

# Agenda

## Planning Committee

Date: **Wednesday 1 December 2021**

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Time: **6.00 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Cayte Goodall**

Democratic Services Officer

0115 901 3961

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# Planning Committee

## Membership

**Chair** Councillor John Truscott

**Vice-Chair** Councillor Paul Wilkinson

Councillor Michael Adams  
Councillor Peter Barnes  
Councillor Chris Barnfather  
Councillor David Ellis  
Councillor Rachael Ellis  
Councillor Andrew Ellwood  
Councillor Mike Hope  
Councillor Rosa Keneally  
Councillor Meredith Lawrence  
Councillor Ron McCrossen  
Councillor Barbara Miller  
Councillor Marje Paling  
Councillor John Parr  
Councillor Henry Wheeler

### **WEBCASTING NOTICE**

Please note that this meeting will be live streamed on the Council's YouTube channel and via the website ([www.gedling.gov.uk](http://www.gedling.gov.uk)). At the start of the meeting the Chair will confirm if all or part of the meeting is being broadcast.

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## **AGENDA**

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Planning Committee Protocol.**
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3. **Declaration of Interests**
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6. **Appeal Decision Ref: APP/N3020/W/21/3275008 - Lord Byron House,  
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10. **Any other items which the Chair considers urgent.**

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## **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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## MINUTES PLANNING COMMITTEE

Wednesday 13 October 2021

Councillor John Truscott (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Rosa Keneally  
Councillor Peter Barnes Councillor Meredith Lawrence  
Councillor David Ellis Councillor Ron McCrossen  
Councillor Rachael Ellis Councillor Marje Paling  
Councillor Andrew Ellwood Councillor Sam Smith  
Councillor Mike Hope Councillor Henry Wheeler

Absent: Councillor Michael Adams, Councillor Chris Barnfather,  
Councillor Barbara Miller and Councillor John Parr

Officers in Attendance: M Avery, N Bryan, K Cartwright, S Fayaz and C Goodall

### 44 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Adams, Barnfather, Miller and Parr.

Councillor Sam Smith attended as substitute.

### 45 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 8 SEPTEMBER 2021

#### RESOLVED:

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

### 46 DECLARATION OF INTERESTS

The Chair declared a collective non-pecuniary interest on behalf of all members in item 5 on the agenda, as part of the land was in the ownership of Gedling Borough Council.

### 47 APPLICATION NO. 2021/0694 - LAND TO THE SOUTH BURTON ROAD, GEDLING

Erection of 120 dwellings with associated access, landscaping and infrastructure (approval of matters reserved by outline consent 2019/1186 (appearance, landscape, layout and scale)).

Clare Thornton, Senior Planner of Miller Homes (The Applicant), spoke in support of the application.

The Principal Planning Officer introduced the report. He advised Members that further to the publication of the report additional comments had been received from Severn Trent Water who had raised no objections to the application, subject to entering a Section 106 connection approval agreement which would secure a foul pumping station on the site. He added that a letter of objection had also been received which raised no new issues.

**RESOLVED:**

To Grant reserved matters approval, subject to the imposition of conditions, as set out in the report:

Conditions

1. This permission shall be read in accordance with the application form and following list of approved drawings:

- Site location plan (ref: 6097-L-05A)
- Planning layout (ref: G-DPL-01D)
- Materials layout plan (ref: BRG/MAT01 Rev C)
- Affordable housing plan (ref: BRG/AHP/01 Rev C)
- House Type Pack March 2021 (ref: BRG/HTP01)
- POS Landscape proposals (ref: 06097-FPCR-XX-XX-DR-L-0001-P09)
- Detailed LEAP plan (ref: 06097-FPCR-XX-XX-DR-L-0007-P06)
- On plot landscaping proposals sheets 1 to 4 (ref: 06097-FPCR-XX-XX-DR-L\_0002-P04, 0003-P04, 0004-P04 and 0005-P04)
- Detailed hardworks and boundary treatment plan (ref: 06097-FPCR-XX-XX\_DR-L-0006-P05) - Drainage/alternative pond layout/levels plan (ref: 22069-SK03 Rev F)
- Swept path analysis plan (ref: 22069-108-A)

The development shall thereafter be undertaken in accordance with these plans/details.

2. No above ground works shall commence until samples of external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

3. Development shall proceed in accordance with the approved Arboricultural Assessment, which identifies the trees to be retained and protected; appropriate fencing to protect trees to be retained shall be in situ prior to commencement of development and be retained whilst development is underway that would impact on the trees and hedges to be retained.

4. Notwithstanding condition 1 above, no above ground works shall commence until details of the existing and proposed ground and finished floor levels of the site and approved building[s], including sections, have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

5. No above ground works shall commence until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall, thereafter, be implemented in accordance with the details as approved.

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. No above ground works shall commence until details of the closing of the existing access arrangement to Burton Road to the North East of the bus turning facility have been submitted to and approved in writing by the Local Planning Authority. This should be implemented on occupation of the final plot on the private drive serving plots 89-94.

#### Reasons

1. For the avoidance of doubt.
2. To ensure that the character of the area is respected and to comply with policy ACS10 of the Aligned Core Strategy.
3. To ensure that the character of the area and existing ecology in site is protected and to comply with policies LPD18 and ACS10.
4. In the interests of amenity and to respect the character of the area and to comply with policies LPD32 and ACS10.
5. To ensure that relevant parts of the development is constructed to adoptable standards.
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 Highway safety.

## Notes to Applicant

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 applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

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 developer should contact the Highway Authority with regard to compliance with the Code, in advance of any Section 38 Agreement and bond under the Highways Act 1980 that a developer/applicant may wish to complete to enable adoption of highways. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

A licence/agreement will be required to enable works to be undertaken on Burton Road to reinstate the existing access.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

All correspondence with the Highway Authority for this development should be addressed to: [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk)

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](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

**48 APPLICATION NO. 2019/0374 - LAND OFF TEAL CLOSE, NETHERFIELD**

Variation of Conditions 2 (approved plans), 7 (parameters plan written statement), 10 (flood risk), 28 (highway works), 30 (highway works), 31 (highway works), 32 (highway works), 33 (highway works) and 35 (footway/cycleway) on planning permission reference 2017/0999

The Principal Planning Officer introduced the report.

**RESOLVED:**

That the application be granted permission subject to the applicant entering into a deed of variation amending the original Section 106 Agreement dated 30 June 2014 as varied by the deed of variation dated 27<sup>th</sup> February 2018 with the Borough Council as Local Planning Authority, City Council as transport authority and with the County Council as highways and education Authority to bind the new permission to all of the requirements of the original section 106 agreement as varied and to include additional planning obligations in the form of financial contributions in relation to the revised off-site highway works as detailed in paragraph 7.24. and subject to the following conditions:

**Conditions**

- 1 Application for the approval of reserved matters shall be made to the Local planning Authority not later than 30th June 2019. Details of Appearance, Landscaping, Layout and Scale (hereinafter called the reserved matters) for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development within that phase begins and the development shall be carried out as approved. The development hereby permitted shall commence no later than two years from the date of approval of the last reserved matters to be approved.
- 2 The development shall be carried out in accordance with the Schedule of Development Revision B submitted on the 10<sup>th</sup> October 2013 and the following plans: Site Location Plan DE076\_016, Parameters Plan DE076\_014 Rev D. The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing numbers: 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.
- 3 The development hereby approved shall be carried out in phases in accordance with the approved Phasing Schedule as approved

by planning reference 2017/1092DOC and 2018/0333DOC prior to the commencement of a particular phase.

- 4 The development hereby approved comprises;(1) up to 830 residential dwellings; (2) up to 18,000 square metres of business use falling within use classes B1 'Business', B2 'General Industrial' and B8 'Storage and Distribution'; (3) the creation of a local centre and commercial centre of up to 2,800 square metres within use classes falling into A1 'Shop', A2 'Financial', A3 'Restaurant and café', A4 'Drinking Establishment', A5 'Hot Food Takeaway', B1 'Business' and D1 'Non-residential institutions'; (4) a Hotel providing up to 150 beds; (5) up to 500 square metres of uses falling with use classes D1 ' Non- residential institutions' and D2 'Assembly and Leisure' (additional to (3) above); (6) a one form entry primary school which shall cover a minimum of 1.1ha; (7) a C2 'Residential Institution' of up to 60 beds; and (8) general opening space including landscaping, children's play areas, allotments and playing pitches as indicated on the approved parameters plan.
- 5 The total B1 'Business' floor area within the business and/or local centre and commercial areas hereby approved shall comprise not more than 4,500 square metres. The local centre shall not comprise of more than 2,499 square metres floor area of A1 'Shop' or D2 'Assembly and Leisure' uses.
- 6 The total amount of A1 'Shop' floor space shall not exceed 1,500 square metres and no individual A1 'Shop' unit shall exceed 750 square metres (measured internally).
- 7 Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. D.
- 8 Phase 1 of the development shall be read in accordance with the levels details as approved by planning reference 2017/1092DOC and 2018/0333DOC.

Phase 2 Residential elements of the development shall be undertaken in accordance with the levels details as approved by planning 2020/0562DOC.

Phase 2 employment elements of the development shall be undertaken in accordance with the levels details as approved by planning reference 2020/1085DOC.

Prior to the commencement of any remaining phase of development hereby approved a site level survey plan shall be

undertaken for that phase of development showing existing site levels. This existing site level survey plan shall be submitted to and approved in writing by the Local Planning Authority.

- 9 Buildings comprising Less Vulnerable uses (as defined by the National Planning Policy Framework) and their associated vehicle access routes within the development hereby approved shall have finished floor levels at no lower than 20.660m Ordnance Datum (AOD) where existing levels are at or exceed that level. Where existing levels are below 20.660m Ordnance Datum (AOD), set finished floor levels shall be a minimum of 20.660m Ordnance Datum (AOD) or 600mm above existing ground levels, whichever is lower.
- 10 Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings to the east of the A612 to 20.690m above Ordnance Datum (AOD); (2) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650m above Ordnance Datum (AOD), and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable Buildings unless the floor of the buildings is set at least 300mm above the finished floor levels stated in parts (1) and (2). The scheme for each phase shall be implemented in accordance with the approved details prior to the occupation of buildings within that phase.
- 11 The development within the employment land shall be undertaken in accordance with the flood resilience design measures as approved by planning reference 2020/0306DOC.  
  
Prior to the commencement of any other phase of development hereby approved relating to less vulnerable uses a scheme to provide flood resilience design for Less Vulnerable development, as defined by the National Planning Policy Framework, within that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of any buildings within that phase and subsequently maintained.
- 12 Prior to the occupation of any building(s) falling within use classes C3 'dwelling houses', C2 'Residential institutions', C1 'Hotels' or D1 'Non-residential institutions', a Verification Report confirming the finished base slab and wearing course levels of that building(s) and the finished levels of internal road(s) serving that

building(s) within the particular phase shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report for each phase shall also include confirmation that the approved flood resilient construction methods approved under condition 10 for More Vulnerable uses accords with the approved details..

- 13 The development within phase 1 shall be undertaken in accordance with the easement details approved by planning reference 2017/1092DOC and 2018/0333DOC.

The development within phase 2 shall be undertaken in accordance with the easement details approved by planning reference 2020/0562DOC.

Prior to the commencement of any remaining relevant phase of development hereby approved a scheme to provide a minimum of an 8 metre unobstructed easement from all watercourses, culverted watercourses and flood defence structures, including the Ouse Dyke (Main River) and any ordinary watercourses, within that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to occupation of any buildings within that phase or any other features (i.e. playing fields) being brought into use and subsequently maintained.

- 14 The development within the employment land shall be undertaken in accordance with the approved flood evacuation details as approved by planning reference 2020/0306DOC.

Prior to the commencement of any other relevant phase of development hereby approved an evacuation plan for all Less Vulnerable development at risk of flooding within that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any buildings within that phase and subsequently maintained.

- 15 No ground raising or permanent built structures shall be built within the modelled floodplain of the Ouse Dyke as shown in the Flood Risk Assessment, November 2013, submitted as part of the outline planning application hereby approved.

- 16 Development within Phase 1 shall be undertaken in accordance with the sustainable drainage details as approved by planning reference 2017/1092DOC and 2018/0333DOC.

Development within the employment land shall be undertaken in accordance with the sustainable drainage details as approved by planning reference 2020/0306DOC.

Development within Phase 2 shall be undertaken in accordance with the sustainable drainage details as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved, a surface water drainage scheme for that phase of development, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any buildings within that phase. The scheme (s) to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques; (2) The limitation of surface water run-off to equivalent greenfield rates; (3) A minimum of two forms of surface water treatment to be provided prior to discharge from the site, in accordance with CIRIA C697; (4) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (5) Responsibility for the future maintenance of drainage features.

- 17 Phase 1 of the development shall be undertaken in accordance with the foul drainage details as approved by planning reference 2018/0332DOC.

The development within the employment land shall be undertaken in accordance with the foul drainage details as approved by planning reference 2020/0306DOC.

Phase 2 of the development shall be undertaken in accordance with the foul drainage details as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved a scheme to dispose of foul drainage for that phase of development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme (s) shall be implemented as approved.

- 18 The development within Phase 1 shall be undertaken in accordance with the remediation strategy as approved by planning reference 2018/0719DOC.

The development within the employment land shall be undertaken in accordance with the remediation strategy as approved by planning reference 2020/0306DOC.

The development within Phase 2 shall be undertaken in accordance with the remediation strategy as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved a remediation strategy that addresses the provision of the following components to deal with the risks associated with contamination of that phase of the site, together with a programme for submission and prior approval of the component elements, shall each be submitted to and approved, in writing, by the local planning authority: (1) A preliminary risk assessment which has identified; (a) all previous uses (b) potential contaminants associated with those uses; and (c) a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site; (2). A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and (3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how and when they are to be undertaken. The scheme(s) and all details identified therein shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.

- 19 Phase 1 of the development shall be undertaken in accordance with the remediation methodology as approved by planning reference 2018/0332DOC.

Development of the employment land shall be undertaken in accordance with the remediation methodology as approved by planning reference 2020/0306DOC.

Phase 2 of the development shall be undertaken in accordance with the remediation methodology as approved by planning reference 2020/0562DOC.

Prior to the occupation of each phase of development hereby approved a verification plan shall be submitted to and approved in writing by the Local Planning Authority. The verification plan shall provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) (of condition above 18) are complete and identifies any requirements for longer-term monitoring of pollutant linkages,

maintenance and arrangements for contingency action. The verification plan(s) and all details identified therein shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.

20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified pursuant to condition 18 above 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 until an assessment has been undertaken in accordance with the requirements set out in condition 18 and 19 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, has been submitted to and approved in writing by the Local Planning Authority. The development must then proceed in accordance with the approved details.

21 The development within Phase 1 shall be undertaken in accordance with the construction lighting details as approved by planning reference 2018/0332DOC and 2018/0333DOC.

The development within the employment land shall be undertaken in accordance with the construction lighting details as approved by planning reference 2020/1085DOC.

Prior to the commencement of any other phase of development hereby approved, details of any lighting to be used during the construction of that particular phase of development shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall indicate the location and type of lighting to be utilised together with luminance levels and hours that lighting will be in operation. The lighting of the construction of any approved phase of development shall be lit in accordance with the approved details.

22 The development of employment units 1 and units 6-13 shall be undertaken in accordance with the operational lighting details approved by planning reference 2021/0511DOC.

Details of any lighting to be provided (other than street lighting and lighting within domestic curtilages) during the operational phase of that phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to its implementation. The details to be submitted shall indicate the location and type of lighting to be utilised together with luminance levels and hours that any such lighting will be in operation. The

lighting of the development during its operational phase shall be carried out in accordance with the details approved.

- 23 If the sports pavilion to the north of the A612 is not demolished by the 30th June 2014, then in accordance with the submitted Bat Activity Surveys at the sports pavilion off Teal Close report further bat survey work shall be undertaken and an assessment report together with any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority, prior to any demolition taking place. Any approved mitigation measures shall be carried out in accordance with the approved details. In the unlikely event that bat(s) are found during the demolition of the sports pavilion then the procedure set out in the appendix to the Bat Activity Surveys at the sports pavilion off Teal Close report (dated 24th June 2013) shall be followed.
- 24 The development within Phase 1 shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) as approved by planning reference 2018/0332DOC and 2018/0333DOC.

The development within the employment land shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) as approved by planning reference 2020/0306DOC. The development within Phase 2 shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved a Construction Environmental Management Plan (CEMP) for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Each CEMP shall include the following details; (1) the hedgerow and tree protection measures that shall be implemented for all retained woodland, trees and hedgerows approved as part of the landscaping details to be submitted as part of the reserved matters pursuant to this application. A statement shall also be provided which details how the protection measures shall be implemented so as to minimise damage and disturbance to habitats within the vicinity and the species they support. The protection measures shall accord with current British Standards in relation to design, demolition and construction (BS5837:2012 or any subsequent revision); (2) the measures that shall be implemented during the construction of that particular phase of the development so as to minimise water runoff and works pollution entering watercourses; and (3) the measures that shall be implemented so as to avoid any disturbance to nesting birds during that particular phase of construction.(4) details of traffic routes for Heavy Good Vehicular movements during the construction of that phase of development. (5) details of wheel

washing facilities to be used by vehicles entering and leaving site during the construction of that phase of development; and (6) details of how the principle of Best Practicable Means shall be applied in relation to minimising impact on the surrounding area during the construction of that particular phase of development in relation to noise and vibration and safeguarding air quality. The approved CEMP(s) and all details therein shall be implemented in accordance with the approved details.

- 25 Phase 1 of the development shall be undertaken in accordance with the scheme of archaeological investigation as approved by planning reference 2017/1092DOC.

The development within the employment land areas E1 and LC1 shall be undertaken in accordance with the scheme of archaeological investigation as approved by planning reference 2019/0567DOC.

Phase 2 of the development shall be undertaken in accordance with the scheme of archaeological investigation as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved a written scheme of archaeological investigation related to that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved scheme(s).

- 26 Prior to the commencement of any development on the existing playing pitches located to the west of the A612 (including the demolition of the existing sports pavilion) replacement playing pitches (including associated changing room facilities) hereby approved to the east of the A612 shall have been provided and shall be operational.

- 27 Prior to the commencement of development of the playing pitches to be provided to the east of the A612 details of the following shall be submitted to and approved in writing by the Local Planning Authority; (1) the location and specification of the playing pitches to be provided together with details of their drainage; (2) the location and specifications of the changing room facilities to be provided; and (3) a schedule of maintenance of the playing pitches and associated drainage. The playing pitches and changing room facilities shall be provided, managed and maintained in accordance with the approved details.

- 28 Prior to the occupation of the development hereby approved, other than the business development to be accessed off Stoke Lane, the site access junction from the A612 as shown in outline on plan reference 90372\_001 Revision E and the construction

details approved under 2017/1092DOC shall be implemented prior to the occupation of the first dwelling

29 Prior to first occupation of the business floor space (Class B1, B2, B8) hereby approved (aside from any B1 use contained in the Local Centre) the access from Stoke Lane as shown in outline on plan reference 90372\_003 Revision B shall be provided in accordance with the construction details to be first submitted to and approved in writing by the Local Planning Authority. The business floorspace hereby approved (Class B1, B2, B8) (aside from any B1 use contained in the Local Centre) shall only be accessed via Stoke Lane, other than in an emergency.

30 Deleted.

31 Deleted.

32 Deleted.

33 Deleted.

34 Deleted.

35 The construction of a new shared footway/cycleway along the northern boundary of the site is to be completed in general accordance with details approved under 2017/1092DOC. The shared footway/cycleway shall be provided prior the occupation of the 350<sup>th</sup> dwelling of the development hereby approved.

36 The development within Phase 1 shall be undertaken in accordance with local labour agreement as approved by planning reference 2018/0332DOC.  
The development within the employment land shall be undertaken in accordance with local labour agreement as approved by planning reference 2020/1121DOC.

The development within Phase 2 shall be undertaken in accordance with the local labour agreement as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved details of a local labour agreement to cover the construction of that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The local labour agreement shall be implemented in accordance with the approved details, unless otherwise 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 and Section 92 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt
- 3 To provide a degree of flexibility to assist the delivery of the site, that also enables the Local Authority to monitor and manage the supply of housing and employment land.
- 4 To define the consent and to ensure that a satisfactory form of development is obtained.
- 5 A limit has been placed on B1 uses in order to ensure an appropriate balance of uses. A limit has also been placed on the amount of A1 and D2 uses in order to ensure that there is no adverse impact on any surrounding local centres.
- 6 A limit has been placed on the amount of A1 uses to ensure that such uses are commensurate with the scale of the proposed development and would not cause harm to viability of the nearby Netherfield Centre.
- 7 To ensure that a satisfactory development is achieved that takes account of the Parameters Plan.
- 8 To establish existing site levels in order to ensure that finished floor levels accord with conditions 9 to 12 below and that flood risk is appropriately mitigated in line with the National Planning Policy Framework.
- 9 To reduce the risk of flooding to the proposed development and future occupants.
- 10 To reduce the risk of flooding to the proposed development and future occupants.
- 11 To reduce the impact of flooding to the proposed development.
- 12 To ensure that finished floor levels accord with conditions 9 and 10 above and that approved flood resilient measures have been provided in order to reduce the risk of flooding to the proposed development and future occupants.
- 13 To allow for future maintenance, emergency access, natural morphology, and improvements of the watercourses. Please note that our records show a culverted watercourse located between the storage pond (immediately south of the A612) and the Ouse

Dyke, which will require further investigation at detailed design stage.

- 14 To confirm that all occupants and site users can access and egress the site safely during time of flood.
- 15 To prevent an increase in flood risk elsewhere.
- 16 To prevent the increased risk of flooding elsewhere.
- 17 To ensure that the proposals are appropriate and protective of controlled waters.
- 18 The submitted Phase 1 Desk Study, Curtins Consulting, January 2013 (preliminary risk assessment) identifies potential for contamination. This condition is required to ensure that the risks posed to controlled waters are investigated and remediated as necessary and that the site is remediated appropriately.
- 19 The submitted Phase 1 Desk Study, Curtins Consulting, January 2013 (preliminary risk assessment) identifies potential for contamination. This condition is required to ensure that the risks posed to controlled waters are investigated and remediated as necessary and that the site is remediated appropriately.
- 20 This condition is required to ensure that the risks posed to controlled waters or the environment are investigated and remediated as necessary.
- 21 To minimise light spill around the development during the construction of the development as inappropriate lighting could have an adverse impact on nocturnal species such as bats.
- 22 To minimise light spill around the development during the operation of the development as inappropriate lighting could have an adverse impact on nocturnal species such as bats
- 23 To ensure that the demolition of the sports pavilion has no adverse impact upon bats
- 24 To ensure that appropriate measures are taken to protect the local environment in terms of impact on trees; hedgerows and woodland, flora and fauna, water quality, air quality and on the amenity of neighbouring uses.
- 25 To ensure that the site is surveyed appropriately to identify any potential archaeology and if found is appropriately dealt with.
- 26 To ensure that the replacement recreation ground is in operation prior to the existing pitches being removed, so as to protect sports

facilities and ensure continuity for those sports affected by the proposed development.

- 27 To ensure that the required replacement playing pitches and changing room facilities are provided appropriately in order to provide satisfactory replacement facilities for those to be lost as part of the development hereby approve
- 28 In the interests of highway safety.
- 29 In the interests of highway safety.
- 30 Deleted
- 31 Deleted
- 32 Deleted
- 33 Deleted
- 34 Deleted
- 35 To promote sustainable travel.
- 36 To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area.

#### Notes to Applicant

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019). 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 the Use Classes Order was amended on 1<sup>st</sup> September 2020. As such any use classes reference in this permission shall be read in conjunction with the revised legislation in relation to any future changes of use.

Footpath Diversion

**RESOLVED:**

That Members authorise the Head of Governance and Customer Services to make an order to divert Carlton Footpath No. 1 as set out in the submitted plans and, if the Order is unopposed following the requisite 28 day consultation period, that the Order be confirmed thereafter.

**50 ENFORCEMENT REF. 0104/2021 - 4 ANGELA CLOSE, REDHILL**

Material change of use of residential dwelling (Use Class C3) to a mixed use of residential dwelling (Use Class C3) and a car sales business (sui generis) and storage of vehicles in connection with that business (Use Class B8).

**RESOLVED:**

That the Head of Development and Place be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and, in conjunction with the Head of Governance and Customer Services, take proceedings through the courts, if required, to ensure:

- a) the cessation of the unauthorised car sales business including bringing vehicles to the property to be prepared in readiness for sale and storing vehicles awaiting sale at the property;
- (b) the removal of all vehicles which are not incidental or ancillary to the domestic residential use of the dwelling.

**51 TREE PRESERVATION ORDER 000144 - REDHILL PAVILION, THORNTON AVENUE, REDHILL**

Protection of group consisting of 1 x Cedar, 1 x Red Oak and 1 x Sorbus by a Tree Preservation Order (TPO)

**RESOLVED:**

To Confirm Tree Preservation Order - 000144 'Former sports pavilion, Thornton Avenue' without modifications.

**52 TREE PRESERVATION ORDER 000145 - LAND TO THE REAR OF 111 SANDFIELD ROAD, ARNOLD**

Protection of 1 no. Pear tree by a Tree Preservation Order (TPO)

**RESOLVED:**

To Confirm Tree Preservation Order - 000145 'Land to the Rear of 111 Sandfield Road, Arnold' without modifications.

**53 APPLICATION DECISION REF: APP/N3020/D/21/3272382 - 1 OXTON ROAD, CALVERTON**

Single storey rear extension.

**RESOLVED:**

To note the information.

**54 APPEAL DECISION REF: APP/N3020/W/21/3272020, APP/N3020/W/21/3272871, APP/N3020/W/21/3272865 AND APP/N3020/W/21/3276147 - RAMPER COVERT WOODLAND NEXT TO LAY BY, MANSFIELD ROAD, ARNOLD**

Ramper Covert Woodland next to Lay By, Mansfield Road, Arnold NG5 8PH

**RESOLVED:**

To note the information.

**55 APPEAL DECISION REF: 2021/0026 - SPRING LANE FARM, 382, SPRING LANE, LAMBLEY**

Proposed Single Storey Conservatory Extension.

**RESOLVED:**

To note the information.

**56 APPEAL DECISION REF: APP/N3020/D/21/3272382 - LAND TO REAR OF 14 MAIN STREET, LINBY**

Alterations and extensions to detached garage to form a new dwelling.

**RESOLVED:**

To note the information.

**57 FUTURE APPLICATIONS**

**RESOLVED:**

To note the information.

**58 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

**59 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 6.35 pm

Signed by Chair:  
Date:



**Planning Report for 2020/1254**



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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Date: 16/11/2021

**Report to Planning Committee**

<b>Application Number:</b>	<b>2020/1254</b>
<b>Location:</b>	<b>Site of Highclere Lodge 73 Burton Road Carlton</b>
<b>Proposal:</b>	<b>Construction of 20 No. residential apartments</b>
<b>Applicant:</b>	<b>2FD Limited</b>
<b>Agent:</b>	<b>Terry Malpass Associates Ltd</b>
<b>Case Officer:</b>	<b>Claire Turton</b>

**In accordance with the Gedling Borough Council Constitution, this application is required to be determined by Planning Committee as it is an application proposing ten or more dwellings.**

**1.0 Site Description**

- 1.1 The site is a 0.13 hectare plot of land located at the corner of Burton Road and Highclere Drive, within the urban area of Carlton. The site was previously in use as a 28-bedroom care home, accommodated in a detached building of a traditional design with modern additions. This building was demolished circa 2017. The site is currently vacant and overgrown and is bordered by temporary heras fencing. Land levels slope upwards from Burton Road meaning that the site is on higher land than Burton Road.
- 1.2 There is a stone wall to the front of the site with the boundary of Burton Road as well as mature trees. Some of these trees are protected by a Tree Preservation Order (TPO). The site is located within Flood Zone 1, an area designated as being at a low risk from flooding. The site has also been identified as having the potential for archaeological remains to be present.
- 1.3 Neighbouring properties are predominantly residential. Properties along Highclere Drive vary in style. Properties along the north-west boundary of the site are modern maisonettes with larger detached properties along the opposite side of Highclere Drive. There are also residential properties immediately to the west of the site on Burton Road as well as on the opposite side of Burton Road. Neighbouring properties on Burton Road are well screened from the public highway by stone walling and mature trees. There is a commercial unit on the opposite side of Highclere Drive and there is also an area of public open space close by on Burton Road.
- 1.4 The part of Highclere Drive which borders the site is an adopted public highway. Highclere Drive turns into an unadopted road further beyond the site.

## **2.0 Relevant Planning History**

- 2.2 **2017/0357PN** A prior notification was submitted in relation to the care home building on site in 2017 for “Demolition of building for re-development”. The Council determined that Prior Approval was not required for the demolition.

## **3.0 Proposed Development**

- 3.1 Full planning permission is sought for the construction of 20 no. residential apartments.
- 3.2 This is to be located in a single building curved around the site running parallel to Highclere Drive and Burton Road. The building is to be set back from Highclere Drive, by 1 metre at its narrowest point so as not to interfere with the tree on the adjacent highway. The building is set back from Burton Road, between approx. 6.5 and approx. 10 metres so as to not interfere with the existing mature trees.
- 3.3 The building is predominantly 2.5-storeys in height with a small section at the corner of Burton Road and Highclere Drive having a lower ground floor element and making this part of the building appear as a 3.5-storey building. The building has a mansard roof.
- 3.4 Access is proposed from Highclere Drive. Courtyard / undercroft car parking is proposed with 16 no. car parking spaces (including 1 no. disabled space) as well as cycle parking.
- 3.5 Materials proposed are predominantly facing brick with a feature wall on the radial corner in metal cladding.
- 3.6 The scheme originally submitted was for 22 no. residential apartments in a flat-roofed building. However, various amended plans have been submitted throughout the application process and these are explained in detail in the “Assessment of Planning Considerations” part of this report.

## **4.0 Consultations**

- 4.1 Arboricultural Officer – Following negotiations and the submission of amended plans, now raises no objections.
- 4.2 GBC Development and Economic Regeneration Manager – The proposal will require on site affordable housing provision of 20% and a local labour agreement.
- 4.3 GBC Scientific Officer – No objection subject to conditions regarding electric vehicle charging and a construction emission management plan.
- 4.4 GBC Parks and Street Care – State no comments
- 4.5 NCC Highways Officer – No objection to amended plans subject to conditions

- 4.6 NCC Tree Officer – originally raised concerns regarding the impact of the proposal on one of the trees located on the public highway. (The proposal has now been amended to overcome these concerns).
- 4.7 NCC Planning Policy – Request a developer contribution of £8,000 for improvements to the two bus stops denoted as GE0055 Manor Crescent and GE0204 Redland Grove.
- 4.8 Lead Local Flood Authority (LLFA) - No objection to amended plans which address their previous concerns. Originally objected due to insufficient information regarding surface water drainage.
- 4.9 The Environment Agency – No objection
- 4.10 Severn Trent Water – Provide advice regarding drainage
- 4.11 NHS Nottingham and Nottinghamshire Clinical Commissioning Group – No request for health care contributions as the proposal now falls below their threshold for contributions which is above 20 dwellings.
- 4.12 GBC Waste Services – No objection.
- 4.13 The Wildlife Trust – No comments received
- 4.14 Neighbours – Over the course of the application letters have been received by residents of 17 neighbouring properties. Concerns are;-

Residential Amenity

Overdevelopment of the site compared to the surrounding area  
 Highclere Drive is a small cul-de-sac - 20 new properties will change the character of the area.

Overshadowing

Overbearing

Overlooking

The apartments are of inadequate size

Little outdoor space

Additional noise and disturbance from the new development

Anti-social behaviour

Design

Overdevelopment of site / high density

The mansard roof is not in keeping with the surrounding area

A 3-storey building is out of keeping with the surrounding area

The design is out of keeping with the older housing in the area

Proposed materials are out of keeping

The proposal looks like an office block

Please ensure that all of the trees overhanging the site are taken into account

The building is too close to the pavement

A 2-storey building would be preferable

The previous building on site was in keeping with its surroundings

The proposal has no architectural merit

Existing trees must remain

### Highway Safety

There is already significant on-street parking in the vicinity which causes a danger

Visitors and staff to the nearby health centre already park on Highclere Drive.

Insufficient car parking spaces provided by the development

Insufficient space for vehicle turning within the development

Part of Highclere Drive is a private road

There should be some regulated parking in the area

### Other

Impact on ecology at the site

Impact on drainage

No objection to the site being developed sympathetically

The amendments that the developers have made are minimal

The developers do not care about local residents and only want profit

The developers are not local but are based in London

The developers have given the impression that the development will give back to local people

There are lots of apartment buildings close by / residential mix

These apartments are not affordable to local people

There are no electric vehicle charging points

The intended rental development will create transient residents in contrast to the long-established community

There are empty residential units close by which could be used

Small affordable family starter homes are what is needed

None of the residents' concerns are being taken into account

Existing residents are not getting good value for their rates

There are other places that this development could be built

Neighbour consultation has been inadequate

Believed that the previous building would be replaced with a 2-storey building

The area is covered by past coalmine workings

Bin storage area is inappropriately positioned

Target occupiers are not identified

## **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 2021 (NPPF), the additional guidance provided in the National Planning Practice Guidance (NPPG) and the National Design Guide.

## **6.0 Development Plan Policies**

- 6.1 The following policies are relevant to the application:

- 6.2 At the national level the National Planning Policy Framework (2021) 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 NPPF seeks to ensure a high standard of amenity for existing and future users of land and buildings.

National Planning Policy Framework:

- Part 2 – Achieving sustainable development
- Part 5 – Delivering a sufficient supply of homes
- Part 9 – Promoting sustainable transport
- Part 11 – Making effective use of land
- Part 12 – Achieving well-designed places
- Part 14 – Meeting the challenge of climate change, flooding and coastal change
- Part 15 – Conserving and enhancing the natural environment

Paragraph 126 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”.

Paragraph 130 of the NPPF states that “*Planning policies and decisions should ensure that developments ... create places ... with a high standard of amenity for existing and future users.*”

- 6.3 Gedling Borough Council Aligned Core Strategy 2014 (ACS):

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 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”.

Policy 19 – Developer Contributions sets out that new developments will be required to meet the reasonable cost of new infrastructure required as a consequence of the proposal.

- 6.4 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18<sup>th</sup> July 2018. The relevant policies in the determination of this application are as follows:

LPD4 – Surface Water Management states “all development proposals should, wherever possible, include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable

Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.

LPD11 – Air Quality states “Planning permission will not be granted for development proposals that have the potential to adversely impact on air quality, unless measures to mitigate or offset their emissions and impacts have been incorporated.”

LPD 30 – Archaeology states “where development is likely to affect an area of high archaeological potential or an area which is likely to contain archaeological remains, the presumption is that appropriate measures shall be taken to protect remains by preservation in situ. Where this is not justifiable or practical, applicants shall provide for excavation, recording and archiving of the remains by a suitably qualified person in accordance with the Chartered Institute for Archaeologists standards”.

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 33 – Residential Density sets out that proposals for residential development will not be granted unless they are above a residential density of 30 dwellings per hectare.

LPD 35 – Safe, accessible and Inclusive Development provides detail on how development can create attractive, safe, inclusive and healthy environments

LPD 36 – Affordable Housing states “Planning permission will be granted for new residential development on sites of 15 dwellings or more subject to the provision of affordable housing depending on the location of the sub-market ... The following percentage targets will be sought in the submarket through negotiation ... Carlton: 20%”

LPD 37 – Housing Type, Size and Tenure states “Planning permission will be granted for residential development that provides for an appropriate mix of housing, subject to housing need and demographic context within the local area.”

LPD 40 Housing Development on Unallocated Sites lists criteria for which housing development on unallocated sites will be assessed against.

LPD 57 Parking Standards sets out the requirements for parking.

LPD 61 – Highway Safety states “Planning permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.”

Appendix D – Requirement for Parking Provision in Residential and Non-Residential Development.

- 6.5 Low Carbon Planning Guidance for Gedling Borough (May 2021) provides guidance on sustainable design and construction.
- 6.6 Affordable Housing Supplementary Planning Document (SPD) (December 2009)

## **7.0 Principle of Development**

- 7.1 The site is located within the built-up area of Carlton where the principle of further residential development is considered acceptable by Policy LPD 40 (Housing Development on Unallocated Sites) which states that;-

*“Planning permission will be granted for residential development on unallocated sites that are not within the Green Belt provided (that certain criteria are met).”*

The criteria referred to in Policy LPD 40 relate to design, loss of important features, residential amenity and parking. These issues are explored in detail throughout this report as well as an assessment of the proposal against other relevant planning policies.

## **8.0 Design / Visual Amenity**

- 8.1 On balance, I consider the design of the amended proposal to be acceptable and to not have an unacceptable impact on the character or visual amenity of the area.
- 8.2 The plans originally submitted proposed 22 no. apartments. Part of the originally proposed building was located right up to the back edge of the footpath of Highclere Drive and was also located within the canopies of both trees protected by a Tree Preservation Order (TPO) and a prominent highway tree (some of which were proposed to be removed to make way for the development). The building originally incorporated a flat roof but will now have a mansard on the upper floor.
- 8.3 The Planning Officer raised concerns with the design of the original scheme. Concerns were raised that the proposal represented an overdevelopment of the site and that the development left very little room for soft landscaping or open space making it appear at odds with surrounding dwellings which are set back from the road in larger plots. Concerns were also raised in relation to the proposed flat roof and the applicant was asked to consider introducing a mansard roof to enable the building to be more in keeping with the surrounding area whilst not adding any additional bulk to the building.
- 8.4 The Planning Officer also supported both the Arboricultural Officer’s objection to the original proposal and the Nottinghamshire County Council’s (NCC) Tree Officer’s objection to the proposal. In particular, this was an objection to the removal of TPO trees to facilitate the development, as well as requesting further information regarding tree roots and the amount of work required to T1 (a prominent tree within the public highway graded as Category B1 in the Tree Survey submitted by the applicant) to make way for the development.

- 8.5 Following negotiations between the Planning Officer and the applicant, a number of amended plans were submitted. The final set of amended plans, which are currently being considered, show a reduction in the number of residential units proposed from 22 to 20, a reduction in and a re-siting of the building away from the TPO trees and T1 (the highway tree) and the incorporation of a mansard roof.
- 8.6 On balance, I do consider the design of the amended proposal to be acceptable and to not have an unacceptable impact on the character or visual amenity of the area. The site is viewed from both Burton Road and Highclere Drive. Properties along Highclere Drive vary in style. Properties along the north-west boundary of the site are modern maisonettes with larger, detached properties along the opposite side of Highclere Drive. There are also residential properties immediately to the west of the site on Burton Road as well as on the opposite side of Burton Road. Neighbouring properties on Burton Road are well screened from the public highway by stone walling and mature trees.
- 8.7 Whilst the building is a 2.5 – 3.5 storey building, due to land levels it sits no higher than immediate neighbouring properties. Both the eaves and ridge of the building are shown on the submitted cross sections to be lower than no. 71 Burton Road. Whilst the eaves are marginally higher than no. 3-5 Highclere, the ridge is lower. Notwithstanding the submitted plans, a condition regarding finished ground and floor levels should be attached to the grant of any planning permission to ensure that final levels are acceptable.
- 8.8 Both the Arboricultural Officer and the NCC Tree Officer have raised no objections to the current amended plans which allow for protected and other high grade trees to remain. This also means that the building is set back further from both Burton Road and Highclere Drive, meaning that the building no longer appears cramped within the plot with more open space surrounding.
- 8.9 The elevation design of the building itself is considered to be acceptable. The mansard style roof is preferable to a flat roof and does not add additional bulk to the building. Elevations are broken up by fenestration detailing. The prominent corner of the building has interesting design features such as a curved wall and contrasting materials. Materials proposed are predominantly facing bricks (precise details of which can be controlled by a planning condition) with the radial corner in vertical cladding. I raise no objections to the proposed materials. Facing brickwork is in keeping with the prominent material used in the immediate area. However, there are examples of contrasting materials used along Burton Road, including render and timber cladding.
- 8.10 Policy LPD 33 (Residential Density) states that;-

*“Planning permission will not be granted for proposals for residential development of less than 30 dwellings per hectare.”*

The amended scheme has a residential density of 153.84 dwellings per hectare which is clearly not less than 30 dwellings per hectare and therefore policy compliant.

Policy LPD 33 also states that;-

*“Residential developments with higher densities will be supported provided that this reflects local characteristics and does not harm the character of the area.”*

For the reasons stated in Section 8.6 of this report, I consider that the proposal does reflect local characteristics and does not harm the character of the area.

- 8.11 To conclude this section, I consider that the overall design and layout of the amended proposal complies with the relevant planning policies set out in Section 6 of this report. In particular, it complies with the objectives of the National Planning Policy Framework and the Aligned Core Strategy Policy 10 and Policies LPD 33, 35 and 40.

## **9.0 Impact on Residential Amenity**

- 9.1 I consider that the proposal will not have an unacceptable impact on the residential amenity of occupiers of neighbouring properties.
- 9.2 I do not consider that the proposal will cause unacceptable issues of massing / overshadowing, overbearing or overlooking onto neighbouring occupiers. This is primarily due to separation distances but also the location of the windows on the proposed building.
- 9.3 Concerns were raised by the Planning Officer part way through the application that granting planning permission for a building with main aspect windows in such close proximity to mature trees would create an unacceptable living amenity for the future occupiers of the building in terms of massing / overshadowing and also lead to pressure to fell the protected trees, impacting on the overall visual amenity of the area. In response to this concern, the applicant amended the scheme, re-locating the proposed building further away from the trees in question.
- 9.4 Nos. 3 and 5 Highclere Drive lie to the north-west of the site. The side elevation of this building is approx. 14.5 metres away from the side elevation of the proposed building. The side elevation of the proposed building contains no main aspect windows and, as such, there are no unacceptable issues of overlooking between the two buildings. Due to separation distances, I do not consider that the proposal will cause unacceptable issues of massing / overshadowing onto nos. 3 and 5 Highclere Drive. The proposed building does not project further forwards or rearwards of nos. 3 and 5 and, as such, there are no unacceptable issues of massing / overshadowing or overbearing onto the front or rear elevation of nos. 3 and 5.
- 9.5 No. 71 Burton Road lies to the west of the site. The side elevation of no. 71 is approx. 7.5 metres away from the side elevation of the proposed building. The side elevation of the proposed building contains no main aspect windows and, as such, there are no unacceptable issues of overlooking between the two buildings. Due to separation distances, I do not consider that the proposal will

cause unacceptable issues of massing / overshadowing onto no. 71 as the majority of their main aspect windows are located along their front and rear elevations. The proposed building does not project further forwards or rearwards of no. 71 by a significant amount and, as such, there are no unacceptable issues of massing / overshadowing or overbearing onto the front or rear elevation of no. 71.

- 9.6 Separation distances between the proposed building and properties on the opposite side of Highclere Drive are in excess of 20 metres. Even taking into account the 2.5 – 3.5 storey height of the building, this is considered a sufficient distance so as to not cause unacceptable issues of massing / overshadowing, overbearing or overlooking. This is particularly given the intervening public highway between these neighbouring properties and the site. Such distances are not unusual between the front elevations of two properties either side of a public highway.
- 9.7 Separation distances between the proposed building and properties on the opposite side of Burton Road are in excess of 30 metres. This is considered a sufficient distance so as to not cause unacceptable issues of massing / overshadowing, overbearing or overlooking. The site is also well screened to the front by the existing trees along the front boundary of the site.
- 9.8 Due to the layout of the proposed building and the location of proposed windows, I do not consider that there will be issues of overlooking, massing / overshadowing or overbearing between new properties.
- 9.9 All other existing neighbouring properties are considered to be a sufficient distance away so as to not be unacceptably affected by issues of massing / overshadowing, overbearing or overlooking.
- 9.10 Neighbours have raised concerns regarding additional noise and disturbance from the new development. However, I do not see why the development would cause unacceptable issues of noise and disturbance above what can be expected in an urban residential area.
- 9.11 Neighbours have also raised concerns that the proposal will cause anti-social behaviour. However, I do not see why the development would cause anti-social behaviour issues, it is for residential development in a residential area.
- 9.12 Another neighbour concern is that the addition of 20 no. units will change the character of Highclere Drive which is a small cul-de-sac. However, LPD37 does encourage a mix of house types within the local area. Furthermore, for reasons discussed throughout this report, the proposal is not considered to be an overdevelopment of the site nor is it considered to have an unacceptable impact on the amenity of neighbouring occupiers.
- 9.13 With regards to the amenity of future occupiers of the development, neighbours have raised concerns that the units are of an inadequate size. Whilst some of the units are only 1-bedroom apartments, I consider these to be of an adequate size. The 1-bedroom apartments proposed are between 36 and 60sqm and the 2-bedroom apartments proposed are between 53 and 80sqm. The housing mix is 15 1-bedroom apartments and 5 2-bedroom

apartments. Neighbours have also raised concerns that there is little outdoor space for residents. Much of the external space at the site is taken up by car parking to the rear. However, there are some areas of landscaping, particularly around the mature trees. There is also an area of public open space very close by on Burton Road.

- 9.14 I consider that the proposal complies with the relevant planning policies regarding amenity set out in Section 6 of this report. In particular, it complies with the objectives of the National Planning Policy Framework Policies, LPD 32, 37, 40 and ACS8.

## **10.0 Highway Safety**

- 10.1 Amended plans were submitted part way through the application to address concerns raised by both the Highway Authority and the Planning Officer. In particular, concerns were originally raised regarding the number of car parking spaces proposed to serve the number of residential units.
- 10.2 The original plans proposed 22 no. residential units and 16 no. car parking spaces. Access was proposed from Highclere Drive with all car parking located in a rear courtyard area. The part of Highclere Drive that borders the site is adopted public highway. Further past the site, Highclere Drive is an unadopted highway.
- 10.3 The original plans were considered to be contrary to LPD 57 and Appendix D of the Local Planning Document which states that for 1 and 2 bedroom flats unallocated car parking spaces should be provided at a ratio of 0.8 spaces per unit. As such, a minimum of 18 spaces would have been required to serve 22 units.
- 10.4 Advice was also provided to the applicant regarding visibility splays and the layout of parking spaces and turning areas.
- 10.5 Following negotiations, the applicant submitted amended plans to address these concerns. The number of units has been reduced from 22 no units. to 20 no units. 2 no. ground floor units have been removed from the scheme to make way for an element of undercroft car parking. This has been done so as to achieve the required number of car parking spaces for the development as well as an acceptable car parking and turning area layout.
- 10.6 The Highway Authority has raised no objection to the amended plans, subject to planning conditions. They are satisfied with the layout of the car parking area and visibility splays at the access. I see no reason to disagree with the professional advice of the Highway Authority.
- 10.7 Whilst a number of neighbours have raised objections to the level of car parking proposed to serve the development, the amended plans do comply with LPD 57 and Appendix D of the Local Planning Document which states that for 1 and 2 bedroom flats unallocated car parking spaces should be provided at a ratio of 0.8 spaces per unit. This means that for a development of 20 no. 1 and 2-bedroom apartments, 16 no. car parking spaces are required. This is what has been provided in the proposal.

- 10.8 Furthermore, the site is located within a sustainable location close to local facilities and public transport routes. A cycle store area is also proposed on site.
- 10.9 In summary, for the reasons stated above, I see no reason to disagree with the professional comments of the Highway Authority and consider that access and parking at the site are acceptable. I conclude that the proposed car parking provision is in accordance with LPD 57 and Appendix D of the Local Plan and that the proposed access arrangements comply with LPD 61.

### **11.0 Drainage / Flood Risk**

- 11.1 The site is located within Flood Zone 1 and is therefore at a low risk of flooding. The Environment Agency were consulted on the application but have raised no objections.
- 11.2 The Lead Local Flood Authority (LLFA) originally raised concerns with the proposal due to the absence of surface water drainage information. This objection was relayed to the applicant who subsequently submitted a Drainage Assessment and Plan. The LLFA has reviewed this additional surface water drainage information and found it to be acceptable. A condition can be attached to the grant of any planning permission ensuring that the development is carried out in accordance with the proposed surface water drainage information. Foul drainage will be dealt with through the Building Regulations process, should planning permission be granted.
- 11.3 For the reasons stated above, I consider that, subject to conditions, drainage at the site is acceptable and the proposal will not increase flood risk in the area. As such, the proposal is considered to be in accordance with Part 14 of the NPPF, Policy 1 of the ACS and LPD4.

### **12.0 Ecology**

- 12.1 Part way through the application process, the Planning Officer requested that an Ecology Survey be submitted. Although the site is Brownfield land located within an urban area, the Planning Officer considered that there was a possibility for protected species to be present due to both the overgrown nature of the site and the presence of mature trees.
- 12.2 The applicant submitted an Ecology Survey from a qualified ecologist. This survey concluded that the site was sub-optimal for amphibians and bats and that there was no evidence of badgers on site. Planning conditions / informatives were recommended to protect any nesting birds that may be present at the site as well as the inclusion of bird boxes.
- 12.3 For the reasons stated above, I conclude that, subject to conditions, the proposal will not have an unacceptable impact on ecology and is in accordance with Part 15 of the NPPF.

### **13.0 Sustainability**

13.1 In respect of the Low Carbon Planning Guidance for Gedling Borough the application has taken into account the relevant guidance and in particular, the checklist at Appendix 1, which is intended to be used in support of planning applications. The application proposes secure cycle parking within the rear amenity area and is close to local transport links, including bus stops and a train station as well as being close to local amenities. A number of mature trees are proposed to remain as part of the development and the site is well connected to nearby public open spaces such as Burton Road, Jubilee Park and Conway Road Recreational Ground. The scheme is intending to provide a full Sustainable Drainage System. As recommended in Section 17 of this report, conditions should be attached to the grant of any planning permission requiring electric vehicle charging points and bird nest boxes.

#### **14.0 Planning Obligations**

14.1 The application meets the trigger for a number of contributions to make the development acceptable in planning terms. To this end, the contributions sought from various statutory consultees are summarised below:

- Affordable housing – a total of 20% of the units would need to be affordable, this is 4 units, of which 3 would need to be affordable rent and 1 shared ownership;
- Transport and travel – a developer contribution of £8,000 for improvements to the two bus stops denoted as GE0055 Manor Crescent and GE0204 Redland Grove.
- Local Labour Agreement – A local labour agreement

14.2 All of the above contributions are deemed to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) which identifies the tests required to seek a planning obligation and guidance as outlined in paragraph 57 of the NPPF, , as well as ACS19.

14.3 A viability assessment has been submitted by the applicant in support of the application. This identifies that the scheme would not be viable with the level of contributions required (as set out above) as the scheme would have a residual figure of negative £383,955. This assessment has been independently assessed by the Valuation Office Agency, instructed by the Borough Council who has arrived at the same conclusion that the scheme would not be viable if any of the contributions sought were required. Although the Council commissioned assessment valued the negative residual land value at the lesser sum of £214,624, it was concluded that a developer would be unlikely to proceed if the contributions are sought.

14.4 Paragraph 58 of the NPPF identifies that in certain circumstances development can proceed with reduced contributions where it is demonstrated that through a site specific viability assessment *‘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’.*

- 14.5 It is therefore necessary to consider whether the development can be supported on the basis of no contributions 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.
- 14.6 With regards to affordable housing, paragraph 5.3 of the Gedling Borough Council Affordable Housing SPD sets out the requirements for planning obligations in respect of affordable housing. In this instance, having taken into account the conclusions of the independent assessment, it is accepted that affordable housing would make the development unviable. It would therefore be unreasonable to insist on its inclusion. Paragraph 11.2.6 of LPD 36 acknowledges that the requirements for affordable housing as set out in the Affordable Housing SPD may make a development unviable and where this is the case the SDP confirms that a lower requirement of affordable housing contribution may be justified provided sufficient evidence regarding all potential sources of funding has been provided and a viability assessment has been undertaken by the Council which demonstrates this.
- 14.7 With regards to transport and travel, the County Council has requested a developer contribution of £8,000 for improvements to the two bus stops denoted as GE0055 Manor Crescent and GE0204 Redland Grove. Given that the development is unviable, it is considered that it can reasonably proceed in the absence of such a contribution as there are existing bus stops in situ to serve the development
- 14.8 The position in respect of the viability assessment has also been assessed by an independent party and therefore, the shortfall in respect of affordable housing provision and financial contributions in relation to transport and travel is, in this instance, considered to be justified.
- 14.9 However, there is always the possibility of changes in market circumstances. Therefore, it is considered that a review mechanism should be secured as a planning obligation through a s106 agreement. The mechanism would provide that if development is not above ground level within 12 months from the date of decision notice, then the scheme would need to be re-assessed to determine whether or not the scheme has become more profitable and can make financial contributions towards off-site affordable housing and transport. The Local Labour Agreement could also be secured as a planning obligation through the same s106 agreement. The applicant has agreed in principle to such a legal agreement.

## **15.0 Other Issues**

- 15.1 The site is located within a former coal mining area and, as such, the standard coal mining informative should be attached to the grant of any planning permission providing advice for building in a former coal mining area.
- 15.2 I agree with the Council’s Scientific Officer that conditions should be attached to the grant of any planning permission regarding a Construction Emission

Management Plan and electric vehicle charging points. This is in accordance with Policy LPD11 as well as the NPPF.

- 15.3 The site has also been identified in the Gedling Local Planning Document as having the potential for archaeological remains to be present. No archaeology information has been submitted in support of the application. However, I consider that a standard condition regarding an archaeological watching brief should be attached to the grant of any planning permission. This is to secure a method of preserving archaeological remains by record if any should be found at the site during the construction phase and would comply with policy LPD30.
- 15.4 A communal bin storage area to serve the development is proposed within the rear amenity area. This measures approx. 10.5 sqm. Gedling Borough Council's Waste Services team has assessed this element of the proposal and found it to be acceptable for the level of development proposed. I see no reason to disagree with their professional opinion.
- 15.5 The majority of neighbour concerns have been addressed throughout the main body of this report. However, the remaining neighbour concerns are addressed below.
- 15.6 Some neighbours consider that the amendments which the developers have made are minimal. However, I do consider that the amended scheme complies with the relevant planning policies, as explained throughout this report.
- 15.7 Local residents have raised concerns that this development is not for the local community but is only being carried out because the developers want a profit. I acknowledge that private developments are carried out because the developer is a business and purpose of a business is to make a profit. This is not a reason to refuse a planning application. The units proposed are market housing which will be available to purchase on the open market to anyone (including local people). As mentioned earlier in this report, a local labour agreement will be secured through a Section 106 legal agreement.
- 15.8 Another neighbour concern relates housing need and the fact that there are lots of apartments close to this site already built, there are empty residential units close by which could be used and that small affordable family starter homes are what is needed in this area. Issues of housing mix have already been assessed in this report. There is a demand for new housing nationwide, including within Gedling Borough.
- 15.9 Neighbours have raised concerns that the target occupiers are not identified or that this is an intended rental development which is in contrast to the current long-established community in the area. The applicant has stated on the submitted application forms that the units are all market housing. There is no requirement for the applicant to state whether these are intended for sale or for rent and such tenure would not be assessed differently against planning policies in any case.

- 15.10 Some local residents state that they were lead to believe that the previous building would be replaced with a 2-storey building. However, this application proposes a 2.5 -3.5 storey building. This current proposal has been assessed against relevant planning policies throughout the main body of this report, and I can see no reason to refuse the application on these grounds.
- 15.11 Some neighbours believe that there are other places that this development could be built. This may be true. However, this current planning application has been submitted for this specific site. The proposal on this site has been assessed against relevant planning policies throughout the main body of this report, and is considered to be policy compliant.
- 15.12 Council Tax rates is not a material planning consideration that can be given significant weight in the decision making process.
- 15.13 Parts of Highclere Drive may be a private road but access over it would be a civil legal matter. Whether parking restrictions should be put in place for the area is a matter for the Highway Authority, Nottinghamshire County Council; however, no concern has been raised in this regard.
- 15.14 I am satisfied that neighbour consultation has been adequately carried out in accordance with the Town and Country Planning (Development Management Procedure) England Order 2015.

## **16.0 Conclusion**

- 16.1 The proposed development is consistent with local and national planning policies. The principle of development is acceptable in this urban area. The design, scale and layout of the proposal is considered to be acceptable and does not have an unacceptable impact on the character or visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of occupiers of neighbouring properties in terms of overlooking or massing / overshadowing. Parking and access at the site is acceptable. The proposal will not increase flood risk in the area nor will it have an unacceptable impact on ecology in the area. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF, Policies A, 1, 8, 10 and 19 of the ACS, Policies LPD 4, 11, 30, 32, 33, 35, 36, 37, 40, 57 and 61 of the LPD, Gedling Borough Council's Affordable Housing SPD and Low Carbon Planning Guidance for Gedling Borough.

**17.0 Recommendation: GRANT PLANNING PERMISSION: Subject to the owner entering into planning obligations secured through a s106 agreement with the Borough Council as the Local Planning Authority and the County Council as the Local Highway Authority to secure a local labour agreement and provide for a review of viability of the development if development is not above ground level within 12 months from the date of decision notice and to secure planning obligations in respect of affordable housing and a financial contribution towards travel and transport if the development becomes more viable; and subject to the conditions listed for the reasons set out in the report.**

## 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 completed in accordance with the submitted documents;-

Application Forms, received 10<sup>th</sup> December 2020

Drawing no. 08 Rev E "Elevations & Site Section Sheet 1," received 7<sup>th</sup> September 2021

Drawing no. 09 Rev E "Elevations & Site Section Sheet 2," received 7<sup>th</sup> September 2021

Drawing no. 10 Rev E "Elevations & Site Section Sheet 3," received 7<sup>th</sup> September 2021

Drawing no. 05 Rev C "Proposed First Floor Plan," received 7<sup>th</sup> September 2021

Drawing no. 04 Rev E "Proposed Ground Floor and Site Plan," received 7<sup>th</sup> September 2021

Drawing no. 03 Rev C "Proposed Lower Ground Floor," received 7<sup>th</sup> September 2021

Drawing no. 07 Rev D "Proposed Roof Plan," received 7<sup>th</sup> September 2021

Drawing no. 06 Rev C "Proposed Second Floor," received 7<sup>th</sup> September 2021

The development shall thereafter be undertaken in accordance with these plans/details.

- 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 unit shall be occupied until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries, 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.
- 5 No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved prior to the first occupation of the development. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to

enhance the nature conservation value of the site, including the use of locally native plant species;

an implementation and phasing programme; and

hard surfacing materials.

- 6 No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed to serve the access in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- 7 No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 19-20-A1 04 Rev E are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections and the area within the splays remain in grass or tarmac only, with no wall constructed in front of the apartments labelled as G1, G2 and G3 on the approved plans.
- 8 No part of the development hereby permitted shall be brought into use until the existing site accesses on Highclere Drive that has been made redundant are permanently closed and the access crossings are reinstated as footway and full height kerbs in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.
- 9 No part of the development hereby permitted shall be brought into use until the site access is surfaced in a hard-bound material (not loose gravel). The surfaced drive shall then be maintained in such hard-bound material for the life of the development.
- 10 No part of the development hereby permitted shall be brought into use until the access drive is constructed with provision to prevent the unregulated discharge of surface water from the drive to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 11 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 19-20-A1 04 Rev E. 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 and turning and loading and unloading of vehicles.
- 12 Prior to occupation, each off street parking space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable. All EV charging points shall be clearly marked with their purpose.
- 13 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 produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP.

- 14 No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] have been submitted to and approved in writing by the local planning authority.
- 15 No part of the development hereby permitted shall be brought into use until the means of surface water disposal has been implemented in accordance with the submitted plan entitled "Drainage Strategy" and the accompanying drainage information. Such surface water disposal details shall remain for the lifetime of the development.
- 16 No development shall be commenced until a scheme for an Archaeological Watching Brief has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out by a qualified archaeologist or archaeological body approved by the Local Planning Authority. Within 3 months of completion of the excavation works, a summary report shall be submitted to the Local Planning Authority and the results of the 'Watching Brief' shall also be made available for inclusion in the archive of information of Nottinghamshire County Council's ' Sites and Monuments Record'.
- 17 No building on site shall be occupied until details of bird nest boxes have been submitted to and approved in writing by the local planning authority. The nest boxes shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development.
- 18 The development hereby permitted shall be carried out in accordance with Section 4 of the submitted Protected Species Report, received by the Local Planning Authority 24<sup>th</sup> February 2021.
- 19 No development shall be commenced until the trees shown to be retained on drawing number CP 2238A/01 (Figure 4), Revision: 01 Revised Arboricultural Method Statement dated 28th July 2021, as updated by and to be read in accordance with Drawing no. 04 Rev E "Proposed Ground Floor and Site Plan (showing the proposed building to be re-sited away from T1), have been protected by the following measures:
  - a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
  - b) no development (including the erection of site huts) shall take place within the crown spread of any tree;

c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;

d) no services shall be routed under the crown spread of any tree

e) no burning of materials shall take place within 10 metres of the crownspread of any tree.

The protection measures shall be retained during the development of the site.

## **Reasons**

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interests of visual amenity
- 4 In the interests of visual amenity
- 5 In the interests of visual amenity
- 6 In the interests of highway safety
- 7 In the interests of highway safety
- 8 In the interests of highway safety.
- 9 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 10 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 11 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.
- 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 Chapter 9 of the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 13 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 14 In the interests of residential and visual amenity.

- 15 To ensure the site is suitably drained and to comply with policy LPD4.
- 16 To ensure that satisfactory account is taken of the potential archaeological interest of the site.
- 17 In the interests of maintaining and enhancing biodiversity.
- 18 In the interests of maintaining and enhancing biodiversity.
- 19 To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

### **Reasons for Decision**

The proposed development is consistent with local and national planning policies. The principle of development is acceptable in this urban area. The design, scale and layout of the proposal is considered to be acceptable and does not have an unacceptable impact on the character or visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of occupiers of neighbouring properties in terms of overlooking or massing / overshadowing. Parking and access at the site is acceptable. The proposal will not increase flood risk in the area nor will it have an unacceptable impact on ecology in the area. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF, Policies A, 1, 8, 10 and 19 of the ACS, Policies LPD 4, 11, 30, 32, 33, 35, 36, 37, 40, 57 and 61 of the LPD, Gedling Borough council's Affordable Housing SPD and Low Carbon Planning Guidance for Gedling Borough.

### **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](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

The proposal makes it necessary to construct and reinstate vehicular crossings over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80 to arrange for these works to be carried out.

With regards to condition 15 - Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard

13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared 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).

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](http://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](http://www.groundstability.com).

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

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Valuation Office  
Agency

**DVS** Property Specialists  
for the Public Sector

Viability Review Report  
Highclere Lodge  
73 Burton Road  
Carlton  
Nottingham  
NG4 3DL



Report for:

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Case Number: [REDACTED]

Date: 05 November 2021



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## 1.0 Executive Summary

### 1.1 Proposed Development Details

This report provides an independent review of a viability assessment in connection with:

<b>Proposed Development</b>	20 self-contained apartment dwellings
<b>Subject of Assessment:</b>	Highclere Lodge, Burton Road, Carlton, Nottingham, NG4 3DL
<b>Planning Application Reference:</b>	2020/1254
<b>Applicant / Developer:</b>	AMK Planning
<b>Applicant's Viability Advisor:</b>	[REDACTED]

### 1.2 Instruction

In connection with the above application Gedling Borough Council Planning Department require an independent review of the viability conclusion provided by the applicant in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made can be relied upon to determine the viability of the scheme.

A site specific viability assessment review has been undertaken, the inputs adopted herein are unique to this site and scheme and may not be applicable to other viability assessments undertaken or reviewed by DVS.

### 1.3 Viability Conclusion

It is my considered and independent opinion that:

The above scheme assessed with regards to full planning policy requirement (comprising 20% affordable housing, S.106 contributions of £8,000 and CIL contributions of £67,674) is not viable.

It is significant to note that the scheme assessed without any policy requirements produces a financial deficit of around -£297,954 and is also considered unviable. Therefore, the deliverability of the proposed development may be a concern.

1.4 Non-Technical Summary of Viability Assessment Inputs

Policy Compliant Inputs	Agent	DVS Viability Review	Agreed (Y/N)
<b>Assessment Date</b>	June 2021	November 2021	
<b>Scheme, Gross Internal Area, Site Area</b>	20 self-contained apartments, 1,156m <sup>2</sup> GIA, 0.13 Ha	20 self-contained apartments, 1,156m <sup>2</sup> GIA, 0.13 Ha	Y
<b>Development Period</b>	28 months	26 months	N
<b>Gross Development Value</b>	£2,576,500	£2,515,487	N
<b>Market Housing GDV blended value rate</b>	£2,229	£2,479	N
<b>Affordable Housing GDV</b>	£0	£435,487	N
<b>CIL/Planning Policy / S.106 Total and £/sq. ft.</b>	CIL: £68,204 @ £59/m <sup>2</sup> S106: £0	CIL: £67,674 @ £58.54/m <sup>2</sup> S106: £8,000	N
<b>Total Development Cost (excludes policy; land and fees; profit)</b>	£2,092,740	£2,216,324	N
<b>Comprising:</b>			
<b>Construction Cost Total and £/sq. ft.</b>	£1,676,200 @ £1,450/m <sup>2</sup>	£1,832,260 @ £1,585m/2	Y
<b>Externals Total and £/sq. ft.</b>	Included within construction cost @ 10% uplift	Included within construction cost @ 10% uplift	Y
<b>Abnormal Cost Total and £/sq. ft. or per unit</b>	£40,000	£40,000	Y
<b>Professional Fees %</b>	8%	8%	Y
<b>Contingency %</b>	5%	5%	Y
<b>Finance Interest and Sum</b>	5% interest rate 1% arrangement fee	6.5% interest rate 1.5% credit rate	N
<b>Other Fees:</b>			
Sales/Marketing Fees	2%	2.5%	N
Legal Fees	0.5%	£500 per unit	Y
Statutory Fees	1.1%	N/A	N
Land Acquisition Costs	£1,360	1.5%	Y
<b>Profit Target %</b>	20%	18%	N
<b>Benchmark Land Value</b>	£200,000	£240,000	N
<b>EUV</b>	U/K	£19,200	N
<b>Premium</b>	U/K	£220,800	N
<b>Purchase Price</b>	£400,000	£400,000	

<b>Alternative Use Value</b>	N/A	N/A	
<b>Residual Figure</b>	-£383,955	-£214,624	N
<b>Viability Conclusion Full Policy Scheme</b>	Not viable	Not viable	Y
<b>Deliverable Scheme</b>	No	No	Y

A site-specific viability assessment review has been undertaken, the inputs adopted herein are unique to this site and scheme and may not be applicable to other viability assessments undertaken or reviewed by DVS.

## 2.0 Instruction and Terms

2.1 The Client is Gedling Borough Council.

2.2 The Subject of the Assessment is the site of a former residential care home located at 73 Burton Road, Carlton, Nottingham, NG4 3DL.

A full planning application has been submitted under reference 2020/1254. It is understood that the development has:

- a site area of 0.13 hectares/ 0.23 acres.
- a total GIA of 1,156 square metres.
- the proposed schedule of accommodation is as follows:

<b>Highclere Lodge Carlton</b>			
Type	Size Sqm	No.	Total Gia
1 Bed Basement Apt	60	1	60
1 Bed Apt	36	1	36
1 Bed Apt	41	8	328
1 Bed Apt	47	2	94
1 Bed Apt	49	1	49
1 Bed Apt	53	2	106
2 Bed Apt	53	2	106
2 Bed Apt	61	1	61
2 Bed Apt	78	1	78
2 Bed Apt	80	1	80
Corridors/Common Areas	158		158
<b>Total</b>		<b>20</b>	<b>1156</b>

2.3 The date of viability assessment is 05 November 2021. Please note that values change over time and that a viability assessment provided on a particular date may not be valid at a later date.

2.4 Instructions were received on 08 September 2021. It is understood that Gedling Borough Council require an independent opinion on the viability information

provided by AMK Planning, in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme. Specifically, DVS have been appointed to:

- Assess the Viability Assessment submitted on behalf of the planning applicant/developer, taking into account the planning proposals as supplied by you or available from your authority's planning website.
- Advise Gedling Borough Council in writing on those areas of the applicant's Viability Assessment which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion, together with evidence. If DVS considers that the applicant's appraisal input and viability conclusion is incorrect, this report will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and/or s106 contributions might be provided without adversely affecting the overall viability of the development.

2.5 Conflict of Interest Statement - In accordance with the requirements of RICS Professional Standards, DVS has checked that no conflict of interest arises before accepting this instruction. It is confirmed that DVS are unaware of any previous conflicting material involvement and is satisfied that no conflict of interest exists.

2.6 Inspection - The property/site has been inspected on 20 September 2021, by [REDACTED]. This was an external inspection for valuation purposes. The site itself is currently fenced off and extremely overgrown and therefore access was not possible. There are no buildings or structures on the site that were visible from the public highway.

2.7 DVS/VOA Terms of Engagement were issued on 15 September 2021, a redacted version is attached at **Appendix (iv)**.

### **3.0 Guidance and Status of Valuer**

#### **3.1 Authoritative Requirements**

The DVS viability assessment review will be prepared in accordance with the following statutory and other authoritative mandatory requirements:

- The '**National Planning Policy Framework**', which states that all viability assessments should reflect the recommended approach in the '**National Planning Practice Guidance on Viability**'. This document was revised in May 2019 and is recognised as the 'authoritative requirement' by the Royal Institution of Chartered Surveyors (RICS).

- RICS Professional Statement '**Financial viability in planning: conduct and reporting**' (effective from 1 September 2019) which provides the mandatory requirements for the conduct and reporting of valuations in the viability assessment and has been written to reflect the requirements of the PPG.
- RICS Professional Standards PS1 and PS2 of the '**RICS Valuation – Global Standards**'.

### 3.2 Professional Guidance

Regard will be made to applicable RICS Guidance Notes, principally the best practice guidance as set out in RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' (effective 1 July 2021).

Other RICS guidance notes will be referenced in the report and include RICS GN '**Valuation of Development Property**' and RICS GN '**Comparable Evidence in Real Estate Valuation**'.

Valuation advice (see Note 1) will be prepared in accordance with the professional standards of the of the '**RICS Valuation – Global Standards**' and the '**UK National Supplement**', which taken together are commonly known as the RICS Red Book. Compliance with the RICS Professional Standards and Valuation Practice Statements (VPS) gives assurance also of compliance with the International Valuations Standards (IVS).

(Note 1) Whilst professional opinions may be expressed in relation to the appraisal inputs adopted, this consultancy advice is to assist you with your decision making for planning purposes and is not formal valuation advice such as for acquisition or disposal purposes. It is, however, understood that our review assessment and conclusion may be used by you as part of a negotiation.

The RICS Red Book professional standards are applicable to our undertaking of your case instruction, with PS1 and PS2 mandatory. While compliance with the technical and performance standards at VPS1 to VPS 5 are not mandatory (as per PS 1 para 5.4) in the context of your instruction, they are considered best practice and have been applied to the extent not precluded by your specific requirement.

### 3.3 RICS 'Financial Viability in Planning Conduct and Reporting'

In accordance with the above RICS Professional Statement it is confirmed that:

- a) In carrying out this viability assessment review the valuer has acted with objectivity, impartiality, without interference and with reference to all appropriate sources of information.

- b) The professional fee for this report is not performance related and contingent fees are not applicable.
- c) DVS are not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- d) The appointed valuer, [REDACTED] BSc (Hons) MRICS is not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- e) Neither the appointed valuer, nor DVS advised this local planning authority in connection with the area wide viability assessments which supports the existing planning policy.
- f) The DVS viability review assessment has been carried out with due diligence and in accordance with section 4 of this professional statement
- g) The signatory and all other contributors to this report, as referred to herein, has complied with RICS requirements.

#### 3.4 Most Effective and Efficient Development

It is a mandatory requirement of the **RICS 'Financial viability in planning: conduct and reporting'** Professional Statement for the member or member firm to assess the viability of the most effective and most efficient development.

The applicant's advisor has assessed the viability based upon private sales to individual owner occupier or investors. Having considered the size and location of the development, the applicant's proposal is considered to be reasonable. The DVS valuer has assessed the viability based upon the same scheme assumptions and passes no comment on whether this is the most effective and most efficient development. The impact on viability of different scheme e.g. build to rent has not been appraised, however should this be pursued another viability assessment may be necessary.

#### 3.5 Signatory

- a) It is confirmed that the viability assessment has been carried out by [REDACTED] BSc (Hons) MRICS, Registered Valuer, acting in the capacity of external valuer, who has the appropriate knowledge, skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective and unbiased review.

- b) As part of the DVS Quality Control procedure, this report and the appraisal has been formally reviewed by [REDACTED] BA (Hons) MRICS, Registered Valuer, who also has the appropriate knowledge, skills and understanding necessary to complete this task.
- c) DVS has provided viability assessment reviews for Gedling Borough Council for five years.

### 3.6 Bases of Value

The bases of value referred to herein are defined in the TOE at **Appendix (iv)** and are sourced as follows:

- Benchmark Land Value is defined at Paragraph 014 of the NPPG.
- Existing Use Value is defined at Paragraph 015 of the NPPG.
- Market Value is defined at VPS 4 of 'RICS Valuation – Global Standards'
- Market Rent is defined at VPS 4 of 'RICS Valuation – Global Standards'
- Gross Development Value is defined in the Glossary of the RICS GN 'Valuation of Development Property' (February 2020).

## 4.0 Assumptions, and Limitations

### 4.1 Special Assumptions

As stated in the terms the following special assumptions have been agreed and will be applied:

- That your council's planning policy, or emerging policy, for affordable housing is up to date.
- There are no abnormal development costs in addition to those which the applicant has identified, and the applicant's abnormal costs, where supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report.
- That the development as proposed is complete on the date of assessment in the market conditions prevailing on the date.

## 4.2 General Assumptions

The site has been inspected on a partial basis. The below assumptions are subject to the statement regarding the limitations on the extent of our investigations, survey restrictions and assumptions, as expressed in the terms of engagement.

- a) Tenure - A report on Title has not been provided. The review assessment assumes that the site is held Freehold with vacant possession.
- b) Easements / Title restrictions - A report on Title has not been provided. The advice is provided on the basis the title is available on an unencumbered freehold or long leasehold basis with the benefit of vacant possession. It is assumed the title is unencumbered and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- c) Access / highways - It is assumed the site is readily accessible by public highway and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs. It should be noted that the road adjacent to the site is publicly adopted, but the remainder of the road past the site is not.

### Road Publicly Maintained Status

Street Name: Highclere Drive

Publicly Maintained Status: Partial Length Publicly Maintained

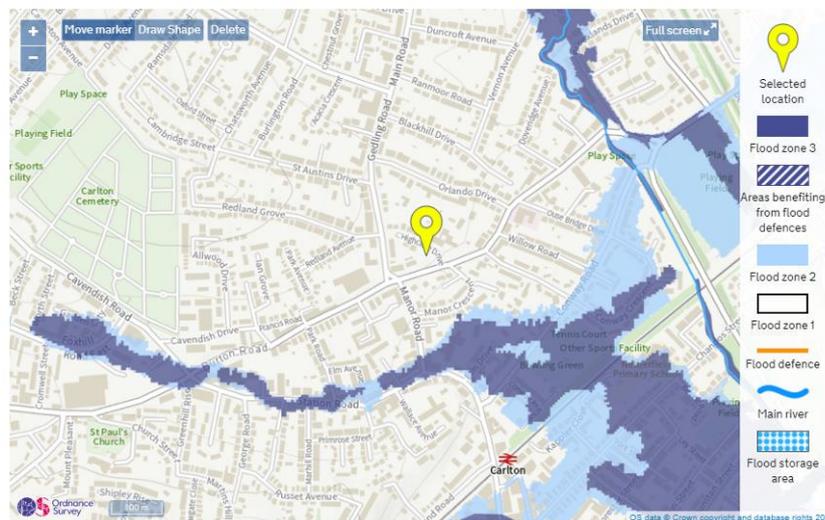


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— Publicly Maintained - Publicly maintained section of road

— Not Publicly Maintained - Section of road not publicly maintained

- d) Mains Services - It is assumed the site is or can be connected to all mains services will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- e) Mineral Stability - This assessment has been made in accordance with the terms of the agreement in which you have instructed the Agency to assume that the property is not affected by any mining subsidence, and that the site is stable and would not occasion any extraordinary costs with regard to Mining Subsidence. I refer you to the DVS Terms of Engagement at **Appendix (iv)** for additional commentary around ground stability assumptions.
- f) Environmental Factors Observed and/or Identified - The site is currently overgrown with vegetation; it is not known if this vegetation is invasive as access onto the site was not possible during inspection. There is a timber electricity pylon immediately north of the site on the pavement which bounds the northern edge of the site. The site is brownfield and previously used as a residential care home, so it is assumed there is no contamination from former uses. It is assumed the site will not occasion any extraordinary costs relating to environmental factors over and above those identified by the applicant and considered as part of abnormal costs.
- g) Flood Risk - DVS have referred to the Environment Agency's Flooding 'flood risk assessment' mapping tool which indicates the site is in Flood Zone 1 and is not subject to a flood risk as indicated by the plan below. Source: Environment Agency.



- h) Asbestos - It is assumed any asbestos will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

## 5.0 Proposed Development

### 5.1 Location / Situation

The site is located on the corner of Highclere Drive, a residential cul-de-sac comprising good sized detached and semi-detached privately owned dwellings. Highclere Drive is situated in the residential suburb of Gedling, on the eastern side of Nottingham. The immediate surrounding locality is a mixture of privately owned and local authority owned dwellings.

The wider surroundings provide services and amenities to the community, including a doctor's surgery, church, pubs and food shops and a Tesco superstore. The site is sandwiched between Netherfield and Gedling town centres, which has a variety of shops, banks, salons and estate agents.

Carlton train station is 0.3 miles south and Colwick Loop Road is 0.4 miles east, leading into Nottingham city centre which is 2.7 miles west of the site. M1 J24 is 14.5 miles south west and 7.5 miles to the east.

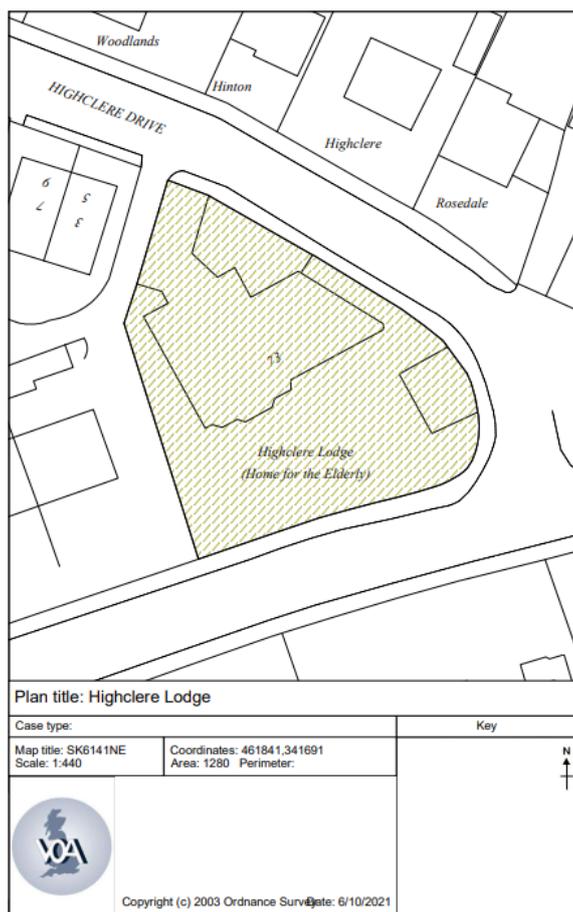
The site is serviced by NCT bus 26, which also goes to Nottingham from directly outside the site. On the opposite side of Netherfield there is Victoria Retail Park which has a variety of commercial enterprises.

### 5.2 Description

The subject site is brownfield, formerly occupied by a 28-bedroom residential care home. This was demolished and the site cleared in 2017 following approval of planning application 2017/0357PN, to make way for a new development. The site is bound by stone walls and is shielded from the road by large mature trees. It gently slopes towards the south east and is currently overgrown with vegetation. See **Appendix (v)** for photos.

### 5.3 Site Plan and Area

The gross area of the subject site is 0.13Ha/0.32 acres. Source: VOA Digital Mapping.



#### 5.4 Schedule of Accommodation/ Scheme Floor Areas

DVS make no comment about the density, design, efficiency, merit or otherwise, of the suggested scheme, the accommodation details have been obtained from the applicant on 17 September 2021 and are summarised below:

Unit	Type	Area (m <sup>2</sup> )
LG1	1 bedroom flat	60
G1	1 bedroom flat	41
G2	1 bedroom flat	41
G3	1 bedroom flat	47
G4	2 bedroom flat	78
G5	1 bedroom flat	49
F1	1 bedroom flat	41
F2	1 bedroom flat	41
F3	1 bedroom flat	47
F4	2 bedroom flat	80
F5	1 bedroom flat	53
F6	1 bedroom flat	41
F7	2 bedroom flat	53
S1	1 bedroom flat	41

S2	1 bedroom flat	41
S3	1 bedroom flat	36
S4	2 bedroom flat	61
S5	1 bedroom flat	53
S6	1 bedroom flat	41
S7	2 bedroom flat	53
Circulation		158
<b>Total</b>		<b>1,156</b>

Measurements stated are in accordance with the RICS Professional Statement **'RICS Property Measurement' (2<sup>nd</sup> Edition)** and, where relevant, **the RICS Code of Measuring Practice (6<sup>th</sup> Edition)**.

As agreed in the terms, any office and/or residential property present has been reported upon using a measurement standard other than IPMS, and specifically Gross Internal Area has been used. Such a measurement is an agreed departure from 'RICS Property Measurement (2<sup>nd</sup> Edition)'.

I understand that you requested this variation because this measurement standard is how the applicant has presented their data, is common and accepted practice in the construction/ residential industry, and it has been both necessary and expedient to analyse the comparable data on a like with like basis.

#### 5.5 Planning

- a) The Council's target for Affordable Housing delivery is 20% at 4 units (3 Affordable Rent and 1 Shared Ownership). The land is not currently allocated in Gedling Borough Council's Local Plan.

Gedling Borough Council have confirmed that a S106 contribution of £8,000 is required for NCC bus stop enhancement. The site lies within Gedling Borough CIL Zone 2. The current indexed CIL charge is £58.54 per square metre, which applied to the proposed scheme of 1,156 square metres GIA, gives a total CIL charge of £67,674.

- b) This specific site has been referred to DVS for further viability assessment as the developer is contesting the S106 contributions and believes the scheme to be unviable.

#### 5.6 Policy Requirements for the Scheme

The Local Plan policy requirements are to provide 20% affordable housing, a contribution towards transport infrastructure and a CIL charge for this scheme. Further to Gedling Borough Council's confirmation my review assessment includes the following Local plan policy requirements:

- 4 affordable housing units – 3 affordable rent and 1 shared ownership
- £8,000 NCC bus stop enhancement
- £67,674 CIL charge at £58.54 over 1,156sqm

The difference between DVS' and the applicant's inputs are due to the applicant rounding the indexed CIL charge. The applicant has not included the S106 contributions in their appraisal as the initial OMV appraisal indicated negative viability, and therefore has not produced a policy compliant appraisal.

Planning policy requirements should be factual and agreed between the LPA and the applicant. If the review assessment adopts an incorrect figure and/or a (significantly) different figure is later agreed the viability conclusion should be referred back to DVS.

#### 5.7 Planning Status

I have made enquiries of the Planning Authority as to the planning status and history which has revealed that aside from the existing planning consent under 2020/1254, there has been one previous planning application on the site.

Previous applications include:

Ref: 2017/0357PN

Received: 17 March 2017

Description: Demolition of building for redevelopment

Status: Approved

### 6.0 **Summary of Applicant's Viability Assessment**

#### 6.1 Report Reference

DVS refer to the Financial Viability Assessment prepared by [REDACTED] BA (Hons) MRTPI of AMK Planning, dated June 2021, titled Highclere Lodge, Carlton Viability Appraisal and the appraisal(s) therein.

#### 6.2 Summary of Applicant's Appraisal

In summary the surveyor's appraisal has been produced using Vi-ab<sup>2</sup> software and follows established residual methodology. This is where the Gross Development Value less the Total Development Costs Less Profit, equals the Residual Land Value, and the Residual Land Value is then compared to the Benchmark Land Value as defined in the Planning Practice Guidance, to establish viability.

The applicant outlines in their report the following:

- The proposed scheme with 0% Affordable Housing provision and £68,204 CIL Policy requirements produces a Residual Land Value of **-£383,955**;
- The Benchmark Land Value is **£200,000** based upon an EUV+ approach where the EUV is £200,000 and the premium is 0%. The applicant has detailed how they have arrived at the Benchmark Land Value as follows: The site has existing use as a nursing home and therefore an alternative use value as such which the applicant believes would justify an existing use value plus premium in excess of £200,000 but have taken a conservative approach. It represents £10,000 per apartment plot.
- A deficit of -£383,955 is identified, this is below their opinion of Benchmark Land Value and therefore the applicant seeks to demonstrate that no Affordable Housing/financial planning contributions are viable.
- The applicant's advisor concludes a scheme with no planning policy is unviable.

To review the reasonableness of this conclusion, the reasonableness of the applicant's appraisal inputs is considered in the next sections.

## **7.0 Development Period/ Programme**

7.1 The development period adopted by the applicant's advisor is 28 months comprising:

- 1 month for site purchase
- 2 months pre-construction/ site preparation
- 12 months for construction
- 9 months for sales starting at month 19

7.2 The development period adopted for the DVS viability review is 26 months comprising:

- 1 month for site purchase
- 2 months pre-construction/ site preparation and enabling site specific abnormalities
- 12 months for construction
- 8 months for sales starting at month 18

## 8.0 Gross Development Value (GDV)

AMK Planning have adopted a GDV of £2,576,500 which comprises:

Market Housing GDV	£2,576,500	20 apartments (15x 1 bedroom, 5x 2 bedroom)
--------------------	------------	---

Affordable Housing GDV	Not provided	
------------------------	--------------	--

I have reviewed the GDV proposed with regards to RICS Guidance Notes '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**', '**Valuation of Development Property**' and '**Comparable Evidence in Real Estate**' and my conclusions are set out below.

### 8.1 Market Value of Private Dwellings

The VOA database contains details of sales of residential properties including accommodation details, age of property number of bedrooms, reception rooms, age, floor areas and so forth as well as transactional information such as new build sales, part exchange shared ownership or connected party sales etc. We also have access to Energy Performance Certificates which enables analysis. We have also considered sales information about current and forthcoming schemes. All of this enables the valuer to confirm or dispute the applicant's evidence.

Further to my investigations and research into the applicant's evidence and analysis, I have collated and interpreted my own sales evidence. I consider the applicant's opinion of the GDV comprising the Market Values of private dwellings to be a little high, but not unreasonable.

The applicant has relied upon asking prices of apartments currently on the market, and made an adjustment of -5%, whereas I consider it more suitable to collate and analyse sale values. I also consider it would be more appropriate and proper to apply individual unit values by type, relative to the number of bedrooms, size, the position within the property (height/outlook) compared to the applicants £/sqm approach, further to this my opinion of Market Value for each dwelling type is as follows:

Unit	Type	Area (m <sup>2</sup> )	DVS Market Value	Applicant Market Value
LG1	1 bedroom flat	60	£125,000	£126,000
G1	1 bedroom flat	41	£110,000	£114,800
G2	1 bedroom flat	41	£110,000	£114,800
G3	1 bedroom flat	47	£120,000	£126,900
G4	2 bedroom flat	78	£160,000	£171,600
G5	1 bedroom flat	49	£122,500	£132,300
F1	1 bedroom flat	41	£115,000	£114,800
F2	1 bedroom flat	41	£115,000	£114,800
F3	1 bedroom flat	47	£125,000	£126,900
F4	2 bedroom flat	80	£165,000	£176,000
F5	1 bedroom flat	53	£130,000	£137,800
F6	1 bedroom flat	41	£115,000	£114,800
F7	2 bedroom flat	53	£135,000	£137,800
S1	1 bedroom flat	41	£117,500	£114,800
S2	1 bedroom flat	41	£117,500	£114,800
S3	1 bedroom flat	36	£107,500	£100,800
S4	2 bedroom flat	61	£145,000	£146,400
S5	1 bedroom flat	53	£132,500	£137,800
S6	1 bedroom flat	41	£117,500	£114,800
S7	2 bedroom flat	53	£137,500	£137,800
<b>Total</b>		<b>998</b>	<b>£2,522,500</b>	<b>£2,576,500</b>

I have arrived at my opinion of value through consideration of the comparables shown in **Appendix (iii)**, and my analysis is as follows:

The comparable evidence ranges between sales values of £100,000 and £150,000 for both 1- and 2-bedroom apartments and are in either the same or nearby suburbs in the surrounding locality. The best comparables are those at [REDACTED] and [REDACTED]. Although these blocks are recent redevelopments rather than new build developments, they are [REDACTED] miles from the subject site and share the same locality.

I would comment that the sale prices at [REDACTED] appear low given the standard of fit out and that they are a recent redevelopment, possibly because [REDACTED] sits on the corner of a busy junction, or possibly because these sales are less recent and were not affected by the boost in the housing market due to the Stamp Duty holiday. I have therefore adjusted to reflect the current housing market. [REDACTED] is also in the immediate locality of the subject and is almost adjacent to [REDACTED]. [REDACTED] is the site of a [REDACTED], where the [REDACTED] has been converted into apartments and 2 new apartment buildings have been erected on site, however it is not clear whether the sales are conversions or new builds so I have made assumptions based on the EPC information provided. These are good indicators of sales values within the area as

they share similar surroundings to the subject, although I have made adjustments for these comparables being redevelopments, and also had consideration to other supporting evidence. [REDACTED] is a new estate development which spans a large site of a [REDACTED]. This is nearby to the subject but in a far superior location so while I have considered this evidence useful in terms of age, I have adjusted for location.

The comparables at [REDACTED] and [REDACTED] are less than 10 years old, and are situated in a more affluent area than the subject location, which has been accounted for when establishing the proposed scheme's Market Values. The comparable in [REDACTED] has been selected as it is in a different suburb of Nottingham, but the locality is quite similar to the subject, where is located in a quieter location just outside the town centre. This comparable was built in 2008 so an uplift has been applied to this comparable.

I have had most regard to the most recently built comparables, and adjusted for location. Therefore, I consider a reasonable non-policy compliant GDV to be £2,522,500, which is 2.1% different to the applicant's GDV.

## 8.2 Market Value of Affordable Housing Dwellings

The applicant has not provided a policy compliant appraisal as the GDV from the initial appraisal is negative.

DVS has provided a policy compliant appraisal, producing a GDV reflecting the affordable units highlighted in bold as follows:

Unit	Type	Area (m <sup>2</sup> )	DVS Market Value
LG1	1 bedroom flat	60	£125,000
<b>G1</b>	<b>1 bedroom flat</b>	<b>41</b>	<b>£117,275</b>
<b>G2</b>	<b>1 bedroom flat</b>	<b>41</b>	<b>£83,663</b>
G3	1 bedroom flat	47	£120,000
G4	2 bedroom flat	78	£160,000
G5	1 bedroom flat	49	£122,500
<b>F1</b>	<b>1 bedroom flat</b>	<b>41</b>	<b>£117,275</b>
F2	1 bedroom flat	41	£115,000
F3	1 bedroom flat	47	£125,000
F4	2 bedroom flat	80	£165,000
F5	1 bedroom flat	53	£130,000
F6	1 bedroom flat	41	£115,000
F7	2 bedroom flat	53	£135,000
S1	1 bedroom flat	41	£117,500
S2	1 bedroom flat	41	£117,500
<b>S3</b>	<b>1 bedroom flat</b>	<b>36</b>	<b>£117,275</b>

S4	2 bedroom flat	61	£145,000
S5	1 bedroom flat	53	£132,500
S6	1 bedroom flat	41	£117,500
S7	2 bedroom flat	53	£137,500
<b>Total</b>		<b>998</b>	<b>£2,515,488</b>

The policy requirements are to provide 20% affordable housing. Since the applicant has not provided a policy compliant appraisal showing which units would be allocated as affordable, I have made the assumption that the four affordable units would be the smallest units within the proposed scheme and would be spread across the floors.

I have collated and analysed comparable rental data to obtain an affordable rent for these units, which are also shown in **Appendix (iii)**, and my analysis is as follows:

The market rent comparables show a range between £625 and £725 pcm for a 1-bedroom apartment in the same location as the subject. All of these comparables are from new schemes at [REDACTED] and [REDACTED], [REDACTED], although they are redevelopments from former commercial uses, but still fit out to a high standard, which is similar specification to what I would expect the subject scheme to be. I would expect the proposed apartments to attract a slightly higher market rent as they will be more recently developed, and are in a slightly better, more shielded residential area. I do not consider any of these comparables to have a higher weighting than the others, but I would pitch my market rents at the higher end of this scale.

Given the subject apartments are largely similar in size, I would apply the same rent to each, and consider £725pcm to be an appropriate market rent. The affordable rent is taken to be 80% of Market Rent as per the market norm, therefore £580pcm.

The shared ownership value is calculated at 75% of Market Value as per industry standards.

### 8.3 Market Value of Ground Rents

The applicant has not allowed for Ground Rent Investment Value in their viability assessment.

The recently announced Leasehold Reform (Ground Rent) Bill, published on 11 June 2021, will mean dwellings in this development will be sold freehold (or as part of a commonhold) title, or long leasehold and not subject to any ground rent above a peppercorn. The Bill also bans freeholders from charging administration

fees for collecting a peppercorn rent. Consequently, DVS have not allowed for Ground Rent Investment Value in the viability assessment review.

It is the general opinion of the DVS Sector Leaders for Viability that this Leasehold Reform (Ground Rent) Bill may lead to an increase in Market Values for the dwellings, there is no evidence to support this view at the date of assessment and I have not increased Market Values for this.

#### 8.4 Total GDV

My total policy compliant GDV is £2,515,488. This differs from the applicant as he has calculated a GDV based on a non-policy compliant scheme.

### 9.0 **Total Development Costs**

#### 9.1 Summary of Costs

AMK Planning have proposed the following costs:

Land acquisitions fees:	£1,360
Build costs:	£1,676,200
Contingencies:	£85,810
Abnormal costs:	£40,000
Professional fees:	£134,096
Legal fees:	£12,883
Statutory fees:	£18,438
Sales/marketing costs:	£51,530
Planning obligations:	£0
CIL:	£68,204
Finance costs:	£133,749
Arrangement fee:	£22,885
Developer's Profit:	£515,300

#### 9.2 Summary of Unagreed Costs

The following cost inputs have not been accepted as reasonable;

- Statutory fees
- Sales/marketing costs
- Planning obligations
- Finance costs

### 9.3 Statutory Fees

The applicant has included the cost of statutory fees as a separate item within their appraisal. However, DVS believe this to be inconsistent with other appraisals that we have undertaken and reviewed, as these would usually be included within the professional fees.

### 9.4 Sales Costs

The applicant has adopted sales costs (agent fees and marketing fees) to be 2% of GDV, producing a total of £51,530. Within my appraisal I consider sales costs to be more appropriate at 2.5% of GDV, which totals £63,063. I have adopted 2.5% as per the industry norm.

### 9.5 Planning Obligations

The applicant has not included an allowance for planning obligations as the initial appraisal indicates negative viability. I have included planning obligations within my appraisal as the proposed scheme would still be subject to these costs if it were to be developed. The client has stipulated that the S106 Infrastructure Contribution for an NCC bus stop enhancement will be £8,000. The client has also specified that an NHS health contribution is no longer required as the proposed number of apartments within the scheme no longer reaches the contribution threshold.

### 9.6 Finance costs

It is difficult to compare the finance outputs across the two appraisals as they have been completed in different programmes and based on slightly different timing, which impacts upon the figures. The applicant has calculated the finance costs based on a 5% fixed interest rate over the construction period and allowed an additional finance arrangement fee of 1% of total costs, which equates to £133,749 and £22,885 respectively. DVS have calculated the finance using an interest rate of 6.5% and a credit rate of 1.5% as per the market norm, which equates to total finance costs of £111,631.

### 9.7 Specific Abnormal Costs

I refer to the Terms of Engagement where it has been agreed with the client as a special assumption to rely upon the applicant's assessment of abnormal costs to determine the viability of the scheme. Therefore, I have included the sum of £40,000 as site specific abnormal costs in my review assessment. Consequently, this figure appears in my review appraisal.

My observation is that the issues relating to these costs appear commensurate with the development. For the purpose of this review report, and further to your instruction, I am prepared to rely on the professional integrity of the applicant's

cost consultant and accept that such works are necessary, and that the above costs are a fair reflection of the actual costs that would be incurred.

I confirm I am satisfied works such as site clearance, grouting, piling and retaining wall works would all be likely abnormalities on this brownfield site.

The abnormal costs total £40,000 and are not a significant contributing factor to the viability of the scheme. However, should these costs be reviewed and change in the future, we would reserve the right to review our appraisal accordingly.

### 9.8 Summary Agreed Cost Inputs

The following cost inputs have been accepted as reasonable and adopted by DVS in the review assessment.

Cost	Agent	Comments																		
Land acquisition fees	£1,360	Typically 1.3 -1.75% of (DVS opinion) of the land value. DVS adopted 1% agent fees & 0.5% legal fees. Different approach but accepted as reasonable.																		
Build costs	£1,676,200	<p>The construction cost is accepted as reasonable, however different figures adopted are due to the timing of the appraisal. The applicant and I have both adopted BCIS costs of apartments of 3-5 storeys rebased to Nottinghamshire over the past 5 years. Figures are inclusive of prelims and contractor's overheads. The applicant has obtained data from June 2021 (Q2) and I have adopted the Q4 figures at the date of valuation, which has caused the difference in build costs. The figures are as follows:</p> <table border="1"> <thead> <tr> <th></th> <th>Applicant</th> <th>DVS</th> </tr> </thead> <tbody> <tr> <td>BCIS updated</td> <td>19 June 2021</td> <td>23 October 2021</td> </tr> <tr> <td>Base build costs</td> <td>£1,359</td> <td>£1,441</td> </tr> <tr> <td>Externals</td> <td>+10%</td> <td>+10%</td> </tr> <tr> <td>Total</td> <td>£1,495</td> <td>£1,585</td> </tr> <tr> <td>Rounded to</td> <td>£1,450</td> <td>£1,585</td> </tr> </tbody> </table> <p>The applicant's build costs total £1,676,200, whereas DVS' build costs total £1,832,260, equating to a difference of £156,060.</p> <p>The impact on viability of lower build costs of up to 14% are reflected upon as part of the</p>		Applicant	DVS	BCIS updated	19 June 2021	23 October 2021	Base build costs	£1,359	£1,441	Externals	+10%	+10%	Total	£1,495	£1,585	Rounded to	£1,450	£1,585
	Applicant	DVS																		
BCIS updated	19 June 2021	23 October 2021																		
Base build costs	£1,359	£1,441																		
Externals	+10%	+10%																		
Total	£1,495	£1,585																		
Rounded to	£1,450	£1,585																		

		sensitivity testing.
Contingency	5%	This is a % of the build costs. DVS confirm that 5% is typical for a brownfield site with detailed investigations.
Professional fees	8%	8% apartment scheme.
Legal fees	0.5% of GDV	DVS have used a different approach, adopting £500 per unit, but the applicant's approach is also reasonable.
CIL	£68,204	Nominal differences due to rounding.

## 10.0 Developer's Profit

- 10.1 The applicant has made an allowance for developer's profit based on 20% of the open market GDV which reflects £515,300 on their open market appraisal.
- 10.2 Further to the above, I consider the scheme to have low to medium risk and that the applicant's profit rate of 20% GDV is considered unreasonable.
- 10.3 My open market viability review assessment adopts a profit target of 18% of GDV, which equates to £454,050. For the policy compliant appraisal I have adopted 18% for open market GDV and 6% for affordable GDV which equates to £391,915.
- 10.4 This profit rate is supported by text within the PPG (a profit of) that states *15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability.*
- 10.5 Given that both the open market and policy compliant scheme have a negative viability, the developer may be prepared to take a lower profit in order to make the development viable.
- 10.6 To accord with the RICS Guidance Note '**Assessing viability in planning under the National Planning Policy Framework 2019**', I can report that the profit level I have adopted of 18% GDV is equivalent to an Internal Rate of Return of 15.8%, please note this IRR is relative to the development period and finance rate adopted. HCA DAT automatically calculates this.

## 11.0 Benchmark Land Value (BLV)

### 11.1 Applicant's BLV

The applicant's surveyor has adopted a Benchmark Land Value of £200,000, which is their opinion of EUV, however they do not seem to have included an amount for a premium which would be the incentive for the landowner to dispose of the site.

There is insufficient evidence and reasoning in support of the EUV, and no premium has been applied.

In forming my opinion of BLV I have followed the five-step process, which is detailed in RICS GN 'Assessing viability in planning under the National Planning Policy Framework 2019 for England' (effective 1 July 2021).

11.2 Existing Use Value (EUV)

Step one is to undertake a valuation to determine EUV.

The Applicant's EUV is £200,000 based upon the site having existing use as a nursing home. The applicant has included no premium within their calculation and they state that they have been conservative within their approach. This is not accepted as reasonable.

My EUV is £19,200 and has been approached by the comparable method of valuation.

Address	Area (acres)	Sale Date	Price	Analysis (per acre)	Description/ Comments
██████████ ██████████ ██████████ ██████████ ██████████	0.47	30/09/2021	£116,000	£54,520	Former use unknown - cleared site. ██████████ as subject. Slightly larger site.
██████████ ██████████ ██████████ ██████████ ██████████	0.91	27/02/2020	£113,000	£102,830	Former barn - mostly cleared site. More rural location. Higher value area. Ceiling value.
██████████ ██████████ ██████████ ██████████ ██████████	0.29	Sold prior to auction on 17/04/2019	Undisclosed. Guide price £125,000-£150,000	£33,858	Derelict industrial unit. ██████████ location. Same size site. Total building area approx 665m2. Demolition costs estimated at £50/m2, therefore £33,250. Say

					£150,000 sold price.
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To arrive at the EUV I have considered the above comparable sales of former commercial land and buildings which are within 5 miles of the subject site. They show a range between £33,858 and £102,830 per acre.

I have applied the least weight to the [REDACTED] as I have not been able to obtain the sale details and therefore the analysis is based on various assumptions. The land in [REDACTED] is a more rural and affluent area, which indicates a ceiling value, but is not appropriate for the subject as it is a different locality. The land at [REDACTED] is the [REDACTED] as the subject, a similar size albeit slightly larger, and is a recent sale. I consider this to be the strongest comparable, and therefore I believe an appropriate EUV of the subject land to be £60,000 per acre, which equates to **£19,200**.

DVS are aware that brownfield land often sells between £50,000 to £100,000 per acre based on previous appraisal searches and professional knowledge.

#### 11.3 Alternative Use Value (AUV)

Step two is the assessment, where appropriate, of the AUV.

An Alternative Use Value approach is not considered applicable in this case.

#### 11.4 Cross Sector Collaboration Evidence of BLV and Premium

The RICS GN explains that Step three is to assess a premium above EUV based on the evidence set out in PPG paragraph 016, which is *'the best available evidence informed by cross sector collaboration, which can include benchmark land values from other viability assessments' comparisons with existing premiums above EUV*.

I have arrived at my opinion of EUV+ via the following evidence:

Address	Area (acres)	Sale Date	Price	Analysis (per acre)	Description/ Comments
[REDACTED]	0.48	20/12/2019	£330,000	£687,500	Land sold with conditional planning for development of 12x 2-bedroom apartments and

					allocated parking. Nearby location to subject. Planning ref [REDACTED] Withdrawn from auction.
[REDACTED] [REDACTED] [REDACTED] [REDACTED]	0.4	Withdrawn prior to auction on 25/03/2021	Guide price upwards of £410,000	£900,000	Land sold with lapsed planning permission for demolition of [REDACTED] and erection of 10 dwelling houses. [REDACTED] planning ref: [REDACTED]. Japanese Knotweed thought to be on site. Demolition and site clearance & removal of knotweed estimated £50,000. Auctioned and unsold 1 month prior, last bid was £436,000.
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	0.05	Unsold – auction on 11/03/2021	Guide price £160,000	£3,200,000	Cleared site with former use as commercial shop. Demolished and full planning permission for 3 storey 9x apartments. [REDACTED] planning ref: [REDACTED].

To arrive at the EUV+ I have considered the above comparable sales of land with hope value/planning permission for residential development which are within 5 miles of the subject site. The show a range between £687,500 and £3,200,000 per acre.

I have attached the least weight to the land in [REDACTED], which is a different locality to the subject site, and it was unsold and therefore the analysis is based on an estimate. The land at [REDACTED] again was unsold so is less reliable, and also has lapsed planning permission for houses instead of apartments, and there is thought to be Japanese Knotweed on site so would require costly treatment/removal - there are too many uncertainties to be able to rely on this comparable. The first comparable is in the [REDACTED] as the subject, is a similar size and also has planning permission for apartments. I would attach the most weight to this evidence. However, this land was sold 2 years ago and so I have adjusted for the market increase in development land since then. Given this analysis I think an appropriate value for the subject land is £750,000 per acre, which equates to **£240,000**.

Therefore, the premium which would incentivise the land owner to sell the subject site is as follows:

EUV+	£240,000
- EUV	<u>£19,200</u>
= Premium	£220,800
Say	<b>£220,000</b>

#### 11.5 Residual Land Value

Step four is to determine the residual value of the site or typology, assuming actual or emerging policy requirements, and this assessment of land value can be cross checked against the EUV+.

Adopting the inputs described herein this report, the residual land value of the proposed scheme with full policy requirements is -214,624.

#### 11.6 Adjusted Land Transaction Evidence

Step five is to cross-check the EUV+ approach to the determination of the BLV of the site by reference to (adjusted) land transaction evidence and can also include other BLV of compliant schemes (or adjusted if not compliant).

Market Transaction Evidence includes evidence ranging between £687,500 and £3,200,000 per acre as above.

#### 11.7 Purchase Price

The NPPG on viability encourages the reporting of the purchase price to improve transparency and accountability, however it discourages the use of a purchase price as a barrier to viability, stating *the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. And under no circumstances will the price paid for land be a relevant justification for failing to*

*accord with relevant policies in the plan.* I have been advised by the applicant that the land has been purchased for £400,000 in late 2020, but I have been unable to verify this information.

The PPG does not, however, invalidate the use and application of a purchase price, or a price secured under agreement, where the price enables the development to meet the policies in the plan.

I understand that the purchase price at late 2020 was £400,000. Adopting this would not enable full policy delivery and has been discarded for the purpose of my assessment.

#### 11.8 Benchmark Land Value Conclusion

The reasonableness of the applicant's £200,000 Benchmark Land Value has been considered against:

- The EUV of £19,200
- Alternative use value: not applicable
- The Residual Land Value of the planning compliant scheme: - £214,624
- Benchmark Land Values (BLV) adopted in the local plan study for this typology: not applicable
- Market evidence.
- The purchase price: £400,000 but not applicable

It is my balanced and professional opinion having considered all of the above approaches that an appropriate BLV would be £240,000. This comprises an EUV of £19,200 and a premium of £220,800 (11.5 times).

In conclusion, as the Residual Land Value of the policy compliant scheme produces a figure which is less than the EUV/offers an insufficient premium, I agree with the applicant's conclusion that full policy cannot be provided. Having considered all of the above approaches, I conclude that a fair and reasonable BLV would be £240,000. This comprises an EUV of £19,200 and a premium of £220,800 (11.5 times).

### 12.0 **DVS Viability Assessment**

#### 12.1 DVS Viability Appraisal 1 – Policy Compliant Scheme

My viability review assessment has been produced using HCA DAT software.

Appraisal 1 can be found at **Appendix (i)** which reflects the combined policy requirements of 20% on site Affordable housing and CIL/S106 contributions of

£64,829 (CIL: 56,892, S106: £8,000) towards transport infrastructure, and a fixed developer's profit of 18% open market GDV and 6% affordable housing GDV.

Based on the inputs I have outlined above the residual output presented as the amount available for land which is then compared to the valuer's opinion of the BLV to determine the viability of the scheme.

My viability appraisal generates a residual land value of -£214,624, which is below the BLV of £240,000.

**It is my independent conclusion a planning policy compliant scheme is not viable.**

## 12.2 DVS Appraisal 2 – Reduced Policy Scheme

As the scheme cannot meet full policy requirements, I have considered the maximum contributions that the scheme could viably provide. Through a series of iterations to the appraisal I have established that the maximum planning policy that can be delivered is nil, as the open market scheme is also not a viable development.

Appraisal 2 - which can be found at **Appendix (ii)** reflects a scheme with no affordable housing but includes £8,000 for S106 contributions, and a fixed developer's profit of 18% GDV. This appraisal generates a residual value for land of -£297,954 which is below the BLV of £240,000.

**It is my independent conclusion this scheme can support no policy requirements.**

## 13.0 Sensitivity Analysis

13.1 Further to mandatory requirements within the RICS Professional Statement '**Financial viability in planning: conduct and reporting**', sensitivity tests are included to support the robustness of the viability conclusion described above.

13.2 I have varied the most sensitive appraisal input relating to base construction costs. I have adjusted these in downward steps of 3.5% from the base appraisal assumption, and the output is the residual land value, which can be compared to the BLV of £240,000.

### 13.3 Sensitivity Test 1 – Appraisal 1 – Policy Compliant Scheme Results

Construction: Rate /m <sup>2</sup>				
-14.000%	-10.500%	-7.000%	-3.500%	0.000%
1,363.10 /m <sup>2</sup>	1,418.58 /m <sup>2</sup>	1,474.05 /m <sup>2</sup>	1,529.53 /m <sup>2</sup>	1,585.00 /m <sup>2</sup>
<b>14,740</b>	-54,842	-124,884	-195,157	<b>-265,616</b>

13.4 The base conclusion is shown in bold on the right of the results table (white cell). The green cells indicate the factors that would give way to a positive residual land value, and the red cells what would give way to an unviable scheme. The sensitivity analysis has been undertaken using Argus software. The unadjusted residual land value differs slightly from the appraisal produced using HCA DAT software, as there are differences in the way the timings are calculated.

13.5 As can be seen from the Appraisal 1 sensitivity matrix, only 1 of the 5 iterations give way to a marginal or viable scheme, such as 14% fall in construction costs, would result in a positive residual land value of £14,740, however this is still significantly lower than my BLV, which supports my conclusion that the scheme is not viable.

13.6 I have not undertaken a second sensitivity test, as I believe the open market appraisal effectively demonstrates how unviable the proposed scheme is even in the absence of any policy requirements.

## 14.0 Recommendations

Summary of key issues and recommendations.

### 14.1 Viability Conclusion

**Following the above testing work it is my considered conclusion that the proposed development is unable to support any planning policy requirements.**

In order to be delivered there must be either flex in the landowners' expectation of the developer's profit or a reduction in development costs or a combination of all. This is considered remote at the date of assessment and so may raise wider concern over the deliverability of the scheme.

### 14.2 Viability Review

Further to my conclusion above and the advice that your Council's full planning policy requirements will not be met; a review clause might be appropriate as a condition of the permission, in line with paragraph 009 of the PPG, Review mechanisms are not a tool to protect a return to the developer, but to strengthen

local authorities' ability to seek compliance with relevant policies over the lifetime of the project. DVS can advise further on this should you so require.

### 14.3 Market Commentary

#### National Residential Market

“Annual house price growth remained elevated in October at 9.9%, albeit marginally lower than the 10.0% recorded in September. Prices rose 0.7% in month-on-month terms, after taking account of seasonal effects. The price of a typical UK home has now passed the £250,000 mark, an increase of £30,728 since the pandemic struck in March 2020.

Demand for homes has remained strong, despite the expiry of the stamp duty holiday at the end of September. Indeed, mortgage applications remained robust at 72,645 in September, more than 10% above the monthly average recorded in 2019. Combined with a lack of homes on the market, this helps to explain why price growth has remained robust.”

Robert Gardner, Nationwide House Price Index, October/Q4 2021

#### Local Residential Market

“Sales of flats in Carlton had an overall average price of £103,900 over the last year. Overall, sold prices for flats in Carlton over the last year were 5% up on the previous year and 1% down on the 2006 peak of £105,205.” Apartment prices in Carlton currently range from £85,000 to £120,000 and there are 15 apartments on the market in this area.

Rightmove, October 2021

The housing market accelerated through Q3 & Q4 of 2020 through to 2021 due to the stamp duty holiday which was introduced by the Government to keep the property market afloat during COVID-19. Throughout COVID-19 there have been supply chain issues with building materials, and a shortage of supply due to a combination of COVID-19 and Brexit and consequently the build costs have risen significantly and are continuing to increase.

#### Novel Coronavirus (COVID-19) Market conditions

The pandemic and the measures taken to tackle COVID-19 continue to affect economies and real estate markets globally. Nevertheless, as at the valuation date some property markets have started to function again, with transaction volumes and other relevant evidence returning to levels where an adequate quantum of

market evidence exists upon which to base opinions of value. Accordingly, and for the avoidance of doubt, our valuation is not reported as being subject to 'material valuation uncertainty' as defined by VPS 3 and VPGA 10 of the 'RICS Valuation – Global Standards'.

For the avoidance of doubt, this explanatory note has been included to ensure transparency and to provide further insight as to the market context under which the valuation opinion was prepared. In recognition of the potential for market conditions to move rapidly in response to changes in the control or future spread of COVID-19 we highlight the importance of the valuation/ assessment date.

## **15.0 Engagement**

- 15.1 The DVS valuer has not conducted any discussions or negotiations with the applicant or any of their other advisors.
- 15.2 Should the applicant disagree with the conclusions of our initial assessment; we would recommend that they provide further information to justify their position. Upon receipt of further information and with your further instruction, DVS would be willing to review the new information and reassess the schemes viability for an additional charge.
- 15.3 If any of the assumptions stated herein this report and/or in the attached appraisal are factually incorrect the matter should be referred back to DVS as a re-appraisal may be necessary.
- 15.4 Following any new information and discussions a Stage Two report may then be produced, however if the conclusion is unchanged, a redacted version of this report including reference to the discussions will be provided.

## **16.0 Disclosure / Publication**

- 16.1 **This redacted report is suitable for publication.**
- 16.2 The report has been produced for Gedling Borough Council only. DVS permit that this report may be shared with the applicant, AMK Planning and their advisor [REDACTED], as named third parties only.
- 16.3 The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers and solely for the purposes of the instruction to which it relates. Our report may not, without our specific written consent, be used or relied upon by any third party, permitted or otherwise, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our report. No responsibility whatsoever is accepted to any third party (named or otherwise) who may seek to rely on the content of the report.

- 16.3 Planning Practice Guidance for viability promotes increased transparency and accountability, and for the publication of viability reports. However, it has been agreed that your authority, the applicant and their advisors will neither publish nor reproduce the whole or any part of this initial assessment report, nor make reference to it, in any way in any publication. It is intended that a final report will later be prepared, detailing the agreed viability position or alternatively where the initial review report is accepted, a redacted version will be produced, void of personal and confidential data, and made available for public consumption.
- 16.4 As stated in the terms, none of the VOA employees individually has a contract with you or owes you a duty of care or personal responsibility. It is agreed that you will not bring any claim against any such individuals personally in connection with our services.
- 16.5 This report is considered 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 and your council is expected to treat it accordingly.

The DVS valuer assume that all parties will restrict this report's circulation as appropriate, given the confidential and personal data provided herein.

**If the parties do not wish to discuss or contest this report, a redacted version suitable for publication can be issued following your formal request.**

I trust that the above report is satisfactory for your purposes, however, should you require clarification of any point do not hesitate to contact me further.

Yours sincerely

■■■■■■■■■■ BSc (Hons) MRICS  
Senior Surveyor  
RICS Registered Valuer  
DVS  
Date: 05 November 2021

**Reviewed by:**

■■■■■■■■■■ BA (Hons) MA MRICS  
Principal Surveyor  
RICS Registered Valuer  
DVS  
Date: 05 November 2021

## **17.0 Appendices**

- (i) Appraisal 1
- (ii) Appraisal 2
- (iii) Information to support inputs
- (iv) Redacted TOE
- (v) Site Photos

(i) Appraisal 1

Sent as separate PDF attachment.

(ii) Appraisal 2

Sent as separate PDF attachment.

(iii) Information to support inputs

Comparable Sales Evidence

Address	Description	Beds	Area m2	Sale Price	Sale Date	£/m2
[REDACTED]	2007 residential development. 2nd floor flat. 1 off street parking space. Closeby to subject just outside of Netherfield.	1	38	£100,000	24-Jul-20	£2,632
[REDACTED]	2020 residential redevelopment. On site of [REDACTED] was converted and 2 further residential blocks developed. Unclear whether this comp is a conversion or part of new build so have assumed new build as EPC rating is B. First floor flat. 1 off street parking space. [REDACTED] as subject.	1	40	£119,995	08-Mar-21	£3,000
92 [REDACTED]	Central location in [REDACTED]. Located on busy junction. Conversion from [REDACTED], completed 2019. High quality apartments with modern finish. 4th floor. Allocated parking space. Good transport links nearby. [REDACTED].	2	50	£110,000	29-Nov-19	£2,200
[REDACTED]	2020 residential redevelopment. On site of [REDACTED] was converted and 2 further residential blocks developed. Unclear whether this comp is a conversion or part of new build so have assumed conversion as EPC rating is D. First floor flat. 1 off street parking space. [REDACTED] as subject.	1	51	£113,995	23-Dec-20	£2,235
[REDACTED]	2008 residential development. 2nd floor flat with secure parking. Opposite side of [REDACTED], next to [REDACTED]. Location has similar characteristics to subject.	2	51	£122,500	21-Jan-21	£2,402

[REDACTED]	2020 residential redevelopment. On site of [REDACTED] was converted and 2 further residential blocks developed. Unclear whether this comp is a conversion or part of new build so have assumed conversion as EPC rating is E. Ground floor flat. 1 off street parking space. [REDACTED] as subject.	1	52	£109,995	06-Aug-20	£2,115
[REDACTED]	2019 new development of houses and flats. Ground floor flat with 1 parking space. Modern interior. 4 storey building. Other side of [REDACTED] to subject.	2	52	£150,000	19-Feb-21	£2,885
P [REDACTED]	Central location in [REDACTED]. Located on busy junction. Conversion from [REDACTED], completed 2019. High quality apartments with modern finish. 5th floor penthouse. Allocated parking space. Good transport links nearby. [REDACTED].	2	55	£117,495	29-Jul-19	£2,136
[REDACTED]	2013 residential development. Ground floor flat with 1 parking space. Located on [REDACTED] opposite small retail park.	2	55	£148,000	21-Dec-20	£2,691
[REDACTED]	2014 residential development. Ground floor flat with 1 parking space. Affluent area, next to [REDACTED].	2	60	£135,000	06-Nov-20	£2,250
[REDACTED]	2007 residential development. Ground floor flat. 1 off street parking space. On edge of [REDACTED], slightly less built up area.	2	66	£140,000	11-Feb-21	£2,121
[REDACTED]	2013 residential development. Top floor flat with 1 parking space. Located on [REDACTED] opposite small retail park.	2	67	£147,500	30-Oct-20	£2,201

[REDACTED]	2012 residential development. 2nd floor flat with 1 secure allocated parking space. Average interior. Convenient and different location to subject on opposite side of [REDACTED].	2	77	£134,000	07-May-21	£1,740
[REDACTED]	2014 residential development with dwellings and apartments. Top floor flat with 1 off street parking space. Affluent area, next to [REDACTED].	2	77	£142,000	15-Feb-21	£1,844

Comparable Rental Evidence

Address	Description	Beds	Asking/ agreed rent £/PCM	Asking/ agreed rent £/PA	Remarks
[REDACTED]	2020 apartments converted from [REDACTED]. Private gated site with one conversion and 2 new build blocks. [REDACTED] as subject. Ground floor.	1	£685	£8,220	Long-term letting available from 22/10/2021. Fully furnished.
[REDACTED]	2020 apartments converted from [REDACTED]. Private gated site with one conversion and 2 new build blocks. [REDACTED] as subject. First floor.	1	£675	£8,100	Long-term letting. Fully furnished.
[REDACTED]	2019 apartments converted from [REDACTED]. [REDACTED] as subject, on busier junction. Upper floor, possibly top floor.	1	£725	£8,700	Long-term letting available from 25/09/2021. Unfurnished.
[REDACTED]	2020 apartments converted from [REDACTED]. Private gated site with one conversion and 2 new build blocks. [REDACTED] as subject. First floor. One parking space.	1	£625	£7,500	Long-term letting. Unfurnished.

(iv) Redacted TOE



**Valuation Office  
Agency**

**DVS** Property Specialists  
for the Public Sector

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

(Via email)

██████████  
Planning Officer  
Development Management  
Civic Centre  
Arnot Hill Park  
Arnold  
Nottingham  
NG5 6LU

Our Reference : 1778368  
Your Reference:

Please ask for : ██████████  
Tel : ██████████  
Mobile : ██████████  
Email : ██████████

Date : 15 September 2021

Dear ██████████,

**Independent Review of Development Viability Assessment**

<b>Proposed Development</b>	20 self-contained apartment dwellings
<b>Subject of Assessment:</b>	Highclere Lodge, Burton Road, Carlton, Nottingham, NG4 3DL
<b>Planning Application Ref:</b>	2020/1254
<b>Applicant / Developer:</b>	██████████
<b>Applicant's Viability Advisor:</b>	██████████

I refer to your instructions dated 08 September 2021 and am pleased to confirm my Terms of Engagement in undertaking this commission for you.

This document contains important information about the scope of the work you have commissioned and confirms the terms and conditions under which DVS, as part of the VOA proposes to undertake the instruction.

It is important that you read this document carefully and if you have any questions, please do not hesitate to ask the signatory whose details are supplied above. Please contact them immediately if you consider the terms to be incorrect in any respect.

Please note that this Terms of Engagement document is confidential between our client, Gedling Borough Council, and the VOA. As it contains commercially sensitive and data sensitive information, it should not be provided to the applicant or their advisor without the explicit consent of the VOA. A redacted copy of these terms will be included as an appendix to our final report.

**1. Client**

This instruction will be undertaken for Gedling Borough Council and the appointing planning officer is yourself, [REDACTED].

**2. Subject Property and Proposed Development**

It is understood that you require a viability assessment review of planning application ref: 2020/1254.

The land subject to the review comprises the site of a former residential care home located at Burton Road, Carlton, Nottingham, NG4 3DL.

It is understood that the development has:

- a site area of 0.13 hectares/ 0.23 acres.
- a total GIA of 1,156 square metres.
- the proposed schedule of accommodation is as follows:

Highclere Lodge Carlton			
Type	Size Sqm	No.	Total Gia
1 Bed Basement Apt	60	1	60
1 Bed Apt	36	1	36
1 Bed Apt	41	8	328
1 Bed Apt	47	2	94
1 Bed Apt	49	1	49
1 Bed Apt	53	2	106
2 Bed Apt	53	2	106
2 Bed Apt	61	1	61
2 Bed Apt	78	1	78
2 Bed Apt	80	1	80
Corridors/Common Areas	158		158
<b>Total</b>		<b>20</b>	<b>1156</b>

**3. Purpose and Scope**

To complete this assessment DVS will:

- a) Assess the Financial Viability Appraisal (FVA) submitted by / on behalf of the planning applicant / developer, taking into account the planning proposals as supplied by you or available from your authorities planning website.

- b) Advise you on those areas of the appraisal which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion.
- c) If DVS considers that the applicant's appraisal input and viability conclusion is incorrect, we will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and / or s106 contributions might be provided without adversely affecting the overall viability of the development. This will take the form of sensitivity tests.
- 3.1 My report to you will constitute my final report if my findings conclude that the planning applicant / developer cannot provide more affordable housing and s106 payments than have been proposed.
- 3.2 **However**, if having completed my assessment I conclude that the planning applicant / developer may be able to provide more affordable housing and s106 payments than have been proposed, I understand that my findings report may only constitute Stage One of the process as the report will enable all parties to then consider any areas of disagreement and potential revisions to the proposal.
- 3.3 In such circumstances, I will, where instructed, by you be prepared to enter into discussions on potential revisions to the applicant's proposals, and / or consider any new supporting information. Upon concluding such discussions, I will submit a new report capturing my subsequent determination findings on the potentially revised application; for convenience and to distinguish it, this report on a second stage assessment may be referred to as my Stage Two report.
4. **Date of Assessment**  
The date of the assessment is required to be the date on which the report is signed, which date will be specified in the report in due course.
5. **Confirmation of Standards to be applied**  
The DVS viability assessment review will be prepared in accordance with the following statutory and other authoritative requirements:
- Mandatory provisions
- The '**National Planning Policy Framework**', which states that all viability assessments should reflect the recommended approach in the '**National Planning Practice Guidance on Viability**'. This document was revised in May 2019 and is recognised as the 'authoritative requirement' by the Royal Institution of Chartered Surveyors (RICS).

- RICS Professional Statement '**Financial viability in planning: conduct and reporting**' (effective from 1 September 2019) which provides the mandatory requirements for the conduct and reporting of valuations in the viability assessment and has been written to reflect the requirements of the PPG.
- RICS Professional Standards PS1 and PS2 in the '**RICS Valuation – Global Standards**'.

Best Practice provisions

Regard will be had to applicable RICS Guidance Notes:

- RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' (effective 1 July 2021)
- RICS GN '**Valuation of Development Property**'
- RICS GN '**Comparable Evidence in Real Estate Valuation**'

Measurements stated will be in accordance with the RICS Professional Statement '**RICS Property Measurement**' (2<sup>nd</sup> Edition) and, where relevant, the **RICS Code of Measuring Practice** (6<sup>th</sup> Edition).

Valuation advice, where applicable, will be prepared in accordance with the professional standards, in particular VPS 1 to 5 of the **RICS Valuation – Global Standards** and with the '**UK National Supplement**', which taken together are commonly known as the RICS Red Book. Compliance with RICS Professional Standards and Valuation Practice Statements (VPS) gives assurance also of compliance with the International Valuations Standards (IVS).

**6. Agreed Departures from the RICS Professional Standards**

As agreed by you, any office and/or residential property present has been reported upon using a measurement standard other than IPMS, and specifically Gross Internal Area has been used. Such a measurement is an agreed departure from '**RICS Property Measurement (2<sup>nd</sup> Edition)**'.

I understand that you requested this variation because this measurement standard is how the applicant has presented their data, is common and accepted practice in the construction / planning industry, and it has been both necessary and expedient to analyse the comparable data on a like with like basis.

RICS Red Book Professional Standards PS1 and PS2 are applicable to our undertaking of your case instruction. As our assessment may be used by you as part of a negotiation, compliance with the technical and performance standards at

VPS1 to VPS 5 is not mandatory (PS 1 para 5.4) but best practice and they will therefore be applied to the extent not precluded by your specific requirement.

## **7. Bases of Value**

### **7.1 Benchmark Land Value (BLV)** Paragraph 014 of the NPPG for Viability states that Benchmark Land Value should:

*be based upon [existing use value](#)*

*allow for a premium to landowners (including equity resulting from those building their own homes)*

*reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees*

*Viability assessments should be undertaken using benchmark land values derived in accordance with this guidance. Existing use value should be informed by market evidence of current uses, costs and values. Market evidence can also be used as a cross-check of benchmark land value but should not be used in place of benchmark land value. There may be a divergence between benchmark land values and market evidence; and plan makers should be aware that this could be due to different assumptions and methodologies used by individual developers, site promoters and landowners.*

*This evidence should be based on developments which are fully compliant with emerging or up to date plan policies, including affordable housing requirements at the relevant levels set out in the plan. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.*

*In plan making, the landowner premium should be tested and balanced against emerging policies. In decision making, the cost implications of all relevant policy requirements, including planning obligations and, where relevant, any Community Infrastructure Levy (CIL) charge should be taken into account.*

*Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. Local authorities can request data on the price paid for land (or the price expected to be paid through an option or promotion agreement).*

- 7.2 Existing Use Value (EUV):** Paragraph 015 of the NPPG for viability states that:  
*Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield (excluding any hope value for development).*

*Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency data; public sector estate/property teams' locally held evidence.*

- 7.3 Gross Development Value (GDV)** is defined in the Glossary of the RICS GN 'Valuation of Development Property' (February 2020) as:  
*The aggregate Market Value of the proposed development on the special assumption that the development is complete on the date of valuation in the market conditions prevailing on the date. Where an income capitalisation approach is used to estimate the GDV, normal assumptions should be made within the market sector concerning the treatment of purchaser's costs. The GDV should represent the expected contract price.*

- 7.4 Market Value (MV) is defined by** RICS VPS 4, paragraph 4 as:  
*"The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion."*

## **8. Special Assumptions**

On occasion, it may be agreed that a basis of value requires to be modified and a Special Assumption added, for example where there is the possibility of Special Value attaching to a property from its physical, functional, legal or economic association with some other property.

Any Special Assumptions agreed with you have been captured below under the heading Special Assumptions, in accordance with VPS 4, para 9 of the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards and RICS UK National Supplement and will be restated in my report.

The following special assumptions have been agreed and will be applied:

- That the proposed development is complete on the date of assessment in the market conditions prevailing on the date of assessment.

- That Gedling Borough Council's Local Plan policies, or emerging policies, including for affordable housing are up to date.
- That the applicant's abnormal costs, where adequately supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report and / or otherwise instructed by Gedling Borough Council and that are no abnormal development costs in addition to those which the applicant has identified.

**9. Extent of Valuer's Investigations, Restrictions and Assumptions**

An assumption in this context is a limitation on the extent of the investigations or enquiries that will be undertaken by the assessor.

The following agreed assumptions will apply to your instruction and be stated in my report, reflecting restrictions to the extent of our investigations.

- Such inspection of the property and investigations as the Valuer decides is professionally adequate and possible in the particular circumstance will be undertaken.
- No detailed site survey, building survey or inspection of covered, unexposed or inaccessible parts of the property will be undertaken. The Valuer will have regard to the apparent state of repair and condition and will assume that inspection of those parts that are not inspected would neither reveal defects nor cause material alteration to the valuation, unless the valuer becomes aware of indication to the contrary. The building services will not be tested, and it will be assumed that they are in working order and free from defect. No responsibility can therefore be accepted for identification or notification of property or services' defects that would only be apparent following such a detailed survey, testing or inspection. If the Valuer decides further investigation to be necessary, separate instructions will be sought from you.
- It will be assumed that good title can be shown, and that the property is not subject to any unusual or onerous restrictions, encumbrances or outgoings.
- It will be assumed that the property and its value are unaffected by any statutory notice or proposal or by any matters that would be revealed by a local search and replies to the usual enquiries, and that neither the construction of the property nor its condition, use or intended use was, is or will be unlawful or in breach of any covenant.
- It will be assumed that all factual information provided by you or the applicant or their agent with regard to the purpose of this request and details of tenure,

tenancies, planning consents and all other relevant information is correct. The advice will therefore be dependent on the accuracy of this information and should it prove to be incorrect or inadequate the basis or the accuracy of any assessment may be affected.

- Valuations will include that plant that is usually considered to be an integral part of the building or structure and essential for its effective use (for example building services installations) but will exclude all machinery and business assets that comprise process plant, machinery and equipment unless otherwise stated and required.
- No access audit will be undertaken to ascertain compliance with the Equality Act 2010 and it will be assumed that the premises are compliant unless otherwise stated by the applicant
- No allowances have been made for any rights obligations or liabilities arising from the Defective Premises Act 1972 unless identified as pertinent by the applicant.

## **10. Nature and Source of Information to be relied upon by Valuer**

### **10.1 From the client**

Information that will be provided to the VOA by the client comprises the following material, which will be relied upon by the viability assessor without further verification.

- a) The Planning application details. Provided by email dated 09 July 2021.
- b) Confirmation of Local plan policy requirement such as CIL / S106 / S278 planning obligations. In particular whether the applicant's assumptions on these matters are correct, if they are incorrect then please provide the correct details. To be provided.
- c) Details of any extant or elapsed consents relating to permitted Alternative Use. To be provided if relevant.
- d) If the applicant has relied on an alternative use that is not permitted, a statement as to whether this alternative would be an acceptable development. To be provided if relevant.
- e) If the applicant has applied vacant building credit, a statement as to whether this is agreed by your Council, if not the appropriate figure. Not applicable.

- f) A copy of the applicant's financial viability appraisal dated June 2021 prepared by [REDACTED] BA (Hons) MRTPI, received 09 July 2021.

## 10.2 Information from the applicant

### Site access

It is understood that the site is accessible or can be sufficiently viewed from the roadside and no appointment to inspect is required.

In particular it is understood there are no extraordinary health and safety issues to be aware of. If this is incorrect, please provide details of access arrangements and any PPE requirements.

### Viability assessment

The applicant should provide sufficient detail to enable DVS to assess their contention that the scheme would not be viable if the Policy requirements in the Local Plan were met.

The applicant's Viability Assessment is expected to meet the authoritative requirements of the NPPF and NPPG for Viability. Where completed by a member the RICS, it is also expected that the applicant's report will comply with RICS Professional Standards PS 1 and PS 2 and the **RICS Professional Statement 'Financial Viability in planning: conduct and reporting'**. In all cases the applicant's viability report is expected to include:

- a) A schedule of accommodation which accords with the planning application.
- b) A plan showing the respective boundaries and the site area
- c) An appraisal compliant with the policy requirements of the Local Plan.
- d) A report with text and evidence in support of the:
  - (i) Gross Development Value adopted
  - (ii) Benchmark Land Value, with reference to EUV and premium.
  - (iii) Gross Development Costs including any Abnormal Costs
  - (iv) Profit assumptions.
  - (v) Finance assumptions.
  - (vi) Cash flow assumptions.

## 10.3 DVS Information

DVS will make use of VOA held records and information. The sources of any other information used that is not taken from our records will be identified in the review report.

## 10.4 Information Outstanding

I confirm I have in my possession a copy of the applicant's viability report / appraisal. To complete the assessment I require the following:

From your council:

As above in 10.2 b), c) & d).

From the applicant:

Confirmation that EUV stated reflects the Benchmark Land Value for the purposes of the viability report.

Electronic copy of the Appraisal either in the form of an accessible viability toolkit (Argus developer or HCA DAT) or as a Microsoft Excel unprotected document.

DVS will contact the applicant's viability advisor directly for this information.

The report delivery date will be dependent upon timely receipt of this information.

**11. Identity of Responsible Valuer and their Status**

It is confirmed that the valuation will be carried out by a RICS Registered Valuer, acting as an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the assessment competently.

The valuers responsible will be [REDACTED] and [REDACTED] and their contact details are as stated above in the letterhead.

Any graduate involvement will be detailed in the report.

**12. Disclosure of any Material Involvement or Conflict of Interest**

In accordance with the requirements of the RICS standards, the VOA has checked that no conflict of interest arises before accepting this instruction.

It is confirmed that DVS are unaware of any previous conflicting material involvement and am satisfied that no conflict of interest exists. Should any such difficulty subsequently be identified, you will be advised at once and your agreement sought as to how this should be managed.

It is confirmed that the valuer appointed has no personal conflict undertaking this instruction.

**13. Description of Report**

A side headed written report as approved by you for this purpose will be supplied and any differences of opinion will be clearly set out with supporting justification, where inputs are agreed this will be stated also. The DVS report will be referred to as a *viability review assessment*.

Further to the requirements of the RICS a non-technical summary will be included in the review assessment, together with sensitivity tests to support the viability conclusion.

Further to the requirements of the PPG a redacted version of the DVS viability review assessment detailing the final or agreed position will be supplied for transparency purposes.

**14. Report Date**

It is my intention to submit my review assessment within 4 weeks of acceptance of these Terms.

If unforeseen problems arise that may delay my report, you will be contacted before this date with an explanation and to discuss the position.

In order to meet the above reporting date, it is essential that the information requested with section 10 of these terms is supplied by 22 September 2021.

**15. Validity Period**

The report will remain valid for 3 (three) months unless circumstances change or further material information becomes available. Reliance should not be placed on the viability conclusion beyond this period without reference back to the VOA for an updated valuation.

**16. 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.

**17. Limits or Exclusions of Liability**

Our viability advice is provided for your benefit alone and solely for the purposes of the instruction to which it relates. Our advice may not, without our specific written consent, be used or relied upon by any third party, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our valuation report.

If we do provide written consent to a third party relying on our valuation, any such third party is deemed to have accepted the terms of our engagement.

None of our employees individually has a contract with you or owes you a duty of care or personal responsibility. You agree that you will not bring any claim against any such individuals personally in connection with our services.

**18. Fee Basis**

- 18.1 You have asked for a fee estimate for the viability appraisal. This is assessed on a time spent basis. From the recorded time taken on other study reviews, I would estimate the time taken and costs in this review would be as follows:

Role	Task	Hourly Fee Exc. VAT
RICS Principal Valuer	Report, valuation and viability assessment, discussions, advice appeal work	■■■■
RICS Senior Valuer	Report, valuation and viability assessment, discussions	■■■■
RICS Graduate Surveyor	Research, valuation	■■■■
Quantity Surveyor	Cost estimates, advice	■■■■
RICS Principal Valuers	Formal case review / Quality Assurance	■■■■
Administration	Typing/ Research	■■■■

I have previously provided a fee estimate for this work to be in the region of £3,000 to £3,250 plus VAT. If I anticipate exceeding this fee estimate, after commencing work I will contact the Council to advise you of the situation and to obtain the applicants approval for me to continue.

Please note that that DVS minimum fee is £200 unless agreed otherwise as part of a contract or SLA.

18.2 This fee estimate is for the provision of a report as referred to above on the development viability appraisal as provided by the planning applicant/developer and will include our carrying out our own development appraisals. It would include a meeting with you to deal with initial issues and a further meeting, if required, to review our assessment findings of the development viability. It may require revision if the information supplied by you or the applicant is not quickly forthcoming at our request or if the initial task is varied by you and in both cases, we would revert to you for advice on the way forward. Abortive fees would be based on work already carried out.

18.3 If there is a subsequent need following the delivery of my report to discuss issues with the planning applicant / developer or you, including the consideration of potential revised proposals, or to attend meetings, this will constitute a second stage requiring a Stage 2 report and we would need to charge on a time spent basis as an additional cost at hourly rates as shown in the table above for this Stage 2 work. I am able to reduce the amount of time I need to spend upon your work by delegating some functions to colleagues who have a lower cost, and this will be reflected in the invoice for this work.

**19. Currency**

All prices or values are stated in pounds sterling.

**20. Fee Payment and Interim Billing**

Our fees are payable by our client within 30 days from the receipt of our invoice whether or not the amount is disputed or is being passed on to a third party for reimbursement.

The VOA reserves the right, subject to prior notification of details of time spent, to invoice at suitable points during the financial year for work in progress undertaken but not yet formally reported. In order to ensure timely cash flows within the public sector, such interim bills may be issued at either monthly or two monthly intervals. You will be advised beforehand that any such bill is imminent.

Where a case is cancelled before completion, our fees will be calculated on a 'work done' basis with added reasonable disbursements unless alternative arrangements have been prior agreed.

**Please note** under HM Treasury Managing Public Money we are required to review our charging on a regular basis. The VOA reserves the right to undertake an annual review of our rates going forward.

**21. Purchase Order Numbers**

Thank you for PON 20682662 which will be quoted on correspondence and invoice.

**22. Complaints**

The VOA operates a rigorous QA/QC system. This includes the inspection by Team Leaders of a sample of work carried out during the life of the instruction together with an audit process carried out by experienced Chartered Surveyors upon completion of casework. It also includes a feedback cycle to ensure continuous improvement.

The VOA has a comprehensive complaints handling procedure if you are not getting the service you expect. If you have a query or complaint it may be best to speak first to the person you have been dealing with or their manager. If you remain dissatisfied, you should be offered a copy of our brochure "Our Code of Practice on Complaints". If it is not offered to you, please request a copy or access it on our website [www.voa.gov.uk](http://www.voa.gov.uk).

**23. Freedom of Information**

We will do all that we can to keep any information gathered or produced during this assignment confidential. The Freedom of Information Act 2000 or Environmental Information Regulations 2004, and subordinate legislation, may apply to some or all of the information exchanged between yourself and the VOA under this engagement. Therefore, the VOA's duty to comply with the Freedom of Information Act may necessitate, upon request, the disclosure of information provided by you unless an exemption applies.

The VOA undertakes to make reasonable endeavours to discuss the appropriateness of disclosure, or the applicability of any exemptions allowed by the Act, with you prior to responding to any third-party requests. However, the VOA reserves the right to comply with its statutory obligations under the Act in such manner as it deems appropriate.

The VOA requires you to make all reasonable endeavours to discuss with us the appropriateness of disclosure, or the applicability of any exemptions allowed by the Act, prior to your responding to any third-party requests for information provided to you by the VOA.

**24. Monitoring Compliance by RICS**

It is possible that the RICS may at some stage ask to see the valuation for the purposes of their monitoring of professional standards under their conduct and disciplinary regulations.

**25. Revisions to these Terms**

Where, after investigation, there is in my judgement a need to propose a variation in these terms of engagement, you will be contacted without delay prior to the issue of the report.

For example, should it become apparent that the involvement of specialist colleagues would be beneficial, your consent will be sought before their involvement and we shall, if not included in the original fee estimate, provide an estimate of their costs.

The valuer will be grateful to receive at your earliest convenience brief written confirmation by email or letter that these terms and conditions are accepted and approved by you. If you have any queries, please do not hesitate to contact the valuer listed above.

Yours faithfully

██████████

██████████ BSc (Hons) MRICS

Senior Surveyor

RICS Registered Valuer

DVS

(v) Site Photos

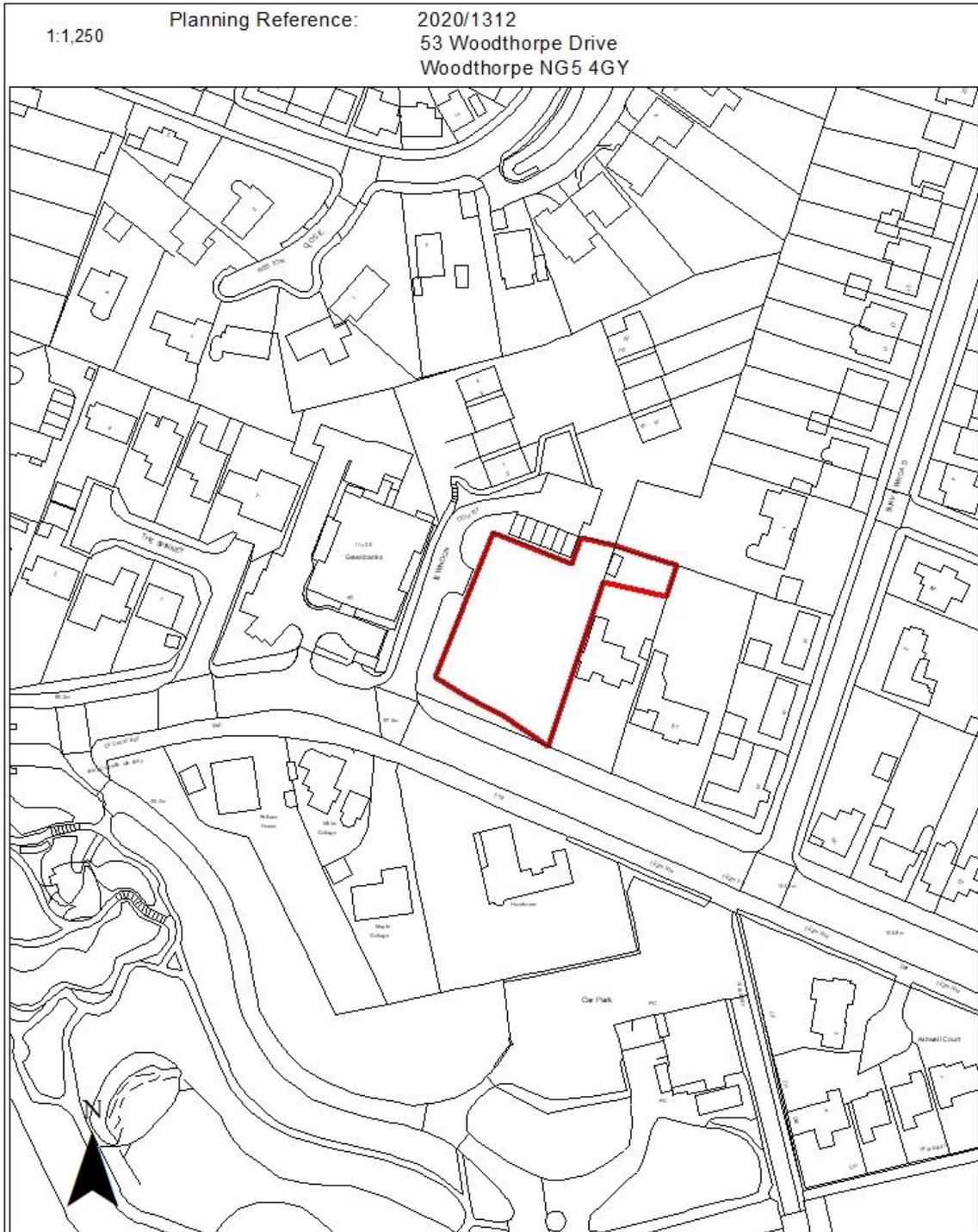




LDG31 (08.21)  
Private and Confidential



**Planning Report for 2020/1312**



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Date: 16/11/2021

**Report to Planning Committee**

<b>Application Number:</b>	<b>2020/1312</b>
<b>Location:</b>	<b>53 Woodthorpe Drive Woodthorpe NG5 4GY</b>
<b>Proposal:</b>	<b>Construct a new build residential care home for 40 residents with associated gardens and parking</b>
<b>Applicant:</b>	<b>Clarendon Court (Nottingham) Ltd</b>
<b>Agent:</b>	<b>Rayner Davies Architects</b>
<b>Case Officer:</b>	<b>Bev Pearson</b>

**1.0 Background**

- 1.1 Members may recall that the above planning application was considered on 23<sup>rd</sup> June 2021 when the Planning Committee resolved to grant full planning permission, subject to the owner entering into a Section 106 agreement to secure planning obligations with the Borough Council as Local Planning Authority and with the County Council as Highway Authority for the financial contributions towards health and bus stop infrastructure and a Local Labour Agreement and subject to the conditions set out in the original Officer report. The Officer Report is reproduce in full at para 5.0 below.
- 1.2 The application is referred back to Planning Committee as an amended red line site plan has been submitted which reduces the site area by approximately 150m<sup>2</sup> omitting the land to the rear of no. 55, Woodthorpe Drive.
- 1.3 This amendment is to address the fact that this portion of land to the rear of no. 55, Woodthorpe Drive was not included in the sale of the site.
- 1.4 The applicant's solicitor is continuing to contact the owner of the site with a view to purchasing so that the land can form part of the demise of the care home at some point in the future.
- 1.5 This report considers the effect of the change having regard to the development plan and representations received following a further period of public consultation.

## 2.0 Planning Policy Position

2.1 The report to the 23<sup>rd</sup> June 2021 Planning Committee sets out the relevant policies in determination of the application.

2.2 On 20<sup>th</sup> July 2021 the National Planning Policy Framework (NPPF) was revised. However the updated Framework did not amend any of the policies relevant to the determination of this application. As such it is considered that the updated NPPF results in no material impact on the assessment and conclusions outlined in the Officer report of the 23<sup>rd</sup> June 2021.

## 3.0 Amended Site Area

3.1 The amended red line site plan reduces the site area only and does not include any land which was not previously considered by Planning Committee on 23<sup>rd</sup> June 2021.

3.2 The marginal reduction in the site area would not materially affect the ability of the site to accommodate the care home with adequate space/patio/garden around the building remaining for future residents. The parking and servicing/deliveries arrangements to the care home remain unchanged.

3.3 Public consultation was undertaken via letters to neighbouring properties in relation to the revised red line plan. 2no. letters of objection have been received.

3.4 A summary of the main concerns are listed below:

-inadequate parking provision.

3.5 Parking provision and wider highway safety matters are considered in depth in the original Officer Report at para 7.20 – 7.24. The conclusion at para 7.24 being that:

3.6 “The access and parking arrangements have been assessed by the Highway Authority who have raised no objection. As such the proposal is considered to accord with Policies LPD 57 and LPD 61 and Section 9 of the NPPF”.

3.7 In light of the above matters it is considered that the reduction in the site does not raise any new material planning considerations not previously considered and that there has been no material change in planning policy since the consideration of the application on 23<sup>rd</sup> June 2021.

## 4.0 Recommendation

**Recommendation: That the Borough Council GRANTS FULL PLANNING PERMISSION, subject to the owner entering into a Section 106 agreement to secure planning obligations with the Borough Council as Local Planning Authority and with the County Council as Highway Authority for the financial contributions towards health and bus stop infrastructure and a Local Labour Agreement and subject to the conditions listed and for the reasons set out in the**

**report to 23<sup>rd</sup> June 2021 Planning Committee, except where amended as follows:**

Condition 2

The development hereby approved shall be completed in accordance with:

Application Form;  
Design and Access Statement;  
Tree Survey produced by John A Booth dated November 2020;  
Transport Assessment produced by Bancroft Consulting dated November 2020;  
Proposed Elevations 1 of 2 drg. no. 2774(08)E01 Rev A  
Proposed Sections 1 of 2 drg. no. 2774(08)S01 Rev A;  
Proposed Sections 2 of 2 drg. no. 2774(08)S02 Rev A;  
Proposed Street Sections drg. no. 2774(08)S03;

received on the 24<sup>th</sup> December 2020.

Site Location Plan drg no. 2774(02)L01 RevA  
Existing Site Plan Ground Floor drg no. 2774(02)001 RevA;  
Proposed Block Plan Roof Plan drg no. 2774(08)001 RevA;  
Proposed Site Plan Ground Floor drg no. 2774(08)002;RevC  
Tree Protection Plan drg no. 2774(08)003 RevB  
Proposed First Floor Layout drg no. 2774(08)101RevA  
Proposed Second Floor Layout drg no. 2774(08)201RevA;  
Proposed Layout Lower Ground Floor drg no. 2774(028)B01 RevA;  
Proposed Layout Upper Ground Floor drg. no. 2774(08)G01 Rev C;;  
Proposed Elevations 2 of 2 drg. no. 2774(08)E02 Rev B;  
Revised Tree Protection Plan and AMS drg. no. 2774(08)003 RevB.

received on the 23<sup>rd</sup> September 2021.

Condition 6

Trees to be retained on site shall be protected in complete accordance with details contained within the Revised Tree Protection Plan and AMS drg. no. 2774(08)003RevB deposited on the 23<sup>rd</sup> September 2021.

Condition 10

No part of the development hereby permitted shall be brought into use until the access to the site has been widened, completed and surfaced in a bound material in accordance with approved plan entitled 'Proposed Site Plan ground floor', plan number 2774 (08) 002 Rev C.

Condition 11

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 plans entitled ' Proposed Site Plan ground floor', plan number 2774 (08) 002 Rev C. The parking, turning and servicing areas shall be maintained for the life of the development and shall not be used for any purpose other than parking, turning, loading and unloading of vehicles.

Condition 14

The proposed 1.8m high screening to the terrace as shown on the Proposed First Floor Layout drg no. 2774(08)101RevA shall be obscure glazed to a Pilkington Level 4 and shall be installed prior to the terrace being brought into use. It shall thereafter be retained for the lifetime of the development.

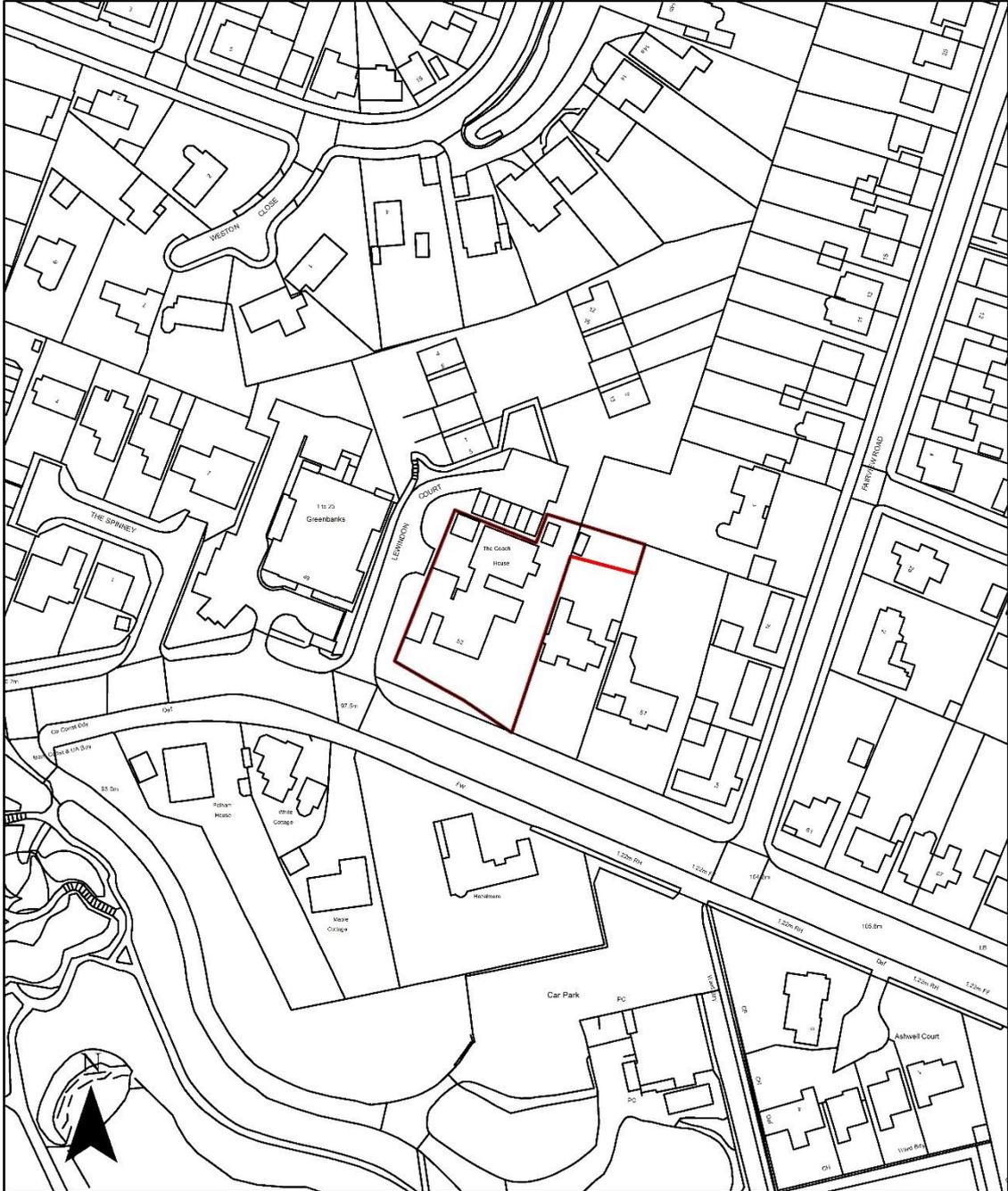
5.0 **Officer Report 23<sup>rd</sup> June 2021 Planning Committee**



**Planning Report for 2020/1312**

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Planning Reference: 2020/1312  
53 Woodthorpe Drive  
Woodthorpe



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**Gedling**  
Borough Council



Serving People Improving Lives

Date: 27/04/2021

**Gedling**  
Borough Council

## Report to Planning Committee

<b>Application Number:</b>	<b>2020/1312</b>
<b>Location:</b>	<b>53 Woodthorpe Drive Woodthorpe NG5 4GY</b>
<b>Proposal:</b>	<b>Construct a new build residential care home for 40 residents with associated gardens and parking.</b>
<b>Applicant:</b>	<b>Clarendon Court (Nottingham) Ltd</b>
<b>Agent:</b>	<b>Rayner Davies Architects</b>
<b>Case Officer:</b>	<b>Bev Pearson</b>

The application is referred to Planning Committee given that planning obligations are required to secure the mitigation of the impacts of the development.

### **1.0 Site Description**

- 1.1 This application relates to the site of an extended former 2/3 storey care home with a number of outbuildings and garden areas and a habitat area which has been vacant for some time. It occupies a large L shaped plot on the north eastern side of Woodthorpe Drive at its junction with Lewindon Court, a cul de sac within Woodthorpe. The site is accessed from Lewindon Court and Woodthorpe Drive
- 1.2 To the north and at a lower level the site is immediately adjoined by a block of garages and parking court serving properties on Lewindon Court again set at a lower level. To the west on the opposite side of Lewin Court is Green Banks a three storey block of flats whilst to the east is a detached dwelling (55 Woodthorpe Drive). Woodthorpe Park lies to the south on the opposite side of Woodthorpe Drive.
- 1.3 The site is well screened from Woodthorpe Drive by a number of mature trees.

### **2.0 Relevant Planning History**

- 2.1 2020/0351 – PRIOR APPROVAL was not required for the demolition of the existing nursing home determined on the 15<sup>th</sup> May 2020.

### **3.0 Proposed Development**

- 3.1 Full planning permission is sought for the erection of a new build residential care home for up to 40 residents with associated gardens and parking. The building would be T shaped and have a maximum footprint of 29m width and 26.5m depth. It would be split level taking account of the changes in land levels to the rear.

To the front it would be three storey with 3 no. front gables and would have a maximum ridge height of circa 10.9m and eaves height of circa 8m.

To the rear the main body of the building would be 3/4 storeys. The 4 storey element would be adjacent to the Lewindon Court highway and would have a maximum ridge height of circa 12.5m (eaves height of 10.1m) taking account of the change in land levels. The remainder of the main building would be 3 storey with a maximum eaves height of circa 10.6m and a ridge height of circa 7.5m. The footprint of the building includes a two storey flat roof rear projection which would have maximum dimensions of 10.11m width and 5.2m depth beyond which is a single storey projection with maximum dimensions of 3.9m depth and 10.1m width. This would provide a roof terrace enclosed by a 1.8m high glazed balustrade.

The existing garden area part of which falls adjacent to the rear boundary with no. 55 Woodthorpe Drive would be retained and enhanced.

A bin store is proposed to the front corner of the site adjacent to the boundary with no. 55 Woodthorpe Drive.

The existing access to the site would be widened and 12. no off street parking spaces would be provided to the front.

The care home would employ 20-25 full and part time staff

3.2 The application has been accompanied by the following supporting documents:-

- Design and access Statement
- Transport Assessment
- Tree Survey
- Revised Tree Protection Plan and Arborecultural Method Statement

#### **4.0 Consultations**

4.1 Neighbouring properties were consulted and a press and site notices were placed on 11<sup>th</sup> January 2021. Following three weeks of consultation 6 representations were received from the same correspondent summarised as follows:-

##### **Amenity**

- The proposal would result in overbearing and overshadowing impact
- A four storey building would be oppressive
- There would be adverse impact on light to existing windows
- There is insufficient separation distance between buildings
- The door at the bottom of east stairwell/gate to garden area/cycle rack – it is unclear how these would be used and by whom – regular usage would result in noise disturbance and impact on health – the stairwell block should be relocated
- The gate is shown to be wooden - this could be changed to a metal gate at any time which would create greater noise nuisance when used

- Bathrooms on the side elevations are obscure glazed – if these are opening this would result in increased noise issues. If there are extraction units this would also result in noise nuisance
- The bin store would result in potential odour nuisance and could attract vandalism
- There would be noise from increased traffic to and from the site
- There would be noise nuisance and overlooking from residents using the garden areas
- French doors on the upper ground floor opening onto the garden area from the dining/lounge area would result in odour issues – perhaps these should be closed at meal times.
- There would be overlooking from the proposed terrace
- There are no details of ventilation and extraction or noise level information

### **Design and Scale**

- The care home is too large for the site – it is over development
- The bin store would be an eyesore – previously bin stores were to the rear of the site

### **Highway Matters**

- Potential cars parking on the road would result in highway safety issues restricting visibility

### **Other Matters**

- Given the proximity of the building and ground works there would be impact on foundations of neighbouring buildings – Party Wall Notice would be required
- The proposal shows disregard for existing covenants which have previously been taken into account

### **Following clarification from the agent on a number of points raised in the above representations a further re-consultation was carried out with the respondent and the following comments have been received**

- Previous comments are reiterated.
- There are no details to the frequency or access route to the bin store - this should be confirmed as not being from the door on the eastern elevation as this would impact on amenity
- There are no details of ventilation/extraction units – clarity is needed
- There are still no precise details of what is meant by the occasional use of the ground floor door on the eastern elevation. Will it be used to access the garden?
- The care home garden has previously been privately used exclusively by the owners and separate from the rest of the outdoor space by fencing – the current proposal opens this up to residents, staff and visitors which will impact on amenity

- Using the 45 degree principle the proposed building would block out light the side windows
  - It is also requested that hard copies of comments are forwarded to planning committee members to allow full consideration and an opportunity to visit the site.
- 4.2 Nottinghamshire County Council Highways Authority – The access to the front boundary of the site will be widened, however the existing dropped kerbs are sufficiently wide to serve the widened access without any widening required on the highway. The car parking requirement is adequate to serve the site and meets the requirements of 1 space per 4 bed spaces. No concerns are raised subject to conditions in relation to the widening of the access and surfacing and delineation of parking spaces. The access is being widened to allow 2 cars to pass at the access point and exiting in a forward gear. There is betterment to what is existing to the access therefore in highway terms it is a vast improvement to the old arrangement. It has been verbally confirmed that the existing access served the previous 28 bed care home which would have required 7 parking spaces. The 40 bed care home would require 10 spaces plus 2 staff spaces. 12 spaces are proposed.
- 4.3 Gedling Borough Council Scientific Officer – no objections subject to conditions requiring the submission of a Construction Emission Management Plan and the provision of electric charging points.
- 4.4 Arboricultural Consultant - The supplied information in this instance is adequate and should be included as a condition of development that all works carried out on site should be carried out directly in accordance with the supplied arboricultural method statement and all protection measures.
- 4.5 Gedling Borough Council Environmental Health - Construction work should not take place until a scheme for protecting nearby residents from noise from mechanical and electrical equipment has been submitted to and approved in writing by the local planning authority. This scheme should also include details of the kitchen ventilation and extraction system to minimise any noise and odours from the operation of the kitchen.
- 4.6 Gedling Parks and Street Care – no comments are raised.
- 4.7 Nottingham and Nottinghamshire Clinical Commissioning Group – request a financial contribution of **£8,670** to be spent at existing local practices at either or all Elmswood Surgery, Plains View Surgery and/or Victoria and Mapperley Surgery.
- 4.8 Nottinghamshire County Council Transport and Travel Services – request a Bus Stop Infrastructure contribution of **£6,000** to provide improvements to the two bus stops on Breck Hill Road denoted as GE0597 and GE0605 which shall include the installation of raised boarding kerbs.
- 4.9 Economic Development – recommend that a condition be added in respect of a Local Labour Agreement

## **5.0 Assessment of Planning Consideration**

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'.

## **6.0 Development Plan Policies**

6.1 The following national and local policies are relevant to the application.

6.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework (NPPF) (2019) is relevant and the National Planning Practice Guidance (NPPG). The NPPF sets out the national objectives for delivering sustainable development. Sections 2 (Achieving Sustainable Development), 5 (Delivering a sufficient supply of homes), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well-designed places) are particularly relevant in this instance.

6.3 Policy A (Presumption in Favour of Sustainable Development) sets out that a positive approach will be taken when considering development proposals.

- Policy 1 – (Climate Change) – sets out sustainability criteria for new dwellings
- Policy 2 - (The Spatial Strategy) identifies the settlement hierarchy to accommodate growth and the distribution of new homes.
- Policy 8 – (Housing Size, Mix and Choice) - Part 1 sets out that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.
- 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 criteria for requiring planning obligations.

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

- LPD 32 (Amenity) requires that development proposals do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures.
- 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 39 – (Specialist Accommodation) sets out the development criteria for specialist accommodation that falls within Use Class C2 (residential institutions)

- LPD 40 (Housing Development on Unallocated Sites) sets out development criteria in terms of design, scale, massing and form, impact on amenity and parking provision.
- LPD 48 (Local Labour Agreements) sets out the threshold where a local labour agreement is required.
- LPD 57 (Parking Standards) sets out the requirements for parking.
- LPD 61 (Highway Safety) sets out that permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people

## **7.0 Planning Considerations**

The main issues for consideration in relation to the proposal are the principle of the development, the impact upon the character of the area, amenity and highway matters.

### The Principle of development

- 7.1 The sub text of Policy LPD 39 of the LPD relating to specialist accommodation notes that such accommodation should be located in residential areas which are well served by transport and services facilities. It also notes that an over concentration of such accommodation can change the character of the area.
- 7.2 The proposal relates to the site of a former existing care home which was for up to 28 residents sited within Woodthorpe which is close to Mapperley Plains shopping centre with good public transport links and services and facilities. It would create 40 no. bedrooms care home. This is a replacement care facility, albeit larger than the one it replaces and would not be considered to alter the character of the residential area. The principle of the proposal is therefore considered to accord with Policy LPD 39 and is acceptable subject to the following material planning considerations:-

### Design and Visual amenity

- 7.3 The design and appearance of the proposed care home with differing roof heights and designs together with the indicative materials noted in the submitted Design and Access Statement are considered acceptable. A condition requiring the submission of samples of the external materials is considered reasonable should permission be granted.
- 7.4 It is noted that the proposed care home would be larger in terms of scale and footprint than the existing vacant building it replaces. However the site is of a size to comfortably accommodate a building of this scale without the development appearing cramped and over intensive or the site being over developed. The new nursing home would also retain an appropriate amenity garden area to serve the residents

- 7.5 The proposed building would be set back from the highway by circa 17m and would generally respect the front building lines of adjacent properties along Woodthorpe Drive. The height of the ridge of the proposed building would also reflect the rise in land levels along this section of Woodthorpe Drive, the ridge being set circa 0.3m below that of the immediately adjacent property to the east at no 55 Woodthorpe Drive.
- 7.6 It is considered that the separation distance between the building and this neighbouring property, although modest, would be sufficient so that the development would not result in any adverse impact on the character and appearance of the streetscene.
- 7.7 It is noted that the frontage of the site would be predominantly hard surfaced to accommodate off street parking to serve the nursing home and that it is proposed to remove a conifer hedgerow to the front boundary which screens the site. It is considered reasonable to attach a condition requiring the submission and approval of precise landscaping details to ensure that sufficient planting of appropriate species would be secured to mitigate this loss and soften any visual impact.
- 7.8 A bin store is proposed to the front of the building. Precise details of its design can be secured by condition.
- 7.9 Although larger than the building it replaces in terms of footprint, scale and massing the proposed care home is of acceptable design and appearance and is considered to sit well within the context of the site and the wider area.
- 7.10 It is considered that the proposal consists of a high quality design and is fully in compliance with the NPPF, ACS Policy 10 and Policies LPD35 and LPD40.

#### Impact on Amenity

- 7.11 The comments received with regards to impact on amenity in the consultation section of the report are noted. The proposed building has been designed to take into account the changes of land levels towards the north- western boundaries of the site. The properties to the rear on Lewindon Court are set an angle to and at a lower level than the application site. There is circa 17m separation between the buildings. To the west on the opposite side of the highway (Lewindon Court) there is a separation distance of between 16.5 and 20m between Green Banks flat complex and the application building. To the east the adjacent dwelling no. 55 Woodthorpe Drive is set some 2m from the proposed care home. Being mindful of these separation distances it is not considered that the proposal would result in undue overlooking, overshadowing or overbearing impact on properties to the north and west.
- 7.12 No. 55 Woodthorpe Drive has ground floor windows to the side elevation facing the application site. Although a 2m separation is modest, these side windows are small secondary stained glass windows to a through lounge room which is also served by windows to the rear and to the front elevations.
- 7.13 Furthermore given the relationship between the proposed building and the neighbouring dwelling at no. 55 Woodthorpe Drive, taking account of the 45

degree principle, whereby a line taken at 45 degrees from the centre of the nearest window of a habitable room in an adjoining property is used as a guideline to determine the impact from a development proposal on sunlight and daylight it is not considered that the proposal would result in overshadowing impact to the windows on the front and rear elevations of this neighbour. The small side windows to this adjoining dwelling are secondary windows and as such would not carry significant weight. As noted above at 7.11 consideration has been given to the fact that these are not the only windows serving these rooms. The main windows providing light are sited to the front and rear elevations.

- 7.14 With regards to potential noise nuisance from the side door/gate facing this property, the agent has confirmed that the gate would be wooden and would provide access to the cycle racks and that the door which leads to a stairwell serves as an emergency access. Any servicing of the kitchens etc would be to and from the access doors to the other side of the building and staff would use the main entrance to access the building. The use of the cycle racks would be intermittent as staff arrive and leave the premises. The agent has confirmed that there is no intention to use this door to access the bin store given the location of the kitchens and service rooms. Notwithstanding this the proposed wooden gate could be replaced by a metal gate without the need for planning permission. However it is considered that the use of the access on the eastern elevation would not generate such a level of activity using the gate for this to significantly impact on amenity.
- 7.15 It is noted that the application does not include details of any means of extraction or ventilation. The main systems would serve the kitchen and plant room which are on the side of the building facing the Lewindon Court highway and are some distance from the nearest residential properties. Such details, together with ventilation details for bathrooms can be secured by condition to prevent undue noise or smells and so safeguard the amenity of the occupiers of nearby properties Bathroom windows to the side elevations would be conditioned to be obscure glazing and non-opening to further safeguard amenity.
- 7.16 With regards to the impact of the use of the garden, the amenity area to the rear of no. 55 Woodthorpe Drive is an existing habitat area with a large pond which would restrict the number of people able to use it. Even if it were to be filled in it is not considered that the level of activity in this area given the nature of the use of the building would result in significant nuisance. It is also not considered that the use of the remaining existing garden area would create such levels of activity and noise to justify refusal on these grounds. The existing garden areas are also set at a lower level than the adjoining plot and would also be screened existing boundary treatments.
- 7.17 I note the concerns expressed with regards to potential overlooking from the proposed terrace. This would be set in some 14m from the boundary with no. 55 Woodthorpe Drive and would be 21m from the Green Banks flat complex. These separation distances together with the proposed 1.8m high glazed screening would prevent any direct or undue overlooking into neighbouring gardens or windows and would help to mitigate any noise from the dining room/lounge.

- 7.18 In terms of amenity for future occupiers room sizes range between circa 13 and 15sq.m and communal areas provide 5.1 sq.m useable floor space which accord with national space standards for care homes which require 12 sq.m of useable floor space in individual rooms and 4.1 sq. of floor space in communal areas. Accessible outdoor amenity space would also be provided.
- 7.19 It is therefore considered that the proposal would not result in any unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Section 12 of the NPPF (2019), ACS Policy 10 and Policies LPD32 and LPD40.

#### Highway Implications including parking

- 7.20 The Highway Authority have raised no objections to the proposed widening of the access or the number of parking spaces to be provided which at 10 visitor spaces plus 2 staff spaces have been confirmed as acceptable given the sustainable location of the site in close proximity to public transport routes. Although Woodthorpe Drive is a public highway with no parking restrictions at this point which would allow any vehicle to park on the road, the proposal would be considered to provide adequate off street parking to serve the site without the need for vehicles visiting the care home to park on the street.
- 7.21 Comments received with regards to highway safety concerns are noted. The Highway Authority have raised no highway safety concerns considering that the proposal would allow vehicles to exit the site in a forward gear and the widening of the existing access would allow 2 vehicles to pass at this point which significantly improves the existing access arrangement.
- 7.22 The conditions in relation to the widening of the access, surfacing and delineation of parking spaces recommended by the Highway Authority are considered reasonable.
- 7.23 In addition the Highway Authority has requested improvements to two bus stops at Breck Hill Road via a financial contribution secured by a planning obligation.
- 7.24 The access and parking arrangements have been assessed by the Highway Authority who have raised no objection. As such the proposal is considered to accord with Policies LPD 57 and LPD 61 and Section 9 of the NPPF.

#### Planning Obligations

- 7.25 **Nottingham and Nottinghamshire Clinical Commissioning Group** - request a financial contribution of £8,670 to enhance existing local practices at one or a combination between the existing practices Elmswood Surgery, Plains View Surgery and Victoria and Mapperley Surgery.
- 7.26 **Nottinghamshire County Council Transport and Travel Services** – request a bus stop Infrastructure contribution of £6,000 to provide improvements to the two bus stops on Breck Hill Road. These improvements are necessary to achieve an acceptable standard to promote sustainable travel and make the development acceptable in planning terms.

7.27 ***Local Labour Agreement - LPD Policy 48 requires the Local Planning Authority to seek to negotiate a local labour agreement as the proposal would employ between 20-25 full and part time staff.***

7.28 These obligations would need to be secured by way of a Section 106 Agreement which shall be completed prior to determination of the planning application. It is considered that all of the above obligations are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. As such they meet with the tests set out in Section 122 of The Community Infrastructure Levy Regulations 2010 (as amended).

#### Other Matters

7.29 The application has been accompanied by a tree survey, tree protection plan and an Arborecultural Method Statement which have been reviewed and found acceptable by the Council's Arborecultural consultant. Mature trees to the front corner of the site at the junction of Lewindon Court and Woodthorpe Drive and within the grass verge on Woodthorpe Drive are to be retained and protected. The loss of the conifer trees along the remainder of the front boundary can be mitigated by a condition requiring precise details of landscaping to ensure that appropriate planting is provided.

7.30 Representations received with regards to the Party Wall Act 1996, impact on foundations and covenants are noted. These would not be material planning considerations. The Party Wall Act 1996 is a separate piece of legislation to planning legislation, the proposed building would be required to conform to current Building Regulations and any covenants would not be over ridden by any planning permission.

7.31 The request to provide hard copies of any representations received in relation to planning proposals to Members of Planning Committee is noted. The provision of copies of representations received to Members is not something that would be undertaken given that all comments are summarised in the Committee report itself. Local residents can request to speak at the meeting to highlight to Members the concerns that have been raised. The respondent has been informed of this.

7.32 Concerns have been raised with regards to the proposed bin store in terms of odour and potential vandalism. Conditions requiring the submission and written approval by the LPA of precise details of the bin store and a waste management plan will ensure that the structure is suitably enclosed and is of acceptable design, scale and materials and that waste and its disposal is managed appropriately.

7.33 The comments received from the Scientific Officer are noted and the conditions considered reasonable given the scale of the development.

## **8.0 Conclusion**

8.1 The development is visually acceptable, results in no undue impact on the neighbouring properties or the area in general. There are no highway safety or

parking issues arising as part of the proposal. Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with Sections 2, 5, 9, 11 and 12 of the NPPF , Policies A, 1, 2, 8, 10 and 19 of the ACS and Policies 11, 32, 35, 39, 40, 57 and 61 of the LPD.

**9.0 Recommendation: That the Borough Council GRANTS FULL PLANNING PERMISSION, subject to the owner entering into a Section 106 agreement to secure planning obligations with the Borough Council as Local Planning Authority and with the County Council as Highway Authority for the financial contributions towards health and bus stop infrastructure and a Local Labour Agreement and 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 approved shall be completed in accordance with the submitted documents and plans received on the 24th December 2020: -

Application Form; Design and Access Statement;  
Tree Survey produced by John A Booth dated November 2020;  
Transport Assessment produced by Bancroft Consulting dated November 2020;  
Existing Site Plan Ground Floor drg no. 2774(02)001;  
Proposed Block Plan Roof Plan drg no. 2774(08)001;  
Proposed Site Plan Ground Floor drg no. 2774(08)002;  
Tree Protection Plan drg no. 2774(08)003;  
Proposed First Floor Layout drg no. 2774(028)101;  
Proposed Second Floor Layout drg no. 2774(028)201;  
Proposed Layout Lower Ground Floor drg no. 2774(028)B01;  
Proposed Layout Upper Ground Floor drg. no. 2774(08)G01 Rev A;  
Proposed Elevations 1 of 2 drg. no. 2774(08)E01 Rev A;  
Proposed Elevations 2 of 2 drg. no. 2774(08)E02 Rev A;  
Proposed Sections 1 of 2 drg. no. 2774(08)S01 Rev A;  
Proposed Sections 2 of 2 drg. no. 2774(08)S02 Rev A;  
Proposed Street Sections drg. no. 2774(08)S03; and

the following plans deposited on the 12th February 2021:-

Revised Proposed Site Plan drg. no. 2774(08)002 Rev A;  
Revised Tree Protection Plan and AMS drg. no. 2774(08)003 A.

The development hereby permitted shall be undertaken in accordance with the submitted documents.

- 3 Prior to above ground works commencing, samples of the materials to be used in the external elevation treatment of the building shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be used in the construction of the building hereby approved.

- 4 Prior to above ground works commencing details of the soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscape plans and particulars shall include details of size, species, positions and densities of all trees, hedges and shrubs to be retained and to be planted together with a programme of implementation. The development shall be implemented in accordance with the approved details.
- 5 If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to condition 4 of this permission, 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.
- 6 Trees to be retained on site shall be protected in complete accordance with details contained within the Revised Tree Protection Plan and AMS drg. no. 2774(08)003 deposited on the 12th February 2021.
- 7 Prior to the occupation of the building hereby permitted there shall submitted to and approved in writing by the Local Planning Authority details of a waste management plan. The development shall be carried out in accordance with the approved details.
- 8 Prior to the occupation of the building hereby permitted precise details of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be implemented and made available for use in accordance with the approved details prior to first occupation of the building and shall be retained and maintained for the lifetime of the development.
- 9 Prior to above ground works commencing precise details of all means of ventilation and extraction shall be submitted to and approved in writing by the Local Planning Authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with the approved details and shall be retained for the lifetime of the development.
- 10 No part of the development hereby permitted shall be brought into use until the access to the site has been widened, completed and surfaced in a bound material in accordance with approved plan entitled ' Proposed Site Plan ground floor', plan number 2774 (08) 002 Rev A.
- 11 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 plans entitled ' Proposed Site Plan ground floor', plan number 2774 (08) 002 Rev A. The parking, turning and servicing areas shall be maintained for the life of the development and shall not be used for any purpose other than parking, turning, loading and unloading of vehicles.
- 12 Prior to the occupation of building(s) hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority as to the position within the development of one (1) Electric Vehicle Recharging Point.

The Electric Vehicle Recharging Point shall be in a prominent position on the site and shall be for the exclusive use of zero emission vehicles. The Electric Vehicle Recharging Point shall be installed prior to occupation of any part of the development and shall be thereafter maintained in the location as approved for the lifetime of the development. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of staff and visitors.

- 13 The development hereby permitted shall not be occupied until the bathroom/ensuite windows to the side elevations of the building have been fitted with obscured glazing to a minimum of Pilkington Level 4 and non-opening and shall be retained as such thereafter.
- 14 The proposed 1.8m high screening to the terrace as shown on the Proposed First Floor Layout drg no. 2774(028)101 shall be obscure glazed to a Pilkington Level 4 and shall be installed prior to the terrace being brought into use. It shall thereafter be retained for the lifetime of the development.
- 15 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 produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

## **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 a satisfactory form of development and the interest of visual amenity.
- 4 To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.
- 5 To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.
- 6 To ensure that retained trees are protected.
- 7 To ensure a satisfactory development.
- 8 To ensure a satisfactory form of development and the interest of visual amenity.
- 9 To safeguard the amenity of the occupiers of neighbouring property.

- 10 To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.
- 11 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.
- 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 the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 13 To safeguard the amenity of the occupiers of neighbouring property.
- 14 To safeguard the amenity of the occupiers of neighbouring property.
- 15 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.

### **Reasons for Decision**

The principle of the development accords with the objectives of national and local planning policies. It is considered that the proposal would not result in undue harm to visual and residential amenity, or highway safety. It is therefore considered that the granting of planning permission would fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents.

### **Notes to Applicant**

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website.

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://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](http://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).



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## Report to Planning Committee

**Application Number:** 2020/1052

**Appeal Ref:** APP/N3020/W/21/3275008

**Location:** Lord Byron House, Newstead Abbey Park, Nottingham

**Proposal:** Replacement Dwelling and associated works including demolition of existing buildings.

Case Officer: Bev Pearson

Planning permission was refused by the Borough Council on the 9<sup>th</sup> April 2021 on the following grounds:

In the opinion of the Local Planning Authority the proposal would result in the construction of replacement dwelling and garage in the Green Belt which would have a significantly greater floor area than the original dwelling they replace and therefore the proposal fails to accord with any of the identified exceptions of development. Notwithstanding the supporting information submitted by the applicant and fall-back position, the Local Planning Authority do not consider that very special circumstances have been demonstrated to outweigh the harm to the Green Belt by way of the development's inappropriateness which would be by definition harmful to the openness of the Green Belt. In the absence of any very special circumstances which would outweigh such harm the development fails to accord with Section 13 (Protecting Green Belt Land) of the NPPF (2019), Policy 3 (The Green Belt) of the Aligned Core Strategy (2014) and Policy LPD 14 (Replacement of Buildings within the Green Belt) of the Local Planning Development Document (2018).

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

This appeal has been dismissed.

The Planning Inspector considered the proposed development and concluded that:-

The footprint of the proposed dwelling would result in an increase in the extent of development towards the frontage of the site and encroach into an area which is currently undeveloped and would also include elements of first floor accommodation. Although it would be possible for the proposed dwelling to be set into the site by the alteration of the ground levels, the works associated with altering the ground levels would result in further encroachment into the site. All of these factors indicate, that the proposed dwelling cannot reasonably be considered to be anything other than materially larger.

In this instance the effect of the cumulative increased size of the built development would clearly be experienced both visually and spatially. For this reason, the proposed development would compromise and significantly harm the openness of the Green Belt, in that it would be reduced.

I have given considerable weight to the material consideration in respect of the improved sustainability of the replacement dwelling and limited weight to the other considerations cited in support of the proposal. However, I conclude these circumstances do not clearly outweigh the substantial weight I must give to the overall harm the scheme would cause.

Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. The proposal would fail to comply with policy LDP14 of the LDP and policy 3 of the Aligned Core Strategy 2014, which together direct development away from the Green Belt and requires development to minimise the potential detrimental impact on openness.

**Recommendation:** To note the information.

## Report to Planning Committee

**Application Number:** 2020/1267

**Appeal Ref:** APP/N3020/D/21/3276987

**Location:** 241, Mansfield Road, Arnold, NG5 8LS

**Proposal:** Demolish existing garages and erect triple garage.

Case Officer: Nicolla Ellis

Planning permission was refused by the Borough Council on the 22<sup>nd</sup> March 2021 on the following grounds:

The design, location and scale of the proposed garage would result in an unduly prominent addition to the street scene which would visually prominent from both Mansfield Road and Birch Lea. The proposal would also be overbearing upon the host dwelling, competing in scale with the host dwelling and neighbouring properties and therefore would not respect the character or appearance of the local area. The development would therefore be contrary to Part 12 of the National Planning Policy Framework, Policy 10 of Gedling Borough Council Aligned Core Strategy (2014) and Gedling Borough Council Local Planning Document Policy 43 (2018).

An appeal against this decision was subsequently lodged with the Planning Inspectorate along with an application for an award of costs.

This appeal has been dismissed.

The application for an award of costs was refused.

The Planning Inspector considered that the proposed development and concluded that:-

The eastern boundaries of numbers 241 and 243 Mansfield Road comprise of hedges and trees, and the entrance to Birch Lea has large stone/concrete pillars either side of it. I acknowledge that these features restrict views of the site from Mansfield Road.

However, in contrast with the existing situation, there would be a large gable facing the Birch Lea entrance and a large expanse of roof that would project above the northern side boundary wall of the site, directly facing Birch Lea.

As such, the proposal would be very prominent in the Birch Lea street scene, clearly visible from the point of entry onto Birch Lea and up to the point just beyond the western boundary of the site. I therefore conclude that the proposal would be harmful to the street scene and therefore the appearance of the area.

In relation to the costs application the Inspector concluded:

Although the applicant considers the proposal is one the Council should not have refused, this is an opinion. The Council had every right to exercise its judgement in

appraising the application against development plan policies and taking account of other material considerations. I therefore consider that the Council did not behave unreasonably in refusing planning application Ref 2020/1267.

For the reasons outlined, I therefore conclude that it has not been demonstrated that the Council behaved unreasonably in respect of any substantive or procedural matters associated with the determination of application Ref 2020/1267.

Consequently, there has not been any unreasonable behaviour which caused the applicant to incur unnecessary or wasted expense in the appeal process, as described in the PPG. Therefore, an award of costs is not justified.

**Recommendation:** To note the information.



## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 01/10/2021

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.

<b>App No</b>	<b>Address</b>	<b>Proposal</b>	<b>Possible Date</b>
2021/1296	Car Park, Carlton Square	CCTV Camera and associated transmission equipment and column	12/01/2022
2021/1253	22 Kent Road, Mapperley	Construct single storey rear extension	12/01/2022
2019/0560	Land At Teal Close Netherfield	Reserved matters application for the erection of 277no. dwellings	12/01/2022
2021/0934	Land next to Pepperpots, Mapperley Plains	Erection of 8 detached dwellings and 3 apartment building, comprising 32 units	TBC
2019/1080	Land At Broad Close Woodborough	Outline application for 11no. residential properties	TBC

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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## **ACTION SHEET PLANNING DELEGATION PANEL - 8th October 2021**

2020/1133

Moriah House, Deep Furrow Avenue, Carlton

Replacement of existing uPVC conservatory and erection of a first floor extension

The proposed development would have a detrimental impact on the character of the area given the proximity, scale and design of extension in relation to Deep Furrow Avenue.

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

**Decision: That the application be refused permission.**

2021/0386

111 Sandfield Road, Arnold, NG5 6QF

Proposed new 3 bed dwelling situated on land to the rear of 111 Sandfield Road, accessed by Churchill Close.

The proposed development would have a detrimental impact on the character of the area given its tandem and backland nature.

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

**Decision: That the application be refused permission.**

2021/0576

2 Fraser Crescent, Carlton, NG4 1NL

Attic conversion with dormers to the front and rear

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0658

33 Whittingham Road, Mapperley, NG3 6BJ

Two storey and single storey rear and side extensions

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0931

12 Lees Road, Mapperley, Nottingham

Part single and part two storey rear extension, rendering and alterations to fenestration.

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0965

210 Nottingham Road, Burton Joyce, NG14 5BD

Two storey side extension

The proposed development would not have a detrimental impact on the openness of the Green Belt and the extension would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

**8th October 2021**

**Video Conference Call Meeting.**

Cllr John Truscott

Cllr Paul Wilkinson

Cllr David Ellis

Cllr John Parr

Cllr Marje Paling

Cllr Meredith Lawrence

Kevin Cartwright - Principal Planning Officer

Nigel Bryan – Principal Planning Officer

## **ACTION SHEET PLANNING DELEGATION PANEL - 15th October 2021**

2021/0136

80 Bridle Road, Burton Joyce, Nottinghamshire

Erection of additional care home (Class C2) facilities in form of new detached buildings within grounds of care home to provide independent care facilities for four residents; and associated works

The proposed development would be inappropriate development within the green belt with no very special circumstances to justify the proposal.

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

**Decision: That the application be refused permission.**

2021/0394

389 Carlton Hill, Carlton, NG4 1HW

Single storey rear extension to flat and erection of detached office building on land to the rear with associated landscaping works.

The proposed office building would be detrimental to the character of the area given its location in a prominent location within the streetscape.

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

**Decision: That the application be refused permission.**

2021/0439

3 Covert Close, Burton Joyce, Nottinghamshire

Proposed single storey rear extension, proposed front extension & erection of fencing

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0518

4 Lawn Grove, Gedling, NG4 3HT

Alterations to dormers on front elevation, raise garage roof and increase pitch to create loft space for office, including a dormer with Juliet balcony and a Juliet balcony to the garage

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0708

1 Arno Vale Gardens, Woodthorpe, NG5 4JL

Alterations and extension to garage and conversion into a dining room and construction of decking area at rear of property

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0742

8 Douglas Crescent, Carlton, NG4 1AN

Two storey side and rear extension, including a balcony, with a single storey front extension.

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0976  
27 Longdale Lane, Ravenshead, Nottingham  
Detached Garage

The proposed garage would be detrimental to the character of the area given its location in a prominent location within the streetscape.

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

**Decision: That the application be refused permission.**

2021/1018  
155 Main Road, Ravenshead, NG15 9GS  
Proposed extension to existing storage barn

**The application was withdrawn from the agenda.**

**15th October 2021**

**Video Conference Call Meeting.**

Cllr John Truscott  
Cllr Paul Wilkinson  
Cllr David Ellis  
Cllr John Parr  
Cllr Marje Paling  
Cllr Meredith Lawrence

Kevin Cartwright - Principal Planning Officer  
Nigel Bryan – Principal Planning Officer

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## **ACTION SHEET PLANNING DELEGATION PANEL 29th October 2021**

2021/0239  
8 Eastham Road Arnold NG5 6QX  
Proposed 1.5 storey side extension

The proposed development would have an undue impact on the character and appearance of the street scene.

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

**Decision: Refuse Planning Permission.**

2021/0284  
Rear off 32 Lambley Lane Gedling  
Erection of dwelling and detached garage

The proposed development would have no undue impact on the character and appearance of the area, residential amenity or highway safety.

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

**Decision: Grant Planning Permission subject to Conditions.**

2021/0421  
19 Gorse Hill Ravenshead NG15 9AF  
Extension to form double garage, hipped roof to main dwelling with dormers to front and rooflights to rear.

The proposed development would have no undue impact on the character and appearance of the street scene, residential amenity or highway safety.

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

**Decision: Grant Planning Permission subject to Conditions.**

2021/0509  
10 Avon Road Gedling NG4 4JU  
Retention of boundary fence

The proposed development would have no undue impact on the character and appearance of the street scene.

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

**Decision: Grant Planning Permission subject to Conditions.**

2021/0700  
8 Avon Road Gedling NG4 4JU  
Elevated patio (retrospective)

The proposed development would have no undue impact on the character and appearance of the area or the amenity of neighbouring occupiers.

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

**Decision: Grant Planning Permission subject to Conditions.**

2021/0905  
45 Broadfields Calverton NG14 6JP  
Proposed single storey side extension and roof lanterns to existing rear conservatory and erection of garden room

The proposed development would have no undue impact on the character and appearance of the area or the amenity of neighbouring occupiers.

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

**Decision: Grant Planning Permission subject to Conditions.**

2021/0918  
37 Jumelles Drive Calverton NG14 6QD  
Change of use of garden shed into a commercial dog grooming room.

The proposed development would have no undue impact on the amenity of neighbouring occupiers or highway safety.

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

**Decision: Grant Planning Permission subject to Conditions.**

2021/1011  
69 Main Street Burton Joyce Nottingham  
Variation of condition 3 of planning permission 96/0602 (to increase opening hours from 08.00 to 18.00 Monday to Saturday and at no times on Sundays or Bank Holidays excluding Good Friday and May Day; to 08:00 to 22:00 Monday through to Sunday

The proposed development would have no undue impact on the amenity of neighbouring occupiers or highway safety.

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

**Decision: Grant Planning Permission subject to Conditions.**

**Video Conference Call Meeting**

Cllr John Truscott  
Cllr Paul Wilkinson  
Cllr Marje Palling  
Cllr David Ellis  
Cllr John Parr  
Cllr Meredith Lawrence

Kevin Cartwright – Principal Planning Officer

**29th October 2021**

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## **ACTION SHEET PLANNING DELEGATION PANEL - 5th November 2021**

2021/0476

16 Crow Park Drive, Burton Joyce, Nottinghamshire  
Single storey rear & two storey side extension

The two storey side extension would, through its scale and location, have a detrimental impact on the amenity of a neighbouring property.

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

**Decision: That the application be refused permission.**

2021/0836

282 Longdale Lane, Ravenshead, NG15 9AH  
Single storey rear extension

The proposed development would result in an extension that would be disproportionate when compared to the original dwelling and detrimental to the openness of the Green Belt.

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

**Decision: That the application be refused permission.**

2021/0857

Gedling House, Wood Lane, Gedling  
Change of use from office (Use Class E) to meditation centre (Sui Generis) to include café, 10 bedrooms, teacher suite, provision of external ramp and rail, 3 electric charging points, paved area, bin store and cycle store

The proposed development would return a listed building in to a use and not have a detrimental impact on the openness of the green belt, residential amenity or highway safety.

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

**Decision: Grant permission subject to conditions.**

2021/0981

21 Mavis Avenue, Ravenshead, NG15 9EB

Dormer windows to both front and rear elevations of the roof

The proposed development would respect the character of the area, residential amenity and highway safety.

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

**Decision: Grant permission subject to conditions.**

**Video Conference Call Meeting.**

Cllr John Truscott

Cllr Paul Wilkinson

Cllr David Ellis

Cllr John Parr

Cllr Marje Paling

Cllr Meredith Lawrence

Nigel Bryan – Principal Planning Officer

**5th November 2021**

## **ACTION SHEET PLANNING DELEGATION PANEL - 12th November 2021**

2021/0392

Arnold Sofas and Beds Centre, 55 High Street, Arnold

Conversion of the ground floor into Affordable housing in the form of 4x 1 Bed Flats and 1x 2 Bed Flats.

Development to include locked bin storage & bike racks for the proposed flats & those previously converted above (55A/55B).

The proposed development would be of a nature whereby the amenity of the proposed occupiers would be unacceptable given the lack of natural light to the residential units.

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

**Decision: That the application be refused permission.**

2021/0689

134 Lambley Lane, Burton Joyce, NG14 5BN

Rear extension and internal alterations (including a balcony).

The proposed development would respect the character of the area, residential amenity and highway safety.

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

**Decision: Grant permission subject to conditions.**

2021/1090

2 Park Lane, Lambley, NG4 4PY

Erection of single storey rear extension and porch

The proposed development would respect the character of the Conservation Area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/1110  
48 Chesterfield Drive, Burton Joyce, NG14 5EQ  
Demolition of existing dwellings and erection of two dwellings

The proposed development would respect the character of the area, residential amenity and highway safety.

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

**Decision: Grant permission subject to conditions.**

**Video Conference Call Meeting.**

Cllr John Truscott  
Cllr Paul Wilkinson  
Cllr David Ellis  
Cllr John Parr  
Cllr Marje Paling  
Cllr Meredith Lawrence

Kevin Cartwright - Principal Planning Officer  
Nigel Bryan – Principal Planning Officer

**12th November 2021**

## **ACTION SHEET PLANNING DELEGATION PANEL 19th November 2021**

2021/0042

Land Of Former Warren Hill Community Church Muirfield Road Bestwood  
Erection of 6 two storey dwellings

The proposed development would have an undue impact on the character and appearance of the street scene and would result in a cramped form of development.

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

**Decision: Refuse Planning Permission.**

2021/0185

29 Maitland Road Woodthorpe NG5 4GT  
Single storey and two storey rear extensions and raised patio to the rear.

The proposed development would have no undue impact on the character and appearance of the area, amenity of neighbouring occupiers or highway safety/capacity.

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

**Decision: Grant Planning Permission subject to Conditions.**

2021/1136

517 Mansfield Road Redhill NG5 8PG  
Hip to gable roof extension to the rear of an existing detached property and upgraded boundary treatment to street scene.

The proposed development would result in a disproportionate addition to the building and would therefore represent inappropriate development, which is by definition, harmful to the Green Belt. No very special circumstances have been demonstrated.

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

**Decision: Refuse Planning Permission.**

2021/1138

160 Mapperley Plains Mapperley NG3 5RJ  
Change of Use from Use Class C3 (Dwellinghouse) to C2 (Residential Children's Home)

The proposed development would have no undue impact on the character and appearance of the area, the amenity of neighbouring occupiers, highway safety or result in a concentration of such similar uses.

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

**Decision: Grant Planning Permission subject to Conditions.**

**Video Conference Call Meeting**

Cllr John Truscott  
Cllr Marje Palling  
Cllr David Ellis  
Cllr John Parr  
Cllr Meredith Lawrence

Kevin Cartwright – Principal Planning Officer  
Nigel Bryan – Principal Planning Officer

**19th November 2021**