | 667 |
| 1 bed flat (G10) | 1 | 48 | 517 | 48 | 517 |
| 1 bed flat (G11, F11) | 2 | 66 | 710 | 132 | 1,420 |
| 1 bed flat (G12, F12, S9) | 3 | 56 | 603 | 168 | 1,809 |
| 1 bed flat (G13, F13, S8) | 3 | 49 | 527 | 147 | 1,581 |
| 1 bed flat (G14, F14, S7) | 3 | 55 | 592 | 165 | 1,776 |
| 1 bed flat (G15, F15) | 2 | 47 | 506 | 94 | 1,012 |
| 1 bed flat (G16) | 1 | 42 | 452 | 42 | 452 |
| 1-bed flat (F9) | 1 | 44 | 474 | 44 | 474 |
| 1 bed flat (F10) | 1 | 53 | 570 | 53 | 570 |
| 1 bed flat (S10) | 1 | 62 | 667 | 62 | 667 |
| 2 bed flat (G4, 8) New Build | 2 | 62 | 667 | 124 | 1,334 |
| 1 bed flat (G7) New Build | 1 | 42 | 452 | 42 | 452 |
| 2 bed flat (F4, 8) New Build | 2 | 62 | 667 | 124 | 1,334 |
| 1-bed flat (F5, 7) New Build | 2 | 42 | 452 | 84 | 904 |
| 2 bed flat (S4, 8) New Build | 2 | 62 | 667 | 124 | 1,334 |
| 1 bed flat (S5, 7) New Build | 2 | 42 | 452 | 84 | 904 |

Affordable Housing Rented Tenure

| Type/ Description | No of Units | Sq M | Sq Ft | Total Sq M | Total Sq Ft |
|--|-------------------|---------|----------|------------------|-------------------|
| 1 bed flat (G6) New Build | 1 | 40 | 431 | 40 | 431 |
| 1 bed flat (F1, 2, 3, 6) New Build | 4 | 40 | 431 | 1,724 | 1,724 |
| 1 bed flat (S1, 2, 3, 6) New Build | 4 | 40 | 431 | 1,724 | 1,724 |

Affordable Housing/Shared Ownership Tenure

| Type/ Description | No of Units | Sq M | Sq Ft | Total Sq M | Total Sq Ft |
|------------------------------------|-------------------|---------|----------|---------------------|----------------------|
| 1 bed flat (G1, 2, 3) New Build | 3 | 40 | 431 | 120 | 1,293 |
| 1 bed flat (G5) New Build | 1 | 42 | 452 | 42 | 452 |
| Total | <u>66</u> | | | <u>6,400</u> | <u>35,222</u> |

Section 106 Requirements

I understand the following Section 106 contributions are required by Gedling Borough Council:

| | |
|--------------------------------|------------|
| Public Open Space Contribution | £61,422.92 |
| Bus Stop Improvement | £ 7,500.00 |
| Health Care Provision | £21,357.00 |

Total: **£90,279.92**

Site Area

The following approximate land area has been confirmed by the planning applicant's agent and I understand is calculated on a gross site area basis:

| Acres | Hectares |
|-------|----------|
| 1.66 | 0.67 |

Mineral Stability

The property is situated in an underground mining area and in view of the possibility of mine workings and the increased risk of damage from underground mining subsidence, it is recommended in our Standard Terms of Business (a copy of which has been supplied) that a report is obtained from the Agency's Mineral Valuer. However, as you have not requested such a report you are deemed to have instructed the Agency to assume in arriving at its viability assessment:

- (1) that the property valued is not at the date of viability assessment affected by any mining subsidence and will not be so affected in the future; and
- (2) that the site is stable and will not occasion any extraordinary costs with regard to Mining Subsidence.

You hereby accept that the Board of HM Revenue & Customs for and on behalf of the Agency and its employees cannot, in these circumstances, provide any warranty, representation or assurance whatsoever to you or any third party as to the mineral stability or otherwise of the subject property being assessed and you hereby agree to waive any claim which you might otherwise have had against the Board, the Agency or any of their employees for negligence or breach of contract arising from any loss or damage suffered as a result of the fact that the Agency's viability assessment on your specific instructions, is to take no account of any matters which might reasonably be expected to have been disclosed by an Underground Mining Subsidence Report.

| | |
|--|---|
| Flooding | I have made the Special Assumption that the subject land is unaffected by flooding. |
| Contamination | I have made the Special Assumption that the subject land is unaffected by contamination. |
| Archaeology | I have made the Special Assumption that the subject land is unaffected by archaeological remains. |
| Ecology | I have made the Special Assumption that the subject land is unaffected by any ecological matters. |
| Comments regarding AMK Planning Development Appraisal | <p>Gross Development Value</p> <p>I am broadly in agreement with the adopted Capital Values for the individual units making up the Gross Development Value, excluding the 2 bed residential flats.</p> |

Please see my comments below.

The planning applicant's agent has also made no allowances in their development appraisal for the ground rent income to be received from the residential flats.

Construction Costs

The adopted construction costs of £107.51 per Sq Ft / £1,157.23 per Sq M seem reasonable as assessed by a Valuation Office Agency internal quantity surveyor.

These costs are in addition to the abnormal costs.

Abnormal/Development Costs

The planning applicant's agent has confirmed the following abnormal and development costs will be incurred as follows:

| | |
|---------------------------------|-----------------|
| Police Phone Mast Removal | £ 10,000 |
| Ground Remediation | £ 75,000 |
| Structural Alterations | £ 80,000 |
| Flood Risk Alleviation Measures | £ 85,000 |
| Demolition and Site Clearance | £ 60,000 |
| Total: | £310,000 |

These abnormal costs have been assessed as being reasonable by a Valuation Office Agency internal quantity surveyor.

Professional Fees

The allowance for professional fees at 8% of construction costs at £394,960 seem a little high.

Finance Costs/Development Program

The planning applicant's agent has confirmed the total development construction period of approximately 39 months / 3.25 years.

The adopted finance cost at 5% which I understand is inclusive of bank arrangement costs and bank monitoring seems reasonable as at the date of this report.

Sales and Marketing Costs

The residential sale and marketing fees at £3,087 per unit ($\text{£163,600} / 53 = \text{£3,087}$ per unit) seem reasonable as at the date of this report, taking into consideration the current economic climate and property market.

Developer's Profit

An allowance for developer's profit based on 20% (open market) and 6% (affordable) of the gross development value has been adopted. This is in line with market allowances as at the date of this report based on the proposed mixed use office and residential development scheme.

Please see my comments below.

DVS Development Appraisal

Gross Development Value

I have produced a residual development appraisal for the proposed mixed residential and office development scheme, based on the scheme details and information provided by the planning applicant, and calculate a total Gross Development Value of £8,536,375, (comprising £7,633,250 + £903,125) exclusive of any incentives that may/may not be required.

I have also taken into account a ground rent of £125 per annum for the one bed flats and £150 per annum for the 2 bed flats which provides an annual income stream of £8,400 per annum. This income has been capitalised adopting a Year's Purchase of 6%.

Construction Costs

I have also taken into account construction costs of £107.51 per Sq Ft / £1,157.23 per Sq M inclusive of externals, having regard to the RICS BCIS Quarter 4 2018 Costs as assessed by a Valuation Office Agency internal quantity surveyor.

A construction contingency of 3% has been adopted.

It should be noted that the planning applicant's agent has not provided any detailed information relating to fixtures and fittings, level of specification and design of the proposed residential flats.

Accordingly, I have made Special Assumptions regarding these points, which may have to be revised as and when more detailed information is provided.

Abnormal/Development Costs

The planning applicant's agents have confirmed the following abnormal and development costs in developing this site which a Valuation Office Agency internal quantity surveyor has assessed as being reasonable as follows:

| | |
|---------------------------------|----------|
| Police Phone Mast Removal | £ 10,000 |
| Ground Remediation | £ 75,000 |
| Structural Alterations | £ 80,000 |
| Flood Risk Alleviation Measures | £ 85,000 |
| Demolition and Site Clearance | £ 60,000 |

Total: **£310,000**

Sales and Marketing Costs

I have also made the following open market flat allowances:

| | |
|-----------------------------------|-----------------|
| Legal Fees: | £ 26,500 |
| Promotion/Marketing/Agent's Fees: | <u>£174,125</u> |

Total **£200,625**

I have also made allowances for the notional costs that a developer would incur for the sale of the affordable housing units to a Registered Social Landlord.

In relation to the proposed office development scheme I have also made allowances for marketing costs @ £10,000, letting agents fees @ £7,225, letting legal fees @ £7,225, sales agents @ £13,547, and sales legal fees @ £12,500.

Professional Fees

I have also adopted an allowance for professional fee at 7% of construction costs equating to £407,624.

Finance Costs/Development Program

I have adopted a total development period of approximately 33 months /2.75 years based on the proposed development scheme and the information provided by the planning applicant's agent.

Finance costs of 5% inclusive of bank arrangement costs and bank monitoring have been adopted which, in my opinion reflecting current market conditions, is not unreasonable.

I have made the Special Assumption that the proposed S106 costs would be payable over the construction programme.

Developer's Profit

An allowance for developer's profit based on 17.50% (open market), 6% (affordable), and 15% (office) of the gross development value has been adopted which equates to a total sum of £1,393,990. In my opinion, this is not unreasonable based on the proposed mixed use residential and office development scheme in the current market.

Land Acquisition Fees

I have also made land acquisition allowances for agent's fees and legal fees at 1.75%.

Site Value/Benchmark Land Value

I have assessed the Site Value/Benchmark Land Value by having regard to the previous uses of the existing police/office building. I am aware that the existing building provides a total GIA of 3,386 Sq M / 36,447 Sq Ft.

To arrive at a NIA to adopt in my valuation calculations I have made a deduction of 15% from the GIA to arrive at a NIA of 2,709 sq m / 29,158 sq ft. I have assessed the Market Rent of the existing building at £235,000 and have capitalised this at a year's purchase of 11%. I have also taken into account a premium of 10%.

I have assessed the Site Value/Benchmark Land Value at £2,090,000 for benchmarking purposes.

Residual Land Value

The residual land value based on the 66 x residential flat proposed mixed use development scheme is - (negative) £114,565 (excluding SDLT) and, based on an approximate gross site area of 1.66 acres / 0.67 hectares, equates to - £69,015 per acre / - £170,993 per hectare.

Conclusion

Accordingly, my opinion of the proposed mixed use residential and office development scheme is that it is not viable as at the date of this report taking into account the Site Value/Benchmark land Value

Date of Viability Assessment

The date of assessment is 23 November 2018.

Comments

The subject parcel of land is located in an established commercial and residential area.

Gedling Borough Council should be aware that we have been provided with a number of abnormal and development costs by the planning applicant.

It should be noted that some of these abnormal and development costs are based on estimates and could change.

Accordingly, the local authority is strongly advised to monitor the costs, as cost savings could be made, which could help achieve a viable development scheme.

It should be noted that some of the proposed one bed residential flats are the same size and or larger than the proposed two bed residential flats. Accordingly whilst I have adopted sales values reflecting one bed flats the Council should be aware that if the relevant flats were to change to two bed flats, the matter should be referred back to me for further consideration.

The assessment has been made by comparing the residual land value of the proposed mixed use development scheme with an appropriate benchmark figure having regard to the National Planning Policy Framework and the published RICS Guidance Note Financial Viability in Planning.

The government announced in late 2017 that they would crackdown on unfair leasehold practices in respect of ground rents. However since no legislation has been enacted the policy of DVS is to include ground rents at this stage. If this changes it could affect this assessment.

I have not made any allowances for Homes England grant funding for the affordable housing provision. If grant funding were to be obtained by the developer, then the Council should be aware that the development scheme should be reassessed.

It should be noted that no detailed mixed use development scheme details have been provided, and my assessment is based on the proposed site plan and floor areas provided by the planning applicant. If the scheme details were to change, or the S106 contributions, the development scheme should be reappraised.

This viability assessment should be reassessed if and when a revised planning application is made regarding the detailed design/layout of the proposed units.

As agreed with Gedling Borough Council, I have made various Special Assumptions as stated. If any of the Special Assumptions stated are incorrect or change, this may materially affect the Residual Land Value reported. Accordingly, the viability assessment should be referred back to me for further consideration.

This viability assessment has been carried out in a period where residential flat property values have fallen and where there are consequential effects on development viability.

It is likely that the current market conditions/downturn in the residential/commercial property market/economy will change over a reasonable period of time, and I would recommend that this assessment should be reviewed, if any planning consent has not been substantially commenced within one year of being granted, or if the development was to be constructed in phases.

The local authority is advised that a review mechanism or overage provision should be applied.

At the present time, the planning applicant appears willing to proceed with the proposed development scheme, obviously subject to the Section 106 contributions.

Whilst I cannot provide any professional advice to the planning applicant, it is ultimately up to them to decide how they wish to proceed in this matter.

I have had regard to comparable evidence in the surrounding Carlton/Nottingham area. The transactions have been considered adjusting for date, state of the market and location.

Validity

This report remains valid for 3 (three) months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

Restrictions on Disclosure and Publication

The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

Limits or Exclusions of Liability

The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers. No responsibility whatsoever is accepted to any Third Party who may seek to rely on the content of the report unless previously agreed.

Confirmation of Standards

The viability assessment has been prepared in accordance with the Royal Institution of Chartered Surveyors (RICS) Valuation - Professional Standards 2014 UK Edition, commonly known as the Red Book.

Compliance with the RICS professional standards and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS).

If agreed departures from these Standards have been required in accordance with any instruction received from you, these will be specifically identified and detailed in this report.

Conflict of Interest

Checks have been undertaken in accordance with the requirements of the RICS standards and have revealed no conflict of interest.

Disclosure of Material Assistance

The assembly of the comparable evidence in this case was undertaken by Farhan Hassan, although I undertook the analysis of the comparable evidence and assessed the opinion of value. I was responsible for the supervision of the task throughout.

Status of Valuer

It is confirmed that the viability assessment has been carried out by Jeffrey Solomon, an RICS Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective and unbiased viability assessment.

Exempt Information

You may wish to consider whether this report contains Exempt Information within the terms of Paragraph 9 of Schedule 12A to the Local Government Act 1972 (Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985) as amended by the Local Government (Access to Information) (Variation) Order 2006.

I trust the above will enable you to proceed but should you require anything further, please do not hesitate to contact this office.



Principal Surveyor
RICS Registered Valuer
DVS

Encs: Site Location Plan;
DVS Residual Development Appraisal.

APPRAISAL SUMMARY

LICENSED COPY

Proposed Development at the Former Carlton Police Station Cavendish Road, Carlton, Nottinghamshire

Summary Appraisal for Phase 1

Currency in £

REVENUE

| Sales Valuation | Units | ft² | Sales Rate ft² | Unit Price | Gross Sales |
|------------------------------------|-----------|---------------|----------------|------------|------------------|
| 1 bed flat (G1,F1,S1) | 3 | 1,647 | 232.24 | 127,500 | 382,500 |
| 1 bed flat (G2,F2,S2) (O/S) | 3 | 1,809 | 232.17 | 140,000 | 420,000 |
| 1 bed flat (G3,F3,S3) | 3 | 1,518 | 232.21 | 117,500 | 352,500 |
| 1 bed flat (G4,F4,S4) | 3 | 1,452 | 232.44 | 112,500 | 337,500 |
| 1 bed flat (G5,F5,S5) | 3 | 1,809 | 232.17 | 140,000 | 420,000 |
| 1 bed flat (G6,F6,S6,F16) | 4 | 2,068 | 232.11 | 120,000 | 480,000 |
| 1 bed flat (G7,F7) (O/S) | 2 | 1,012 | 232.21 | 117,500 | 235,000 |
| 1 bed flat (G8,F8) | 2 | 1,076 | 232.34 | 125,000 | 250,000 |
| 1 bed flat (G9) | 1 | 667 | 232.38 | 155,000 | 155,000 |
| 1 bed flat (G10) | 1 | 517 | 232.11 | 120,000 | 120,000 |
| 1 bed flat (G11,F11) | 2 | 1,420 | 232.39 | 165,000 | 330,000 |
| 1 bed flat (G12,F12,S9) | 3 | 1,809 | 232.17 | 140,000 | 420,000 |
| 1 bed flat (G13,F13,S8) | 3 | 1,581 | 232.45 | 122,500 | 367,500 |
| 1 bed flat (G14,F14,S7) | 3 | 1,776 | 232.26 | 137,500 | 412,500 |
| 1 bed flat (G15,F15) | 2 | 1,012 | 232.21 | 117,500 | 235,000 |
| 1 bed flat (G16) | 1 | 452 | 232.30 | 105,000 | 105,000 |
| 1 bed flat (F9) | 1 | 474 | 232.07 | 110,000 | 110,000 |
| 1 bed flat (F10) | 1 | 570 | 232.46 | 132,500 | 132,500 |
| 1 bed flat (S10) | 1 | 667 | 232.38 | 155,000 | 155,000 |
| 2 bed flat (G4,8) Newbuild (O/S) | 2 | 1,334 | 254.87 | 170,000 | 340,000 |
| 1 bed flat (G7) Newbuild | 1 | 452 | 232.30 | 105,000 | 105,000 |
| 2 bed flat (F4,8) Newbuild | 2 | 1,334 | 254.87 | 170,000 | 340,000 |
| 1 bed flat (F5,7) Newbuild | 2 | 904 | 232.30 | 105,000 | 210,000 |
| 2 bed flat (S4,8) Newbuild | 2 | 1,334 | 254.87 | 170,000 | 340,000 |
| 1 bed flat (S5,7) Newbuild | 2 | 904 | 232.30 | 105,000 | 210,000 |
| 1 bed flat (G6) Newbuild A/R | 1 | 431 | 104.41 | 45,000 | 45,000 |
| 1 bed flat (F1,2,3,6) Newbuild A/R | 4 | 1,724 | 104.41 | 45,000 | 180,000 |
| 1 bed flat (S1,2,3,6) Newbuild A/R | 4 | 1,724 | 104.41 | 45,000 | 180,000 |
| 1 bed flat (G1,2,3) Newbuild S/O | 3 | 1,293 | 150.81 | 65,000 | 195,000 |
| 1 bed flat (G5) Newbuild S/O | 1 | 452 | 151.00 | 68,250 | 68,250 |
| Totals | 66 | 35,222 | | | 7,633,250 |

Rental Area Summary

| | Units | ft² | Rent Rate ft² | Initial MRV/Unit | Net Rent at Sale | Initial MRV |
|-------------------|-------|-------|---------------|------------------|------------------|-------------|
| New Build Offices | 1 | 5,780 | 12.50 | 72,250 | 72,250 | 72,250 |

Investment Valuation

| | | | | | | |
|--------------------------|--------|------|---------|---------|---------|--|
| New Build Offices | | | | | | |
| Current Rent | 72,250 | YP @ | 8.0000% | 12.5000 | 903,125 | |

GROSS DEVELOPMENT VALUE **8,536,375**

| | |
|----------------------------------|----------|
| Purchaser's Costs | (47,938) |
| Effective Purchaser's Costs Rate | 1.75% |

NET DEVELOPMENT VALUE **8,488,437**

Additional Revenue

| | |
|--------------|---------|
| Ground Rents | 137,550 |
| | 137,550 |

NET REALISATION **8,625,987**

OUTLAY

ACQUISITION COSTS

| | |
|------------------------------------|-----------|
| Residualised Price (Negative land) | (114,565) |
| | (114,565) |

CONSTRUCTION COSTS

| | | |
|-----------------------|-------|-----------|
| Contingency | 3.00% | 174,696 |
| Abnormal Costs | | 310,000 |
| Construction Costs | | 5,823,200 |
| Healthcare Provision | | 21,357 |
| Bus Stop Improvements | | 7,500 |

APPRAISAL SUMMARY**LICENSED COPY****Proposed Development at the Former Carlton Police Station
Cavendish Road, Carlton, Nottinghamshire**

| | | | |
|---|------------------|---------|------------------|
| Public Open Space Contribution | | 61,422 | |
| | | | 6,398,175 |
| PROFESSIONAL FEES | | | |
| Professional Fees | 7.00% | 407,624 | |
| | | | 407,624 |
| MARKETING & LETTING | | | |
| Office Marketing | | 10,000 | |
| Marketing | 1.00% | 69,650 | |
| Letting Agent Fee | 10.00% | 7,225 | |
| Letting Legal Fee | 10.00% | 7,225 | |
| | | | 94,100 |
| DISPOSAL FEES | | | |
| Office Sales Agent Fee | 1.50% | 13,547 | |
| Sales Agent Fee | 1.50% | 104,475 | |
| Office Sales Legal Fee | | 12,500 | |
| Sales Legal Fee | 66 un 500.00 /un | 33,000 | |
| | | | 163,522 |
| FINANCE | | | |
| Debit Rate 5.000%, Credit Rate 1.500% (Nominal) | | | |
| Land | | (5,790) | |
| Construction | | 149,862 | |
| Other | | 139,069 | |
| Total Finance Cost | | | 283,141 |
| TOTAL COSTS | | | 7,231,997 |
| PROFIT | | | 1,393,990 |

Performance Measures

| | |
|-------------------------------------|---------------|
| Profit on Cost% | 19.28% |
| Profit on GDV% | 16.33% |
| Profit on NDV% | 16.42% |
| Development Yield% (on Rent) | 1.00% |
| Equivalent Yield% (Nominal) | 8.00% |
| Equivalent Yield% (True) | 8.42% |
| IRR | 23.60% |
| Rent Cover | 19 yrs 4 mths |
| Profit Erosion (finance rate 5.000) | 3 yrs 7 mths |



Planning Report for 2018/0861



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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Serving People Improving Lives

Date: 20/11/2018

Report to Planning Committee

Application Number: 2018/0861

Location: 42 Chartwell Grove Mapperley

Proposal: Erection of a single storey rear extension garden room and retrospective permission for the erection of additional fence panels to front.

Applicant: [REDACTED]

Agent:

Case Officer: Lewis Widdowson

This application has been referred to Planning Committee by the Planning Delegation Panel to allow Members to consider the impact of the fence panels on visual and residential amenity.

1.0 Site Description

- 1.1 42 Chartwell Grove is a detached dwelling situated within the established urban area of Mapperley. The dwelling is set on a large plot of land at the end of the cul-de-sac with neighbouring properties to the east and west and Gedling Country Park to the southeast.
- 1.2 The dwelling is a large brick built property with garden areas to the front and rear. The property has an area of hardstanding to the front which, along with a double integral garage, provides off street parking for a minimum of three vehicles.
- 1.3 The shared boundaries to the rear of the site are delineated by wooden panel and concrete post fencing approx. 1.8 metres in height. The fence, subject to this application, has been continued along the shared boundary to the front of the site between 42 Chartwell Grove and 44 Chartwell Grove.

2.0 Relevant Planning History

- 2.1 On the 7th February 1996 Conditional Permission was granted for "Residential Development of 13 Houses & Garages". Application Reference 95/1495. Condition 15 of this permission states that "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order), no development shall be carried out which comes within Parts 1 and 2 (except Class C,H (Part

1) and Class C (Part 2) of the second schedule to this Order without the prior permission of the Borough Council as local planning authority”.

- 2.2 On the 24th April 2001 Conditional Permission was granted for a “Conservatory extension to rear of property”. Application Reference 2001/0324.

3.0 Proposed Development

- 3.1 The application seeks Planning Permission for the erection of a single storey extension to the rear of the dwelling, and the retention of a 1.8 metre high timber panel fence with concrete posts to the front boundary.
- 3.2 The proposed extension would extend approx. 4.2 metres beyond the rear elevation of the dwelling and would have a width of approx. 4.7 metres. The extension would be constructed with a dual pitch roof with the eaves height measuring approx. 2.4 metres and a maximum ridge height of approx. 3.8 metres. The proposed extension would be constructed using red facing bricks and roof tiles of a similar appearance to that of the original dwelling.
- 3.3 The concrete posts and timber fence panels erected to the front follow the shared boundary to the northeast of the site between the application site and 44 Chartwell Grove. The fence consists of ten new panels which measure approx. 1.8 metres in height. The fence has already been constructed on site and this element of the application is therefore retrospective.

4.0 Consultations

- 4.1 Neighbouring properties were consulted and a site notice was displayed near to the application site – Nine representations were received.

Four letters were received objecting to the proposed development. The main concerns raised included:

- The fence is contrary to policies LPD 32 and LPD 34.
- Fence to front boundary is an eyesore.
- Impact on the amenity of neighbouring dwellings.
- Adverse effect on the character of the streetscene.
- Permitted development rights were removed to stop this type of development.

Five letters were received in support of the proposed development. The main points raised included:

- A barrier between the two houses should have been included when the dwellings were first built.
- The fence has been designed with taste.
- Its dimensions are appropriate.
- It is in keeping with the surrounding area.
- Does not impact adversely on the streetscene.

- 4.2 Nottinghamshire County Council (Highways Authority) – No objection.

- 4.3 GBC Public Protection (Scientific Officer) – Notes the development would take place on land that has a history of industrial use. Potential land contamination including ground gases and combustibility of the ground. Advises conditions are attached if permission is granted relating to unexpected contamination and ground gas.

5.0 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’.
- 5.2 The main planning considerations in the determination of this application are the visual impact of the proposals on the character and appearance of the locality, the impact on the amenity of neighbouring residential properties and any highway’s safety issues which may arise as a result of the development.

- 5.3 The following policies are relevant to the application:

- 5.4 At the national level the National Planning Policy Framework (July 2018) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development. The relevant national policy guidance in respect of these matters is set out in the National Planning Policy Framework (July 2018): -

In particular the following chapters are relevant in considering this application:

12. Achieving well-designed places (paragraphs 124-132).

- 5.5 Gedling Borough adopted the Aligned Core Strategy (ACS) on 10th September 2014 and this now forms part of the Development Plan. The following ACS policy is relevant:

Policy 10 – Design and Enhancing Local Identity

- 5.6 Gedling Borough adopted the Local Planning Document (LPD) on the 18th July 2018. The most relevant policies to the determination of this application are as follows:
- 5.7 LPD 32: Amenity states *“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”*.
- 5.8 LPD 34: Residential Gardens states *“Development involving the loss of residential gardens will not be permitted unless: inter alia,*
iii the development proposal is an extension to an existing residential building and would retain an adequate area of functional garden, and that... In all cases, any development of residential garden land should not result in harm to the character and appearance of an area.

Development involving front gardens should ensure that the character of the streetscene is not harmed and that the boundary treatments and planting are retained”.

5.9 LPD 43: Extensions to Dwellings Not in the Green Belt states “*Within the existing main built up areas of Nottingham, the key settlements of Bestwood Village, Calverton and Ravenshead and the other villages of Burton Joyce, Lambley, Newstead and Woodborough, Planning Permission will be granted for extensions or alterations to dwellings provided:-*

- a. the appearance of the proposal is in keeping with surrounding character in terms of height, built form and general design;*
- b. the proposal conserves any historic significance the building may have; and*
- c. the proposal would not cause a significant adverse impact on the amenity of nearby occupiers.”*

5.10 The relevant planning policies that need to be considered in relation to highway matters are set out in the Parking Provision for Residential Development Supplementary Planning Document (SPD). This document outlines that a dwelling within an urban area should provide a minimum of two off street parking spaces if the dwelling has three or more bedrooms.

5.11 In making a recommendation in relation to this application, regard has been given to the above policies.

6.0 Single storey rear extension

6.1 Design and visual amenity

In terms of visual amenity, I consider that the design and appearance of the proposed rear extension is in keeping with the design of the host dwelling. I also consider that the scale and bulk of the extension is appropriate when viewed in relation to the main dwelling. Furthermore I am satisfied that the proposed external facing materials would be acceptable given they would be of a similar appearance to the existing dwelling.

6.2 Residential amenity

I am satisfied that there the proposed single storey rear extension would not result in any undue overbearing, overlooking or overshadowing impact on the surrounding residential dwellings. I note that the proposed extension has a modest eaves height which would, in my opinion, have an acceptable relationship with the neighbouring dwellings.

6.3 Highway safety

Given the location of the extension to the rear of the property, I do not consider there to be any adverse effects on highway safety.

7.0 Timber panel fence with concrete posts to front boundary

7.1 Design and visual amenity

I am satisfied that the retention of the fence to the front boundary of the dwelling does not significantly detract from the visual amenity of the surrounding area or the existing streetscene. I note that prior to the erection of the fence the view down Chartwell Grove to the east terminated with the front two storey elevation of No. 44 Chartwell Grove. Part of the ground floor of this front elevation is however now obscured by the fence, however, as this is the end of the cul-de-sac, I do not consider that it has a harmful impact on the streetscene.

- 7.2 Whilst the majority of the gardens to the front of the surrounding properties are open plan I am satisfied that in this instance the orientation and layout of the boundary would ensure the fence would not be overly prominent within the streetscene. I am also mindful that there are existing examples of other timber fences and brick walls within the vicinity on the opposite side of Chartwell Grove which in my view have an acceptable appearance.

7.3 Residential amenity

No. 42 and No. 44 Chartwell Grove are large detached properties set within large plots. Given the level of separation between the fence and the respective front elevation of each property I am of the opinion that there would not be any undue overbearing or overshadowing impact as a result of the development.

7.4 Highway safety

The Highway Authority has raised no objection to the retention of the fence and I am therefore satisfied that it poses no highway safety risk. I am also satisfied that the proposal would allow the retention of sufficient off street parking to the front of both 42 Chartwell Grove (approx. 4 spaces) and 44 Chartwell Grove (approx. 5 spaces) to accord with the guidance set out within Gedling's Parking Provision for Residential Development SPD.

7.5 Other matters

Whilst concerns have been raised from local residents regarding the removal of permitted development rights from the properties within this area I note that application 95/1495 does not state that condition 15 was attached in order to specifically control development within the front gardens of the approved dwellings. The removal of permitted development rights does not mean that development may not occur on site, but rather that planning permission should first be sought from the Local Planning Authority.

8.0 Conclusion

Having assessed the proposed development carefully against the above policies it is my opinion that the development accords with the aims set out in Part 12 of the National Planning Policy Framework, Policy 10 of the Aligned

Core Strategy and Policies 32, 34 and 43 of the Local Planning Document aswell as the guidance set out within Gedling's Parking Provision for Residential Development SPD. It is therefore recommended that planning permission is granted.

9.0 Recommendation Grant Planning Permission subject to the following conditions: -

Conditions

- 1 This permission shall be read in accordance with the details within the application form, the Site Location Plan and the following drawing, NSB/50/02/A "Ground Floor and Roof", submitted on the 27th August 2018, the supporting "Plans and Drawings for Proposed Fence" submitted on the 5th September 2018, and the amended drawing NSB/50/05 "Construction Section A - A" submitted on the 15th October 2018. The development shall thereafter be undertaken in accordance with these plans/details.
- 2 In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 3 No building/extension hereby approved by this permission shall be occupied or first brought into use until the agreed gas protection measures have been completed and certified in accordance with the details shown on the amended drawing NSB/50/05 "Construction Section A - A" submitted on the 15th October 2018.

Reasons

- 1 For the avoidance of doubt and to define the terms of this permission.
- 2 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 3 To ensure that this development does not prejudice the groundworks carried out under the provisions of planning application ref: 95/1495.

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on the amenity of neighbouring residential properties and would not have any adverse impacts on Highways Safety. The development therefore accords with the aims set out in the National Planning Policy

Framework, Policy 10 of the Aligned Core Strategy and Policies 32, 34 and 43 of the Local Planning Document.

Notes to Applicant

Particular care should be taken to avoid damaging, penetrating or puncturing the gas resistant membrane. Before laying the membrane, all projections on the top of the slab which may puncture or damage the membrane must be removed. The membrane should be protected during installation, such as through the use of temporary boarding. This should protect the membrane from accidental damage from site activities. Heavy trafficking over the membrane should be avoided. It is important to check that the barrier is not damaged in any way before it is covered with a screed. Any damage to the membrane should be repaired before proceeding with later works.

It is especially important that attention is paid to detailing and workmanship in jointing of the barrier, and to ensure that the barrier is sealed across the entire footprint of the building including the use of a compatible proprietary damp proof course. Joints in the gas-resistant membrane should be overlapped and taped or site welded to the membrane manufacturer's specifications. If the joints are site-welded, care is needed to avoid damaging the membrane during the welding operation. Prefabricated sections for edges and corners can be used to continue the gas-resistant barrier over awkward areas. To avoid the potential for migration pathways that may arise from poorly constructed joints, an alternative to site-welding is to install a prefabricated membrane as a single sheet manufactured to the same plan dimensions as the ground floor. All sealants used which come into contact with the membrane should be chemically compatible with the membrane. Precautions must be taken to avoid thermal effects including heating / fires etc. which may cause physical breakdown of the material.

Each service penetration through the membrane should be sealed against gas ingress. This can be achieved by the use of pre-fabricated joints / seals, such as 'top-hat' sections for pipes. The top-hat diameter should match the service pipe diameter. Penetrations should be avoided at points where the membrane is lapped, because of the greater difficulty of resealing.

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 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 at www.gedling.gov.uk. 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 gross internal area of new build is less 100 square metres

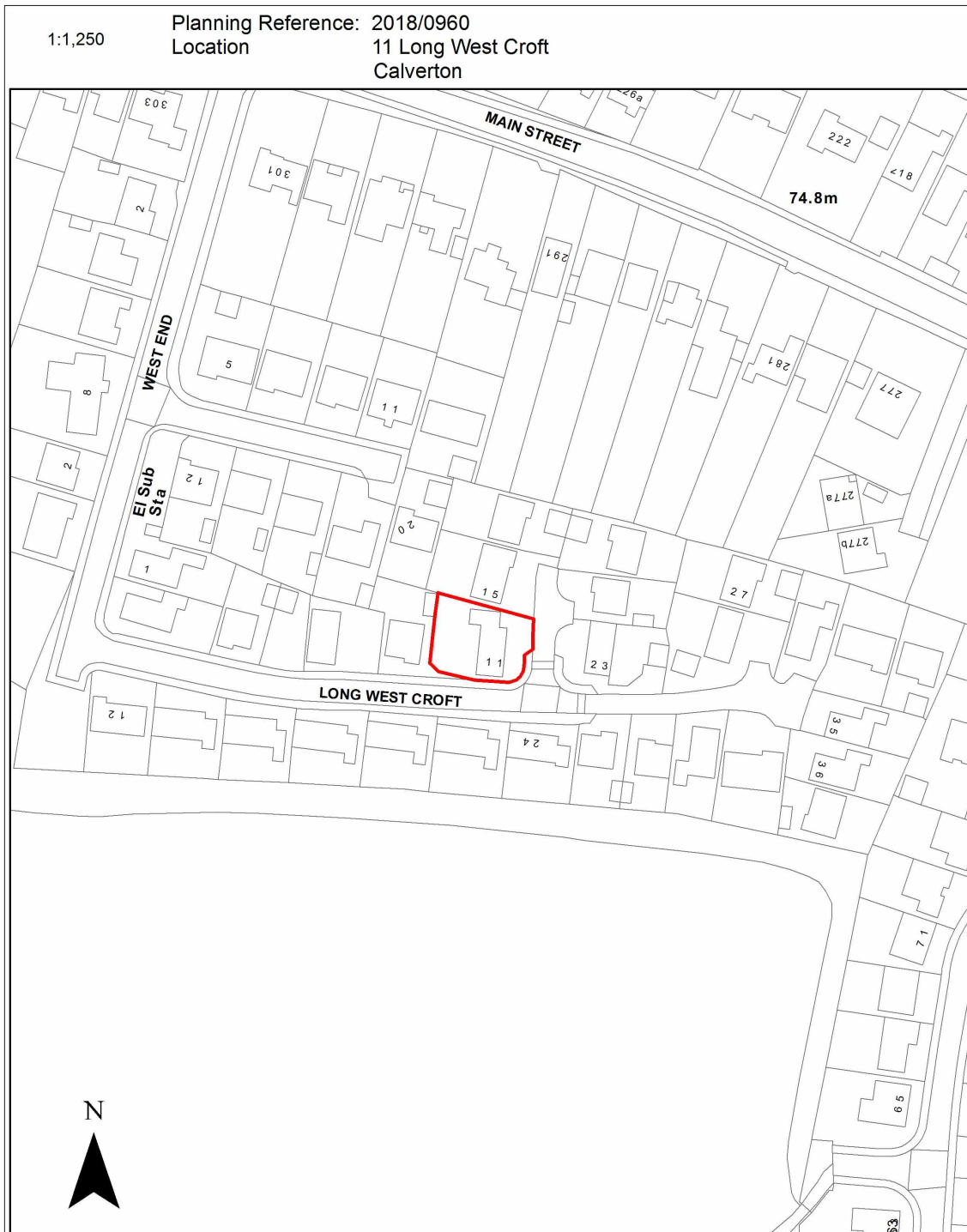
The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). During the processing of the application there were considered to be no problems for which the Borough Council had to seek a solution in relation to this application.

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Planning Report for 2018/0960



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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Serving People Improving Lives

Date: 20/11/2018

Report to Planning Committee

Application Number: 2018/0960

Location: 11 Long West Croft Calverton

Proposal: Single storey rear extension to utility room and rear porch.

Applicant: Mr Glyn Sawford

Agent:

Case Officer: Alan Siviter

The applicant is related to a member of staff at Gedling Borough Council and therefore, in accordance with the Council's constitution, this application has been referred to Planning Committee.

1.0 Site Description

- 1.1. No.11 Long West Croft is a detached bungalow with a rear garden and is located within the built up area of Calverton.
- 1.2. Adjoining properties are all residential and comprise of other detached bungalows at no's 9 and 15 Long West Croft. The topography of the site and the wider locality is flat.
- 1.3. The rear of the application site is surrounded by a brick wall and wooden panel fencing approximately 1.8 metres in height around all shared boundaries with neighbouring properties.
- 1.4. The frontage of the property is open plan and includes a driveway and garage that provides 3 off-street parking spaces.

2.0 Relevant Planning History

- 2.1. No relevant history

3.0 Proposed Development

- 3.1. The proposal seeks planning permission for a single storey rear extensions to create a rear porch and enlarge an existing utility room.

- 3.2. The rear extensions consist of two elements. The first element consists of an extension off the existing kitchen and measures 3.4m in depth and 6.4m in width. The extension would have a flat roof with an eaves height of 2.3m in height from ground floor level and a overall height of 2.7m. A roof light would also be included which would project above the flat roof by a further 0.2m giving a total height of 2.9m. The roof light would be 4.4m by 1.6m in size.
- 3.3. The second element consists of a rear extension to the existing utility room. The extension would measure 1.8m in depth and 3.3m in width. This extension would have a gabled end pitched roof with an eaves height of 2.3 m and a ridge height of 3.6m.
- 3.4. The external facing materials proposed in the construction of the extension would match those used in the construction of the existing bungalow.

4.0 Consultations

- 4.1. Neighbour Consultation – Adjoining neighbours have been consulted and a Site Notice posted. No letters of representation have been received as a result.

Calverton Parish Council – No objections.

5.0 Planning Considerations

5.1. Assessment of Planning Considerations

- 5.2. 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'.
- 5.3. The following national and local policies are relevant to the application.
- 5.4. At the national level the National Planning Policy Framework (July 2018) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development. The following chapter and paragraph are relevant in considering this application:

- Part 12 – Achieving well-designed places

Paragraph 124 of the NPPF states that *“Good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities”*.

- 5.5. Gedling Borough Council Aligned Core Strategy (GBACS) (September 2014) is part of the development plan for the area. The following policies are relevant:

- Policy 10 – Design and Enhancing Local Identity states that development will be assessed in terms of its *“structure, texture and grain including street patterns, plot sizes, orientation and positioning of buildings and the layout of space”*.
- 5.6. The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:
- LPD 32: Amenity states *“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 43: Extensions to Dwellings Not in the Green Belt states “Within the existing main built up areas of Nottingham, the key settlements of Bestwood Village, Calverton and Ravenshead and the other villages of Burton Joyce, Lambley, Newstead and Woodborough, Planning Permission will be granted for extensions or alterations to dwellings provided:-
 - a. the appearance of the proposal is in keeping with surrounding character in terms of height, built form and general design;
 - b. the proposal conserves any historic significance the building may have; and
 - c. the proposal would not cause a significant adverse impact on the amenity of nearby occupiers.”
- 5.7. The relevant planning policies that need to be considered in relation to highway matters are set out in the Parking Provision for Residential Development SPD. This document outlines that a dwelling within an urban area of this size should provide a minimum of two off street parking spaces.
- 5.8. The Calverton Neighbourhood Plan (CNP) was adopted on the 31st January 2018 and therefore now forms part of the Development Plan and as such should be given significant weight in determining applications. The following policy within the Calverton Neighbourhood Plan is therefore relevant:
- Policy BE2: Local Distinctiveness and Aesthetics
 - Policy BE4: Parking Provision
- 5.9. In my opinion, the main planning considerations in the determination of this application are the impact of the proposals on neighbouring properties and the appearance of the proposals.

6.0 Assessment of Impact on Neighbouring Amenity and Design

- 6.1. In terms of visual amenity, I consider that the design of the proposed rear extensions would be appropriate in terms of their location, size and scale. The materials (brickwork and tiles) proposed to be used for the rear extensions are considered appropriate and would match the finish of the existing dwelling and neighbouring properties in the area. In light of the above I am satisfied the

proposed development would accord with Part 12 of the NPPF, Policy 10 of the ASC and Policy BE2 of the CNP.

- 6.2. Impact upon residential amenity of the surrounding properties has been carefully considered. I consider that the proposed development would not have any unduly adverse overbearing, overshadowing or overlooking impact on neighbouring properties, specifically 9 and 15 Long West Croft given the limited size of the extension and presence of existing boundary treatments. In light of the above I am satisfied that the proposal accords with LPD policies 32 and 43.
- 6.3. In terms of car parking, the proposal would retain the existing parking arrangements which would accord with the requirements set out in the Parking Provision for Residential Development SPD and Policy BE4 of the CNP.
- 6.4. For the reasons set out above, I am satisfied that the proposed development accords with the aims set out in the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy, Policies 32 and 43 of the Local Planning Document and Policies BE2 and BE4 of the Calverton Neighbourhood Plan. It is therefore recommended that planning permission is granted.

7.0 Recommendation: Grant Planning Permission subject to conditions:-

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission shall be read in accordance with the application form, site location and block plan received 27th September 2018 and the Proposed Elevations and Floor Plans received 13th November 2018 . The development shall thereafter be undertaken in accordance with these details.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on the amenity of neighbouring residential

properties and would not have any adverse impacts on Highways Safety. The development therefore accords with the aims set out in the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy, Policies 32 and 43 of the Local Planning Document and Policies BE2 and BE4 of the Calverton Neighbourhood Plan.

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 at www.gedling.gov.uk. 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 gross internal area of new build is less 100 square metres

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

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.

ACTION SHEET PLANNING DELEGATION PANEL 26th October 2018

2017/1086

50 Robinson Road Mapperley NG3 6BB

Two storey and single storey side/rear extensions and retention of rear decking area

Application withdrawn from the agenda.

2017/1325

The Stables Harlow Wood Farm Park Lane

Re-use of existing ancillary outbuilding and disused stable to form a single permanent residential dwelling (C3)

The proposed development would meet with the objectives of Green Belt policy and would not have an undue impact upon residential amenity.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2018/0855

38 Elmhurst Avenue Mapperley Nottinghamshire

Rear extension and alterations to existing bungalow with detached garage in rear garden.

The proposed development would not have an undue impact upon residential amenity.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2018/0858

27 Littlegreen Road Woodthorpe NG5 4LP

Demolition of existing garage. Proposed 2 storey side extension and Loft conversion.

The proposed development would not have an undue impact upon residential or visual amenity.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2018/0861

42 Chartwell Grove Mapperley NG3 5RD

Erection of a single storey rear extension garden room and retrospective permission for the erection of additional fence panels to front

Application referred to Planning Committee to allow for consideration of matters relating to visual and residential amenity.

2018/0871

20 Nether Pasture Netherfield NG4 2JZ

Double storey side/rear extension (resubmission of 2017/0829)

The proposed development would not have an undue impact upon parking provision.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2018/0878

146 Burton Road Carlton NG4 3GP

Removal of windows to front of pub and replacing with aluminium bifold door system as outlined in plans. New timber decking to front patio area.

The proposed development would not have an undue impact upon residential amenity.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Graham Wraight 26th October 2018

ACTION SHEET PLANNING DELEGATION PANEL 2nd November 2018

2018/0791

Land Adjacent 21 Lowdham Lane Woodborough

Variation of conditions 2 and 6 attached to planning permission reference 2017/0742 to change the screening proposed to the side boundaries of the rear balcony

The proposed development would have no undue impact upon residential amenity.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2018/0824

67 Kensington Gardens Carlton NG4 1DZ

Erection of car port to front

The proposed development would have an unacceptable impact upon the character and appearance of the surrounding area.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2018/0930

15B Conway Road Carlton NG4 2PU

Loft Conversion with Rear Dormer Window

The proposed development would have no undue impact upon visual or residential amenity.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Graham Wraight 2nd November 2018

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ACTION SHEET PLANNING DELEGATION PANEL 9th November 2018

2017/1086

50 Robinson Road Mapperley NG3 6BB

Two storey and single storey side/rear extensions and retention of rear decking area

The proposed development would have no undue impact on the character and appearance of the dwellinghouse or on the amenities of adjoining neighbouring properties.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2018/0885

Land Between 16 & 20 Ashington Drive Arnold

Construction of dwelling and integral garage on a vacant and approved development plot.

The proposed development would have no undue impact on highway safety, the character of the wider area, the amenity of nearby residential properties.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2018/0909

12 Longdale Lane Ravenshead NG15 9AD

Demolition of existing detached house and garage, erection of four detached houses and garages and formation of new access points and driveways

The proposed development would have no undue impact on highway safety, the character of the wider area, the amenity of nearby residential properties. The density of the development would not result in an over intensive or cramped form of development.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2018/0921
92 Worrall Avenue Arnold NG5 7GJ
Single storey side and rear extension

The proposed development would have no undue impact on the character of the streetscene or on neighbouring residential properties.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2018/0925
Units 13 15 And 17 Catton Road Arnold
Retrospective application material change of use from B1 to B2. This applies to 13, 15 & 17 Catton Road.

The application was withdrawn from the agenda.

Graham Wraight & David Gray - 9th November 2018

ACTION SHEET PLANNING DELEGATION PANEL 26th October 2018

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50 Robinson Road Mapperley NG3 6BB

Two storey and single storey side/rear extensions and retention of rear decking area

Application withdrawn from the agenda.

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Graham Wraight 26th October 2018



Report to Planning Committee

Subject: Future Planning Applications

Date: 23/11/2018

The following planning applications or details have been submitted and are receiving consideration. They may be reported to a future meeting of the Planning Committee and are available for inspection online at: <http://pawam.gedling.gov.uk:81/online-applications/>

Alternatively, hard copies may be viewed at Gedling1Stop or by prior arrangement with Development Management.

| <u>App No</u> | <u>Address</u> | <u>Proposal</u> | <u>Possible Date</u> |
|----------------------|--|---|-----------------------------|
| 2018/0360 | Main Street Calverton | Outline planning for up to 79 dwellings | 16/01/2019 |
| 2018/0607 | Park Road Calverton | Outline planning for up to 430 dwellings | 16/01/2019 |
| 2018/0347 | Land between Mansfield Road and Calverton Road Arnold | Outline planning for up to 148 dwellings | 16/01/2019 |
| 2018/1050 | Papplewick Lane Linby | Substitutions of House TYpes | 16/01/2019 |
| 2017/1263 | Dark Lane Calverton | Erect 54 dwelling | 16/01/2019 |
| 2018/0836 | Carlton Le Willows Wood Lane Gedling | 3G Pitch, fencing, hardstanding, flood light system and new access, together with the erection of 1No. single storey pavilion and 1No. storage containe | 16/01/2019 |
| 2018/0817 | North Green Calverton | 21 Dwellings | 16/01/2019 |
| 2018/1034 | Orchard Close Burton Joyce | Outline planning for up to 15 dwellings | 16/01/2019 |

Please note that the above list is not exhaustive; applications may be referred at short notice to the Committee by the Planning Delegation Panel or for other reasons. The Committee date given is the earliest anticipated date that an application could be reported, which may change as processing of an application continues.

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