

Agenda

Planning Committee

Date: **Wednesday 7 September 2022**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3894

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 Andrew Dunkin
Councillor Meredith Lawrence
Councillor Ron McCrossen
Councillor Barbara Miller
Councillor Marje Paling
Councillor John Parr
Councillor Lynda Pearson
Councillor Henry Wheeler

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AGENDA

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Planning Committee Protocol.
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MINUTES PLANNING COMMITTEE

Wednesday 27 July 2022

Councillor John Truscott (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Meredith Lawrence
Councillor Michael Adams Councillor Marje Paling
Councillor Jim Creamer Councillor John Parr
Councillor David Ellis Councillor Alex Scroggie
Councillor Andrew Ellwood Councillor Sam Smith
Councillor Mike Hope Councillor Henry Wheeler
Councillor Rosa Keneally

Absent: Councillor Peter Barnes, Councillor Chris Barnfather,
Councillor Rachael Ellis, Councillor Ron McCrossen and
Councillor Barbara Miller

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

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Barnes, Barnfather, Rachael Ellis, Ron McCrossen and Miller.

Councillors Creamer, Scroggie and Sam Smith attended as substitutes.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 22 JUNE 2022

RESOLVED:

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

3 DECLARATION OF INTERESTS

None.

4 APPLICATION NO. 2019/1180 - 34 MAIN STREET, CALVERTON

Proposed demolition of existing dwelling and erection of 3 retail units at ground floor with 8 apartments over.

Emily Quilty, a local resident, spoke in objection to the application.

The Principal Planning Officer introduced the report. He informed the committee that following the publication of the agenda a further seven letters of representation had been received relating to heritage impact, residential amenity, highway safety, visual amenity, ecology and other matters relating to no demand for the retail units and increased flooding risk.

He summarised a statement that the applicant's agent had provided in which they supported the officer's recommendation - the proposal accorded with the adopted development plan; the proposal did not require any changes to the bus stop; they agreed to the suggested conditions including the additional survey work in relation to trees and protected species and concluded that the development was in accordance with both Local and National Planning Policy thus fulfilling the allocation afforded to the site within the Local Plan making.

He added that in relation to the additional representations the majority of the comments reiterated those previously discussed within the report and provided further clarity on highway safety and heritage impact.

He concluded that the proposal would not result in unacceptable harm to the amenity of neighbouring occupiers and subject to additional survey work to adequately assess the impact on trees and protected species, the proposal was recommended for approval subject to the conditions set out in the report.

Councillor Hope declared an interest in item number 4 - Application no. 2019/1180 - 34 Main Street, Calverton by virtue of his position as a Parish Councillor for Calverton Parish Council. Councillor Hope informed the committee that he personally had no input or discussions with Calverton Parish Council leading to their objections to the application.

On the requisition of two members, the motion to grant planning permission was put to a named vote and the motion was not carried.

For the motion:

Councillors Lawrence and Truscott

Against the motion:

Councillors Adams, Creamer, David Ellis, Ellwood, Hope, Keneally, Paling, Parr, Scroggie, Sam Smith, Wheeler, Wilkinson

Abstentions:

None

The Chair proposed a motion, which was seconded, to record the names of councillors who would be willing to appear at a hearing if the refusal of the application, contrary to officer recommendation was to be the subject of an appeal.

Councillors Adams, Creamer, David Ellis, Ellwood, Hope, Keneally, Paling, Parr, Scroggie, Sam Smith, Wheeler and Wilkinson all raised their hands to indicate that they would be prepared to appear at a hearing if required.

The Chair proposed a motion, which was seconded, to briefly adjourn the meeting to allow officers to draft the proposed reasons for refusal of the application. The motion was supported and the Chair declared it carried.

The meeting was adjourned at 7:16pm

The meeting resumed at 7:26pm

Councillor David Ellis re-joined the meeting.

Following debate, an alternative proposal to refuse planning permission was moved and duly seconded and it was

RESOLVED:

To refuse the application for the following reasons:

1. The three storey element of the proposal would result in less than substantial harm to the setting of the conservation area and listed church that is not outweighed by the identified public benefit of the development, contrary to Part 16 of the National Planning Policy Framework (NPPF), Policy 11 of the Aligned Core Strategy (ACS) and Policies LPD 26, LPD 27 and LPD 28 of the Local Planning Document (LPD).
2. The design of the proposed development would result in in less than substantial harm to the setting of the conservation area and listed church that is not outweighed by the identified public benefit of the development, contrary to Part 16 of the National Planning Policy Framework (NPPF), Policy 11 of the Aligned Core Strategy (ACS) and Policies LPD 26, LPD 27 and LPD 28 of the Local Planning Document (LPD).

**APPLICATION NO. 2022/0006 - LAND OFF GEORGES LANE,
CALVERTON**

Change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities building and associated car park, landscaping and new access arrangements onto Georges Lane.

Matthew Lymn Rose of A W Lymn, the applicant, spoke in favour of the application.

The Principal Planning Officer introduced the report.

RESOLVED:

To Grant planning permission subject to conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be completed in accordance with the following drawings and documents:

Site Location Plan (9175-L-101 rev A)
Landscape Masterplan (9175-L-104 rev E)
Cemetery shelter plan (PL-01 rev A)
Access Arrangement Plan (TA01 rev F)
Ecological Appraisal (December 2021)
Tree Survey (P2349/1121/02)
- 3 No development or burials shall take place in the area identified as "Area of archaeological interest" identified on the drawing number 9175-L-104 rev E.
- 4 The proposed development hereby permitted shall not be brought into use until the site access arrangement as shown on drawing number TA01 revision F has been provided. The site access shall then be maintained in accordance with the approved details for the lifetime of the development.
- 5 The proposed development hereby permitted shall not be brought into use until Calverton Footpath 22 has been diverted in accordance with the details as shown on drawing number TA01 revision F.
- 6 The proposed development hereby permitted shall not be brought into use until the visibility splays of 2.4m x 103m and 2.4m x 56m as shown on drawing TA01 revision F have been provided.

- 7 The proposed development hereby permitted shall not be brought into use until the site access arrangement as shown on drawing TA01 revision F has been constructed with provision to prevent the discharge of surface water from the access to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the lifetime of the development.
- 8 The proposed development hereby permitted shall not be brought into use until the bus stop has been stopped up and relocated in accordance with the details set out on drawing number TA01 Rev F.
- 9 The proposed development hereby permitted shall not be brought into use until details have been submitted to and approved in writing by the Local Planning Authority as to the position and specification 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 Points 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.
- 10 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.
- 11 During the course of the development any findings of archaeological investigations shall be deposited with Nottinghamshire County Council HER and Archaeology service.
- 12 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy ADC2729-RP-A, December 2021, ADC Infrastructure., has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to

completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'ScienceReport SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

13 All burials in the cemetery shall be:

- a minimum of 250 m from a potable groundwater supply source;
- a minimum of 30 m from a water course or spring;
- a minimum of 10 m distance from field drains;

no burial into standing water and the base of the grave must be above the local water table

14 No development shall be carried out until a Construction and Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the CEMP as approved.

15 Prior to the commencement of development a scheme for the provision of bat boxes throughout the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance the details as approved.

16 Prior to the erection of any external lighting there shall be submitted to and approved in writing by the Local Planning

Authority details of all such lighting, including levels of illumination and a lux plot of the estimated luminance, to be provided on the approved buildings or elsewhere within the site. Any security lighting to be installed, shall be designed, located and installed so as not to cause disturbance to ecological interests on and adjacent to the site. The external lighting shall be provided in accordance with the approved details and shall be retained as such for the lifetime of the development.

- 17 The internal access roads and parking areas within the site shall not be installed until precise details of their widths and the proposed materials to be used in their construction have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such in perpetuity.
- 18 Prior to the commencement of development details of the trees to be removed within the areas identified as G4 and G2 on the Tree Survey (Reference: P2349/1121/0) shall be submitted to and approved in writing by the Local Planning Authority. Trees to be retained within groups G4 and G2 shall be protected in accordance with details as outlined in paragraph 4.2 of the approved Tree Survey.
- 19 Prior to above ground works commencing, a scheme of landscaping showing the location, species and size of specimens to be planted shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season from the use commencing. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.

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 interest or preserving the designated heritage asset in accordance with LPD 26 of the Gedling Part 2 Local Plan (2018) and Policy 11 of the Aligned Core Strategy (2014).
- 4 In the interest of highway safety.

- 5 In the interest of highway safety.
- 6 In the interest of highway safety.
- 7 In the interest of highway safety.
- 8 In the interest of highway safety.
- 9 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 10 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 11 To ensure records of important archaeological features identified during the course of building work are retained in accordance with LPD 30 of the Gedling Part 2 Local Plan (2018).
- 12 A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
- 13 To protect the quality of controlled waters in the local area.
- 14 In the interest of protecting the natural environment in accordance with the aims of LPD 17 of the Gedling Part 2 Local Plan (2018).
- 15 In the interest of protecting the natural environment in accordance with the aims of LPD 17 of the Gedling Part 2 Local Plan (2018).
- 16 To protect ecological interests on and adjacent to the site and in the interests of visual amenity and landscape character.
- 17 In the interests of visual amenity and landscape character.
- 18 In the interests of protecting the natural environment in accordance with LPD 17 of the Gedling Part 2 Local Plan (2018).
- 19 To ensure that the character of the area is respected and to comply with policy LPD19

Reasons for Decision

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

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. During the processing of the application discussions took place with the applicant to make amendments to the application to ensure a positive outcome could be achieved.

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

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

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

The proposed development appears to require the diversion of a public right of way/highway. The grant of planning permission for this development does not authorise the obstruction or the diversion of this public right of way/highway and an unlawful obstruction to the right of way/highway is a criminal offence and may result in the obstructing development being required to be removed.

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

There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team. The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible. If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles. If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed. Where the right of way runs across the site, there are currently open fields on either side with no adjacent boundary. This open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor. See NCC development guide. The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way. Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption. licences@viaem.co.uk If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email countryside.access@nottsc.gov.uk If a skip is required and is sited on a highway, which includes a RoW then

the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic. There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team. The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible. If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles. If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed. Where the right of way runs across the site, there are currently open fields on either side with no adjacent boundary. This open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor. See NCC development guide. If the design of any proposed development requires the legally recorded route of the RoW to be diverted because it cannot be accommodated on the legal line within the scheme, then this should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. An application way under this act should be made to the Planning authority and is a separate application to the planning permission. For path which required a TCPA diversion Under Section 12 of the Growth and Infrastructure Act 2013, it is now possible for the planning authority to carry out preliminary consultations, draft and make the Order under the appropriate Regulations (Town & Country Planning Public Path Orders Regulations 1993) if an application has been made under Part 3, and before planning permission has been granted, if on granting it, it is necessary to alter a public path. The order can be confirmed if planning permission is then granted. This can avoid the previous delays caused by developers having to wait for planning permission to be granted before applying for a diversion. The existing boundary hedge/tree line directly bordering the development/boundary/ etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way. If common land is affected or adjacent to: Provisional investigations suggest the application site may subject to, or

be in close proximity to land which is registered as Common Land or Town/Village Green. Works on Common Land and Town/Village Greens may be subject to procedures as set out in The Commons Registration Act 1965 and The Commons Act 2006. For further information you are advised to contact the Countryside Access Team, Nottinghamshire County Council Loughborough Road, West Bridgford, Nottingham NG2 7QP or Countryside.Access@nottscc.gov.uk. Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption. licences@viaem.co.uk If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email countryside.access@nottscc.gov.uk. If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic

6 ENFORCEMENT REF: 0216/2021 - RAMPER COVERT WOOD, MANSFIELD ROAD, ARNOLD

Unauthorised change of use from woodland to events venue with associated erection of 2 no. joined tipi tents, erection of a stage and siting of a WC trailer, trailer mounted cabin and seating.

The Head of Development and Place introduced the report.

RESOLVED:

That the Head of Development and Place, in conjunction with the Head of Governance and Customer Services, be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and issue of proceedings through the courts, if required, to ensure the cessation of the unauthorised change of use of the site as an events venue and removal of all associated structures and facilities including 2 no. joined tipi tents, wooden framed stage, trailer mounted timber cabin, WC trailer, seating, tables and wooden archway.

7 HOUSES IN MULTIPLE OCCUPATION (HMOS) IN THE NETHERFIELD WARD

The Head of Development and Place introduced the report.

RESOLVED:

To note Cabinet's resolution on the suitability of implementing an Article 4 direction to introduce a requirement for planning permission to change from a C3 Dwellinghouse (family dwelling) to a C4 HMO (3-6 unrelated people who share facilities) in the Netherfield Ward.

8 HOUSING DELIVERY ACTION PLAN 2022

The Head of Development and Place introduced the report.

RESOLVED:

To note the Housing Delivery Action Plan 2022 published in July 2022, attached as Appendix 1.

9 FUTURE APPLICATIONS

RESOLVED:

To note the information.

10 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

11 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 8.15 pm

Signed by Chair:
Date:

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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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Planning Report for 2022/0153

1:1,250 Planning Reference: 2022/0153
49 Chandos Street
Netherfield

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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Gedling   Serving People. Improving Lives Date: 17/08/2022

Report to Planning Committee

Application Number:	2022/0153
Location:	49 Chandos Street Netherfield
Proposal:	Proposed change of use from dwelling (C3) to 7 bedroom HMO including rear dormer extension.
Applicant:	Mr Justin Ingrey
Agent:	Wilson Architects Ltd
Case Officer:	Alison Jackson

The application has been referred to Planning Committee by the Planning Delegation Panel to allow matters in respect of highway safety, parking and amenity to be considered.

1.0 Site Description

- 1.1 49, Chandos Street, Netherfield is an existing two storey semi-detached property. The property is set slightly back from Chandos Street. The property does not benefit from off street parking. The site is situated in close proximity to the Netherfield designated local shopping centre.

2.0 Relevant Planning History

- 2.1 None.

3.0 Proposed Development

- 3.1 Planning permission is sought for the change of use of the property from a Class C3 (dwelling) to a House in Multiple Occupation (HMO) providing 7 bedrooms which falls within a sui generis use. Five of the proposed rooms would provide en-suite facilities, with bedrooms 6 and 7 having access to a shared bathroom. A communal area is proposed on the ground floor providing a kitchen and seating area.
- 3.2 Permission is also sought for the erection of a dormer to the rear elevation roof slope of the dwelling, this providing accommodation within the existing roof area to provide bedrooms 6 and 7. The materials proposed for the dormer are tiles to the elevations to match the existing dwelling.

4.0 Consultations

- 4.1 Nottinghamshire County Council (Highway Authority) – no objections, however it is noted that the existing dwelling relies on on street parking only. Parking on street is not a road safety issue however, inconvenience could be caused to existing residents who also have a demand for parking in the area.
- 4.2 Environmental Health (Noise) – no objections however, an informative should be attached to any grant of planning permission advising in regard to noise insulation and building regulations.
- 4.3 Environmental Health (Licensing) – no objections but a Licence would need to be applied for. The proposal accords with space and amenities standards of the Council and where further verification is required, it will be assessed during the Licensing process.
- 4.4 Environment Agency – From a flood risk perspective, the development site falls within flood zone 2 and our flood risk standing advice (FRSA) applies.
- 4.5 Car Parks Officer – the closest public car park is the one located at Morris Street. The car park is chargeable between 8am and 6pm Monday to Saturday, outside of these times the car park is free of charge. Parking permits are available to residents, there are currently nine permits available at present, these costing £200 per annum or £55 a quarter. There are no current plans for a residents only parking scheme on Chandos Street.
- 4.6 A site notice was displayed and neighbour notification letters posted. As a result of the consultation undertaken 24 no. letters of objection have been received together with a petition which has been signed by 60 residents and these are summarised below:
- Too many HMO's in the area.
 - Too many people occupying the property.
 - The development will attract strangers.
 - Out of character with the area and does not fit in with the local demographic.
 - Highway safety issues for road users and pedestrians.
 - Lack of parking.
 - Could parking permits be issued.
 - The suggestion that local car parks can be utilised is not a solution.
 - Road congestion.
 - Noise pollution.
 - Increased rubbish at the site.
 - Health issues as a result of more car use in the area affecting air quality and causing pollution.
 - The proposal could set a precedence.
 - Impact on mental health and community cohesiveness.
 - Lack of capacity at the health centre.
 - Covid concerns owing to the sharing of the dwelling.
 - Impact on the family nature of the area.
 - Loss of community feel.
 - Loss of family housing.
 - Loss of value of neighbouring properties resulting in a potential law suit.

- There are areas in Nottingham City and other areas where it would be desirable to have HMO's.
- Netherfield is considered a 'poor relation' in the Borough and therefore property developers are drawn to neglected housing stock. The Council should consider buying these houses to rent to families who cannot afford to buy.
- Unscrupulous landlords.
- If permission is granted private ownership will disproportionately gain a substantial revenue at the cost to Netherfield as a developing community.
- The personal profit to developers is at the expense of the community.
- Increased pressure on local infrastructure.
- If the developers are serious about creating 'high end' property they would be developing the property for rental or other types of tenants.
- HMO's are not a viable solution to the housing crisis.
- There should be an Article 4 Direction.
- There is no facility to house bins for a HMO resulting in pedestrian safety issues.
- There is no mention in the application in regard to disabled access/egress. These users are being discriminated against
- Lack of consultation on the application and the correct procedures have not been followed.
- Concerns over the capacity of the drainage and water system.
- People who rent houses are at risk of losing their homes to developers such as this.
- There are a number of HMO's in the area that aren't fully occupied. There is no further requirement for this type of development.
- The people occupying HMO's have no interest in investing in the local community as they are mostly a transient population.
- HMO's are magnets for antisocial behaviour resulting in added pressure on the Police.
- Developers should use empty shops etc for developments such as this.
- The rear dormer is overly large resulting in overshadowing and overbearing impacts onto neighbouring properties.
- Loss of light as a result of the dormer.
- Loss of privacy as a result of the dormer.
- The dormer will have a dominant impact.
- The proposed dormer would affect the ability for neighbouring properties to install solar panels.
- There is no benefit to neighbouring residents
- Lack of facilities and social attractions for people who are likely to occupy this type of property.
- Child protection issues given the proximity of the dwelling to a primary school.
- Flood risk issues.
- Increased crime.
- Concerns raised over the vetting of the tenants.

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 2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2021

Sets out the national objectives for delivering sustainable development. Section 1 (Achieving Sustainable development), Sections 5 (Delivering a sufficient supply of homes), 12 (Achieving well-designed places) and Section 14 (Meeting the challenge of climate change, flooding and coastal change) are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

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

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

Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.

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

6.4 Local Planning Document (Part 2 Local Plan)

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

LPD 3 – Managing Flood Risk states planning permission will be granted for development in areas at risk of flooding provided that the development does not increase the risk of flooding on the site or elsewhere.

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 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 57 – Parking Standards states “Planning permission for residential development will be granted where the development proposal accords with the aims of the Council’s Supplementary Planning Document 2012 – Parking Provision for residential developments, or unless otherwise agreed in writing by the Local Planning Authority.

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.”

6.5 Other

Parking Provision for Residential and Non-Residential Developments – Supplementary Planning Document 2022– sets out the car parking requirements for new residential development.

7.0 **Planning Considerations**

Principle of the Proposed Use

- 7.1 The site is located within an urban area where the principle of the proposed use of the property together with the proposed use of the converted loft space as a HMO is considered acceptable subject to the assessment of all material planning considerations. The property has an authorised use as a Class C3 residential dwelling and whilst the proposed use, given that there would be 7 bedrooms provided at the property, would result in the use of the property falling within a sui generis use, the premises will be used for residential purposes, which is acceptable in this location.
- 7.2 Concern has been expressed by residents that there is an over concentration of HMOs within the ward of Netherfield. A recent assessment of the Netherfield housing stock which comprises of 2915 residential properties concludes that only **0.24%** (7 properties) are comprised of HMOs accommodating 5 or more unrelated individuals. If this application were to be approved, the percentage would increase to **0.27%** (8 properties).
- 7.3 It is therefore considered that the principle of the use, subject to the below considerations accords with the aims of the National Planning Policy Framework 2021, policy 8 of the Local Planning Document 2018 and policy LPD37 of the Local Planning Document 2018.

Impact of the proposed Use on Residential Amenity

- 7.4 In my opinion the use of the existing property, together with the proposed loft conversion, as a HMO will result in no undue impact onto the amenity of neighbouring properties. Whilst there would be 7 bedrooms provided at the

property, facilities in the property are shared by the residents and therefore the occupants would be effectively living as one residence.

- 7.5 It is also acknowledged that under permitted development rights the property could be used as a 6-bed HMO without requiring planning permission. I therefore consider that the creation of one additional bedroom in order to create 7 bedrooms in total will result in no undue impact on the amenity of neighbouring properties.
- 7.6 Whilst I note the concerns of neighbouring residents in respect to the fact that the use would not be as a 'family home' and the proposed use would affect what existing residents consider to be a 'family area' with the use adversely affecting the community in the area, I can see no justification for this assertion. The use of the property as a HMO as proposed, whilst I accept would be different from a conventional 'family home', is supported through Policy 8 of the Aligned Core Strategy and LPD37, as above, which states that residential development should contribute to a mix of housing tenures, types and sizes to create sustainable, inclusive and mixed communities. This proposed development would provide accessible accommodation for tenants in a very sustainable location, close to public transport links and local amenities and would provide a mixed community.
- 7.7 I do not consider that the proposal would lead to the area being overpopulated as a result of the proposed use of the premises as an HMO.
- 7.8 The area of Netherfield currently offers a mixture of housing types, which is welcomed in terms of planning policies providing inclusive communities. Planning policy does not prevent the development of properties for HMO's providing all other material considerations are assessed.
- 7.9 The Environmental Health Officer has been consulted on the application and has advised that they raise no objections to the proposed use. I see no reason to disagree with the professional advice of the Environmental Health Officer, however a Licence would need to be sought from the Borough Council which would assess space standards, facilities being provided within the property, i.e fridges etc with these matters being assessed by Environmental Health through a mandatory 'property health check' as part of the application process.
- 7.10 The comments received from the Council's Public Protection Section in respect to the building regulations requirements and sound insulation etc, should be attached as a note to any grant of planning permission.
- 7.11 The implementation of these building regulations requirements, which will need separate building regulations approval, will also prevent any noise issues emanating from the use of the premises and between the individual rooms within the premises themselves.
- 7.12 The building regulations will also cover any potential fire risk issues affecting both the occupants of the property and given the fact that the property is a terraced property, neighbouring properties as well.

- 7.13 I note that concerns have been raised in respect to potential anti-social behaviour/crime as a result of the occupants of the property and the potential that the area will become unsafe, again I see no justification for this assertion. However, as the property would be tenanted should any anti-social behaviour issues arise, these can be reported to the owner/management company of the property or the Council's Public Protection department and these matters could therefore be investigated and any appropriate action taken. Any matters of a more serious nature could also be investigated by Nottinghamshire Police.
- 7.14 It is therefore considered that the proposal accords with the aims of policy 8 of the Aligned Core Strategy and policy LPD32 and policy LPD37 of the Local Planning Document 2018.

Design and Impact of the Proposed Rear Dormer on Neighbouring Amenity

- 7.15 In my opinion, the proposed dormer extension to the rear elevation roof slope of the property will be visually acceptable and will not detract from the existing dwelling. The proposed dormer sits within the existing roof of the dwelling and does not project above the ridge of the existing dwelling which is welcomed.
- 7.16 I am satisfied that there would be no undue overbearing or overshadowing impact onto neighbouring properties as a result of the proposed rear dormer.
- 7.17 In regard to any potential overlooking impact onto neighbouring properties, given the windows to the dormer will look onto the rear garden area of the application dwelling, I am satisfied that there will be no undue overlooking impact onto neighbouring dwellings.
- 7.18 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2021, policy 10 of the Aligned Core Strategy 2014 and policy LPD32 of the Local Planning Document 2018.

Highway Safety

- 7.19 The Highway Authority has raised no objection to the proposal and state that the proposed use of the premises as a HMO would result in no undue highway safety issues but note that demand for on street parking may result in inconvenience to neighbouring residents but that this is not a highway safety issue.
- 7.20 I note that no parking provision is being made at the site to serve the proposed use of the premises as an HMO. LPD 57 as set out above, states that planning permission will be granted for residential development where the development proposal meets the requirements for parking provision as set out within Appendix D of the Local Planning Document or otherwise agreed in writing by the Local Planning Authority. Appendix D reflects the Parking Provision for Residential Development SPD which gives guidance on the parking provision required for development. Policy LPD57 together with Appendix D and the Council's Parking SPD refer to the requirement for parking provision for dwellings and flats alone with no reference being made to residential developments falling within a residential sui generis use which

this proposal is for. I consider therefore that in accordance with policy LPD57, as the proposal relates to residential sui generis use as opposed to dwellings or flats, the requirements of Appendix D and the guidance within the Parking SPD cannot be applied in this instance. It is therefore the latter of part (a) of Policy LPD57 that applies in this instance in that planning permission can be granted for residential development providing parking standards are as 'otherwise agreed' by the Local Planning Authority.

- 7.21 Taking the above into account, I consider given the proximity of the site to the Netherfield designated shopping area, where there are a number of public car parks, the closest of these being the car park located at Morris Street where parking is chargeable between the hours of 8am and 6pm and free outside of these times and residents are able to purchase permits within the Morris Street car park together with a number of amenities, shops, etc. which are within walking distance of the application site and the fact that the site is situated on a public transport route, the requirement for off road car parking at the site is not required in this instance and the requirement for parking provision has been appropriately assessed in accordance with policy LPD57.
- 7.22 Whilst I note that neighbouring residents have raised concerns in regard to the lack of off street parking and that there will be a greater demand for on road car parking on neighbouring streets preventing existing residents from being able to park, again the site is on a bus route and close to public car parks which can adequately accommodate parking.
- 7.23 With this property and other properties within the area which do not have off street car parking facilities, the on street parking is not restricted to individual properties, it is a case where anyone can park on the street. The concerns raised in regard to parking permits being introduced for residents would be a matter for the County Council as Highway Authority, although there are no current plans for a residents only parking scheme on Chandos Street.
- 7.24 I am also mindful of the nature of the use of the dwelling, as a HMO, where occupants are perhaps not likely to have cars but if they do, then given the proximity of the site to a number of public car parks and on street parking being available in the area, parking can be accommodated.
- 7.25 I am also conscious that when the property is marketed as a HMO the rooms available would state that no off road car parking is available to serve the site and therefore the parking issue may manage itself to a certain extent, as if future occupants required off street parking they would be unlikely to apply to be a tenant at the property.
- 7.26 In respect to the issues of road maintenance, this would be a matter for the County Council as the road is an adopted highway.
- 7.27 It is therefore considered that the proposal accords with policy LPD61 in respect to highway safety and LPD57 in regard to the need for off street parking provision.

Flood Risk Issues

- 7.28 As the proposal relates to a change of an existing residential property there is no requirement to undertake a sequential test or an exception test. The proposal however has to be assessed as to whether or not the proposal results in any flood risk issues to the occupants of the premises. As the proposal is for the change of use of the premises, there will be no increased flood risk to the area in general.
- 7.29 I note that the Environment Agency has advised that the proposal should be assessed against their standing advice, in this respect I am satisfied that providing the development is undertaken in accordance with the details as set out within the submitted Flood Risk Assessment, these being that the existing finished floor levels will remain unchanged and resilience measures will be implemented, for example, all service entries will be sealed, insulation will be provided to pipes below the predicted flood level, meters would be located above the predicted flood level etc, there are no flood risk issues arising as a result of the proposal. A condition therefore will need to be attached to any grant of planning permission to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment.
- 7.30 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2021, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.

Other

- 7.31 I am aware that there have been other planning applications for the conversion of properties within the Netherfield area to HMO accommodation. I would advise that each proposal and site must be considered on its own merits and precedents are therefore not set, should one site be granted planning permission.
- 7.32 The Local Planning Authority are required to assess applications submitted and determine the applications accordingly taking into account all material planning considerations. There may be sites located within the administrative area of Nottingham City Council and elsewhere within Gedling Borough which are appropriate, but this is not a consideration which can be given any weight in determining this application.
- 7.32 The possibility of the Council acquiring housing stock in the Netherfield Ward is not a material planning consideration and again cannot be given any weight in determining this planning application.
- 7.33 The concerns in respect to the impact of the proposal on the sewage system and water supply to the site would be a matter for Severn Trent and Building Control in order to ensure that there is capacity for the safe disposal of waste and adequate water can be provided to the property.
- 7.34 There is no evidence to assume that the use of the property as an HMO will result in air quality issues.
- 7.35 The concerns raised in respect to disabled access and egress would be dealt with under the submission of a Building regulations application. Means of fire

escape from the first and second floors would also be considered through the Building Regulations.

- 7.36 I note the concerns raised in respect to where bins would be stored and am satisfied that these can be accommodated on the frontage of the application site. There is no evidence to suggest that as a result of this proposal fly tipping would occur in the area which would lead to vermin in the area. The cleanliness of the site would be a matter for occupants of the property but should problems arise, as the premises would be tenanted the concerns could be reported to the owner/management company of the property or the Council's Public Protection Section and these matters would be investigated and any appropriate action taken.
- 7.37 The potential impact of the proposal on the value of neighbouring properties is not a material planning consideration.
- 7.38 The viability of the proposed development for the applicant and the demand for the product is not a material planning consideration and neither is the possibility that other landlords may consider disposing of their assets to a HMO provider
- 7.39 The concerns in regard to the potential spread of Covid-19 in the property is not a material planning consideration. Whilst Covid-19 is a concern for all, the occupants would be living as one household and should follow all applicable Covid legislation and guidance which is in force at any time.
- 7.40 The concerns raised over the potential impact of the development on the mental health of neighbouring residents is not a material planning consideration.
- 7.41 I note the request that an Article 4 Direction should be put in place. This is an executive matter and not one that can be considered by this committee. A report on this matter was recently considered by the Cabinet following a resolution at Full Council on the 20th April 2022. Cabinet accepted that there is currently insufficient evidence to demonstrate that an Article 4 direction is necessary to protect local amenity or the well-being of the Netherfield Ward but requested that officers report back to Cabinet within six months (December 2022) with an update, to allow Cabinet to further consider and determine if there is sufficient evidence to demonstrate an Article 4 Direction and/or other measures necessary to protect local amenity or well-being of the Netherfield Ward.
- 7.42 There is no evidence that the proposal would lead to unscrupulous landlords in the area, however, the landlord would need to apply for a Licence under separate legislation.
- 7.43 Concern has been expressed that the proposal could lead to a loss of private rented accommodation. It should however be noted that HMOs have the potential to increase the level of private rented accommodation and diversify the stock of private rented accommodation.

- 7.44 The concerns raised in relation to community cohesion and loss of family properties are noted but as detailed above, the overall number of HMOs in Netherfield remains low.
- 7.45 Concerns have been raised in relation to the requirement to provide infrastructure. It should however be noted that additional new community facilities including a local centre and new primary school have been provided at Teal Close. Due to the small scale of the proposed development, the National Health Service (NHS) would not normally seek a financial contribution to mitigate the impact of the development and have not done so in this instance. Health care contributions have however been sought in relation to larger developments in the wider area.
- 7.46 Safeguarding issues are dealt with under other legislation and cannot be determined when considering this planning application.
- 7.47 I note that concerns have been raised in regard to the consultation procedures with local residents in respect to the application and can confirm that the correct consultation procedure has been followed in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

8.0 Conclusion

- 8.1 The proposed development is consistent with national and local planning policies. The proposal will result in no undue impact on the residential amenity of occupiers of neighbouring properties, there are no highway safety or parking issues arising and space standards within the development are considered to be acceptable. The development is also acceptable in respect to flood risk issues. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 1, 5, 12 and 14), Policies A, 1, 8 and 10 of the GBCAS (2014) and Policies LPD 3, 32, 37, 57 and 61 of the LPD.

Recommendation: GRANT PLANNING PERMISSION: subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development shall be carried out in accordance with the details as set out within the amended application form received on the 5th April 2022, the site location plan received on the 8th February 2022, the site/block plan received on the 8th February 2022 and the plan showing the proposed floor plans and elevations received on the 8th February 2022, drawing number: 22017-P-102.
- 3 The development shall be carried out in accordance with the submitted Flood Risk Assessment received on the 8th February 2022 titled 'Application for the Proposed Change of Use to 49 Chandos Street, Netherfield, NG4 2LP.

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 that the site is safe and suitable for use, thereby taking into consideration the aims of the National Planning Policy Framework 2021, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.

Reasons for Decision

The proposed development is consistent with national and local planning policies. The proposal will result in no undue impact on the residential amenity of occupiers of neighbouring properties, there are no highway safety or parking issues arising and space standards within the development are considered to be acceptable, a Licence however would need to be sought from the Borough Council. The development is also acceptable in respect to flood risk issues. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 5, 12 and 14), Policies 1, 8 and 10 of the GBCAS (2014) and Policies LPD 3, 32, 37 and 61 of the LPD.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021).

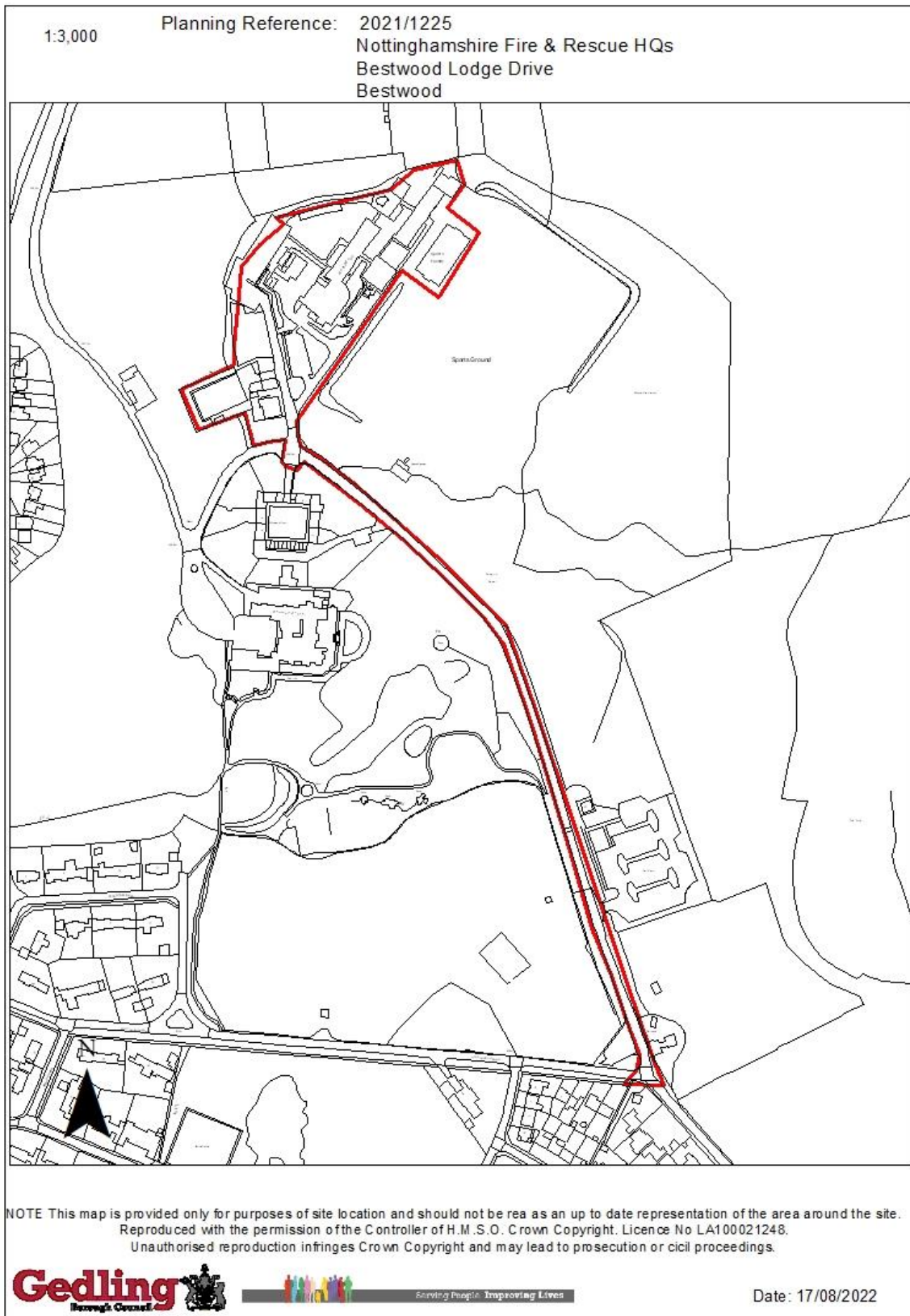
The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable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

Your attention is drawn to the following Building Regulations advice which will need to be adhered to: Sound Insulation & Building Regulations The resistance to the passage of sound in buildings must comply with Approved Document E of the building regulations which sets out standards for the resistance to airborne sound and impact sound between and within dwellings. Approved Documents E covers:- Separating walls, floors & associated flanking transmissions for new buildings- Internal walls, floors & stairs for new buildings-Dwelling houses & flats formed by a material change of use-Rooms for residential purposes-Common internal parts of buildings containing flats or rooms for residential purposes . Approve Document E states that it is good practice to consider the layout of rooms in separate dwellings at the design stage to avoid placing noise sensitive rooms next to rooms in which noise is generated eg not situating living areas or kitchens above or next to bedrooms. This will reduce the likelihood of future complaints about impact noise.

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Planning Report for 2021/1225



Report to Planning Committee

Application Number:	2021/1225
Location:	Nottinghamshire Fire And Rescue Headquarters Bestwood Lodge Drive Bestwood
Proposal:	Outline planning application with means of access, layout and scale for consideration for the construction of 32 dwellings.
Applicant:	Nottinghamshire Fire And Rescue
Agent:	Mr Ian Pritchard
Case Officer:	Kevin Cartwright

The application is referred to Planning Committee to comply with the Council's Constitution as the development proposes more than 9 dwellings.

1.0 Site Description

- 1.1 The site is currently occupied by the Nottinghamshire Fire and Rescue Service and operates as their regional headquarters. It is understood that their operations are in the process of relocating to the new joint Fire and Police headquarters at Sherwood Lodge with the move expected to be completed by the end of November 2022. Members will recall that the new facility was the subject of a recent planning application 2019/0648 for extensions and alterations.
- 1.2 The site has an area of approximately 1.7 hectares. To the north is the Bestwood Country Park protected open space. There are a number of listed heritage assets in the vicinity of the site including Bestwood Lodge Hotel (Grade II*), Bestwood former stable block (Grade II), The Balery (Grade II) and the walled garden to Gaunt's Hill (Grade II) to the north.
- 1.3 There are a number of two storey buildings which occupy the site and other smaller ancillary buildings and hard surfacing with the south eastern part of the site being an area of open space.
- 1.4 The site is accessed from Bestwood Lodge Drive which connects to Queens Bower Road over a distance of approximately 1.5km. The section of Bestwood Lodge Drive between the application site and Woodchurch Road is privately maintained. The private section of Bestwood Lodge Drive varies in width between 5.5m and 7.5m and features a number of speed humps.

- 1.5 The private access road currently provides access to the Fire and Rescue HQ, Bestwood Lodge Hotel, Bestwood Country Park and several other residential properties.
- 1.6 The site is located within the Green Belt and within Flood Zone 1 (Low Risk of fluvial Flooding).
- 1.7 The application site also includes an area of open space that was previously used as sports pitched but is currently not marked out. This part of the site is within the protected open space as defined by Policy LPD 20.

2.0 **Relevant Planning History**

- 2.1 The site has been the subject of a number of applications over a period of time relating to its function as the Fire and Rescue HQ. These applications are not however directly relevant to this planning application. Nonetheless the most recent applications are including for completeness.
- 2.2 93/1651 – Extension to form new control room, workshop, stores and office – Granted Planning Permission 27th Jan 1994.
- 2.3 99/0588 – Single storey prefabricated office unit – granted planning permission on 19th July 1999.
- 2.4 2005/0165 – Erect 2m high palisade fencing – Granted Planning Permission on 5th April 2005.
- 2.5 2006/0424 – Alterations and extension of existing canteen – Granted Planning Permission – 20th July 2006.
- 2.6 2011/0995 – Installation of photovoltaic panels – Granted Planning Permission 27th October 2011.

3.0 **Proposed Development**

- 3.1 The application is in outline form with the matters of layout access and scale for consideration for the construction of 32 dwellings. The details of layout and scale were sought following the validation of the application to allow the impact upon the Green Belt and heritage assets to be fully considered. Matters of appearance and landscaping are reserved for subsequent approval.
- 3.2 The site would be accessed via the existing vehicular access off Bestwood Lodge Drive. Within the site a road would run along the south-eastern boundary with cul-de-sac arrangements serving four blocks of dwellings. Tree planting is shown indicatively on the submitted layout plan as landscaping approval is not currently sought. Consideration will be subject to a future approval of reserved matters application.
- 3.3 In relation to scale the dwellings would have a maximum eaves height of 10.25m and a maximum ridge height of 12.95m.

3.4 Whilst the appearance of the dwellings is reserved for subsequent approval the Planning Statement and layout plans show that the dwellings would have integral garages with a parking space in front.

4.0 **Consultations**

4.1 Highway Authority – Due to the residential proposal, traffic movements to and from the site will be significantly reduced and therefore there are no objections in terms of traffic impact on the local highway network. Works will be required to be undertaken in the existing highway to improve pedestrian facilities to allow a fit for purpose access to the development.

4.2 Conservation and Heritage Officer - The Heritage Statement submitted sets out the significance of the area and the impact of the proposed development upon the setting of the identified heritage assets including Bestwood Lodge Hotel (c1862 - Grade II*), Bestwood former stable block (Grade II), The Bakery (Grade II) and the walled garden to Gaunt's Hill to the north (grade II) all designed by S.S Teulon in the later C19th.

The heritage statement identifies the historical linkages between the assets and the wider landscape, comments on the encroachment of development through the c20 and the development of the Nottinghamshire Fire and Rescue Service (NFRS) buildings as they currently stand. I am in agreement with the findings that the proposed scheme will have no worse impact upon the setting of the heritage assets listed than the current buildings do already. This site was originally a green field surrounded by woodland and the woodland setting has not changed, indeed the field is now partially developed at its north western end and partially a sports ground to the east of the current buildings. The sports ground provides a transitional green space between the NFRS buildings and open fields to the east. The NFRS buildings are of low architectural interest, being horizontally emphasised and comprising a range of flat roofed buildings of differing heights with service access roads/parking through and around the site. The proposed housing scheme also has its access roads but unlike the existing development there is no road that wraps around the site on its north-west edge and thus leaves a green buffer between buildings and trees which is an improvement. Where it does differ is the intrusion of a road along the whole front of the site, but this can be mitigated through appropriate tree planting.

The existing buildings are commercial or service buildings whereas the proposed is for residential. In this respect they differ, however the use of green space and trees helps to retain a sense of transition to a more natural environment and in this regard the proposed development has a neutral impact in comparison to the existing scheme. The demolition of the existing buildings will be a positive aspect with a move away from large blocks to smaller units. Overall the setting of the heritage assets listed will be preserved.

The amended plan and heritage statement are supported.

- 4.3 Local Lead Flood Authority – No objection subject to an appropriately worded condition that requires surface water drainage details to be submitted and approved including infiltration testing results.
- 4.4 NCC Minerals – There are no Mineral Safeguarding and Consultation Areas covering or in close proximity to the site. The County Council does not wish to raise any objections to the proposal from a minerals perspective.
- 4.5 NCC Waste – There are no existing waste sites in the vicinity of the site whereby the proposed development would cause harm in terms of safeguarding existing waste management facilities.
- 4.6 NCC Rights of Way – No recorded public rights of way are affected by the proposal.
- 4.7 NCC Education – There is a surplus of Primary places in the planning area and the impact of the development would not lead to a deficit in provision. The County Council will not be seeking contributions towards primary education.

The County Council is seeking a secondary education contribution of £121,255 and a post 16 education contribution of £24,251 to be used towards improving, remodelling, enhancing or expanding facilities to provide additional permanent capacity within the Arnold secondary Planning area to accommodate pupil growth from the development.

- 4.8 NCC Travel and Transport - Pedestrians will use Bestwood Lodge Drive for access to public transport and primary/secondary education. However there is no pedestrian footway on the section of Bestwood Lodge Drive between the development and the junction with Woodchurch Road. For the development to be acceptable in planning terms a footway should be installed on Bestwood Lodge Drive from the development to the junction with Woodchurch Road, subject to a Highways assessment. Without a footway the school walking route is likely to be classified as 'unavailable', and therefore for the site to be acceptable in planning terms the County Council will request a **Planning Obligation** for a School Transport developer contribution of **£30,000** to be used towards the cost of providing bespoke school transport i.e. taxi. This is for a projected 5-6 pupils at an indicative cost of £6,000 per year and projected for 5 years. This is an indicative amount and is subject to a detailed assessment.
- 4.9 NHS Health – Request a financial contribution of £17,340 to mitigate the impact of the development on the existing local practices which include The Practice Nirmala, Rise Park Surgery and Daybrook Medical Practice.
- 4.10 Scientific Officer Contamination (Gedling Borough Council) – Request that the standard phased contamination conditions are attached to any grant of planning permission and further conditions in relation to the provision of EV charging points and a Construction Management Plan.

- 4.11 Nottinghamshire Wildlife Trust – Concerned that the development will result in negative impacts to biodiversity. Further surveys for a range of protected/priority species, which are a material consideration must be undertaken prior to the determination of the application.
- 4.12 Head of Regeneration and Welfare- Bestwood Lodge Drive is a private access road owned by the Borough Council. Further dialogue is required between the Borough Council and the Fire Authority in relation to the use of this road to access the proposed residential development.
- 4.13 Parks and Streetcare – The proposal provides appropriate informal and formal open space. A Locally Equipped Area of Play (LEAP) should be provided on the area of protected open space. A contribution of £53,890.00 is required for the on-going maintenance of the open spaces.
- 4.14 St Albans Parish Council – A summary of the main concerns are listed below:
- Highways safety issues - the access road to the properties is in part a privately maintained road. This road varies in width between 5.5m and 7m and it is un-adopted for approximately 500m. This raises the issue that the development would not be sustainable due to poor capability of the road
 - Highways safety issues – the speed bumps would delay the response times of the Emergency Services.
 - Highways safety issues – the drive is currently being used by cyclists, the measures planned for the drive (buildouts and speed bumps) could negatively impact them.
 - Highways Safety issues – it is unclear from the application as to whether the lighting on the drive is sufficient for the safety of pedestrians.
 - Highways safety issues – due to the nature of the proposed footpath being of gravel and no kerb, there is a question over the separation of traffic and pedestrians.
 - Effect on existing tree and hedgerows – significant numbers of existing trees, shrubs etc would be affected just purely due to the installation of the new footpath.
 - Prevention of Crime and disorder – the remote location of the development relative to main routes for the time it would take police to attend incidents.
 - Effects on specially designated areas or buildings – the adjacent playing field is a protected open space so the development would impact on its setting.
 - Nature conservation interests – it hasn't been confirmed that the site does not contain great crested newts nor that badgers are not foraging in the area.
 - Biodiversity net gain – the Council was concerned that there was a biodiversity net loss on the scheme.

- Other – there is no bus route in close proximity to the site.

4.15 Members of the Public - The application has been advertised in accordance with the adopted Statement of Community Involvement and The Town and Country Planning (Development Management Procedure) (England) Order 2015. Fourteen letters of representation have been received. A summary of the main concerns are listed below:

Relating to Amenity

- Impact on the amenity of the occupiers of the dwelling immediately adjacent to the junction of Woodchurch Road and Bestwood Lodge Drive from vehicle/pedestrian movements to the site
- Any building works next to the Country Park should be done sensitively
- Impact on residents/businesses along the connecting road during construction and occupation
- Devastating visual impact on the locality and will change the character of the area forever.

Relating to Heritage

- Not all heritage assets have been assessed

Relating to Layout

- Unclear as to the number of units
- Layout is too cramped/over developed

Relating to Drainage

- There are regular floods on Bestwood Lodge Drive

Relating to Highway matters

- Increased congestion
- Maintenance of Bestwood Lodge Drive has always been an issue and it is likely to be damaged by construction vehicles. It must be repaired afterwards.
- Narrowing of the access road is not required. Existing speed bumps are sufficient to slow traffic.
- There is a blind spot at the junction of Bestwood Lodge Drive and Woodchurch Road which would need addressing if 32 dwellings are to be constructed.
- Gross site area should be restricted to prevent any further development at a later date.
- Who will upkeep the road?
- Vehicle movements to the Fire HQ are spread throughout the day and this is different to a residential development.
- Dwellings will result in traffic problems at peak times.
- The pedestrian crossing places appear to be in dangerous locations.

- Alternative traffic calming measures are required as the current speed bumps are practically useless.
- Already a safety issue outside Arnbrook School. This would be worsened by the increased vehicle movements.
- Deer Park Drive is not a suitable alternative route to Queens Bower Road as it is already congested and has parked vehicles.
- Bestwood Lodge Drive and Deer Park Drive have numerous vehicles parking on the road and is currently used as a rat run.
- Do not believe that the proposal will result in a reduction in traffic when compared to the Fire HQ.
- The daily traffic along Bestwood Lodge is not as indicated in the submitted documents.

Other Matters

- Impact on Bestwood Country Park
- Shared access will inhibit park users
- Widening the access will erode the beauty and peace of the mature setting
- Should be providing more green spaces
- Existing private rights of way are affected
- There are no facilities nearby. Schools, work and shops will only be reached by car journeys
- The existing building could be used as a community facility complementing the Country Park
- The sports field should not be built on
- Impact on Green Belt and wildlife/protected species
- The local GP surgery has recently closed and others are at capacity. This will add to this situation
- Will result in an increase in pupil admissions in local schools and an assessment has not considered Arnbrook Primary School and Redhill Academy.
- Do Nottinghamshire Fire Service have a legal right to develop the site
- The parish Council have no meeting room. This application should consider providing such a facility or redevelop the football pavilion off Woodchurch Road to hold such events.
- Will put pressure on the already busy Country Park
- S106 should be directed to the Country Park
- Not close to an urbanised area. 3 mile round trip to the nearest bus or shop
- Will increase crime as there is no well-considered infrastructure
- Increased traffic will impact air quality
- Impact on infrastructure. Schools and GP services

Relating to Trees

- The trees along the front of the HQ should be protected
- Any development around the boundary of the site will result in loss of trees

Relating to Wildlife

- Wildlife is in close proximity and the site is a natural crossing place

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’.

6.0 **Relevant Planning Policy**

6.1 **National Planning Policy Framework 2021 (NPPF)**

Sets out the national objectives for delivering sustainable development.

- Part 5 Delivering a sufficient supply of homes – Para 61 seeks to significantly boost the supply of homes.
- Part 9 – Promoting sustainable transport – para 112 sets out development management considerations.
- Part 12 – Achieving well designed places – para 134 sets out development management considerations.
- Part 13 Protecting Green Belt – Paragraph 149 - A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it is one of the exceptions (of which g) is relevant as reproduced below.

Paragraph 149 (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- Part 16 – The Historic Environment - paragraph 200 states that any harm to or loss of significance to a designated heritage asset should require clear and convincing justification. Paragraphs 199 – 208 set out the approach to be taken depending on the harm caused by development.

- Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals
- Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.
- Policy 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.
- Policy 3: The Green Belt – establishes the principle of retaining the Nottingham Derby Green Belt
- Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.
- Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.
- Policy 11: The Historic Environment - Policy 11.1 of the ACS sets out that proposals and initiatives will be supported where the significance of heritage assets and/or their settings are conserved and enhanced.
- Policy 17: Biodiversity – sets out the approach to ecological interests.
- Policy 18: Infrastructure – sets out the approach to ensure new development is supported by the required infrastructure and the appropriate stage.
- Policy 19: Developer Contributions – set out the criteria for requiring planning obligations.

Local Planning Document 2018 (LPD)

- LPD 4: Surface Water Management – sets out the approach to surface water management.
- LPD 7: Contaminated Land – sets out the approach to land that is potentially contaminated.
- LPD 11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.
- LPD 18: Protecting and Enhancing Biodiversity – this policy provides guidance on protecting and enhancing biodiversity.
- LPD 19: Landscape Character and Visual Impact - Where practicable the recommendations of the Greater Nottingham Landscape Character

Assessment will be required. In relation to built form these can be summarised as:

-Conserve the character and architectural style of the lodge buildings and ensure this is respected in any new development.

-Contain any new development on the perimeter of the woodland within the existing field boundaries.

- LPD 20: Protected Open Space – Planning permission will not be granted for development on land that is used, or was last used, as open space.
- LPD 21: Provision of New Open Space – sets out that there will be a requirement for public open space on sites of 0.4 hectares in area and above, which could be on-site or off-site (minimum of 10% open space).
- LPD 26 – Heritage assets – development proposals should conserve and /or enhance the significance of a heritage asset.
- LPD 27 – Listed Buildings – development within the setting of a listed building should consider scale, form, mass, siting, detailing and materials.
- LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- LPD 33: Residential Density – states that planning permission will not be granted for proposals of less than 25 dwellings per hectare within or adjacent to Bestwood Village, unless there is convincing evidence of a need for a different figure.
- LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.
- LPD 36: Affordable Housing – sets out that a 30% affordable housing provision will be required in Bestwood St Albans.
- LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.
- LPD 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.
- LPD 57: Parking Standards – sets out the requirements for parking.

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

Other Relevant Guidance

- Parking Provision for Residential Developments and Non-Residential Developments – Supplementary Planning Document 2022– sets out the car parking requirements for new residential development.
- Open Space Provision SPG (2001) – sets out the open space requirements for new residential development.
- Affordable Housing SPD (2009) – sets out the affordable housing requirements for new residential development.
- Low Carbon Planning guidance for Gedling Borough 2021.

7.0 Planning Considerations

Principle of Development

- 7.1 The NPPF sets out at paragraph 149 that the construction of new buildings as inappropriate in the Green Belt, subject to a number of exceptions. Part (g) of this paragraph identifies one such exception:

limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

- 7.2 The site is previously developed land in that it comprises 3,640m² of buildings over 2 storeys which are currently occupied by Fire and Rescue HQ with the move to the new combined HQ hoping to be completed by the end of November 2022. The site also includes a large car park with approximately 80 spaces and internal road network.

- 7.3 The proposal would involve the redevelopment of the site for the residential development of 32 two storey dwellings with an overall combined floor area of 3,428 square metres which will result in an overall floor area reduction of 212 square metres. As such the principle of the development is considered to accord with paragraph 149(g) subject to the proposed development not

having a greater impact on the openness of the Green Belt than the existing development. The matter of openness is considered below.

- 7.4 There are no relevant Green Belt Policies within the Aligned Core Strategy (ACS) or Local Planning Document (LPD) as the proposal relates to the complete redevelopment of a previously developed site. ACS and LPD policies relate to reuse, replacement buildings in the same use, extensions and infill development only. Taking the above into account it is considered that the redevelopment of the site for residential purposes is in principle acceptable subject to the proposal having no greater impact on openness of the Green Belt and other material planning considerations that are also considered below.

Impact on Openness of the Green Belt

- 7.5 The existing site contains a number of buildings of differing styles and heights but with predominantly flat roof and mono-pitch designs with ridge heights of the main building being 12.95m with a central feature with a height of 15m.
- 7.6 The proposed dwellings would have maximum eaves heights of 10.25m and maximum ridge heights of 12.95m.
- 7.7 There are also large expanses of hard surfaced car parking areas which extend in a crescent shape towards the western boundary of the site. This would be replaced by informal open space.
- 7.8 In support of the application the applicant has undertaken a comparison of the existing and proposed built areas with the existing buildings having a total floor area of 3,640m² and the proposed dwellings having a total floor area of 3,428m².
- 7.9 The proposed dwellings would be arranged in four discrete blocks served from a single access road and cul-de-sac arrangements to provide vehicle access. The remainder of the site being either the private garden areas associated with each dwelling or informal open space around the boundary of the site.
- 7.10 The proposal would result in an overall density of 18.7 dwellings per hectare. Policy LPD 33 – Residential Density seeks to secure densities of not less than 25 dwellings per hectare, unless there is convincing evidence for a different need. In this instance, it is considered that a lower density of development is justified to preserve the openness of the Green Belt.
- 7.11 Whilst landscaping is reserved for subsequent approval it is indicatively shown throughout the site in the form of informal open space and street tree planting.
- 7.12 The proposal would also require minor alterations and improvements to a section of Bestwood Lodge Drive which currently comprises of a tarmac surface to provide a suitable and safe access. These principally include a footway, speed restricting features and signage.

- 7.13 The footway would be constructed of gravel and would therefore be less formal than a traditional tarmacadam construction and would be located adjacent to the carriageway and the existing trees and landscaping that about the carriageway.
- 7.14 As the footway would follow the route of the existing carriageway and utilise appropriate materials in its construction it is considered that there would be no greater impact upon the openness of the Green Belt beyond that of the existing Bestwood Lodge Drive.
- 7.15 It is considered that the lower overall height of the proposed residential development, a reduction in overall floor area and the potential to secure high quality landscaping through the submission of the landscaping reserved matters application would ensure that the proposal would not have a greater impact on openness than the existing development. As such the proposal is considered to accord the NPPF para 149(g).

Form and Character

- 7.16 The low density layout in four discrete blocks is considered to be sympathetic to this edge of settlement location and would provide an acceptable transition from the higher density development to the west to the open countryside to the east.
- 7.17 It is considered that the redevelopment of the site for residential purposes would be far more in-keeping with the character of the area in terms of height, bulk, form and general design than the existing Fire HQ building which could be regarded as a somewhat contrasting non-residential use which is at odds with the character of the area. As such the proposal is considered to accord with LPD19, LPD35 and LPD37.

Heritage Assets

- 7.18 The applicant has submitted a Heritage Impact Assessment in support of the proposed development. This has been assessed by the Council's Conservation and Heritage Officer. Their conclusions are that the setting of heritage assets will be preserved:

The existing buildings are commercial or service buildings whereas the proposed is for residential. In this respect they differ, however the use of green space and trees helps to retain a sense of transition to a more natural environment and in this regard the proposed development has a neutral impact in comparison to the existing scheme. The demolition of the existing buildings will be a positive aspect with a move away from large blocks to smaller units. Overall the setting of the heritage assets listed will be preserved.

- 7.19 The heritage assets assessed include Bestwood Lodge Hotel (c1862 - Grade II*), Bestwood former stable block (Grade II), The Bakery (Grade II) and the walled garden to Gaunt's Hill to the north (grade II) all designed by

S.S Teulon in the later C19th. I have no reason to disagree with the submitted assessment or the conclusions of our Conservation and Heritage Officer. As such the proposal is considered to accord with the objectives of the NPPF, ACS Policy 11, LPD 26, and LPD27.

Highway Matters

- 7.20 The site is somewhat unique in that it is served off the long un-adopted Bestwood Lodge Drive. It is proposed to improve the section of Bestwood Lodge Drive between Woodchurch Road and the application site. These improvements would include signage, build out features which would narrow the road width and speed humps to reduce vehicle speeds, and the installation of a 1.5m-2m footway to segregate pedestrians from the carriageway.
- 7.21 In relation to vehicle trips to and from the site, the submitted transport statement indicates that the proposed development of 32 dwellings would result in a significant reduction. The Highway Authority has not challenged this data and has raised no objection in terms of traffic impact on the local highway network subject to appropriately worded conditions securing the identified improvements highlighted above.
- 7.22 The internal highway arrangements would utilise the existing access that serves the Fire HQ and be in the form of a single access road with cul-de-sac branching off to serve the four blocks of dwellings.
- 7.23 Whilst the appearance of the dwellings is reserved for subsequent approval each property would have an integral garage with a parking space in front. Each property would have a minimum of two parking spaces within the plot and the ability for visitor parking on the highway in front of each property.
- 7.24 It is noted that Nottinghamshire County Council has requested a contribution of £30,000 if there is no pedestrian access to the development. However as improvements to Bestwood Lodge Drive are proposed it is considered that such a contribution is not required.
- 7.25 As the site would be accessed from Bestwood Lodge Drive, which is not adopted, it is considered appropriate to require a management company to be set up for the on-going maintenance of the access drive and any other roads within the development not within residential curtilages and not adopted by the Highway Authority. In relation to the access road, this is subject to applicant obtaining an interest in the land, and discussions are on-going.
- 7.26 It is noted that concern has been raised as to whether or not the proposed footway would be adequately lit. There are existing lighting columns at regular intervals along Bestwood Lodge Drive were the footway would be created. The proposal has been assessed by the Highway Authority and they raise no concerns in this regard. As such the proposal is considered acceptable from a highway safety/pedestrian perspective. As such the

proposal is considered to accord with LPD Policy 57 and 61 and Parking Provision for Residential and Non-Residential Developments SPD.

Residential Amenity

- 7.27 The proposal would result in the demolition of the existing buildings on the site and the construction of 32 dwellings and associated internal access roads and improvements to Bestwood Lodge Drive.
- 7.28 The site is located a significant distance from adjacent properties. The properties to the north are approximately 60m from the northern boundary of the site. St Albans Court located south of the vehicular entrance to the site is approximately 20m away. The proposed dwellings would be set away from the boundary of the site thereby adding to the separation distances.
- 7.29 Notwithstanding the fact that the appearance of the dwellings is reserved for subsequent approval and that the location of windows is not known at this time, noting the separation distances, the proposed development would not result in any significant overlooking, loss of privacy or overshadowing in relation to neighbouring occupiers.
- 7.30 Concerns have been expressed by members of the public in relation to disruption caused during the construction phase of the development. Some disruption during the construction phase is inevitable but it is considered that any disruption can be satisfactorily mitigated by the submission of a Construction Emission Management Plan (CEMP) by a planning condition. As such it is considered that that there would be no significant impact on the amenity of neighbouring occupiers from noise, disturbance, vibration and dust. As such the proposal is considered to accord with ACS Policy 10, and LPD 32.

Design and Visual Amenity

- 7.31 The appearance of the dwellings and landscaping are matters that are reserved for subsequent approval. Appropriate materials in keeping with the local character when considering a reserved matters application would ensure a development that is in keeping.
- 7.32 As discussed above, the low density (18.7 dwellings per hectare) is in full conformity with Policy LPD33. This provides the opportunity for landscaping around the periphery of the site which would help assimilate the development into its surroundings.
- 7.33 As such the proposal is considered to accord with the objectives of the NPPF, ACS Policy 10, LPD33 and LPD35.

Protected Open Space

- 7.34 The area of open space located to the north-eastern side of the site is an area of protected open space the subject of LPD 20: Protected Open Space

which states that planning permission will not be granted for development on land that is used, or was last used, as open space.

- 7.35 The proposed layout includes areas of informal open space throughout the development and an area of formal open space which was previously used by the Fire HQ as a sports pitch. No development is proposed on these parts of the site other than play equipment and it is intended that they remain as open space. As such the proposal is considered to accord with LPD20. The comments of the Council's Parks and Street Care team are noted. A LEAP should be provided within the area of open space on the eastern side of the site. This would be secured via the S106 legal agreement as would the financial contribution of £53,890.00 towards the on-going maintenance of the open spaces. Alternatively a management company would be required. As such the proposal is considered to accord with LPD21.

Trees

- 7.36 The submitted tree report indicates that only a small number of trees would be removed as part of the development. These trees being of poor condition or dead. This coupled with the fact that landscaping is a reserved matter for subsequent approval would provide the opportunity for further planting to be secured at that stage.
- 7.37 It is considered appropriate to require details of tree protection during works to ensure retained trees are adequately protected; and is proposed to be secured by way of a planning condition.

Contamination

- 7.38 The use of the site as a Fire HQ has the potential for contamination to be present in the form of vehicle fuels and fire suppressants for example. This coupled with the fact that the site forms part of the wider Lodge Estate which was used by the military during the Second World War and immediately after. As such a contamination condition is required and is proposed to identify and contamination and necessary remediation. This is confirmed by the comments of our Scientific Officer. As such the development is considered to accord with LPD 7.

Drainage

- 7.39 The Lead Local Flood Authority has not raised any objection to the development subject to an appropriately worded condition requiring the submission of drainage details. Our Building Control Team have confirmed that the area is typically sandy ground and that soakaways would be suitable subject to percolation tests. As such it is considered appropriate to require the submission of foul and surface water drainage details via a planning condition(s). If the submitted details are unacceptable, they would be refused and development could not proceed. Taking into account the above the proposal is considered to accord with policy LPD 4.

Protected species

- 7.40 The application is accompanied by a Preliminary Ecological Appraisal. This has been assessed by the Nottinghamshire Wildlife Trust. Concern is expressed in relation to the need for further survey work and the biodiversity net gain of the scheme. As the site is previously developed and has been occupied as a Fire HQ it is considered that subject to additional survey work in relation to bats, amphibians, badgers, and birds as identified in the submitted Preliminary Ecological Appraisal Report, it would be possible to ensure the impact on any protected species is appropriately assessed and mitigated. There is currently no statutory requirement to provide biodiversity net gain when determining an application for planning permission. As such the proposed development is considered to accord with LPD18.

Affordable Housing

- 7.41 In accordance with LPD36 as the proposed development is for more than 15 dwellings, 32 in this instance, the development must provide 30% of the dwellings as affordable housing. By way of background in respect of the affordable housing sought, it should be noted that the Council would, as outlined in the Council's Affordable Housing Supplementary Planning Document, normally seek 70% of the affordable units to be social rent and 30% intermediate housing. However, there is now a requirement to secure not less than 25% of affordable housing as first homes. First homes is a new form of affordable housing as identified in a Written Ministerial Statement (WMS) of 24 May 2021 and is fully explored within the Planning Practice Guidance (PPG). The guidance identifies that such homes should be secured through a S106 legal agreement and should be sold at not less than 30% against market value. There is an eligibility criteria to qualify for a first home, including being a first time buyer, that occupiers would need to meet. To secure the homes as affordable in the long-term subsequent sale of the house would also need to be sold with a minimum of 30% discount against the market value and there will be a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer. Furthermore, after the discount has been applied, the first sale must be at a price no higher than £250,000 and with a household income cap of £80,000. The application is required to provide 30% affordable homes. This equates to 10 dwellings. Which would include 3 first homes and 7 affordable rent properties. This would be secured via a planning obligation. The level of provision is considered to acceptable and comply with policy LPD36, Affordable Housing Supplementary Planning Document and the aforementioned recent guidance from central government in respect of first homes.

Sustainability and Climate Change

- 7.42 In accordance with the Low Carbon Planning Guidance for Gedling Borough SPD it is noted that EV charging points are required for each property. This would encourage electric car usage which will assist in reducing climate change. As such the proposal is considered to accord with the aforementioned SPD and LPD11.

Planning Obligations

- 7.43 The development for 32 dwellings would require the following planning obligations to be met:
- 30% affordable housing – 10 units of which 3 would be First Homes and 7 would be affordable rent as detailed above.
 - Education Contribution - £121,255 (secondary education) + £24,251 (post 16 education contribution) = £145,506.
 - NHS Health Contribution £17,340 to be expended at the Practice Nirmala and/or Rise Park Surgery and/or Daybrook Medical Practice.
 - Provision of an equipped area of public open space (LEAP)
 - Open Space contribution - £53,890 for the on-going maintenance of the open space or the formation of a management company
 - Formation of a management company for the on-going maintenance of the un-adopted access drive and any other roads within the development and open spaces not within residential curtilages and not adopted by the Highway Authority or Borough Council. In relation to the access road, this is subject to applicant obtaining an interest in the land, and discussions are on-going.
 - A monitoring fee for the planning obligations is sought and in line with Council's Section 106 and Unilateral Undertaking Monitoring Fee Policy Statement, which calculates a figure based on the number of relevant triggers. The monitoring fee is subject to annual indexation, therefore, the final sum will be determined at such time as the legal agreement is in an agreed form and ready to be completed.
 - Local Labour Agreement – in accordance with LPD48 as more than 10 dwellings are proposed.
- 7.44 There is a requirement for contributions sought 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 and ACS19. All of the above contributions are considered to comply with relevant tests.

Other Matters

Private Rights of Way

- 7.45 Concerns have been raised in relation to the impact on private rights of way. This has been addressed in the most recent layout plan that acknowledges the rights of way. In any event these are matters between the parties involved and would not prevent the determination of the planning application.

Gross Site area should be restricted

- 7.46 Whilst this is an outline application, layout is for consideration as such the number of dwellings is limited to 32 and an overall floor area of 3,428 square metres. The adjacent land to the east within the ownership of the NFRS is open space protected by LPD 20.

Shared Access will inhibit park users

- 7.47 It is accepted that the site would be accessed from Bestwood Lodge Drive which also serves the Country Park. However this has been the situation with the Fire HQ, a hotel and a number of other residential properties. As such it is not considered that the redevelopment of the site for residential purposes would significantly change the current shared access arrangements and the Highway Authority have raised no objection.

Local Infrastructure (schools, employment, GP surgeries and shops).

- 7.48 A S106 agreement is required to mitigate the impact of the development in relation to education and health provision. Whilst accepting that employment and shops are not in the immediate vicinity, the site can be regarded as being in a sustainable location in close proximity to the main built up area of Bestwood.

Restrictive Covenants – Do NFRS have a legal right to develop the site?

- 7.49 Restrictive covenants are a private legal matter that falls outside the consideration of this planning application.

Impact on the Country Park more visitors

- 7.50 Whilst it is accepted that the proposal may result in an increase in visitors to the Country Park as it is a residential development it is unlikely that the additional visits as a result of 32 new dwellings would have a significant or detrimental impact on the operation of the Country Park.

S106 contributions should be directed to the Country Park or Parish Council

- 7.51 The role of planning obligations is to mitigate the impact of a development. Hence contributions in relation to health, education and affordable housing. Open space would be provided on site. As such it would not be reasonable to require any further contributions to the Country Park or the Parish Council as the public open space requirements are to be met on site.

Not sustainable location (Accessibility to schools, employment, GP surgeries, bus route and shops).

- 7.52 Whilst accepting that employment and shops are not in the immediate vicinity, the site can be regarded as being in a sustainable location in that it is located roughly centrally between Bestwood Village and Arnold town centre. A S106 agreement is required to mitigate the impact of the development in relation to education and health provision.

Increased Crime

- 7.53 It is not considered that this development would increase crime beyond that of any other residential development. The layout would provide appropriate levels of natural surveillance and would, when complete, have appropriate

treatments to curtilage boundaries to provide suitable security and defensible space.

8.0 Conclusion

- 8.1 The principle of the development accords with the objectives of national and local planning policies. The development would result in the complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. The development would be of an acceptable layout and density and would not have an undue impact upon visual amenity, residential amenity, highway safety, heritage assets, and ecology. As such the application is considered to comply with policies LPD4, LPD7, LPD11, LPD18, LPD19, LPD20, LPD21, LPD26, LPD27, LPD32, LPD33, LPD35, LPD36, LPD37, LPD40, LPD48, LPD57, and LPD61 of the Local Planning Document; policies A, 1, 2, 3, 8, 10, 11, 17, 18 and 19 of the Aligned Core Strategy, Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document; Affordable Housing Supplementary Planning Document, Open Space Supplementary Planning Document and the Low Carbon Planning Guidance for Gedling Borough and guidance within the NPPF.

Recommendation: GRANT OUTLINE PLANNING PERMISSION: Subject to the owner entering into a planning obligation secured through a s106 agreement with the Borough Council as the Local Planning Authority and the County Council to secure affordable housing, education, health contributions, management company for the on-going maintenance of the access road and any other roads within the development and open spaces not within residential curtilages and not adopted by the Highway Authority or Borough Council and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.

Conditions

1. Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
2. Approval of the details of appearance, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
3. This permission shall be read in accordance with the following approved plans:

Site Location Plan 20040-FSA-00-XX-DR-A-0001 P02 received 4th April 2022.

Site layout Plan 20040-FSA-00-XX-DR-A-0002 P01 received 20th June 2022.

Proposed Access Arrangements PBL5-BSP-ZZ-ZZ-DR-D-0001 Rev PO2 received 4th April 2022.

The development shall thereafter be undertaken in accordance with the approved plans.

4. Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
5. No part of the development hereby permitted shall commence until a detailed surface water drainage scheme based on the principles set out by the approved Flood Risk Assessment (FRA) and Drainage Strategy dated 27th May 2021 has been submitted to and approved in writing by the Local Planning Authority. These details shall include infiltration testing results for the site.

The scheme shall be implemented in accordance with the approved details prior to the completion of the development.

6. Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:

Site Characterisation

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

Submission of Remediation Scheme

Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

- a) In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation

carried out) must be submitted and approved in writing by the Local Planning Authority.

- b) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

7. From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/ or a garage shall be provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle.

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

8. 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.
9. No development shall be commenced until details of the means of foul drainage have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
10. No development shall commence on any part of the application site unless or until a suitable access arrangement as shown for indicative purposes on drawing number PBL5-BSP-ZZ- ZZ-DR-D-0001 Rev P02 has been provided to the satisfaction of the Local Planning Authority.
11. No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle

carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

12. Notwithstanding the submitted details, the formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage. The development shall be undertaken in accordance with the approved details.
13. Notwithstanding the submitted details prior to the commencement of any development on site a further protective species survey of the site as advised by the submitted Preliminary Ecological Appraisal Report shall be undertaken. Should any protected species be found to be present then precise details of mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
14. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme for tree protection. The scheme shall include indications of all existing trees and hedgerows on and adjacent to the land, identify those to be retained, identify root protection zones and set out measures for their protection throughout the course of development. The development shall be undertaken in accordance with the approved details.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) Class E, no buildings shall be erected other than those expressly authorised by this permission.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 To define the permission, for the avoidance of doubt.
- 4 This pre-commencement condition is necessary to ensure that the development does not have a detrimental impact upon visual amenity or upon the occupiers of adjacent dwellings
- 5 To ensure that satisfactory provision is made at the appropriate time for the disposal of surface water.
- 6 To ensure the development is safe and suitable for use.

- 7 In the interest of sustainable travel
- 8 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration policy LPD11 of the Council's Local Planning Document.
- 9 To ensure a satisfactory means of foul drainage.
- 10 In the interest of Highway Safety, to ensure adequate access.
- 11 In the interest of Highway Safety, to ensure adequate access.
- 12 To ensure appropriate access and parking arrangements are available.
- 13 In the interests of protecting ecological interests
- 14 In the interests of visual amenity.
- 15 To assess the impact on openness of the Green Belt of any additional buildings on the site.

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. During the processing of the application discussions took place with the applicant to make amendments to the application to ensure a positive outcome could be achieved.

Informative: In relation to Condition 5 the details shall demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.

- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.

Informative: The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the

development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

Informative: 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 that any highway forming part of the development is to be constructed 'fit for purpose'. The new roads and any drainage should be built in line with 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 and a management company will need to be set up on the site to manage and maintain the highway elements of the development

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

All correspondence with the Highway Authority should be addressed to:-
hdc.south@nottscc.gov.uk



Planning Report for 2022/0795

1:1,250 Planning Reference: 2022/0795
Recreation Ground Killisick Road
Arnold

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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Gedling   Serving People. Improving Lives Date: 17/08/2022

Report to Planning Committee

Application Number:	2022/0795
Location:	Recreation Ground Killisick Road Arnold
Proposal:	To install a 10m cabinet style galvanised column together with a 2m antennae extension and a concrete base for a CCTV camera.
Applicant:	Gedling Borough Council
Agent:	
Case Officer:	Peter Langton

The applicant is Gedling Borough Council and therefore, in accordance with the Council's Constitution, this application has been referred to Planning Committee.

1.0 Site Description

- 1.1 The application site is within the Killisick Road Recreation Ground, with the site of the proposed CCTV camera being to the south side of the play area on the west boundary of the recreation ground.
- 1.2 The site is located within the urban area of Arnold. Neighbouring land uses are predominantly residential, with the recreation ground extending to the east of the site.

2.0 Relevant Planning History

- 2.1 None.

3.0 Proposed Development

- 3.1 The application seeks full planning permission for the erection of a 10m high column and 2m antennae extension for a CCTV camera and associated transmitter equipment, with a concrete base. The total height of the proposed column with antennae extension will be 12m.
- 3.2 The purpose of the camera is to assist in the prevention and detection of anti-social behaviour at the site.

4.0 Consultations

- 4.1 A Site Notice was posted and neighbour consultations undertaken. One public representation has been received, raising an objection for the following reason:
- Opposed to the principle of CCTV cameras being used to spy on the public.

5.0 Development Plan Policies

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) and the additional guidance provided in the National Planning Practice Guidance (NPPG). The Greater Nottingham Aligned Core Strategy Part 1 Local Plan and the Local Planning Documents (Part 2 Local Plan) is also pertinent.

5.3 The following policies are relevant to the application:

5.4 National Planning Policy Framework 2021

Sets out the national objectives for delivering sustainable development. Section 8, paragraph 92 (promoting healthy and safe communities) makes specific reference to the need to ensure that crime, and the fear of crime, does not undermine community cohesion. Section 12, paragraph 130 (Achieving well-designed places) also makes reference to how crime, and the fear of crime, can undermine the quality of life.

5.5 Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan

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

5.6 Local Planning Document (Part 2 Local Plan)

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

6.0 Assessment of Planning Considerations

6.1 The key issues in the determination of this application are the impact of the proposal on the immediate surroundings in terms of the design and appearance of the proposal, the impact of the proposal on the residential amenity of nearby properties, and the support provided towards crime prevention in the area.

7.0 Principle of development

7.1 The principle of the development is supported in that the site is located within a built-up area and there is a need to ensure that crime, and the fear of crime is,

where possible, reduced. The applicant has advised that there has been a number of complaints about anti-social behaviour and general crime in the local area. As a result, it is considered that the erection of the pole and CCTV camera will reduce the fear of crime as well as helping with the detection of crime. The proposal is, therefore, deemed to comply with guidance within the NPPF (sections 8 and 12).

8.0 Design

8.1 The proposed CCTV column would be located close to the boundary of the site, adjacent to large trees. Whilst it would stand reasonably tall at 12m (including the antennae) the trees would provide some screening, and its location adjacent to a play area and close to the car park and multi-use games area ensures it would not appear overly prominent or out of keeping with the character of the surrounding area. It will be set away from the highway and as such will not have a harmful impact on street scene.

8.2 It is considered that the pole and camera would not have any material adverse impact on the character of the area by reason of its scale, bulk, form, layout or materials such that it would comply with the requirements of Policy 10 of the ACS and LPD32.

9.0 Residential amenity

9.1 The CCTV is to be used for the recreation ground, play area and nearby car park as a deterrent and to record possible crimes in the area. There are residential properties in the area, mainly to west of the proposed development. Whilst an objection has been received from a member of the public in opposition the principle of CCTV cameras being used to spy on the public, the purpose of the camera is not to impinge on the privacy of occupiers or members of the public but to observe the public realm with the aim of reducing crime and anti-social behaviour.

9.2 The proposed pole will have a slender design, and the trees to the west of the site will provide a good degree of screening from the nearby residential properties. As such it is not considered to result in an overbearing or overshadowing impact on the residents of any neighbouring properties.

9.3 Given the above, it is considered that the proposal will not result in an unacceptable loss of amenity for the residents of nearby dwellings and is therefore in accordance with all relevant aims of policy LPD32.

10.0 Crime prevention

10.1 Paragraph 92 of the NPPF advises that planning decisions should aim to ensure that developments, inter-alia, 'are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'. Policy 10 of the Core Strategy also supports the 'incorporation of features to reduce opportunities for crime and the fear of crime, disorder and anti-social behaviour, and promotion of safer living environments'. It is considered that the operation of a CCTV camera at this location would be acceptable due to its purpose to reduce crime and the fear of crime. It is

therefore considered that the proposal complies with the advice of the NPPF and Core Strategy Policy 10.

11.0 Conclusion

12.1 The proposed development is consistent with Gedling Borough planning policies. The proposal represents an acceptable form of development which seeks to reduce crime, the detection of crime and the fear of crime. The proposal is not considered to have an unacceptable impact on the visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of the occupiers of neighbouring properties.

It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Section 8 and 12), Policy 10 of the GBCAS (2014) and Policy 32 of the LPD.

Recommendation: Grant Conditional Planning Permission

Conditions

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 This permission shall be read in accordance with the application form and following list of documents and approved drawings:
 - Application Form, received 7th July 2022
 - Site Location, received 20th July 2022
 - Drawing no. TC.10.10.400.01 entitled 400 Sq Cabinet Based 10 Mtr Pole, received 7th July 2022
 - Supporting Document - AUTODOME IP Starlight 5100i IR, received 7th July 2022
 - Supporting Document - Data Sheet: 5 GHz 450b, received 7th July 2022
 - Drawing no. WEC-467586A1 entitled CS2000 showing Plastic Bung, received 7th July 2022

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

Reasons

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

Reasons for Decision

The proposed development is consistent with Gedling Borough planning policies. The proposal represents an acceptable form of development which seeks to reduce crime, the detection of crime and the fear of crime. The proposal is not considered to have an unacceptable impact on the visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of the occupiers of neighbouring properties. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Section 8 and 12), Policy 10 of the GBCAS (2014) and Policy 32 of the LPD.

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. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

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

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.



Report to Planning Committee

Subject: Future Planning Applications

Date: 07/09/2022

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.

App No	Address	Proposal	Possible Date
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
2021/1398	Land at Grange View Road, Gedling	Erection of 28 four-bedroom 2.5 storey houses; associated parking and access road	TBC
2022/0501	Land Off Hayden Lane Linby	Full planning permission for 135 dwelling with access from Delia Avenue And Dorothy Avenue	TBC
2022/0584	Land North West Park Road Calverton	Application for the approval of reserved matters (layout, landscaping, scale and appearance) for the erection of 101 dwellings and associated infrastructure, pursuant to outline approval 2018/0607 (re-plan of reserved matters approval 2020/0020, which includes an additional 13 units taking the total number of units to 364)	TBC
2021/072	Land To The West Mansfield Road Redhill	Proposals for 157 dwellings with associated landscaping, public open space, highways and infrastructure on land west of the A60, Redhill, Nottingham	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 - 22nd July 2022

2020/0624

21 Georges Lane, Calverton, NG14 6JS

Two-storey side extension to the NE elevation to create an annexe and single storey extension to existing garage

The proposed development would result in the creation of a separate dwelling that would, through its small plot, be out of character with the area.

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

Decision: Refuse permission.

2022/0327

90 Somersby Road, Woodthorpe, Nottinghamshire

Proposed front porch extension, increase in ridge height of existing roof, erection of pitched roof over existing two storey side extension and construction of front and rear dormers

The proposed development would through its scale and design have a detrimental impact on the character of the area and residential amenity of neighbouring properties.

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

Decision: Refuse permission.

2022/0485

3A Kirkby Road, Ravenshead, Nottingham

Ground floor extension to existing garage

The proposed development would comply with Green Belt policy, as well as 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.

2022/0552

6 Meadow Road, Netherfield, Nottinghamshire

Change of use from Class E to Hot Food Takeaway (Sui Generis), new shop front, external flue and external alterations

The proposed development would result in a use over and above the normally allowed 5% threshold; however, it is considered appropriate to grant permission given the length of time that the unit has been empty and economic benefits that the use would bring.

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

Decision: Grant permission subject to conditions.

2022/0570

21 Greys Road, Woodthorpe, Nottinghamshire

Two storey front extension and single storey rear extension and pitched roof over existing flat roof

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.

2022/0578

67 County Road, Gedling, Nottinghamshire

Two storey side extension

The proposed development would through its scale, location and prominence within the streetscape, have a detrimental impact on the character of the area.

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

Decision: Refuse permission.

22nd July 2022

Cllr John Truscott

Cllr Meredith Lawrence

Cllr David Ellis

Cllr Marge Paling

Cllr John Parr

Kevin Cartwright - Principal Planning Officer

Nigel Bryan – Principal Planning Officer

ACTION SHEET PLANNING DELEGATION PANEL 29th July 2022

2021/1141

31 Plains Road Woodthorpe NG3 5JU

Change of use and erection of single storey side and two-storey side and rear extensions, following demolition of existing rear single storey extension, to provide restaurant use at ground floor, a new ground floor unit (Use Class E), with 6 no. residential apartments (C3) and 2 no. offices above, with basement, associated infrastructure, and alterations to street frontage (Revised Plans)

The proposed development would have an undue impact on the character and appearance of the area and insufficient information has been provided to assess the noise impact of the proposal.

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

Decision: Refuse Planning Permission

2021/1462

52 Stoke Lane Gedling Nottingham

Erection of detached double apex concrete garage.

The proposed development would have no undue impact on the character and appearance of the area, highway safety or result in any significant impact on any adjacent protected trees.

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

Decision: Grant Planning Permission subject to Conditions.

2022/0233

MG Motors 343 Westdale Lane West Mapperley

Demolition of car sales/service unit and construct 8 no. apartments.

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

2022/0647
14 Fisher Avenue Woodthorpe Nottinghamshire
Construct Single Storey Outbuilding

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

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

Decision: Grant Planning Permission subject to Conditions.

Video Conference Call Meeting

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

Kevin Cartwright – Principal Planning Officer

29th July 2022

ACTION SHEET PLANNING DELEGATION PANEL 5th August 2022

2020/1002

Land Adjacent No. 8 Glanton Way Arnold
Detached 5 bedroom dwelling.

The proposed development would result in no undue impact on the character and appearance of the area, 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.

2022/0153

49 Chandos Street Netherfield Nottinghamshire
Proposed change of use from dwelling (C3) to 7 bedroom HMO including rear dormer loft conversion

The Panel recommended that the application be referred to Planning Committee to allow matters in respect of highway safety, parking and amenity to be considered.

2022/0464

5 Southdale Drive Carlton Nottinghamshire
Construct 2 storey front and side extension, 2 storey and single storey rear extension, single storey front extension, and construct annexe to rear of property

The proposed development would have no undue impact on the character and appearance of the area, 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 Marje Palling
Cllr David Ellis
Cllr John Parr
Cllr Paul Wilkinson

Kevin Cartwright – Principal Planning Officer

5th August 2022

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ACTION SHEET PLANNING DELEGATION PANEL - 12th August 2022

2021/0672

9 Third Avenue, Carlton, NG4 1PE

Garden room / Summer house with 2 tiered decking to the front (part retrospective) and the erection of 1.8 metre high 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.

2021/1120

123 Arnold Lane, Gedling, NG4 4HF

Erection of two detached 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.

2022/0588

12 Verne Close, Carlton, Nottinghamshire

Erection of dwelling & parking area

The proposed development would result in a dwelling that would be out of character with the area, detrimental to the amenity of neighbouring properties and provide an inadequate level of parking.

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

Decision: Refuse permission.

2022/0649

Land to the side of 55 Renals Way, Calverton
Erection of dwelling

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.

2022/0728

17 Woodsend Close, Burton Joyce, Nottinghamshire
Remove existing carport and form new canopy to front elevation & rear 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.

12th August 2022

Cllr John Truscott
Cllr Paul Wilkinson
Cllr Marge Paling
Cllr John Parr

Nigel Bryan – Principal Planning Officer

ACTION SHEET PLANNING DELEGATION PANEL - 19th August 2022

2021/0211

35 Church Drive, Ravenshead, NG15 9FG

Refurbishment and extension of existing dwelling to create additional habitable space and alter the building aesthetics.

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.

2021/0854

87 Weaverthorpe Road, Woodthorpe, NG5 4PU

Proposed new dwelling to garden development of 87 Weaverthorpe Road

The proposed development would result in a cramped form of development at odds with the established form and character of the area.

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

Decision: Refuse permission.

2021/1464

Ashdale, Nottingham Road, Burton Joyce

Variation of conditions 3 (approved drawings), 4 (highways) and 18 (trees) of planning permission 2020/0238 (An outline application for 11 new dwellings with matters of access, scale and layout under consideration)

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

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

Decision: Grant permission subject to conditions and the issuing of an updated legal agreement.

2022/0248
83-85 Main Street, Papplewick
Single storey rear extension

The proposed development would respect the character of the Conservation Area, residential amenity and comply with Green Belt policy.

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

Decision: Grant permission subject to conditions.

2022/0471
1 Lynton Gardens, Arnold, Nottinghamshire
Proposed single and 2 Storey Rear Extension

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.

2022/0633
Salterford Farm, The Bungalow, Whinbush Lane, Calverton
Siting of static caravan for residential occupation

The proposed development would result in appropriate 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: Refuse permission.

18th August 2022

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

Nigel Bryan – Principal Planning Officer