

# Agenda

## Planning Committee

Date: **Wednesday 27 March 2024**

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Time: **6.00 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Democratic Services**

[committees@gedling.gov.uk](mailto:committees@gedling.gov.uk)

0115 901 3844

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# Planning Committee

## Membership

**Chair** Councillor Roy Allan

**Vice-Chair** Councillor Paul Wilkinson

Councillor Sandra Barnes  
Councillor Stuart Bestwick  
Councillor David Ellis  
Councillor Andrew Ellwood  
Councillor Helen Greensmith  
Councillor Ron McCrossen  
Councillor Lynda Pearson  
Councillor Catherine Pope  
Councillor Grahame Pope  
Councillor Sam Smith  
Councillor Ruth Strong  
Councillor Jane Walker  
Councillor Henry Wheeler  
Councillor Russell Whiting

### **WEBCASTING NOTICE**

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### **Responsibilities of the Planning Committee:**

- 1) To examine and investigate any proposals for development within or outside the Borough which affect the growth prosperity and wellbeing of the Borough and to consult on any action considered necessary.
- 2) Power to fix fees and charges in relation to the remit of the Committee.
- 3) Power to appoint delegates to conferences and to approve Member training in relation to the remit of the Committee.
- 4) To respond to consultative documents received by the Council and falling within the remit of the Committee.

- 5) Power to institute enforcement and legal proceedings in connection with any offences under any powers delegated to this Committee.
- 6) Power to determine applications for planning permission.
- 7) Power to determine applications to develop land without compliance with conditions previously attached.
- 8) Power to grant planning permission for development already carried out.
- 9) Power to decline to determine applications for planning permission.
- 10) Duties relating to the making of determinations of planning applications.
- 11) Power to determine applications for planning permission made to the Council.
- 12) Power to make determinations, give approvals and agree matters relating to the exercise of development rights.
- 13) Power to enter into agreements regulating the use or development of land.
- 14) Power to issue a certificate of existing or proposed lawful use or development.
- 15) Power to serve a completion notice.
- 16) Power to grant consent for the display of advertisements.
- 17) Power to authorise entry onto land pursuant to Section 196A of the Town and Country Planning Act 1990.
- 18) Power to require the discontinuance of a use of land.
- 19) Power to serve a contravention notice, breach of condition notice or stop notice.
- 20) Power to issue an enforcement notice.
- 21) Power to apply for an injunction restraining a breach of planning control.
- 22) Power to require proper maintenance of land pursuant to Section 215(1) of the Town and Country Planning Act 1990.
- 23) Power to determine applications for listed buildings consent.
- 24) Power to serve a building preservation notice
- 25) Power to acquire a listed building in need of repair and to serve a repairs notice.
- 26) Power to apply for an injunction in relation to a listed building.
- 27) Power to execute urgent works to a listed building.
- 28) Power to create, extinguish, stop up or divert footpaths or bridle ways after consultation, where appropriate, with the relevant Parish Council.
- 29) Power to make a rail crossing diversion or extinguishment order.
- 30) To exercise the Council's powers relating to the preservation of trees contained within the Town and Country Planning Act 1990.
- 31) To exercise the Council's powers with regard to the Hedgerows Regulations 1997.
- 32) Power to make, amend, revoke or re-enact byelaws within the remit of the Committee

## **AGENDA**

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## MINUTES PLANNING COMMITTEE

Wednesday 28 February 2024

Councillor Roy Allan (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Catherine Pope  
Councillor Sandra Barnes Councillor Grahame Pope  
Councillor Stuart Bestwick Councillor Sam Smith  
Councillor David Ellis Councillor Ruth Strong  
Councillor Rachael Ellis Councillor Jane Walker  
Councillor Andrew Ellwood Councillor Henry Wheeler  
Councillor Helen Greensmith Councillor Russell Whiting  
Councillor Ron McCrossen

Absent: Councillor Lynda Pearson

Officers in Attendance: M Avery, C Goodall, C Miles, N Osei, L Sturgess and C Turton

### 70 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Pearson. Councillor Rachael Ellis attended as substitute.

### 71 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 10 JANUARY 2024

#### RESOLVED:

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

### 72 DECLARATION OF INTERESTS

Councillor David Ellis declared a non-pecuniary interest in application 2023/0502, item 6 on the agenda, as Portfolio Holder for Public Protection and confirmed that he would take no part in the discussion nor the vote.

The Chair declared a collective non-pecuniary interest in application 2023/0502, item 6 on the agenda, as Gedling Borough Council were the applicant and the landowner.

### 73 APPLICATION NO. 2023/0474 - 2 SANDFORD ROAD, MAPPERLEY

Construction of 1 no. dwelling and 13 no. apartments.

Nicholas Bowes, a local resident, spoke against the application.

The Principal Planning Officer introduced the report.

**RESOLVED:**

To GRANT PLANNING PERMISSION: Subject to the owner entering into planning obligations secured through a s106 agreement with the Borough Council as the Local Planning Authority and the County Council as the Local Highway Authority to secure 2 no. First Homes (affordable housing) on the site as well as a contribution to bus stop improvements in the area and a local labour agreement and subject to the conditions listed for the reasons set out in the report.

**74 APPLICATION NO. 2023/0666 - 3 FLATTS LANE, CALVERTON**

Construction of first floor extension to rear of shop and creation of 3 x apartments in the extension and existing first floor area.

The Principal Planning Officer introduced the report.

**RESOLVED:**

To Grant Planning Permission subject to the following conditions:

**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 approved drawings:
  - Proposed Plans - Site and Location Plan - #Pln-A.02.1.1;
  - Proposed Plans - Ground Floor Plan - #Pln-A.02.1.2;
  - Proposed Plans - First Floor - #Pln-A.02.1.3;
  - Prop'd Elev. - North - #Pln-A.02.2.1;
  - Prop'd Elev. - West - #Pln-A.02.2.2; and
  - Prop'd Elev. - South - #Pln.A.02.2.3.

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

- 3 The development hereby approved shall be carried out using materials as set out in the application.

- 4 No part of the development hereby permitted shall be brought into use until the parking areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number PIn-A.02.1.1. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.
- 5 No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing has been widened and is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- 6 No part of the development hereby permitted shall be brought into use until the parking areas are constructed with provision to prevent the unregulated discharge of surface water from the parking area(s) to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 7 No part of the development hereby permitted shall be brought into use until the lighting column has been relocated at the applicant's expense and relocated in accordance with the Highway Authority specification.
- 8 The flat roof area between the first-floor rear extension and the existing building shall at no time be used as a balcony or roof terrace.

## Reasons

- 1 To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 For the avoidance of doubt.
- 3 To ensure that the character of the area is respected and to comply with policies ASC10, LPD26 and LPD32.
- 4 To ensure that the dwelling hereby permitted has sufficient parking provision in accordance with Policies LPD 57 and LPD 61.
- 5 To ensure that the proposed development does not result in an adverse impact on highway safety in accordance with Policy LPD 61.
- 6 To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to ensure that

the proposed development does not result in an adverse impact on highway safety in accordance with Policy LPD 61.

- 7 To facilitate the dropped kerb access to be installed.
- 8 To prevent unacceptable loss of privacy to neighbouring properties, in the interests of neighbour amenity in accordance with Policies LPD 32 and LPD 35.

### **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 (2023).

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

The 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. Where the Council's view is that CIL is payable, full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

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

The proposal makes it necessary to relocate the lighting column on the footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these



works on telephone 0300 500 80 80.to arrange for these works to be carried out.

**75 APPLICATION NO. 2023/0502 - CAR PARK, CHURCH LANE, ARNOLD**

Install a 10m cabinet style galvanised column together with a 2m antennae extension and a concrete base for CCTV camera.

The Principal Planning Officer introduced the report.

**RESOLVED:**

To Grant Planning Permission subject to the following conditions:

**Conditions**

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 1 This permission shall be carried out in accordance with the details set out in the application form;  
  
Updated site plan (received on 14 December)  
Pole specification (received on 02 January P1)  
Antenna and camera specification (received on 06 February P1 and P6)

**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, or detrimental impact on the setting of the adjacent Listed Building. 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), Policies

10 and 11 of the GBCAS (2014) and Policies 20, 26, 27 and 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](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

The 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.

## **76 APPLICATION NO. 2024/0001 - 10 NEVILLE ROAD, CALVERTON**

Proposed front and rear single storey extensions and alteration of conservatory.

The Principal Planning Officer introduced the report.

### **RESOLVED:**

To Grant Planning Permission subject to 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 application form received 1 January 2024 and the following plans:
  - Site Location Plan received 1 January 2024
  - Block Plan Sheet No.4 received 1 January 2024

- Floor Plans Sheet No.1 received 1 January 2024
- Elevations Sheet No.3 received 1 January 2024
- Roof Plan Sheet No. 5 received 1 January 2024.

- 3 The development hereby approved shall be carried out using materials as set out in the application.

### **Reasons**

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interests of visual amenity and in accordance with Policy 10 of the Aligned Core Strategy and Policy BE2 of the Calverton Neighbourhood Plan.

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on the amenity of neighbouring residential properties and would not have any adverse impacts on highway safety. The development therefore accords with the aims set out in the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy, Policies 32, 43, 57 and 61 of the Local Planning Document, Policy BE2 of the Calverton Neighbourhood Plan and the Parking Provision for Residential and Non-Residential Developments SPD.

### **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. 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 applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.gedling.gov.uk](http://www.gedling.gov.uk).

**77 APPEAL REF: APP/N3020/W/23/3325230 - BEACON BAPTIST CHURCH, KILLISICK ROAD, ARNOLD**

Residential development (outline) (to include demolition of existing site buildings).

**RESOLVED:**

To note the information.

**78 APPEAL REF: APP/N3020/W/23/3315910 - 34 MARLBOROUGH ROAD, WOODTHORPE**

The proposed erection of two new 4 bedroom detached houses and one new 3 bed detached bungalow.

**RESOLVED:**

To note the information.

**79 APPEAL REF: APP/N3020/D/23/3328184 - 91 MAIN STREET, BURTON JOYCE**

Driveway gates and side gate to front garden (retrospective).

**RESOLVED:**

To note the information.

**80 APPEAL REF: APP/N3020/W/23/3328444 - 164 LONGDALE LANE, RAVENSHEAD**

Single storey rear extension, conversion of covered way to living accommodation and internal alterations.

**RESOLVED:**

To note the information.

**81 APPEAL REF: APP/N3020/W/23/3323060 - OLD MANOR FARM,  
LOWDHAM LANE, WOODBOROUGH**

Proposed residential redevelopment of former farm complex - comprising the replacement of an existing dwelling, non-traditional former agricultural buildings and caravan storage building with 4 self-build dwellings and 1 agricultural workers' dwelling.

**RESOLVED:**

To note the information.

**82 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**83 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

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

None.

The meeting finished at 6.37 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 2023/0913**



## Report to Planning Committee

<b>Application Number:</b>	<b>2023/0913</b>
<b>Location:</b>	<b>Land of Georges Lane, Calverton</b>
<b>Proposal:</b>	<b>Construction of two open round barrows and a grass covered barrow for the placement of cremation urns, access path and landscaping.</b>
<b>Applicant:</b>	<b>A W Lymn The Family Funeral Service</b>
<b>Agent:</b>	<b>Marrons</b>
<b>Case Officer:</b>	<b>Claire Turton</b>

**The application is required to be considered by Planning Committee given that a planning obligation is required to secure the mitigation of the impacts of the development should planning permission be granted.**

### **1.0 Site Description**

1.1 The application site is located to the north of George's Lane, between the settlements of Arnold and Calverton. The wider site consists of agricultural land and woodland which has a substantial change in ground levels, with the land generally rising from George's Lane up towards the north.

1.2 The wider site was granted planning permission (2022/0006) on the 19 August 2022 having been considered at the Planning Committee of 27 July 2022. The application title is below;-

*"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".*

This planning permission has not yet been implemented. This current application relates to a parcel of land within the wider burial ground site that was previously proposed to be used for a meadow burial area.

1.2 The site is accessed from George's Lane via an unadopted hard bound road which leads towards residential dwellings located to the east of the site. To the west of the wider site is Calverton Hill Hospital and part of the wider site to the north also shares a boundary with Ramsdale Park Golf Centre.

1.3 The site is located within the Green Belt and Ramsdale Hill to the north is designated as a Scheduled Ancient Monument. A public bridleway runs through

the site and a public footpath also passes across the site to the north-east corner.

- 1.4 The wider site area (relating to planning permission 2002/0006) is approx. 10.95 hectares. This specific site area (relating to this current planning application) is approx. 0.23 hectares.

## **2.0 Relevant Planning History**

- 2.1 2013/1010 - Change of use of agricultural field to create natural burial ground with associated car park – Withdrawn.
- 2.2 2018/0228 – Planning permission granted for change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities building and associated car parking, landscaping and new access arrangements onto Georges Lane.
- 2.3 2022/0006 – Planning permission granted for; - *“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”*
- 2.4 2023/0091 – Planning permission was refused in July 2023 for *“Construction of two open round barrows and a grass covered barrow for the placement of cremation urns, access path and landscaping.”*

The reasons for refusal were;-

1. *“The proposed development would represent inappropriate development in the Green Belt and would cause harm to the openness of the Green Belt. The proposal does not meet any of the criteria listed in paragraphs 149 or 150 of the NPPF which list certain types of development that are not considered inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are no special circumstances that outweigh the harm caused to the Green Belt. The proposal is therefore contrary to the National Planning Policy Framework (Section 13).”*

Unfortunately, there was an error on the Decision Notice and the council later clarified with the applicant that reason for refusal 1 should have read;-

1 *“Due to its size and scale, the development would not preserve the openness of the Green Belt in this location. In this respect therefore, the development is inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are no special circumstances that outweigh the harm caused to the Green Belt. The proposal is therefore contrary to the National Planning Policy Framework (Section 13).”*

2 *“The proposed development would have an undue impact upon the visual amenity and landscape character of the area.*

*The development consists of a barrow 9 metres in height with a steep slope of 70-80 percent. This will appear as a tall, prominent and alien feature within the landscape. The proposal is therefore contrary to the National Planning Policy Framework (Section 15), Aligned Core Strategy Policy 10, Local Planning Document Policy 19 and Calverton Neighbourhood Plan Policy BE1.”*

This current planning application is a re-submission of 2023/0091. The differences between this current application and the previous refusal are discussed in detail in the next section of this report.

### **3.0 Proposed Development**

3.1 The application seeks planning permission for;-

*“Construction of two open round barrows and a grass covered barrow for the placement of cremation urns, access path and landscaping.”*

3.2 The proposal has been amended since the previous refusal. The barrows have been re-located and re-orientated from the previous proposal so that the grass covered barrow (barrow 3) sits within an existing hollow in the landscape and is buried into the rising topography. Barrow 3 will raise the ground level by approx. 6 metres directly above the barrow which will then be levelled, previously it was 9 metres above ground level on a higher part of the site. The height of barrows 1 and 2 have been reduced. They were previously 2.7 metres in height from ground level to the top of the wall but are now 2 metres above the existing ground level.

3.3 The three barrows provide a combined 756 niches where urns can be placed.

3.4 Barrow 1 includes a reflection pool and bearer stone, barrow 2 includes a central tree and barrow 3 is a covered barrow.

3.5 The provision of the bearer stone in the first barrow has a secondary use for facilitating an outdoor ceremony space in advance of the burial of a coffin. The covered barrow has a secondary use as an indoor ceremony space.

3.6 The site adjoins the internal burial ground access road to the south west.

3.7 A Section 106 Legal Agreement is in an agreed form and waiting to be signed ensuring that, if granted planning permission, the owner of the application site would be bound by planning obligations ensuring that development could not commence without the planning permission for the wider burial ground use first being implemented.

### **4.0 Consultations**

4.1 GBC Conservation Officer:- No objection.

4.2 GBC Tree Officer:- No objection.

4.3 GBC Scientific Officer:- No objection subject to conditions.

4.4 GBC Parks and Street Care:- State no comments.

4.5 NCC Rights of Way:- No objection. Calverton Footpath 22 runs adjacent to the application site but appears to be unaffected by the proposal.

4.6 NCC Highway Authority:- State no objection.

- 4.7 NCC Lead Local Flood Risk Authority (LLFRA):- State no comment.
- 4.8 NCC Archaeology:- State they have no comments or recommendations to make.
- 4.9 Calverton Parish Council:- No comments received.
- 4.10 Historic England:- State not offering advice.
- 4.11 Environment Agency:- State that they are not making formal comments.
- 4.12 Severn Trent Water:- No comments received.
- 4.13 Notts Wildlife Trust:- No comments received.
- 4.14 Neighbouring residents:- 9 letters of support have been received by members of the public – 7 from local residents within the borough and two from outside the borough. Reasons for support are:-
- Less obtrusive than the previous proposal
  - Beautifully designed
  - Sympathetic to the Countryside
  - Unique to the area
  - There is a requirement for a non-religious alternative to traditional burials
  - A good alternative to scattering ashes in a garden of rest
  - The local community will benefit from this scheme.
  - This is a civic resource
  - There is a net ecological gain
  - This is a long term investment which will see the land retained, protecting the area from more development
  - Uses a barrow elsewhere in the country
  - Visited other barrows within the UK
  - Only concerns relate to the main cemetery – no trees between hospital drive and the entrance to Ramsdale. As it is open countryside, do not wish to see solar lights on graves as this could cause light pollution.

## **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 2023 (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 2023 – sets out the national objectives for delivering sustainable development. Sections 13 (Protecting Green Belt land), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment) are particularly relevant.
- 6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan
- Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals.
- Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.
- Policy 3: Green Belt – sets out the policy with respect to the Green Belt.
- Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.
- Policy 11: The Historic Environment – sets out the criteria for safeguarding heritage interests.
- Policy 17: Biodiversity – sets out the approach to ecological interests
- 6.4 Local Planning Document (Part 2 Local Plan)
- The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:
- LPD 6: Aquifer Protection – states that planning permission will be granted where proposals would not be liable to cause contamination of the ground water in aquifers.
- LPD 19: Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a significant adverse visual impact or a significant adverse impact on the character of the landscape.
- LPD 26: Heritage Assets – sets out the criteria that development which may affect a designated heritage asset will need to meet.
- LPD 30: Archaeology – sets out requirements for development proposals which could impact Schedules Monuments or their settings.
- LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- LPD 57: Parking Standards – sets out the requirements for parking.
- LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.
- 6.5 Other Planning Documents



'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document' (2022) sets out required parking standards within the district.

Greater Nottingham Landscape Character Assessment (2016) – The site is located within Dumbles Rolling Farmland.

#### 6.6 Calverton Neighbourhood Plan

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

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

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

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

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

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

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

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

### 7.0 **Planning Considerations**

#### Principle of this type of development within the Green Belt

- 7.1 This section of the report will look at whether or not the principle of development is supported in the Green Belt before going on to consider the impact on openness and wider landscape, along with other consideration.

The site is located within the Green Belt. Paragraph 152 of the National Planning Policy Framework states that;-

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

- 7.2 Paragraph 153 of the National Planning Policy Framework states that;-

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

7.3 Paragraph 154 of the National Planning Policy Framework states that;-

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

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

7.4 Barrow 3 is considered to be a building as well as resulting in significant engineering operations. The dictionary definition of a building is a structure with walls and a roof, which barrow 3 has. Barrows 1 and 2 are considered to be engineering operations but not a building, both contain boundary walls and other built development but no roof.

7.5 Paragraph 154 of the NPPF identifies cemeteries and burial grounds are an appropriate form of development in the Green Belt, subject to not conflicting with the purposes of including land within it e.g. openness considerations. Whilst a barrow would be an *above* ground burial structure it is considered to be an appropriate facility for a cemetery and burial ground and, therefore, on balance, is considered to be an appropriate form of development within the Green Belt.

7.6 Paragraph 155 of the NPPF states that;-

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

*b) engineering operations ...*

*e) material changes in the use of land (such as changes of use for ... cemeteries and burial grounds.”*

7.7 With regards to part b of paragraph 155 of the NPPF, barrows 1, 2 and 3 are considered to be engineering operations and therefore are not necessarily inappropriate development, subject to whether or not the works would have a detrimental impact on openness, explored in paragraphs 7.8 -7.10 of this report.

*Impact upon the openness of the Green Belt*

7.8 In addition to the above, there is also a need to consider whether the proposal would preserve the openness of the Green Belt as required by paragraphs 154 and 155 of the NPPF and whether it would conflict with the 5 purposes set out in paragraph 143 of the NPPF.

7.9 The previous refusal at the site was assessed as follows;-

*“It is considered that the proposal would not preserve the openness of the Green Belt. This is primarily due to the size and scale of the built-form. Barrows 1 and 2 have a diameter of approx. 14 metres and are approximately 2.7 metres in height from ground level to the top of wall. These are engineered in appearance. Barrow 3 has a diameter of approx. 10 metres and is 9 metres in height from ridge of grass mound to existing ground level. Whilst this barrow is “green” in nature (predominantly grass and natural planting), it is still a large form of development at 9 metres in height and 10 metres in diameter. This is in contrast to the site’s current un-developed and open nature and the proposed burial meadow which was of a much lesser scale and was considered as part of planning permission 2022/0006 to preserve the openness of the Green Belt.”*

- 7.10 This current scheme has been amended since the previous refusal with the aim of reducing the scale of the development. The height of barrows 1 and 2 (the open wall barrows) have been reduced. They were previously 2.7 metres in height from ground level to top of wall but are now 2 metres above the existing ground level. These are now similar in appearance to walls that can be erected up to 2 metres in height under permitted development rights.
- 7.11 Barrow 3 (the grass covered barrow) has been re-located and re-orientated from the previous proposal so that it sits within an existing hollow in the landscape and is buried into the rising topography. Barrow 3 will raise the ground level by approx. 6 metres directly above the barrow which will then be levelled, previously it was 9 metres above ground level on a higher part of the site. During the pre-application process, the applicants were asked whether the height of barrow 3 could be reduced. However, due to the self-supporting construction of the roof of the barrow, this was not possible. The revised proposal represents a significant visual change in visual impact from the previous refusal with a net change in overall height of 8 meters from the highest point of the closed barrow. This is the result of the top of the closed barrow in the previous refusal being located 4 metres above the height of the adjacent footpath, whereas the top of the barrow in the current proposal is located 4 metres below the height of the footpath.
- 7.12 It is considered that the proposal has been reduced in scale, re-located and re-orientated as much as possible, whilst ensuring the scheme is viable, to reduce the impact on the openness of the Green Belt.
- 7.13 However, there is still some built-form and the proposal does still have some impact on the openness of the Green Belt, albeit much less than the previous proposal and it is considered that the proposal cannot be amended any further to reduce the scale. However, it does have to be concluded that the development is considered to be inappropriate development within the Green Belt. Paragraph 152 of the NPPF states that;-

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

Very special circumstances

- 7.14 The applicants are arguing that there are very special circumstances (VSCs) that exist in this case. This argument centres around the need for such a facility in the borough.
- 7.15 Cremations, rather than burials, represent the primary choice for all funerals in the UK and account for 80 percent of services. Barrows provide a separate function to cemeteries and crematoriums.
- 7.16 The nearest barrow facilities are located at the Willow Row barrow near St Neots, Cambridgeshire, a distance of approx. 127km from the site. There are no facilities to deliver this service in Gedling or Nottinghamshire.
- 7.17 The applicants state that they have already received numerous expressions of interest and enquiries related to the reservation of niches within the barrows, even though the proposal is at an early stage of development.
- 7.18 There are no alternative sites within the borough identified as suitable for this type of development and no other planning applications for similar proposals.
- 7.19 Turning now to the specific site itself, it is logical to locate such a facility in a cemetery (the wider site has planning permission for a cemetery use) where it can work in tandem with its surroundings and form a multi-purpose benefit through the provision of both indoors and outdoor burial ceremonies.
- 7.20 The settlements within Gedling Borough are all closely bound by Green Belt. To enable the barrows to fully deliver on their function they should be located in a location of peace, quiet and tranquillity which effectively requires a rural location. As a result of the existing Green Belt boundaries within the Borough, no suitable non-Green Belt locations have been identified.
- 7.21 The proposal also provides ecological enhancements with additional planting and design features of the stonework which provide habitats for insects and birds.
- 7.22 For the reasons stated above, it is considered that, in this specific case, very special circumstances do exist to justify the granting of planning permission even though the proposal does still have some impact on the openness of the Green Belt, albeit much less than the previous proposal and it is considered that the proposal cannot be amended any further to reduce its scale. As such, it is considered that the proposal accords with Paragraph 152 of the NPPF states that:-

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

and paragraph 153 of the National Planning Policy Framework states that:-

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt*

*by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

#### Green Belt summary

- 7.23 Paragraphs 154 and 155 of the NPPF state that appropriate facilities associated with cemeteries and burial grounds are an appropriate form of development within the Green Belt, subject to not conflicting with the purposes of including land within it e.g. openness considerations.
- 7.24 It is considered that the current proposal has been reduced in scale, re-located and re-orientated as much as possible from the previous refused application, whilst ensuring the scheme is viable, to reduce the impact on the openness of the Green Belt.
- 7.25 However, there is still some built-form and the proposal does still have some impact on the openness of the Green Belt, albeit much less than the previous proposal. However, it does have to be concluded that the development is considered to be inappropriate development within the Green Belt. Paragraph 152 of the NPPF states that;-

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

and paragraph 153 of the National Planning Policy Framework states that;-

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

- 7.26 It is considered that, in this specific case, very special circumstances do exist to justify the granting of planning permission even though the proposal does still have some detrimental impact on the openness of the Green Belt. These relate mostly to the need for such a facility within the area but also the link to the existing cemetery permission and need for a rural location. There is also a need to consider whether or not there has been any other harm from the proposal, which is considered later in this report.

#### Impact upon visual amenity and landscape character

- 7.27 The Greater Nottingham Landscape Character Assessment (2016) identifies the site as being located within the Dumbles Rolling Farmland. The landscape is formed by a distinctive series of ridgelines and valleys creating a characteristic rolling landform. The Landscape Character Assessment states that there are few detracting features in the landscape. The landscape condition is identified as good and the landscape character is identified as strong. The overall landscape strategy is conserve. With regards to the site itself, there is woodland to the east of the site. However, the land is more open to the north where it falls away towards Ramsdale Golf Course.

7.28 Impact on visual amenity and landscape character is a different test to impact on the openness of the Green Belt. Indeed, planning policies on general visual amenity and landscape character are not as strict as policies regarding the openness of the Green Belt.

7.29 The previous refusal at the site concluded that:-

*“Given the lower height of barrows 1 and 2, as well as their more open nature, these are not considered to have a detrimental impact on the general visual amenity of the area or the landscape character. However, the height of barrow 3 is 9 metres with a steep slope of 70-80 percent. Whilst this is proposed to be “green” in nature, it will still appear as a large structure within the landscape. It is considered that this will be a prominent and somewhat alien feature.”*

7.30 This current application proposes that barrows 1 and 2 will be reduced even further in height. As explained earlier in this report, barrow 3 (the grass covered barrow) has been re-located and re-orientated from the previous proposal so that it sits within an existing hollow in the landscape and is buried into the rising topography. Barrow 3 will raise the ground level by approx. 6 metres directly above the barrow which will then be levelled, previously it was 9 metres above ground level on a higher part of the site. The revised proposal represents a significant change in visual terms of the impact from the previous refusal, with a net change in overall height of 8 metres from the highest point of the closed barrow. This is the result of the top of the closed barrow in the previous refusal being located 4 metres above the height of the adjacent footpath, whereas the top of the barrow in the current proposal is located 4 metres below the height of the footpath.

7.31 Given the significant reduction in built-form, as well as the “green” nature of barrow 3, the largest barrow, it is considered that the revised scheme would not have a detrimental impact upon visual amenity and it would therefore accord with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10, Local Planning Document Policy 19 and Calverton Neighbourhood Plan Policies BE1 and NE4.

#### Impact upon residential amenity

7.32 The wider site already has planning permission for a burial ground use. The proposed barrows are not considered to create significant additional visitors to the site above that of the proposed burial ground use. The barrows would be built out instead of burial plots which were previously proposed on this area of the site. As such, I do not consider that the proposal will cause additional issues of noise and disturbance to neighbouring properties.

7.33 Due to separation distances, I do not consider that the proposal will cause unacceptable issues of massing / overshadowing, overbearing or overlooking onto neighbouring residential occupiers.

7.34 Overall it is considered that the proposal would not have a detrimental impact upon residential amenity and it would therefore accord with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10 and Local Planning Document Policy LPD 32.

### Highway matters

- 7.35 It is proposed to utilise the access approved under planning permission 2022/0006. A Section 106 Legal Agreement is in an agreed form and waiting to be signed. This secures planning obligations which would ensure that, if planning permission were to be granted, works could not commence on this current development until the previous planning permission (2022/0006) was substantially complete, including the implementation of the access roads.
- 7.36 The proposed barrows are not considered to create significant additional visitors to the site above that of the proposed burial ground use. The barrows would be built out instead of burial plots which were previously proposed on this area of the site.
- 7.37 Annex D to the Local Planning Document and the 'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document' (2022) does not specify a parking requirement for burial grounds. It is noted that the Highway Authority do not raise an objection to the proposal and therefore do not consider that any harm to the surrounding highway network would arise. On this basis, there is no evidence to suggest that the parking spaces proposed for the wider burial ground use would not be adequate to provide for the parking needs of the barrows development. Furthermore, grasscrete overflow parking is proposed to provide an additional 12 parking bays if required.
- 7.38 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Local Planning Document Policies 57 and 61 and Calverton Neighbourhood Plan Policy ISF2 and ISF3.

### Heritage considerations

- 7.39 The wider burial ground site is adjacent to a Scheduled Ancient Monument (SAM), Ramsdale Hill and an area of archaeological interest. However, this specific site is not located close to these. Historic England and NCC Archaeology have not recommended a condition in respect of additional archaeology research, which is supported.
- 7.40 Overall it is considered that the proposal meets with the objectives of the National Planning Policy Framework, Aligned Core Strategy 11, Local Planning Document Policy 26, 30 and Calverton Neighbourhood Plan Policy BE5.

### Ecological considerations

- 7.41 Ecology issues were fully assessed as part of the larger burial ground application at the wider site. A Section 106 Legal Agreement is in an agreed form and waiting to be signed. This agreement would secure planning obligations ensuring that, if planning permission were to be granted, works could not commence on this current proposal until the previous planning permission (2022/0006) was substantially complete, including all conditions discharged and complied with (including conditions regarding ecology).

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



- 7.47 In terms of the legal background, a potential Special Protection Area (pSPA) does not qualify for protection under the above 2010 Regulations until it has been actually designated as a Special Protection Area. Furthermore, the site does not qualify for protection under paragraph 181 of the NPPF which refers to pSPAs as footnote 64 explicitly states that pSPAs are sites on which the Government has initiated public consultation on the scientific case for designation. This has not occurred and therefore the Sherwood Forest Region does not qualify for special protection and a risk based approach is not necessary to comply with the Habitat Regulations or the NPPF.
- 7.48 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Local Planning Document Policy 26 and Calverton Neighbourhood Plan Policy NE5. Whilst it is noted that a departure is taken from the Aligned Core Strategy Policy 17 in that the prospective Special Protection Area is not being treated as confirmed European Site, the reason for this is set out above.

## **8.0 Conclusion**

Facilities associated with cemeteries and burial grounds are an appropriate form of development within the Green Belt, subject to not conflicting with the purposes of including land within it e.g. openness considerations. The scheme has been re-designed to the minimum built-form necessary. However, there is still some built-form and the proposal does still have some impact on the openness of the Green Belt, albeit now limited. However, the development is considered to be inappropriate development within the Green Belt, due to its detrimental impact on the openness of the Green Belt. However, very special circumstances exist which outweigh other policy considerations. These relate mostly to the need for such a facility within the area but also the link to the existing cemetery permission and the need for a rural location. As such, the proposal complies with paragraphs 152 and 153 of the NPPF.

The proposal does not have an unacceptable impact on the visual amenity or landscape character of the area, residential amenity, highway safety, designated heritage assets, ecological considerations or ground water.

As such, the proposal complies with the NPPF, Policies A, 1, 3, 10, 11 and 17 of the ACS, Policies 6, 19, 26, 30, 32, 57 and 61 of the LPD and Policies ISF1, ISF2, ISF3, BE1, BE5, NE3, NE4 and NE5 of the Calverton Neighbourhood Plan.

**RECOMMENDATION: Grant planning permission, subject to the signing of a Section 106 legal agreement and subject to the following conditions;-**

### **Conditions**

- 1 The development must be begun not later than three years beginning with the date of this permission.

- 2 The development hereby permitted shall be completed in accordance with the following drawings and documents, received 22nd December 2023;-

Application forms

Drawing no. 2019-18-05 Elevations

Drawing no. 2019-18-04 Sections

Drawing no. 2019-18-02 C Proposed site plan and site location plan

- 3 No development shall be commenced until details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details. Facing stonework, Internal pathway and circulation area.

### **Reasons**

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

### **Reasons for Decision**

Appropriate facilities associated with cemeteries and burial grounds are an appropriate form of development within the Green Belt, subject to not conflicting with the purposes of including land within it e.g. openness considerations. The scheme has been re-designed to the minimum built-form necessary. However, there is still some built-form and the proposal does still have some impact on the openness of the Green Belt, albeit now limited. However, the development is inappropriate development within the Green Belt, due to this impact on the openness of the Green Belt. Very special circumstances exist which outweigh other policy considerations. These relate mostly to the need for such a facility within the area but also the link to the existing cemetery permission and the need for a rural location. As such, the proposal complies with paragraphs 152 and 153 of the NPPF. The proposal does not have an unacceptable impact on the visual amenity or landscape character of the area, residential amenity, highway safety, designated heritage assets, ecological considerations or ground water. As such, the proposal complies with the NPPF, Policies A, 1, 3, 10, 11 and 17 of the ACS, Policies 6, 19, 26, 30, 32, 57 and 61 of the LPD and Policies ISF1, ISF2, ISF3, BE1, BE5, NE3, NE4 and NE5 of the Calverton Neighbourhood Plan.

### **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. 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](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

The 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.



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**Planning Report for 2023/0233**

1:3,000      Planning Reference:      2023/0223  
Land Off Marion Avenue  
Hucknall

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: 15/03/2024

**Report to Planning Committee**

<b>Application Number:</b>	<b>2023/0233</b>
<b>Location:</b>	<b>Land Off Marion Avenue, Hucknall</b>
<b>Proposal:</b>	<b>Residential development of 30 dwellings with associated infrastructure, open space and landscaping with access from Marion Avenue.</b>
<b>Applicant:</b>	<b>Chevin Homes (Derby) Limited</b>
<b>Agent:</b>	<b>Planning and Design Group Ltd</b>
<b>Case Officer:</b>	<b>Craig Miles</b>

**The application is referred to Planning Committee to comply with the Council's constitution as the development proposes more than 9 dwellings and a legal agreement is required.**

**1.0 Site Description**

- 1.1 The application site is located to the east of Hayden Lane, which connects to Papplewick Lane, the main road connecting into Hucknall town centre. It comprises a single field that has been cleared of vegetation and is enclosed by existing hedgerows running along the perimeter of the site's boundaries. The site measures some 1.16 hectares (ha). It is allocated for housing development in the adopted Local Planning Document (LPD).
- 1.2 To the north, the site adjoins Sherwood Gate' residential development which is a development approved for 255 dwellings. A significant number of dwellings have been built out and are occupied. Adjoining the site to the west is the recently consented Barwood Homes development for 131 dwellings with access through Delia Avenue and Dorothy Avenue.
- 1.3 The south boundary of the site adjoins an existing residential area forming the main urban area of Hucknall, more specifically the end of existing cul-de-sacs forming Alison Avenue and Marion Avenue. The administrative boundary of Gedling Borough Council is up to the boundary with both Dorothy Avenue and Delia Avenue and beyond is Ashfield District Council.
- 1.4 At present the current vehicular and pedestrian access is achieved via adjoining fields which are accessed off Hayden Lane.
- 1.5 In terms of topography the site is is relatively flat with a slight slope down from west to east. The location, setting and topography mean that there are only a

few very limited public viewpoints of the application site – primarily from the end of Alison Avenue and Marion Avenue.

- 1.6 The site is identified on the Flood Map for Planning as being within Flood Zone 1 (Low Probability of flooding) and it is also in an area at very low risk of surface water flooding.
- 1.7 The site is not subject to any statutory environmental designations. There are no designated heritage assets on or directly adjacent to the site. The nearest is Castle Mill (Grade II Listed), which is located off Linby Lane approx. 350m north east of the site, and Linby Conservation Area is some 0.5km to the north.
- 1.8 The nearest bus stop is located 300m east of the site off Ethel Avenue that provides connections to the Vaughan Estate via Hucknall Town Centre which hosts all key amenities and services and falls within the administrative area of Ashfield District Council.

## **2.0 Relevant Planning History**

- 2.1 The site forms the western part of the strategic housing allocation, North of Papplewick Lane for up to 300 homes allocated under Policy 2 of the ACS but did not form part of planning applications 2017/0201 and 2020/0258, which were granted permission for development of a total of 273 homes, and is now largely complete.
- 2.2 Policy 2 of the Aligned Core Strategy outlines that ‘Land North of Papplewick Lane’ had the potential to deliver 300 dwellings. It is however worth noting that the implemented planning consents 2017/0201 and 2020/0258 suggest only 255 dwellings will be delivered once completed. This leaves a shortfall of 45 dwellings on the adjoining ‘Land North of Papplewick Lane’ site.
- 2.3 Adjoining the application site to the west, is the recently consented Barwood Homes development for 131 dwellings with access through Delia Avenue and Dorothy Avenue (Ref: 2022/0501). Development of any of the adjoining housing sites is not reliant upon the delivery of this site as it is proposed that it would be accessed separately via Marion Avenue.
- 2.4 The application site crosses two administrative boundaries. Whilst almost all of the land where the proposed dwellings would be located are within Gedling Borough Council, a small proportion of the application site falls within Ashfield District Council. The small area of land is located at the end of both Alison Avenue and Marion Avenue cul-de sacs. Only Marion Avenue would be used to access the site which also falls in within Ashfield District Council. The applicant would therefore need permission from both Gedling Borough Council and Ashfield District Council (similar to the for 131 granted with access through Delia Avenue and Dorothy Avenue). An application is pending determination at Ashfield District Council.

## **3.0 Proposed Development**



- 3.1 The application is a standalone full planning application and is for the erection of some 30 dwellings together with a new access points formed via Marion Avenue.
- 3.2 The proposed development includes a range of two and three bedroomed properties with dwellings being one and two stories in scale. There would be six different house types, with a mix of detached, semi-detached and terraced housing. Nine of the properties are identified as being affordable of which 3 would be First Homes and the remaining dwellings 6 as affordable rent, which would comprise of 2 and 3 bedroomed properties.
- 3.3 The layout of the proposed development has been designed, where possible, within a perimeter block formation, which enables a continuous frontage including front doors and windows from habitable rooms at ground and first floor level that would face onto the highway and public open space. This approach also encloses rear gardens, ensuring that these areas are secure and private. The applicant advises that “all dwellings have, therefore, been arranged to overlook areas of open space providing natural surveillance of these public spaces.” Each dwelling would have their own off-street car parking space. There would be a total of 49 allocated parking spaces and 11 visitor spaces.
- 3.4 Indicative landscaping proposals show that there would be enhanced landscape planting in the north west corner of the site, and to a lesser extent throughout the site. On the east part of the site would be a large retaining pond that would be landscaped along its roadside frontage.
- 3.5 It is proposed create a footpath link into the adjoining housing development to the west.

#### **4.0 Consultations**

- 4.1 Papplewick Parish Council – Object to this development on the basis that it would remove the green buffer and very important open space between the Vaughan Estate and the development on Sherwood Gate, north of Papplewick Lane. They also object on the basis that more dwellings would be proposed than approved in the development plan. They raise concerns about road congestion and are concerned about the pressure on the nearby green spaces.
- 4.2 Linby Parish Council – State that they are concerned that a number of trees have been removed from the site and that green spaces should be retained and that there is no further need for speculative development in this parcel of land.
- 4.3 Lead Local Flood Authority - raise no objection to the application subject to a condition requiring the submission of a detailed surface water drainage strategy that complies with the submitted Flood Risk Assessment and Drainage Strategy.
- 4.3 Gedling Borough Council Arborist – Confirms that he is satisfied with the submitted tree protection method statement as the replacement planting plan and overall landscape plans provide suitable mitigation for the trees that would be removed.



- 4.4 Environment Agency – Note that the application site falls within flood zone 1 and therefore there are no fluvial flood risk concerns. They refer to their standing advice.
- 4.5 Gedling Borough Council Scientific Officer – Advises that the site has a low risk of contamination, however a condition should be in place for the applicant/developer to have a contingency plan in place should development reveal any contaminated made ground. In relation to air quality, he noted the proposed development constitutes a “small development” for the purpose of the *Air Quality and Emissions Mitigation - Guidance for Developers* document, which relates to Policy LPD11 of the Local Development Plan 2018. Under the provisions of this guidance small developments are required to provide Electric Vehicle Charging points and Construction Emission Management Plan.
- 4.6 Natural England - Natural England considered that the proposed development would not have significant adverse impacts on designated sites including the Linby Quarry SSSI and therefore has no objection to the proposals.
- 4.7 NHS Primary Care Trust – note that the erection of 30 dwellings would require a contribution of £16,256 towards the expansion of primary care provision to include The Om Surgery, Torkard Hill Medical Centre and Whyburn Medical Practice.
- 4.8 Local Education Authority (LEA) - note that there are adequate spaces in the locality for the projected increase in demand for primary education. However, there is insufficient space for secondary and post 16 education. As a result, the LEA seeks a contribution of £157,524, which is broken down as a secondary education contribution of £131,270 (based on 5 pupils x £26,254 per place) and a post 16 education contribution of £26,254 (based on 1 pupil x £26,254 per place), to be expended within the Hucknall secondary planning area (Holgate Academy and National Academy).
- 4.9 Nottinghamshire County Council (Planning Policy) – Have responded to advise that the application site does not affect any minerals safeguarding area. In relation to archaeology that a pre-commencement condition is required so that a programme of archaeological work can be prepared and submitted for consideration. In relation to Transport and Travel Services, it is requested that a contribution of £7,700 be provided towards improvements to the existing bus stop located on Hayden Lane, (denoted Ethel Avenue – Ref: AS0202 Ethel Avenue) as the current level of facilities at the specified bus stops are not at the standard set out in the Appendix to the Council’s Public Transport Planning Obligations Funding Guidance
- 4.10 Highway Authority – The initial response from the highway authority stated that the overall scope of development is such that it will not significantly affect the capacity of nearby junctions, that the proposed level of parking is considered sufficient and that minor changes to the proposed layout including tracking for refuse vehicles would be required. Following the submission of revised plans, the highway authority does not object to the proposals subject to conditions.
- 4.11 Parks and Street Care – Confirm that more than 10% public open space would be provided based on the submitted drawings. They also confirm that a

contribution of £49,469.36 should be paid towards the construction of off-site play equipment and £20,891.60 for its future maintenance, as none have been identified on the application site.

- 4.12 Strategic Housing Manager – notes that 30% affordable housing would be required, which would equate to 9 dwellings, including 3 First Homes and 6 affordable rental properties.
- 4.13 Nottinghamshire Wildlife Trust – Have not objected in principle; however, note that the site will not generate a bio-diversity net-gain.
- 4.14 Trent Water – No response received. Any response received will be reported verbally at the meeting.
- 4.15 Members of the Public - A press notice was published; a site notice was displayed, and neighbour notification letters were posted. As a result of this consultation 39 letters of representation has been received, with 37 objecting to the application and 2 neither objecting nor supporting the application. The grounds of objection include:
- The adverse impact the development would have on road in the vicinity of the site;
  - That it would have an adverse impact on NHS services due an increase in residents;
  - There would be a loss of habitat;
  - It would adversely affect air quality;
  - A number of trees have already been removed;
  - That the proposed access to the site via Marion Avenue is too narrow to serve the proposed development;
  - The development would have an adverse impact on the amenity of residents along Marion Avenue owing to the increase in traffic, particularly during construction;
  - There would be limited construction access;
  - It would create too many houses within the area;
  - It would have a harmful impact on schools as there would be a much greater demand;
  - It is a greenfield site that should not be developed;
  - It would have an adverse impact on local wildlife,
  - It would harmfully affect views form existing properties;
  - There would be significant noise ad disturbance during construction;
  - There would be a lack of green space;
  - The proposals lack details of landscaping;
  - There would be a loss of green belt;
  - Hedgerows would be replaced by fences;
  - Services in Hucknall would be affected, but not Gedling;
  - The road infrastructure in the area is already at capacity;
  - There is no need for any new dwellings; and
  - The impact of the proposed affordable houses would harmfully affect amenity of existing residents.

## **5.0 Relevant Planning Policy**

5.1 The Local Planning Authority adopted the Local Planning Document (LPD) Part 2 Local Plan on the 18th July 2018. The most pertinent policies to the determination of this application are as follows:

- LPD3 – Managing Flood Risk
- LPD4 – Surface water management
- LPD7 – Contaminated Land
- LPD11 – Air quality
- LPD18 – Protecting and Enhancing Biodiversity
- LPD19 – Landscape and Character and Visual Impact
- LPD21 – Provision of New Open Space
- LPD 30 – Archaeology
- LPD32 – Amenity
- LPD33 – Residential density
- LPD35 – Safe, accessible and inclusive development
- LPD36 - Affordable Housing
- LPD37 - Housing type, size and tenure
- LPD48 – Local Labour Agreements
- LPD57 – Parking standards
- LPD61 – Highway safety

5.2 The Aligned Core Strategy was Adopted in September 2014, the following policies are considered most pertinent to the determination of the application; A: Presumption in favour of sustainable development; 1: Climate change; 2: The Spatial Strategy; 8: Housing size mix and choice; 10: Design, 14 Managing Travel Demand; and Enhancing Local Identity and 19 – Developer Contributions.

5.3 With respect of the National Planning Policy Framework 2023 (NPPF) the following chapters are considered to be most pertinent to the determination of the application; 2 – achieving sustainable development; 4 – decision making; 5 – Delivering a sufficient supply of homes; 6 – building a strong, competitive economy; promoting sustainable transport; 11 – making effective use of land; 12 - achieving well-designed places; 14 – Meeting the challenge of climate change, flooding and coastal change and 15 – Conserving and enhancing the natural environment.

5.4 Other policy guidance of note includes: ‘Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document’ (2022); ‘Affordable Housing Supplementary Planning Document (2009)’ ‘New Housing Development Supplementary Planning Guidance for Open Space Provision’ (2021); ‘Low Carbon Planning Guidance for Gedling Borough (May 2021)’ and

Gedling Borough Council 'Interim Planning Policy Statement: First Homes' (2022).

- 5.5 As the application site falls within the Parish of Linby, it is important to recognise that the Linby Neighbourhood Plan 2018 – 2032 forms part of the development plan. Within it, the application site is highlighted as being allocated for housing development (Page 20). The relevant policies within it are:

Housing – Policy HSG1

Place – Policy DES1

Character and Built Heritage – Policies CBH1 and CBH2

Landscape and Rural Character – Policies NE1 and NE2

Traffic and Transport – Policy TRA1

Employment and Infrastructure – Policies EMP1 and EMP2

Community Facilities and Assets – Policy COM1

Developer Contributions – Policy DC1

## **6.0 Planning Considerations**

### Principle of development

- 6.1 Section 38(6) of the Town and Country Planning Act indicates that development shall be determined in accordance with the development plan, unless other material considerations indicate otherwise, with the Local Planning Document forming part of the development plan. The application site is allocated for residential development as the site forms the western part of the strategic housing allocation, North of Papplewick Lane for up to 300 homes, allocated under Policy 2 of the ACS but did not form part of planning applications (2017/0201 (for the erection of 237 dwellings) and 2020/0258 (for the erection of 18 dwellings)) which were granted permission for the erection of some 255 homes, a number of which are now substantially complete. The principle of development on this site is established through the strategic allocation in the adopted Aligned Core Strategy under ACS Policy 2. Therefore, the principle of development is supported and the proposal deemed to comply with ACS Policy 2 and guidance within the NPPF. It also complies with Policy HSG1 of the Linby Neighbourhood Plan 2018 – 2032.

- 6.3 Whilst the principle of development is supported there would also be a need to consider a wide range of other planning matters including whether or not the character of the area is respected, residential amenity, highway considerations, flooding matters, drainage, ecology, and more, which are all considered below.

### Impact on the character of the area and residential amenity

- 6.4 As discussed, the site layout is designed within a perimeter block formation, which enables a continuous frontage including front doors and windows from habitable rooms at ground and first floor level that would face onto the highway and public open space with each dwelling having their own off-street car parking space and private amenity space.
- 6.5 There would be a good range of house types and sizes, including 2 and 3, bedroomed dwellings. 30 dwellings are proposed to be erected across the site,

which would result in a density of development just below 30 dwelling per hectare. This is slightly lower than the 30 dwelling per hectare threshold identified in policy LPD33; however, the design and layout is considered to respect the character of the area and the total number of dwellings on the larger allocated site is actually 3 more than that identified in policy ACS2. Therefore, a slightly lower density of development is considered to be appropriate in this instance.

- 6.5 Streetscene elevations have been submitted in support of the application and show an attractive streetscape that is reflective of the wider strategic housing allocation that has already been developed with double fronted properties on key corner plots. Materials would be a mixture of red and buff brick under grey tiled roofs. Visually the design of the scheme is considered to be acceptable and would respect the wider character of the area.
- 6.6 A drainage feature has been identified on the east part of the site; however, it is not considered that it could reasonably be described as public open space given that it could at times be wet and not serve as functional recreational space. Instead an area of open space is proposed on the west part of the site. In total some 1,516sqm of open space is proposed throughout the site. The open space officer confirms that the level of proposed open space exceeds the threshold required by Policy. As a result the application is deemed to comply with policy LPD21.
- 6.7 In respect of residential amenity, rear gardens would be in the region of 10m in depth and views from properties would be across their own rear gardens. The proposed dwellings would be appropriately separated from one another to ensure that the amenity of future occupiers would be respected.
- 6.8 In terms of amenity for existing occupiers, the main impact would be through the creation of the proposed access points via Marion Avenue. This matter has already been considered as part of the allocation of the site in the development, through Examination when it was approved by the Secretary of State and subsequently adopted by Gedling Borough Council. It should be noted that the southern access off Papplewick Lane to the existing Sherwood Gate site (by Bellway Homes) was designed only for the development of the existing consented development for up to 300 units and could not have been altered due to the presence of existing dwellings on each side of the access. Accordingly, there are no other viable options to access the housing allocation.
- 6.9 Traffic would increase along Marion Avenue as a result of the proposals there would also be some inevitable disruption during the construction phase of the development, together with the occupiers of dwelling closest to the development located at Alison Avenue, Devitt Drive and Vincent Close. However, there is also a national and local requirement (as set out in Section 5 of the NPPF) and key to the delivery is the development of allocated housing sites. The layout of the scheme details dwellings set back from the boundary of these access points and in-between an area of open space to provide a buffer between the existing and proposed dwellings. Planting and boundary treatment along almost all of the garden boundaries with those properties that abut the application site would further limit noise and disturbance. A construction

management plan would also mitigate the impact during the construction phase of the development and is proposed as a planning condition.

- 6.10 Having regard to the above it is considered that the development would result in a scheme that would respect the character of the area and have an appropriate density of development. Whilst there would be some harm to residential amenity, in the context that the site is allocated for residential development, the application is deemed to comply with policies LPD19, LPD21, LPD32, LPD33, LPD35, LPD36 and LPD37. The development also complies with Policy NE1, NE2 and DES1 of the Linby Neighbourhood Plan 2018 – 2032.

#### Highway matters

- 6.11 The site would be accessed via a new T-junction which would be an extension of the existing cul-de-sac forming Marion Avenue which is located directly adjacent to the south of the site. The proposed point of access is located within Ashfield District Council and a separate application has also been made to them.
- 6.12 The internal site roads have been designed as 5.5m wide carriageways with 2.0m wide footpaths either side. Footpaths included within the development proposals would tie into the existing pedestrian infrastructure along Marion Avenue which then joins Hayden Lane. A pedestrian link to the adjacent development to the west of the site (being access off Delia and Dorothy Avenue) is also proposed.
- 6.13 A Transport Technical Note has been submitted in support of the application. The purpose of the Technical Note is to provide the necessary level of detail to the Local Authority that the site can be accessed safely and sustainably, whilst also assessing the transport impact the proposals would have on the existing highway network.
- 6.14 The Technical Note confirms that the proposed access from Marion Avenue, is acceptable and can be provided in line with Nottinghamshire County Council ('NCC') requirements. This includes the necessary visibility requirements being satisfied, and the ability for a refuse vehicle to comfortably enter, manoeuvre within and exit the site. It also provides a review of the person trip generation by all modes for the proposed development, based on Census and suitable TRICS data. It demonstrates that there would be negligible increase in vehicle trips. As a result, the development proposals would not result in any adverse impacts on the surrounding highway network, and no mitigating improvements are required in respect to the proposals.
- 6.15 The Technical Note highlights that the existing standard of pedestrian infrastructure within the surrounding network is excellent with opportunities to cycle/walk to Hucknall Town Centre and other local amenities, as well as local public transport facilities that provide access to a number of locations such as Nottingham, Sutton and Mansfield.
- 6.16 Nottingham County Council as Highways Authority have responded to state that they have considered the submitted Technical Note and have no objections to the proposals on the basis that the traffic generation from the site would be

acceptable within the wider highway network. Therefore, subject to conditions, the highway authority raise no objection to the application and deemed to comply with policy LPD61.

- 6.17 Likewise, it is considered that with regard to parking provision as required by policy LPD57, along with the recently adopted 'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document' that the proposed layout demonstrates that each proposed dwelling would have sufficient off-street parking spaces and that there would be sufficient visitor spaces throughout the proposed development because the requirement is that a total of 49 off-street car parking for future residents and 11 visitor spaces (60 spaces in total), this would exceed the requirement set out in the SPD that would require a total of 56 spaces. Therefore, having regard to the above, the level of car parking provision complies with the Supplementary Planning Document and LPD57. It also complies with Policy TRA1 of the Linby Neighbourhood Plan 2018 – 2032.
- 6.18 It should be noted that a planning condition is in place, as requested by the Highway Authority that the access needs to be constructed prior to any occupation of any dwelling, that would mean that permission would first be required for the access via Ashfield District Council (or otherwise via the Secretary of State at appeal, should Ashfield District Council refuse the application).

#### Ecology and Biodiversity

- 6.19 In terms of ecology Policy 18 – Protecting and Enhancing Biodiversity requires that "... Where proposals affect sites supporting priority habitats or species, it should be demonstrated that the need for the development outweighs the need to safeguard the biodiversity and other value of the site.
- 6.20 A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application which incorporates a Phase 1 Habitat Survey and Protected Species Assessment. The report summarises the potential ecological constraints to the planning application and includes measures to protect species during site clearance and recommendations to improve the biodiversity status of the site post development.
- 6.21 The document confirms that the site currently comprises an area of felled broadleaved woodland with scattered tree stumps and log piles. The area is bordered by a remaining patch of woodland, scattered trees, scrub and tall ruderal herbs.
- 6.22 The application site is not subject to any ecological designation. The nearest site of ecological importance is over 1km away to the north, Linby Quarries (SSSI). There are 12 Local Wildlife Sites (LWS) that are within 2km of the site. However, the nearest of these is located 0.5km away. Connectivity to these designated sites is generally limited by barriers to dispersal including urban development to the south, the B6011 to the north and the River Lean to the east. Additionally, these sites are designated for their woodland, grassland, marshland and ponds of high ecological value not directly related to this site.

- 6.23 The application site also lies within 1km of the indicative boundary for core breeding area for European nightjar and Woodlark (*Lullula arborea*) however the remnant broadleaved woodland habitat within the site was considered unsuitable to support breeding nightjar and woodlark due to high levels of disturbance and its close proximity to existing residential development. Therefore, these designated species and the Sherwood pSPA are not considered to be impacted by the development.
- 6.24 The habitats on site were evaluated as having only low 'Site' value at the time of the assessment although it is acknowledged within the report that the value of the site was previously of a higher value due to the greater presence of broadleaved woodland habitat before clearance. The remnant woodland to the west supported a species-poor understorey due to lack of management and as such was considered to hold low conservation value.
- 6.25 In terms of mitigation the applicant states that the proposals have "sought to maximise the provision of on-site biodiversity as much as possible whilst also ensuring that the development remains viable and deliverable. The scheme has been informed by qualified, experienced Ecologists who have guided the formation of the site layout and on-site landscaping scheme" and that the proposed areas of open space has "incorporated a number of measures to enhance biodiversity. A summary of these measures are as follows:
- A broad range of grassland species are proposed within the soft landscaping scheme. This includes amenity grass, meadow grassland and wetland grass mixture that aims to provide a mixture of grassland habitat.
  - The soft landscaping scheme also includes a total of 447 shrubs, 20 trees and 6 specimen shrub and climbers, across a range of 32 different species.
- There are also a number of measures that have been incorporated elsewhere within the scheme to enhance the ecological potential of the site. A summary of these measures include the following.
- The incorporation of hedgehog highways (13cm x 13cm hole) into the base of garden fences to create a corridor across the site for hedgehogs.
  - Bat boxes (or bricks) will be incorporated into 8 of the proposed dwellings.
  - 4 sparrow nest boxes and 4 bird nest box will be incorporated into the external walls of the proposed dwellings."
- 6.26 In addition to the above, the applicant would be happy to agree to the conditioning of a Landscape Ecological Management Plan (LEMP) that will ensure that the above mentioned enhancements are effectively managed, monitored and delivered by the proposed development. This will also assist in securing further enhancement and appropriate landscape treatments to maximise biodiversity within the on-site areas of open space.
- 6.27 To assess the mitigation further a biodiversity impact assessment was prepared, which concluded, after taking account of these mitigation measures that 5.6 habitat units (66.35%) would be lost as a result of the development. The applicant has also offered a payment towards off-site BNG improvement but at this time there is no adopted policy framework to justify or allow this and it should be acknowledged that 'Policy 18 – Protecting and Enhancing Biodiversity' does not allow for off-site mitigation. It is stated that a loss of habitat should be weighed against the benefits of the proposals. At a national level there is



currently no requirement to provide biodiversity net gain as part of this application as it was registered in March 2023, prior to the legislation coming into force. In this instance the development of 30 dwellings would contribute towards meeting the authority's housing targets by developing on an allocated housing site. In this scenario it is considered that mitigation measures as set out in both the Ecological Impact Assessment and the Biodiversity Net Gain would be sufficient to meet the requirements set out in LDP - Policy 18. Natural England also do not object to this application.

### Impact on Trees and Hedgerows

- 6.28 The planning application is supported by a British Standards 5837:2012 Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (including Tree Protection Plan). The report provides evidence to demonstrate that the proposed development is acceptable from an arboricultural perspective and includes recommendations and guidance to mitigate any impact on the existing trees on site, as a result of the proposed development.
- 6.29 The tree survey recorded the details of 29 individual trees and 13 tree groups, which can generally be described as peripheral/boundary trees and groups, growing along the perimeter of the site. The proposals would require the removal of further trees on site in order to facilitate the proposed development, as indicated on the Tree Protection Plan. The proposed tree removals will not have any significant impact on the overall character of the area, or on the immediate street scene. The proposed loss of trees and shrubs would be mitigated through the provision of new tree and shrub planting.
- 6.30 None of the trees recommended for removal are protected by a Tree Preservation Order (TPO). There are three Oak trees located on the north west boundary (T4, T5 and T8) that are subject to a TPO. However, these will be retained as part of the proposed development and the layout ensures that no development is located within the root protection areas to ensure the longevity of the trees. Furthermore, a number of Tree Protection Measures have also been recommended in order to minimise the potential for any foreseeable detrimental impact occurring to the retained trees, whilst site-specific construction methodology has been recommended in the proximity of several trees, including the protected Oak Tree.
- 6.31 The Gedling Borough Council Arborist confirms that he is satisfied with the submitted tree protection method statement as the replacement planning plan and overall landscape plans provide suitable mitigation for the trees that would be removed. Tree protection and replacement tree planting can be secured by a planning condition. It is therefore considered that the proposal complies with the objectives of the NPPF and ACS Policy 10 and with policy LPD 19 of the adopted Local Planning Document.

### Flooding and Drainage

- 6.32 In respect of drainage, a flood risk assessment and drainage strategy has been submitted in support of the application and identifies that the site falls within flood zone 1 so is at a low risk of flooding. The Environment Agency do not object to the proposals. In the area there are surface and foul water sewers that the development can link into and the foul water would be pumped to the existing Trent Water foul sewage system to the south of the site (as previously approved as part of the development of the adjoining site). Surface water is intended to be linked into a drainage pond located on the east part of the site together with permeable paving and soakaways that would also function as a holding area for surface water in terms of high water volume. The approach identified is considered to be acceptable and subject to conditions, as identified by the Lead Flood Authority, the drainage strategy as outlined is considered to be acceptable and comply with policies LPD3 and LPD4.

#### Climate Change

- 6.33 In accordance with the Low Carbon Planning Guidance for Gedling Borough Supplementary Planning Document it is noted that there would be a need to encourage a development that would lessen the impacts of climate change. EV charging points are proposed on the units to encourage electric car usage, all of which will help to reduce the impact of the development on the environment and assist in reducing climate change.

#### Archaeology

- 6.34 Policy LPD 30 – Archaeology requires that where development is likely to affect an area of high archaeological potential or an area which is likely to contain archaeological remains, the presumption is that appropriate measures shall be taken to protect remains by preservation in situ. Where this is not justifiable or practical, applicants shall provide for excavation, recording and archiving of the remains by a suitably qualified person in accordance with the Chartered Institute for Archaeologists standards. The consultation response from the County Archaeologist states that an archaeological watching brief would not be a practical consideration on large residential developments and instead recommend that a geophysical survey be undertaken, in order to justify any further archaeological mitigation (if necessary) through planning conditions. On this basis it is considered that the proposals would comply with Policy LPD 30 – Archaeology.

#### Planning Obligations

- 6.35 The application meets the trigger for a number of contributions to make the development acceptable in planning terms.

#### Affordable housing

- 6.36 In accordance with LPD36 as the proposed development is for more than 15 dwellings, 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.

- 6.37 However, there is now a requirement to secure not less than 25% of affordable housing as First Homes. The NPPF also requires that 10% of the total number of homes to be affordable home ownership.
- 6.38 First Homes is a relatively 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 planning obligations in 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). 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 9 dwellings. 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.
- 6.39 The Planning Practice Guidance provides Local Planning Authorities with discretion to increase the discount above the national minimum of 30%, vary the price cap and include additional eligibility criteria. A report in relation to First Homes was considered by Cabinet on 6th October 2022 and approved. Accordingly the local requirements for First Homes are as follows:
1. A First Home must be discounted by a minimum of 30% against market value.
  2. In Gedling Borough after the discount has been applied, the first sale must be at a price no higher than £173,000
  3. Purchasers of First Homes within Gedling Borough, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £38,800.
  4. Applicants should either:
    - have lived in Gedling Borough Council's administrative area for 3 of the last 5 years; or
    - have immediate family member(s) who are living in Gedling Borough Council's administrative area; or
    - have permanent employment within Gedling Borough Council's administrative area; or
    - are in service of the regular or reserve armed forces of the Crown or have applied within five years of leaving.
- 6.40 Three First Homes are therefore now required having regard to the change in national guidance and the Interim Position Statement adopted by the Council in October 2022, 6 affordable rented dwellings are also proposed. The Strategic

Housing Manager does not object to the amount or form of proposed affordable housing. Therefore, 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.

6.41 The contributions sought from various other statutory consultees are summarised below:

- Transport and travel – a developer contribution of £7,700 for improvements toward bus stop provision is sought. The bus stops that are identified as requiring improvement are on Ethel Avenue and will be spent on polycarbonate bus shelter and solar lighting.
- Education - a contribution of £157,524, which is broken down as a secondary education contribution of £131,270 (based on 5 pupils x £26,254 per place) and a post 16 education contribution of £26,254 (based on 1 pupil x £26,254 per place), to be expended within the Hucknall secondary planning area (Holgate Academy and National Academy).
- Primary Care Trust – a contribution of £16,256 towards the expansion of primary care provision to include The Om Surgery, Torkard Hill Medical Centre and Whyburn Medical Practice.
- Parks and Street Care – note that the required 10% POS is identified on the open space plan and is to be maintained by a Management Company, details of which would need to be submitted and approved in writing. Furthermore, contribution of £49,469.36 should be paid towards the construction of off-site play equipment and £20,891.60 for its future maintenance as none have been identified on the application site.
- 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 – A local labour agreement would be required.

6.42 The applicant has provided a draft Head of Terms document agreeing to providing these contributions through a S106 legal agreement, should permission be granted.

6.43 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 guidance in respect of being pertinent to the application under consideration.

6.44 The planning obligations in relation to education, affordable housing, education, NHS Primary Care, public play provision and bus stop improvements, as set out above are deemed to comply with guidance as outlined in paragraph 56 of the NPPF, which identifies the tests required to seek a planning obligation, paragraph 65 of the NPPF, as well as ACS19 and Regulation 122 of the

Community Infrastructure Levy Regulations 2010 (as amended). It also complies with Policies COM1 and DC1 of the Linby Neighbourhood Plan 2018 – 2032. The requirements would be secured as planning obligations through a s106 agreement.

### Other considerations

- 6.45 With the development meeting the threshold identified in policy LP48, a Local Labour Agreement would also be sought in the Planning Obligation
- 6.46 In response to the matters raised through representations, most of these matters have been considered above. In relation to others: it is unavoidable that there would be a loss of trees as a result of the development because the site is already allocated in the development plan for housing development. Hedgerows would be removed to gain access to the site and this is already considered above.
- 6.47 The impacted services as a result of the development would mainly be in Ashfield DC, hence why contributions for healthcare, education and bus stop improvements fall within the administrative area of Ashfield DC. There is no right to a view, and it is not considered that the amenity of existing occupiers would be compromised given the distance of the site to properties on either Marion Avenue. Furthermore, it has been concluded that the highway network has capacity to absorb the vehicle movements that would be created, and the land is allocated for residential development.
- 6.48 The Borough Council's Scientific Officer has considered the potential for contamination on the site. They note there to be a low risk of contamination however a condition should be in place for the applicant/developer to have a contingency plan in place should development reveal any contaminated made ground.

## **7.0 Conclusion**

- 7.1 Having regard to the above it is noted that the principle of the development is supported Policy 2 of the ACS. The layout, scale and appearance of the development as proposed would respect the character of the area and residential amenity. The impact on the highway network would be acceptable and adequate parking would be provided. Affordable housing provision would be acceptable and the other planning obligations sought directly relate to the development in question.
- 7.2 As a result the application is deemed to comply with policies LPD3, LPD4, LPD7, LPD11, LPD18, LPD19, LPD32, LPD33, LPD35, LPD36, LPD37, LPD48, LPD57 and LPD61 of the Local Planning Document; policies A, 1, 2, 8, 10 and 19 of the Aligned Core Strategy, Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document; Affordable Housing Supplementary Planning Document and the Low Carbon Planning Guidance for Gedling Borough and guidance within the NPPF.

- 8.0 Recommendation: GRANT PLANNING PERMISSION: Subject to the owner entering into a planning obligation secured through a s106 legal agreement with the Borough Council as the Local Planning Authority and the County Council to secure affordable housing, public transport improvements; education; health; play equipment; monitoring and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.**

### Conditions

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.

2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

Site Location Plan (ref: n2064\_001) - submitted 15th March 2023

Planning Layout (ref: n2064\_008F) - submitted 6th February 2024

House Type Pack Rev A - submitted 4th August 2023

Preliminary Ecological Appraisal - Reference BG22.187 REV1 submitted 15th March 2023

Open Space Plan (ref: n2064\_015C) - submitted 14th March 2024

Ecological Impact Assessment (ref: BG22.187.13) - submitted 4th December 2023

Biodiversity Impact Assessment for Net Gain - Reference BG22.187.2 submitted 15th March 2023

Design and Access Statement - (ref: n2064\_DAS) - submitted 15th March 2023

Flood Risk Assessment Report Ref: 2206730-01A - submitted 15th March 2023

Landscape Management Plan Ref: GL2077 - submitted 15th March 2023

Outline Trees, Arboricultural Consultancy Report Reference:

JH0223ALISONAVE dated February 2023 - submitted 15th March 2023

Transport Technical Note Ref: 2206730-02 - submitted 15th March 2023

Soft Landscape Proposals (ref: GL2077 01 Rev A) - submitted 15th March 2024

3. No building shall be erected until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until details of all materials to be used for hard surfaced areas within the site including roads, footpaths, recreation areas, and car parking areas have been submitted to and approved in writing

by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

5. Occupation of any proposed dwellings shall not take place until such time as the site access arrangement via Marion Avenue as shown on drawing number Planning Layout (ref: n2064\_008F) - submitted 6th February 2024 has been provided in full.
6. Occupation of the proposed dwellings shall not take place until their respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
7. Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall provide details of, but not limited to, the following: a) Details of noise, dust and vibration suppression b) Details of any compound and welfare areas to include their location and appearance, heights of any cabins to be sited, and details of any associated external lighting. c) Details of on-site materials storage areas d) Details of on-site construction parking and manoeuvring area, including loading and unloading of plant and materials e) Details of any crusher to be used on site f) Details of any piling which is required g) Details of reasonable avoidance measures (RAMs) in respect of protected species h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate i) Details of wheel washing facilities during construction j) A scheme for recycling/disposing of waste resulting from demolition and construction works. k) Details of the routing of deliveries and construction vehicles to site and any temporary access points. l) Details of any hoarding to be erected. The development shall be carried out in accordance with the approved details for its entire construction phase.
8. Development shall not commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.Thereafter, the development shall only commence in accordance with the Written Scheme of Investigation as approved.

9. 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 Report Ref: 2206730-01A - submitted 15th March 2023 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood 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 and NPPF Paragraph 169. Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area. Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. 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 30 year and 1 in 100 year plus climate change return periods. No surcharge shown in a 1 in 1 year; No flooding shown in a 1 in 30 year.; For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm. Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site. Details of STW approval for connections to existing network and any adoption of site drainage infrastructure. Evidence of approval for drainage infrastructure crossing third party land where applicable. Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site. 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 effectiveness.
10. All construction and/or demolition works on the site and all deliveries of construction materials to the site must only take place between the following hours: 0700 and 1900 on Mondays to Fridays (inclusive), and; 0800 and 1700 on Saturdays. There shall be no construction, demolition or associated deliveries whatsoever on the site on Sundays or on Bank or Public Holidays.
11. The development hereby permitted must not be occupied or first brought into use until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Ecological Impact Assessment (ref: BG22.187.13) - submitted 4th December 2023 and the Biodiversity Impact Assessment for Net Gain - Reference BG22.187.2 submitted 15th March 2023 have been submitted to and approved by the Local Planning Authority. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.



12. The approved Landscaping Scheme pursuant to the Soft Landscape Proposals (Ref: GL2077 01 Rev A - submitted 15th March 2024) and the Landscape Management (Plan Ref: GL2077 - submitted 15th March 2023) must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscaping Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal. Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.
13. No development shall take place above damp proof course level until detailed drawings including materials, design, and heights of all boundaries treatments have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until such time as all boundary treatments are in place, which shall remain for the lifetime of the development.
14. From the date of first occupation every dwelling built on the site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. 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.
15. The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Impact Assessment, Doc Ref: BG21.281.1 have been implemented in accordance with those approved details. Thereafter, all works to existing trees hereby given consent must be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations. The approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.
16. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for

its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

- 17 No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

## **Reasons**

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
2. To define the permission and for the avoidance of doubt.
3. To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
4. To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. 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 Council's Local Plan.
8. To protect and record any potential heritage remains having regard to Policy LPD 30 - Archaeology of the adopted Local Plan.
9. 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.

10. To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable noise pollution from the development hereby permitted, and to comply with policies ASC10 and LPD26.
11. To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 18 - Protecting and Enhancing Biodiversity of the adopted Local Plan and Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2023).
12. To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy LDP19 - Landscape Character and Visual Impact.
13. To define the permission, to protect neighbouring amenity and to comply with policies ASC10 and LPD26.
14. 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.
15. To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to regard to having regard to Policy LDP19 - Landscape Character and Visual Impact of the adopted Local Plan and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (2023).
16. To ensure the development is safe and suitable for use.
17. To ensure the character of the area and residential amenity is respected and to comply with policies ACS10 and LPD32.

### **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 (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority,

then the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk) It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Please note that should protected species be found on site during the development there would be a requirement to seek the advice of a suitably qualified ecologist and comply with the Wildlife and Countryside Act.

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

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

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 is reminded that this permission is also subject to another planning application in respect of the access arrangement within the administrative area of Ashfield District Council. The applicant should also note that there are planning obligations made under the provisions of Section 106 of the Town and Country

Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

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

a) 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, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

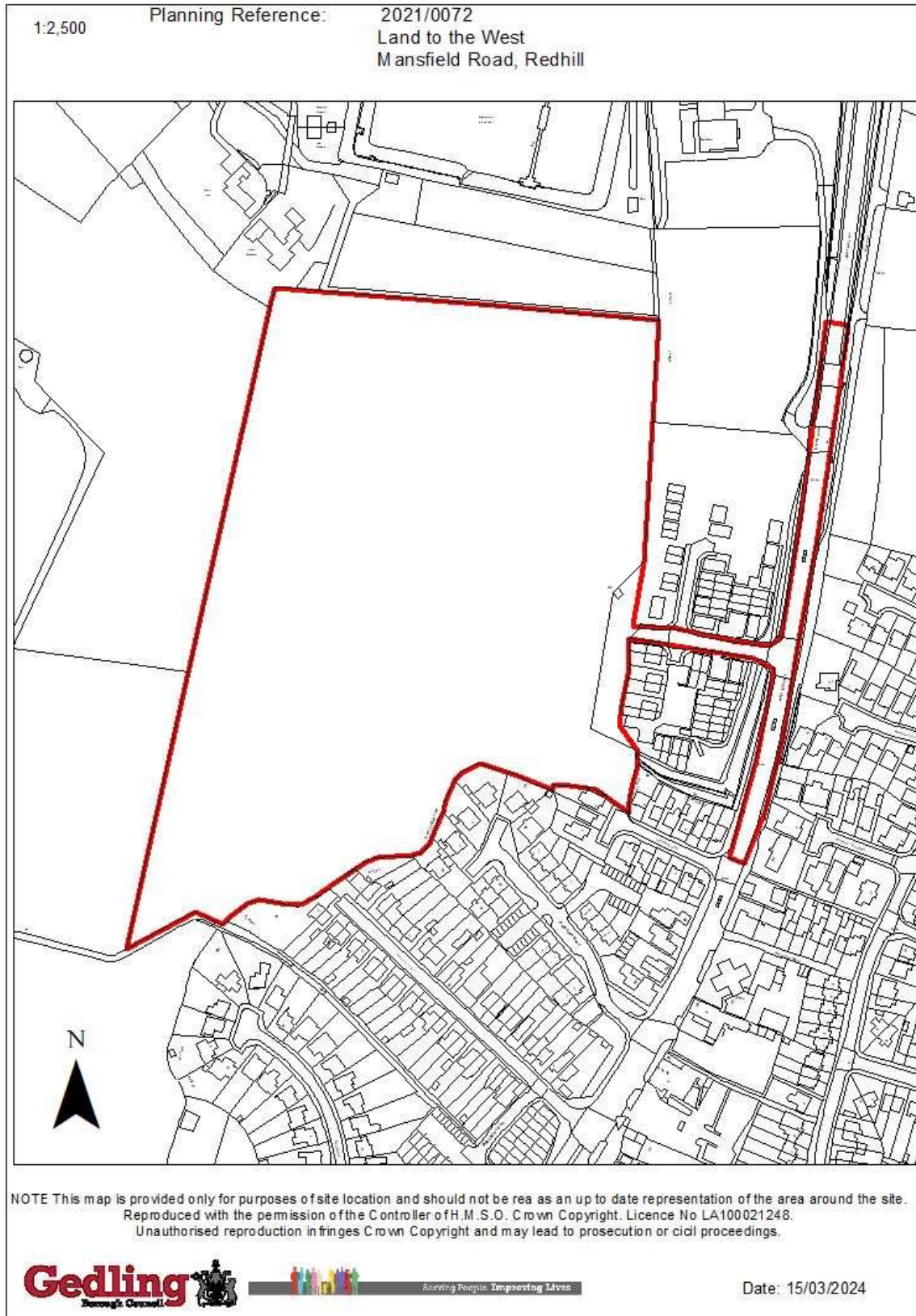
b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to:  
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**Planning Report for 2021/0072**



**Report to Planning Committee**

<b>Application Number:</b>	<b>2021/0072</b>
<b>Location:</b>	<b>Land to the West of Mansfield Road, Redhill</b>
<b>Proposal:</b>	<b>Proposals for 141 dwellings with associated landscaping, public open space, highways and infrastructure on land west of the A60, Redhill.</b>
<b>Applicant:</b>	<b>Barwood Homes Ltd, MF Strawson &amp; Magal Investments LLP</b>
<b>Agent:</b>	
<b>Case Officer:</b>	<b>Criag Miles</b>

**The application is referred to Planning Committee to comply with the Council's constitution as the development proposes more than 9 dwellings and a legal agreement is required.**

**1.0 Site Description**

- 1.1 The application site is located on the west side of Mansfield Road, Redhill, approximately 2km to the north west of Arnold Town Centre. It forms the land to the rear of Phase 1 known as Eagles Edge residential development which has now been constructed and is largely occupied. The land is allocated for housing development in the adopted Local Planning Document (Part 2) for the development of 150 dwellings.
- 1.2 The site is roughly rectangular in shape and measures some 6.95ha. There are no built structures on the site and instead it consists of open grassland. The most notable feature of the site is its topography as it slopes significantly from west to east, and in part very steeply north to south on the southern part of the site. The current vehicular and pedestrian access is achieved via adjoining fields which are accessed off Adams Drive.
- 1.3 The site lies adjacent to both established settlement edge and open fields. The site is bounded by suburban residential development to the south. To the east lies the recently completed Eagles Edge residential development comprising of 72 dwellings, and open agricultural fields adjoin the site to the north and west. Existing established trees and hedgerows line the site boundaries.
- 1.4 The site is identified on the Flood Map for Planning as being within Flood Zone 1 (Low Probability of flooding) and it is also in an area at low risk of surface water flooding.



- 1.5 The site is not subject to any statutory environmental designations. There are no designated heritage assets on or directly adjacent to the site.

## **2.0 Relevant Planning History**

- 2.1 There is no relevant previous applications on the application site itself, but it is important to note that the adjacent site (Phase 1) was granted planning permission in December 2018 for the erection of 72 dwellings (Ref: 2016/0854), and the approved development includes provision for vehicular and pedestrian access through to the current application site from the A60 Mansfield Road via this development.

## **3.0 Proposed Development**

- 3.1 The application is a full application for the erection of 141 dwellings together with associated landscaping, public open space, and road infrastructure on Mansfield Road (A60).
- 3.2 The proposed development includes a range of one, two, three and four bedroomed properties with dwellings being one and two stories in scale. There would be 21 different house types, with a mix of detached, semi-detached and terraced housing. 21 of the properties are identified as being affordable, 15 of which would be First Homes and the remaining dwellings (6) as affordable rent, which would comprise of 2 and 3 bedroomed properties.
- 3.3 The layout of the proposed development has been designed, where possible, within a perimeter block formation, which enables a continuous frontage including front doors and windows from habitable rooms at ground and first floor level that would face onto the highway and public open space. This approach also encloses rear gardens, ensuring that these areas are secure and private. The applicant advises that "Different degrees of enclosure to the street are proposed across the layout which give different characters at different locations. Internal streets will be more urban in character, with higher densities, more semi-detached and terraced properties, creating a greater sense of enclosure. Where the site meets open green space densities are lower, with properties mostly being detached, with parking on plot."
- 3.4 The proposed layout details a large area of open space on the west side of the site, and landscaping throughout the site. On the south part of the site would be a large retaining pond that would be landscaped along its roadside frontage.
- 3.5 There would be a mixed palette of materials including red brick, render, rough cast stone facing materials and grey and red roof tiles.

## **4.0 Consultations**

- 4.1 Lead Local Flood Authority - raise no objection to the application subject to a condition requiring the submission of a detailed surface water drainage strategy

that complies with the submitted Flood Risk Assessment and Drainage Strategy.

- 4.3 Gedling Borough Council Arborist – Confirms that he is broadly satisfied with the submitted arboricultural impact assessment and technical tree protection method statement as the replacement planning plan and overall landscape plans provide suitable mitigation for the trees that would be removed.
- 4.4 Environment Agency – Note that the application site falls within flood zone 1 and therefore there are no fluvial flood risk concerns. They refer to their standing advice.
- 4.5 Gedling Borough Council Scientific Officer – Advises that the site has a low risk of contamination, but further technical information should be provided by condition. A condition should also be in place for the applicant/developer to have a contingency plan in place should development reveal any contaminated made ground. In relation to air quality, he noted the proposed development constitutes a “small development” for the purpose of the *Air Quality and Emissions Mitigation - Guidance for Developers* document, which relates to Policy LPD11 of the Local Planning Document 2018. Under the provisions of this guidance small developments are required to provide Electric Vehicle Charging points and Construction Emission Management Plan.
- 4.6 Natural England - Natural England considered that the proposals have no comments to make in respect of the proposed development.
- 4.7 NHS Primary Care Trust – note that the erection of 141 dwellings would require a contribution of £78,030 towards the expansion of primary care provision to include Stenhouse Medical Practice, Highcroft Surgery and Daybrook Medical Practice.
- 4.8 Local Education Authority (LEA) - note that there are adequate spaces in the locality for the projected increase in demand for primary education. However, there is insufficient space for secondary and post 16 education. As a result, the LEA seeks a contribution of £799,180, which is broken down as a secondary education contribution of £603,842 (based on 23 pupils x £26,254 per place) and a post 16 education contribution of £105,016 (based on 4 pupil x £26,254 per place), and a special education contribution of £90,322 (1x place x £90,322 per place) to be expended within the Arnold secondary planning area.
- 4.9 Nottinghamshire County Council (Planning Policy) – Have responded to advise that the application site does not affect any minerals safeguarding area. In relation to Transport and Travel Services, it is requested that a contribution of £35,000 is made to provide new future residents with a 3 month bus pass for use on existing services. It is also proposed that a contribution of £57,400 be provided to create two new bus stops on each side of Mansfield Road (north and south) as the current distance to existing bus stops is deemed too far from the site. In respect of libraries, they state that they have a requirement to provide “a comprehensive and efficient library service for all” and as a result of the development a contribution of £5,074 is required towards maintaining optimum stock levels.

- 4.10 Highway Authority – The initial response from the highway authority requested changes to the layout in terms of the location and design of car parking spaces, tracking for refuse vehicles would be required and some site levels would need to be clarified. Following the submission of revised plans, and re-consultation with the highway authority, they confirm that they do not object to the proposals and that overall the scope of development is such that it will not significantly affect the capacity of nearby junctions, the proposed level of parking is considered sufficient and that minor changes to the proposed layout including are acceptable, subject to conditions.
- 4.11 Parks and Street Care – Confirm that more than 10% public open space would be provided based on the submitted drawings comprising of a minimum of 1728sqm of amenity open space and 1152sqm of open space used for a play area or informal sports facilities. They also confirm that a contribution would only be needed if this requirement was not met and / or if this authority were required for the future upkeep of these area (none are applicable in this instance).
- 4.12 Strategic Housing Manager – notes that 30% affordable housing would normally be required which would equate to 42 dwellings in total but acknowledges that the proposals have been considered through a viability assessment and that only 21 of the properties are now identified as being affordable of which 15 would be First Homes and the remaining 6 dwellings as affordable rent, which would comprise of 2 and 3 bedroomed properties. They agree with this housing mix.
- 4.13 Nottinghamshire Wildlife Trust – No response received. Any comments received will be reported verbally at the meeting.
- 4.14 Severn Trent Water – No response received. Any response received will be reported verbally at the meeting.
- 4.15 Members of the Public - A press notice was published; a site notice was displayed, and neighbour notification letters were posted. As a result of this consultation 24 letters of representation has been received, with 22 objecting to the application and 2 neither objecting nor supporting the application. The grounds of objection include:
- The adverse impact the development would have on roads;
  - It would make it difficult to get out of the estate onto Mansfield Road;
  - The adjacent housing site floods in places due to existing ground conditions;
  - It would have an adverse impact on NHS services due to an increase in residents;
  - There would be a loss of habitat that would affect wildlife;
  - It would encroach onto the Green Belt;
  - It would adversely affect Bestwood Country Park;
  - It would cause congestion within the existing estate as a result of additional vehicles;
  - It would adversely affect air quality;
  - Countryside views would be lost;

- The proposed development would create additional demand for school places where schools are already full;
- The development would have an adverse impact on the amenity of existing residents during construction;
- It would create too many houses within the area;
- It is a greenfield site that should not be developed;
- It would have an adverse impact on local wildlife,
- It would harmfully affect views from existing properties;
- There would be significant noise disturbance during construction;
- The road infrastructure in the area is already at capacity;
- There is no need for any new dwellings; and
- Site too small to accommodate the number of proposed dwellings.

## **5.0 Relevant Planning Policy**

5.1 The Local Planning Authority adopted the Local Planning Document (LPD) Part 2 Local Plan on the 18th July 2018. The most pertinent policies to the determination of this application are as follows:

- LPD3 – Managing Flood Risk
- LPD4 – Surface water management
- LPD7 – Contaminated Land
- LPD11 – Air quality
- LPD18 – Protecting and Enhancing Biodiversity
- LPD19 – Landscape and Character and Visual Impact
- LPD21 – Provision of New Open Space
- LPD30 – Archaeology
- LPD32 – amenity
- LPD33 – Residential density
- LPD35 – Safe, accessible and inclusive development
- LPD36 - Affordable Housing
- LPD37 - Housing type, size and tenure
- LPD48 – Local Labour Agreements
- LPD57 – Parking standards
- LPD61 – Highway safety
- LPD64 – Housing allocations – X3 – Land West of A60 B

5.2 The Aligned Core Strategy was Adopted in September 2014, the following policies are considered most pertinent to the determination of the application; A: Presumption in favour of sustainable development; 1: Climate change; 2: The Spatial Strategy; 8: Housing size mix and choice; 10: Design, 14 Managing Travel Demand; and Enhancing Local Identity and 19 – Developer Contributions.

5.3 With respect of the National Planning Policy Framework 2023 (NPPF) the following chapters are considered to be most pertinent to the determination of the application; 2 – achieving sustainable development; 4 – decision making; 5 – Delivering a sufficient supply of homes; 6 – building a strong, competitive

economy; promoting sustainable transport; 11 – making effective use of land; 12 - achieving well-designed places; 14 – Meeting the challenge of climate change, flooding and coastal change and 15 – Conserving and enhancing the natural environment.

- 5.4 Other policy guidance of note includes: ‘Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document’ (2022); ‘Affordable Housing Supplementary Planning Document (2009)’ ‘New Housing Development Supplementary Planning Guidance for Open Space Provision’ (2021); ‘Low Carbon Planning Guidance for Gedling Borough (May 2021)’ and Gedling Borough Council ‘Interim Planning Policy Statement: First Homes’ (2022).

## **6.0 Planning Considerations**

### Principle of development

- 6.1 Section 38(6) of the Town and Country Planning Act indicates that development shall be determined in accordance with the development plan, unless other material considerations indicate otherwise, with the Local Planning Document forming part of the development plan. The application site is allocated for residential development under policy LPD 64 – (X3) Land West of A50 B, which indicates the application site is allocated for the development of approximately 150 units, of which there should be 45 affordable units delivered. The site is not part of the Green Belt as it was removed upon the adoption of the LPD in July 2018.
- 6.2 Whilst the site is allocated for 150 units, and 141 is proposed, it should be noted that the Policy LPD64 states that the numbers set out within the Policy are approximate and that “Planning permission may be granted for proposals with higher numbers of homes subject to the overall scheme being considered suitable”. Therefore, the principle of development is supported and the proposal deemed to comply with LPD64 (X3 – Land West of A60 B) and guidance within the NPPF.
- 6.3 Whilst the principle of development is supported there would also be a need to consider a wide range of other planning matters including whether or not the character of the area is respected, residential amenity, highway considerations, flooding matters, drainage, ecology, and more, which are all considered below.

### Impact on the character of the area and residential amenity

- 6.4 As discussed, the site layout is designed within a perimeter block formation, which enables a continuous frontage including front doors and windows from habitable rooms at ground and first floor level that would face onto the highway and public open space with each dwelling having their own off-street car parking space and private amenity space.
- 6.5 There would be a good range of house types and sizes, including 1 - 4 bedroomed dwellings. 141 dwellings are proposed to be erected across the site, which would result in a density of development around 30 dwelling per

hectare. Policy LPD33 requires a density of 30 dwellings per hectare unless there is convincing evidence of a need for a different figure. In this instance, if a density of 30 dwellings per hectare was applied to this site, allocation would be for some 205 dwellings and not 150. The main constraint to developing the site in its entirety is topography where there are large changes in land levels across the site, which essentially constrain the site from new housing development because of the costs associated with re-profiling the land. The result is that only 141 dwellings are proposed taking account land levels and the cost of re-profiling some of the site, together with retaining walls, etc. The impact on the layout is positive as there would be over 2ha of open space provided within the site as a result (the requirement being some 0.2ha). In these circumstances it is considered that there is convincing evidence that the density should be reduced.

- 6.6 Streetscene elevations have been submitted in support of the application and show an attractive streetscape that is reflective of the wider strategic housing allocation that has already been developed with double fronted properties on key corner plots. Materials would be a mixture of red and buff brick under grey tiled roofs. Visually the design of the scheme is considered to be acceptable and would respect the wider character of the area.
- 6.7 A drainage feature has been identified on the east part of the site; however, it is not considered that it could reasonably be described as public open space given that it could at times be wet and not serve as functional recreational space. Instead, an area of open space is proposed on the west part of the site. In total some 2.69ha of open space is proposed throughout the site. The open space officer confirms that the level of proposed open space exceeds the threshold required by Policy. As a result, the application is deemed to comply with policy LPD21.
- 6.8 In respect of residential amenity for future residents, rear gardens would be in the region of 10m in depth and views from properties would be across their own rear gardens. The proposed dwellings would be appropriately separated from one another to ensure that the amenity of future occupiers would be respected.
- 6.9 In terms of amenity for existing occupiers, the main impact would be through the continuation of the existing access road from Mansfield Road into the application site via Phase 1 (Eagles Edge) as traffic would increase as a result of the proposals and there would also be some inevitable disruption during the construction phase of the development. However, it has always been the intention that Phase 2 would be accessed via Phase 1 and the layout that was previously approved took account of this requirement in terms of the approved layout and there is also a national and local requirement (as set out in Section 5 of the NPPF) for the delivery of allocated housing sites. It is considered that the proposed dwellings would be set back sufficiently from the existing dwellings forming Phase 1 (Eagles Edge) not to have a harmful impact in terms of overlooking, loss of daylight / sunlight or having an overbearing impact. Planting and boundary treatment along almost all of the garden boundaries with those properties that abut the application site would further limit noise and disturbance. A Construction Management Plan would also mitigate the impact during the construction phase of the development and is proposed as a planning condition.

- 6.10 Having regard to the above it is considered that the development would result in a scheme that would respect the character of the area and have an appropriate density of development. Whilst there would be some limited harm to residential amenity during the construction phase, the impact would be minimal and given that the site is allocated for residential development, the application is deemed to comply with policies LPD19, LPD21, LPD32, LPD33, LPD35, LPD36, LPD37 and LPD64.

#### Highway matters

- 6.11 The application site (Phase 2) would be accessed via the Phase 1 completed development to the east of the site, with the A60 Mansfield Road/Phase 1 junction access being upgraded to traffic signal control.
- 6.12 As part of the Transport Assessment for the Phase 1 development, the applicant infrastructure designed and modelled a signal-controlled T-junction which would be sufficient to accommodate the traffic associated with both Phase 1 and Phase 2 of the proposed development. The principle of the design was agreed by NCC. The design of the Phase 1 site access has been modified in order to accommodate the Lodge Farm Lane development site access, consisting of 148 dwellings on the opposite side of the A60 Mansfield Road. The combined site access junctions form a signal-controlled staggered crossroads. The revised junction design has already been agreed in principle by NCC.
- 6.13 A Transport Assessment has been submitted in support of the application. The purpose of the Technical Note is to provide the necessary level of detail to the Local Authority that the site can be accessed safely and sustainably, whilst also assessing the transport impact the proposals would have on the existing highway network.
- 6.14 In terms of vehicle movements it states that the development would generate “up to 98 two-way vehicle movements in a peak hour. These movements will divide at the site access junction, with 74% departing to/arriving from the south in the direction of Nottingham.” It also states that “In addition to the site access junction both as a standalone T-junction and as a staggered crossroads to accommodate the Lodge Farm Lane development access, the impact of the additional development traffic was assessed at the A60/A614 Ollerton Road roundabout, A60 Mansfield Road/Redhill Road signal-controlled T-Junction and the A60 Mansfield Road/B6004 Oxclose Lane/Cross Street signal-controlled junction.” It was concluded that the proposed development would not result in an impact on the study area junctions and, therefore, no mitigation is proposed.
- 6.15 In terms of non-car journeys, it is estimated that the proposed development would generate 13 pedestrian journeys, 3 cycle journeys, and 28 bus journeys during a peak hour. It was suggested that these additional trips could be accommodated by the existing infrastructure and the proposed measures, but the applicant now accepts that further infrastructure would be required in the form of 2 new bus shelters on each side of Mansfield Road (A90) and subsidised bus travel for new residents. A separate Travel Plan has been

prepared to encourage sustainable modes of transport and that they are available to future residents from the first occupation of the site. It concludes that through the initiatives promoted within the plan, in addition to the number of sustainable travel options that are available within the immediate vicinity; the desired level of modal shift amongst users of the site can be achieved.

- 6.16 Further detail information has been submitted to demonstrate that all internal roads have the necessary visibility requirements being satisfied, and the ability for a refuse vehicle to comfortably enter, manoeuvre within and exit the site. As a result, the development proposals would not result in any adverse impacts on the surrounding highway network, and no mitigating improvements are required in respect to the proposals.
- 6.17 Nottingham County Council as Highways Authority have responded to state that they have considered the submitted Transportation Assessment and additional information and have no objections to the proposals on the basis that the traffic generation from the site would be acceptable within the wider highway network. Therefore, subject to conditions, the highway authority raise no objection to the application and deemed to comply with policy LPD61.
- 6.18 Likewise, it is considered that with regard to parking provision as required by policy LPD57, along with the recently adopted 'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document' that the proposed layout demonstrates that each proposed dwelling would have sufficient off-street parking spaces and that there would be sufficient visitor spaces throughout the proposed development. The requirement in the SPD is that a total of 321 car parking spaces for future residents and visitor spaces would be required and 356 off-street spaces would be provided. Therefore, having regard to the above, the level of car parking provision complies with the Supplementary Planning Document and LPD57.

### Ecology and Biodiversity

- 6.19 In terms of ecology Policy 18 – Protecting and Enhancing Biodiversity requires that "... Where proposals affect sites supporting priority habitats or species, it should be demonstrated that the need for the development outweighs the need to safeguard the biodiversity and other value of the site.
- 6.20 The applicant an ecological appraisal has submitted in support of the application which incorporates a desk study, Extended Phase 1 Habitat survey and more detailed Phase 2 survey in relation to bats and badgers. The report summarises the potential ecological constraints to the planning application and includes measures to protect species during site clearance and recommendations to improve the biodiversity status of the site post development.
- 6.21 The appraisal confirms that no part of the Site is covered by any statutory designation of international or national significance, and there are none immediately adjacent to the Site. There are no statutory sites of international importance within 10km of the Site and no sites of national importance within 2km of the Site. There are two Local Nature Reserves (LNRs) within 2km of the Site, these are The Hobbucks LNR and Sandy Banks LNR. There is one Local



Wildlife Site (LWS) within 1km of the Site, Bestwood Country Park LWS. It is stated that the majority of the site is characterised by “arable land and improved grassland of limited (Site-level) intrinsic ecological value”. The only other habitat present within the site are the hedgerows which border the southern and eastern boundary, with these being of Local level value.

6.22 In terms of protected species, the surveys have identified that the hedgerows are used by commuting and foraging bats and that two mature trees present within these hedgerows have low potential to support roosting bats. The bat assemblage is overall considered to be of no more than of Local-level value. Lieslers, a fairly rare bat, was recorded but only in very limited numbers. Badgers are not currently active within the site, however previous surveys recorded field signs of them and there is a disused sett on the eastern boundary of the site. Local records were provided for a range of common and widespread bird species which are considered to be using the site for foraging and breeding within the site. Local records of the notable species brown hare and hedgehog were provided and the site is considered suitable to support both species although given the size of the site any population is likely to be of less than local value.

6.23 In terms of mitigation the applicant has sought to maximise the provision of on-site biodiversity as much as possible whilst also ensuring that the development remains viable and deliverable. The scheme has been informed by qualified, experienced ecologists who have guided the formation of the site layout and on-site landscaping scheme. A summary of these measures are as follows:

- Enhancement of existing hedgerows via gap planting with suitable native species;
- Planting of a native species rich hedgerow along the western boundary;
- New native tree and shrub planting throughout the green open spaces within the site;
- Creation of wildflower grassland within areas of proposed Public Open Space, to increase the site’s ecological value; and
- The creation of SuDS features that are designed to accommodate wildlife surrounded by species-rich wet wildflower grassland that would be incorporated into the detailed Soft Landscaping Scheme for the site along with specifications for new planting and other habitat creation.
- In addition, it is recommended that measures to restore and enhance existing habitats, through the installation of bird and bat boxes to ensure successful establishment of new habitats, and to maintain the value of all ecological features in the long-term are detailed within an Ecological Management Plan (EMP) secured by planning condition.

6.24 The ecological appraisal concludes that the proposals would avoid ‘significant harm’ to biodiversity and that the mitigation and enhancements proposed will deliver net gains for biodiversity on the site (as a whole). Natural England also do not object to this application and the local Wildlife Trust have not commented on the application.

6.25 It should be acknowledged that Policy 18 – Protecting and Enhancing states that a loss of habitat should be weighed against the benefits of the proposals. With the application having been with Gedling Borough Council since February 2021, there is no requirement to provide biodiversity net gain as part of this application,

and in this instance the development of 141 dwellings would contribute towards meeting the authority's housing targets by developing on an allocated housing site. In this scenario it is considered that mitigation measures as set out in both the Ecological Appraisal would be sufficient to meet the requirements set out in LDP - Policy 18.

### Impact on Trees and Hedgerows

- 6.26 The planning application is supported by a British Standards 5837:2012 Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (including Tree Protection Plan). The report provides evidence to demonstrate that the proposed development is acceptable from an arboricultural perspective and includes recommendations and guidance to mitigate any impact on the existing trees on site, as a result of the proposed development.
- 6.27 The survey has identified 13 individual trees, seven groups of trees and eight hedgerows, totalling 28 items. Of these 28 items, two have been categorised as A, of high quality and value, 12 have been categorised as B, of moderate quality, and 11 have been categorised as C, of low quality. In addition, three category U trees were recorded and due to their impaired condition, these items should be removed irrespective of development proposals. Within this assessment there are Tree Preservation Orders (TPO) along the east and north boundaries of the site.
- 6.28 It is proposed that 3 of the dead trees (T6, T17 and H25) be removed from the site. It is also proposed that trees be removed to enable access to the site. Tree reference G20 which comprises of a field maple, silver birch and common hazel trees is proposed to partially be removed. However, upon further inspection by the tree officer recommends removal of all of these trees as the retention of the open rock outcrop that G20 resides upon the bank would require stabilisation that rendered the retention of the trees untenable. The trees were deemed unstable being supported in the main on collapsing rock.
- 6.29 The proposed tree removals would not have any significant impact on the overall character of the area, or on the immediate street scene. The proposed loss of trees and shrubs would be mitigated through the provision of new tree and shrub planting through a detailed landscaping plan. The retained trees would be protected during construction. The Gedling Borough Council Arborist confirms that he is satisfied with the submitted tree protection method statement, and on the basis that replacement tree planting is secured he has no objection to the proposals. Tree protection and replacement tree planting can be secured by a planning condition. It is therefore considered that the proposal complies with the objectives of the NPPF and ACS Policy 10 and with policy LPD 19 of the adopted Local Planning Document.

### Flooding and Drainage

- 6.30 In respect of flooding and drainage, a flood risk assessment and drainage strategy has been submitted in support of the application and identifies that the site falls within flood zone 1 so is at a low risk of flooding. The Environment Agency do not object to the proposals. In the area there are surface and foul water sewers that the development can link into and the foul water would be pumped to the existing Trent Water foul sewage system to the south of the site (as previously approved as part of the development of the adjoining site).

Surface water is intended to be linked into a drainage pond located on the south part of the site together with permeable paving and soakaways that would also function as a holding area for surface water in terms of high water volume. The Lead Flood Authority have no objections to the overall drainage strategy as a concept but request a condition requiring a detailed technical surface water drainage strategy that complies with the submitted Flood Risk Assessment and Drainage Strategy. As such, it is considered that, the drainage strategy as outlined is considered to be acceptable and complies with policies LPD3 and LPD4.

### Climate Change

- 6.31 In accordance with the Low Carbon Planning Guidance for Gedling Borough Supplementary Planning Document it is noted that there would be a need to encourage a development that would lessen the impacts of climate change. EV charging points are also proposed on the units to encourage electric car usage, all of which will help to reduce the impact of the development on the environment and assist in reducing climate change.

### Archaeology

- 6.32 Policy LPD 30 – Archaeology requires that where development is likely to affect an area of high archaeological potential or an area which is likely to contain archaeological remains, the presumption is that appropriate measures shall be taken to protect remains by preservation in situ. Where this is not justifiable or practical, applicants shall provide for excavation, recording and archiving of the remains by a suitably qualified person in accordance with the Chartered Institute for Archaeologists standards. The submitted Heritage Statement concludes that “...there is considered to be low potential for previously unrecorded archaeological activity to be present within the site relating to prehistoric and Roman occupation of the area. There is some potential for boundary features, such as ditches and banks, to survive below ground relating to the medieval parkland boundary and the parish boundary. However, there is no reason to believe or expect that the site will contain archaeological deposits of such significance that it would require preservation in situ or preclude development. If any below-ground deposits are present, they are likely to be poorly preserved due to modern agricultural activity, thereby reducing their significance. Therefore, this assessment should provide sufficient information to determine a planning application when it is submitted. No further archaeological works should be required prior to determination of that application.” The consultation response from Nottingham County Council does not recommend any further archaeological works or conditions. On this basis it is considered that the proposals would comply with Policy LPD 30 – Archaeology.

### Planning Obligations

- 6.33 The application site is larger than 10 residential units and therefore liable for planning obligations. Following consultation with consultees, planning policies would require the following obligations to be met:
- A requirement for 30% affordable housing meaning that 42 units would normally need to be provided in the form of 11 First Homes and 31 Affordable Rent;

- A contribution of £78,030 towards the expansion of primary care provision to include Stenhouse Medical Practice, Highcroft Surgery and Daybrook Medical Practice.
- A contribution of £35,000 is made to provide new future residents with a 3 month bus pass for use on existing services. It is also proposed that a contribution of £57,400 be provided to create two new bus stops on each side of Mansfield Road (north and south)
- A Local Education Authority contribution of £799,180, which is broken down as a secondary education contribution of £603,842 (based on 23 pupils x £26,254 per place) and a post 16 education contribution of £105,016 (based on 4 pupil x £26,254 per place), and a special education contribution of £90,322 (1x place x £90,322 per place) to be expended within the Arnold secondary planning area; and
- A contribution of £5,074 towards maintaining optimum stock levels at local libraries, as a result of the development

6.34 However, the NPPF advises that planning obligations must only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Paragraph 58 of the NPPF states that *“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.”*

6.35 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. The NPPF also requires that 10% of the total number of homes to be affordable home ownership.

6.36 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 planning obligations in 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.

6.37 The Planning Practice Guidance provides Local Planning Authorities with discretion to increase the discount above the national minimum of 30%, vary the price cap and include additional eligibility criteria. A report in relation to First Homes was considered by Cabinet on 6<sup>th</sup> October 2022 and the Interim Planning Policy Statement was adopted. Accordingly, the local requirements for First Homes are as follows:

1. A First Home must be discounted by a minimum of 30% against market value.
2. In Gedling Borough after the discount has been applied, the first sale must be at a price no higher than £173,000
3. Purchasers of First Homes within Gedling Borough, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £38,800.
4. Applicants should either:
  - have lived in Gedling Borough Council's administrative area for 3 of the last 5 years; or
  - have immediate family member(s) who are living in Gedling Borough Council's administrative area; or
  - have permanent employment within Gedling Borough Council's administrative area; or
  - are in service of the regular or reserve armed forces of the Crown or have applied within five years of leaving.

The development as proposed would require 11 First Homes and 31 Affordable Rent to comply with the national guidance and the Interim Position Statement adopted by the Council in October 2022.

6.38 In this instance a financial viability assessment was submitted with the application. It concludes that the development is able to support all planning obligations with the exception of affordable housing, largely due to the scheme not reaching the Benchmark Land Value (BLV). It states that there is no financial headroom available to provide 11 First Homes and 31 Affordable Rented dwellings on the site and if it were to provided the scheme would be unviable. The primary reason being is the abnormal costs associated with developing the site is unusually high, this is mainly due to the topography of the site and the requirement to re-profile the site and erect retaining walls. The total abnormal cost (which is defined as additional or unusual costs that a developer might face when developing a site) is £4,536,993, which has been assessed as correct by an externally appointed independent Quantity Surveyor.

6.39 To consider whether this is reasonable having regard to the provisions of the paragraph 58 of the NPPF, an externally appointed independent viability expert has also reviewed the viability assessment that takes account of the abnormal costs. They explain that with a fixed developer profit of 20% on revenue the scheme return would return a negative residual land value and is therefore deemed to be unviable. It would only be viable if the level of affordable housing provided was reduced 21 units (instead of 42 units) that the development would be viable. Therefore, in summary, they conclude that they agree with the applicant that the scheme is unable to support a full allocation of affordable housing and instead 21 units would be provided as well as all of the other identified contributions. This would comprise of 15 First Homes and 6 affordable

rented units. It should be noted that the applicant has amended the design of the affordable housing to include a single storey dwelling to meet local demand.

- 6.40 The key matter for consideration in this regard is whether the development can be supported on this basis and whether such development could be considered to be sustainable development, the delivery of which is a key objective of national and local planning policies.
- 6.41 Having regard to the above it is accepted that providing a higher proportion of affordable housing would make the scheme effectively unviable. Local Planning Document Policy 36 states that a lower affordable housing requirement may be justified provided there is sufficient evidence which takes account of all potential contributions from grant funding sources and a viability assessment has been undertaken by the Council which demonstrates this. Gedling Borough Council Affordable Housing SPD sets out the requirements for negotiations on the content of s106 agreements in respect of affordable housing with input from Housing Strategy and Development Management. In this instance, it is accepted that provided the full requirement of affordable housing would make the development unviable and it would be unreasonable to insist on its inclusion, given the reference to this matter in local planning policy LPD 36. Even though there are significant costs to developing the site, 15 First Homes and 6 affordable housing units would still be delivered, as well as all of the other planning obligations detailed above.
- 6.42 The applicant has provided a statement agreeing to providing these contributions through a S106 legal agreement, should permission be granted.
- 6.43 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 guidance in respect of being pertinent to the application under consideration. As such, the development is therefore deemed to comply with guidance as outlined in paragraph 55-58 of the NPPF, which identifies the tests required to seek a planning obligation, paragraph 65 of the NPPF, as well as ACS19 and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

#### Other considerations

- 6.44 With the development meeting the threshold identified in policy LPD48, a Local Labour Agreement would also be sought in the Planning Obligation
- 6.45 In response to the matters raised through representations, most of these matters have been considered above. In relation to others: it is unavoidable that there would be a loss of trees as a result of the development because the site is already allocated in the development plan for housing development. Hedgerows would be removed to gain access to the site, and this is already considered above.

- 6.46 The impacted services (as a result of the development) would be mitigated by the contributions requested like education, NHS and bus stop improvements. There is no right to a view, and it is not considered that the amenity of existing occupiers would be compromised given the distance of the site to properties on either the existing housing development (Phase 1) or dwelling located to the south of the site. Furthermore, it has been concluded that the highway network has capacity to absorb the vehicle movements that would be created, and the land is allocated for residential development.
- 6.47 The Borough Council's Scientific Officer has been consulted to consider the potential for contamination on the site. Having considered the *Phase 1 and Phase 2 Geo-environmental Site Assessment submitted with the application*, he considers that a condition should be in place to require the applicant to provide further technical details prior to the commencement of development as well as a condition so that the applicant/developer has a contingency plan in place should development reveal any contaminated made ground. In addition, requested of air quality, also requested a condition requiring an air quality assessment to be provided and a construction management plan to minimise dust, noise and disturbance during the construction period. These matters can be secured by condition.

## 7.0 **Conclusion**

- 7.1 Having regard to the above it is noted that the principle of the development is supported by Policy 2 of the ACS. The layout, scale and appearance of the development as proposed would respect the character of the area and residential amenity. The impact on the highway network would be acceptable and adequate parking would be provided. Affordable housing provision would be acceptable and the other planning obligations sought directly relate to the development in question. As a result the application is deemed to comply with guidance contained in the NPPF (2023); policies LPD3, LPD4, LPD7, LPD11, LPD18, LPD19, LPD32, LPD33, LPD35, LPD36, LPD37, LPD48, LPD57, LPD61 and LPD64 of the Local Planning Document; policies A, 1, 2, 8, 10 and 19 of the Aligned Core Strategy, Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document'; Affordable Housing Supplementary Planning Document and the Low Carbon Planning Guidance for Gedling Borough and guidance within the NPPF.

- 8.0 **Recommendation: GRANT PLANNING PERMISSION: Subject to the owner entering into a planning obligation secured through a s106 legal agreement with the Borough Council as the Local Planning Authority and the County Council to secure affordable housing, education improvements; healthcare enhancements; bus stop installations; library improvements and a Local Labour Agreement; and subject to the conditions listed for the reasons set out in the report.**

## Conditions

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
  
2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

Site Location Plan	Plan Ref:	3424-01 A2	received 02 Feb 2021
Planning Layout	Plan Ref:	REDH-SK-001-I-A1	26 September 2023
Materials Layout	Plan Ref:	02352 - 005-A-A1	received 02 Feb 2024
Open Space Plan	Plan Ref:	Redh-SK-002-A1	received 13 September 2023
Proposed House Type M2 604	24/Three	Plan Ref: P243-22017-001 -A2	received 19 April 2023
Proposed House Type B2	24/Three	Plan Ref: P243-22017-002-A2	received 19 April 2023
Proposed House Type 834 HQ1 2.1	24/Three	Plan Ref: P243-22017-003 -A2	received 19 April 2023
Proposed House Type 904 HQ1 3.1	24/Three	Plan Ref: P243-22017-004 -A2	received 19 April 2023
Proposed House Type BH_725	24/Three	Plan Ref: P243-22017-005 -A2	received 19 April 2023
Proposed House Type BH_866	24/Three	Plan Ref: P243-22017-006 -A2	received 19 April 2023
Proposed House Type BH_891	24/Three	Plan Ref: P243-22017-007 -A2	received 19 April 2023
Proposed House Type BH_937	24/Three	Plan Ref: P243-22017-008 -A2	received 19 April 2023
Proposed House Type BH_986	24/Three	Plan Ref: P243-22017-009 -A2	received 19 April 2023
Proposed House Type BH_1030	24/Three	Plan Ref: P243-22017-010 -A2	received 19 April 2023
Proposed House Type BH_1142	24/Three	Plan Ref: P243-22017-011 -A2	received 19 April 2023
Proposed House Type BH_1196	24/Three	Plan Ref: P243-22017-012 -A2	received 19 April 2023
Proposed House Type BH_1220	24/Three	Plan Ref: P243-22017-013 -A2	received 19 April 2023
Proposed House Type BH_1290	24/Three	Plan Ref: P243-22017-014 -A2	received 19 April 2023
Proposed House Type BH_1324	24/Three	Plan Ref: P243-22017-015 -A2	received 19 April 2023
Proposed House Type BH_1420	24/Three	Plan Ref: P243-22017-016 A-A2	received 19 April 2023
Proposed House Type BH_1428	24/Three	Plan Ref: P243-22017-017 -A2	received 19 April 2023
Proposed House Type BH_1578	24/Three	Plan Ref: P243-22017-018 -A2	received 19 April 2023
Proposed House Type BH_1696	24/Three	Plan Ref: P243-22017-019 -A2	received 19 April 2023



Proposed Sectional Street Scenes 24/Three Plan Ref: P243-22017-S01 C-A0 received 19 April 2023

Landscape and Visual Baseline Ref: edp4818\_r004b- B- A4 received 02 Feb 2021

Phase 1 and 2 Geo-environmental Site Assessment Ref: RSK 302161 R01 A4 received 02 Feb 2021

Travel Plan Ref: ADC-1759-RP-C-v3 3- A4 received 02 Feb 2021

Transport Assessment Ref: ADC-1759-RP-A-v4 4 A4 received 02 Feb 2021

Planning Statement Chave Planning Ref: 1046.R01.2 2 A4 received 02 Feb 2021

Arboricultural Technical Note Ref: edp4818\_r001a A A4 received 02 Feb 2021

Flood Risk Assessment Ref: ADC-1759-RP-B-v2 received 02 Feb 2021

Design & Access Statement received 02 Feb 2021

Swept Path Analysis Refuse Vehicle Ref: DR-400 B-A1 received 26 September 2023

s278 Arrangement Works - Phase 2 General Arrangement Ref: ADC2896-DR-101-P6-A1 received 26 September 2023

Proposed Highway Lighting & Electrical Works Via Ref: H08630/4005-A2 received 26 September 2023

Traffic signalised junction arrangement overall scheme layout Ref: TP2150932/TS101 - A2 received 26 September 2023

Ecological Appraisal prepared by Environmental Dimensions Partnership LTd, Reference edp4818\_r006a received 02 Feb 2021

3. Occupation of any proposed dwellings shall not take place until such time as the site access arrangement via Adams Drive (Phase 1) as shown on drawing number Planning Layout Plan Ref: REDH-SK-001-I-A1 received on 26 September 2023 has been provided in full.
4. No dwelling hereby approved shall take place until such time as the signal-controlled T-junction and associated works as detailed on s278 Arrangement Works - Phase 2 General Arrangement Ref: ADC2896-DR-101-P6-A1 received 26 September 2023, Proposed Highway Lighting & Electrical Works Ref: H08630/4005-A2 received 26 September 2023, and Traffic signalised junction arrangement overall scheme layout Ref: TP2150932/TS101 - A2 received 26 September 2023 drawings are fully complete and the signal control junction is operational
5. Occupation of the proposed dwellings shall not take place until their respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

6. Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall provide details of, but not limited to, the following: a) Details of noise, dust and vibration suppression b) Details of any compound and welfare areas to include their location and appearance, heights of any cabins to be sited, and details of any associated external lighting. c) Details of on-site materials storage areas d) Details of on-site construction parking and manoeuvring area, including loading and unloading of plant and materials e) Details of any crusher to be used on site f) Details of any piling which is required g) Details of reasonable avoidance measures (RAMs) in respect of protected species h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate i) Details of wheel washing facilities during construction j) A scheme for recycling/disposing of waste resulting from demolition and construction works. k) Details of the routing of deliveries and construction vehicles to site and any temporary access points. l) Details of any hoarding to be erected. The development shall be carried out in accordance with the approved details for its entire construction phase.
  
7. 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 (Plan Ref: ADC-1759-RP-B-v2) received on 02 Feb 2021 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood 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 and NPPF Paragraph 169. Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area. Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. 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 30 year and 1 in 100 year plus climate change return periods. No surcharge shown in a 1 in 1 year; No flooding shown in a 1 in 30 year.; For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm. Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site. Details of STW approval for connections to existing network and any adoption of site drainage infrastructure. Evidence of approval for drainage infrastructure crossing third party land where applicable. Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site. 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 effectiveness.

8. All construction and/or demolition works on the site and all deliveries of construction materials to the site must only take place between the following hours: 0700 and 1900 on Mondays to Fridays (inclusive), and; 0800 and 1700 on Saturdays. There shall be no construction, demolition or associated deliveries whatsoever on the site on Sundays or on Bank or Public Holidays.
9. The development hereby permitted must not be occupied or first brought into use until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Ecological Appraisal prepared by Environmental Dimensions Partnership LTd, Reference edp4818\_r006a received 02 Feb 2021 have been submitted to and approved by the Local Planning Authority. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.
10. Notwithstanding the details contained within the landscape proposals contained on plan reference: Soft Landscape Proposals (ref: GL2077 01) - submitted 15th March 2023, the development hereby permitted must not be occupied or first brought into use until a further details of the Landscaping Scheme, have been submitted to and approved in writing by the Local Planning Authority. They shall include: a. details of all hard and soft landscaping features to be used and include the following: b. Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow. c. A schedule of the new trees and shrubs (using their botanical/latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees); d. Plans showing the proposed finished land levels/contours of landscaped areas; e. Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features; f. Details of the protection measures to be used of any existing landscape features to be retained. The approved Landscaping Scheme must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscaping Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal. Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.
11. No development shall take place above damp proof course level until detailed drawings including materials, design, and heights of all boundaries treatments have been submitted to and approved by the Local Planning Authority. No

dwelling shall be occupied until such time as all boundary treatments are in place, which shall remain for the lifetime of the development.

12. From the date of first occupation every dwelling built on the site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. 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.
13. The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Technical Note Ref: edp4818\_r001a Rev A received on 02 Feb 2021 have been implemented in accordance with those approved details, with the exception of Tree reference G20 which can be removed due to its unsafe condition. Thereafter, all works to existing trees hereby given consent must be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations. The approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.
14. Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a. 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.
  - b. 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.
  - c. 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.

15. 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.
16. Development shall not commence until an assessment of the air quality impacts (including exposure) of the proposal has been submitted to, and approved in writing by, the Local Planning Authority. The level of assessment/mitigation should be commensurate with the scale of development and should characterise the significance of the impact from all sources. Any air quality assessment should be carried out in accordance with relevant guidance by suitably qualified persons. Measures required, mitigating the air quality impacts of the development should be submitted to, and approved in writing by, the Local Planning Authority in the form of an Air Quality Mitigation Statement. Any mitigation measures shall be implemented before the completion of the development and shall thereafter be retained for the life of the development.
17. No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.
18. Prior to the commencement of development hereby approved details of a Local Labour Agreement in relation to the construction phase of the development, and job creation once operational, shall be submitted to and approved in writing by the Local Planning Authority. The local labour agreement shall be implemented in accordance with the approved details thereafter.
19. No dwelling hereby approved shall be occupied until such time as the associated visitor car parking space has been formed, surfaced in a bound material (not loose gravel), and delineated and as a visitor parking space. It shall thereafter be retained for the lifetime of the development.

## **Reasons**

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

2. To define the permission and for the avoidance of doubt.
3. In the interest of highway safety.
4. In the interest of highway safety.
5. In the interest of highway safety.
6. In the interests of protecting neighbouring amenity and 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 Council's Local Plan.
7. 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.
8. To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable noise pollution from the development hereby permitted, and to comply with policies ASC10 and LPD26.
9. To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 18 - Protecting and Enhancing Biodiversity of the adopted Local Plan and Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2023).
10. To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy LDP19 - Landscape Character and Visual Impact.
11. To define the permission, to protect neighbouring amenity and to comply with policies ASC10 and LPD26.
12. 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 Council's Local Plan.

13. To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to Policy LDP19 - Landscape Character and Visual Impact of the adopted Local Plan and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (2023).
14. To ensure the development is safe and suitable for use.
15. To ensure the development is safe and suitable for use.
16. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration paragraph 192 of the National Planning Policy Framework (2023) and Policy LPD11.
17. To ensure the character of the area and residential amenity is respected and to comply with policies ACS10 and LPD32.
18. To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area and to accord with Policy LPD 48.
19. In the interest of highway safety and to define the permission having regard to Local Planning Document Policies LPD 57 and 61, and the Parking Provision for residential developments Supplementary Planning Document.

### **Notes to Applicant**

The principle of the development accords with the objectives of national and local planning policies, in particular as the site is a housing allocation in the adopted Local Planning Document. It is considered that the proposed 141 dwellings could be accommodated on the site in a manner that would not cause undue harm to visual and residential amenity, highway safety and ecological interests or would cause flood risk concerns. It is therefore considered that the granting of planning permission would fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have

subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk) It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Please note that should protected species be found on site during the development there would be a requirement to seek the advice of a suitably qualified ecologist and comply with the Wildlife and Countryside Act.

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).

5. The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

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 also note that there are planning obligations made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

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

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**Independent Viability Experts**

Gedling Borough Council  
Sent by email only

**Our ref:** DN-0966  
**Your ref:** 2021/0072  
**Date:** 14<sup>th</sup> March 2024

Dear Sir / Madam

**PROPERTY ADDRESS:** Land to the west of Mansfield Road Redhill Nottinghamshire  
**INSTRUCTING BODY:** Gedling Borough Council  
**APPLICANT:** Barwood Homes Ltd

Summary document of the viability review process.

## **1. Background**

- 1.1. We are advised that the site extends to 6.79 Ha (16.78 acres) on a gross basis with a net developable area of 3.92 Ha (9.69 acres). The current planning application under reference **2021/0072** comprises: *“Proposal for 157 dwellings with associated landscaping, public open space, highways and infrastructure on land west of the A60 Redhill, Nottingham”*
- 1.2. Acting on behalf of the applicant, Turner Morum (“TM”) submitted a viability review in Aug 2022. At that time, TM concluded that the scheme “...only becomes viable when the affordable housing provision is reduced to 0%”.
- 1.3. Acting upon the instruction of the Council we undertook an independent viability assessment of the scheme in Mar 2023. We concluded that the scheme could viably deliver 30% onsite affordable housing, plus S106 costs totalling £727,632. We reached a different outcome to TM owing to the following adjustments:

Input	TM appraisal	CPV appraisal
Plot costs – housing	£126.92 psf	£114.73 psf
Plot costs - flats	£169.44 psf	£114.73 psf
Total scheme contingency	£1,139,209	£829,094
Total scheme professional fees	£2,145,682	£1,450,914
Marketing / disposal	3.25% on revenue	2.5% on revenue
Finance	6.5% debit	7.5% debit / 2% credit
Developer profit (on revenue)	20% MV / 6% AH	18.5% MV / 6% AH

- 1.4. On 26<sup>th</sup> May 2023 TM raised a number of challenges to our viability review. Following our initial review, we noted that the overall square footage of the proposed development was different to TM’s original assessment (originally this totalled 144,000 sq ft, whereas in TM’s latest appraisal it totalled 145,809 sq ft). We subsequently requested further information from the applicant / TM in order to enable us to provide further comments to the Council (including confirmation of the schedule of accommodation to be provided on site).
- 1.5. Following receipt of additional information, on 29<sup>th</sup> June 2023 we submitted an updated appraisal, which was based on the latest ‘Revision E’ mix. This totalled 144,318 sq ft. This included the following appraisal assumptions:
- Total gross development value came to £38,660,467 (with a market value average of £291 per sq ft)
  - Plot costs £118.62 per sq ft
  - Externals £3,998,136
  - Contingency £860,840 (3.30% of above)
  - Abnormals / site specific infrastructure totalling £4,968,984

- Professional fees 7% of standard plot costs / externals
  - S106 £864,000
  - Marketing / disposal 2.5% on revenue
  - Debit interest 7.5%
  - Developer profit: 18.5% on market value, 15% First Homes, 6% affordable
  - Benchmark land value £1,258,357
- 1.6. Based on the above assumptions, we concluded that the viability pressure had increased significantly. With 15% onsite affordable housing (plus 15% 'non S106' affordable units) the residual land value was £955,090. This was shortfall of £303,267 from the benchmark land value and therefore unviable.
- 1.7. However, we noted that a key driver in this outcome was the increase in abnormals / site specific infrastructure costs associated with the site (which had increased from the original testing). We therefore indicated to the Council that it would be prudent to seek specialist advice on these costs.
- 1.8. On 29<sup>th</sup> Jun 2023 the Council indicated that they were looking to engage a third-party Quantity Surveyor to review the abnormal / site specific infrastructure costs used in TM's appraisal (which had increased from £4,678,733 in Aug 22 to £5,217,931 in Jun 23). Bentley Project Management ("BPM") were subsequently instructed to undertake the review on behalf of the Council.
- 1.9. In Jan 2024 the final agreed abnormal / site specific infrastructure costs between the applicant's cost advisors (Cora) and BPM were circulated. The agreed figures can be summarised as follows:

Site clearance	16,125	
Earthworks	750,242	
Foul sewer	5,470	
Surface water sewer	201,894	
S278	825,962	
LEAP	50,000	
Piling foundations	138,000	
HA Extras	32,250	
Part L increases	864,006	
Plot turfing to rear	35,350	
Landscaping	33,119	
Retaining walls	1,318,349	
Sub station	50,000	<b>Total</b>
Contingency	216,227	<b>4,536,994</b>

1.10. This therefore shows a reduction in the total costs from £4,968,984 (TM's Jun 23) to £4,536,944. In light of the agreed position on the abnormal / site specific infrastructure costs, both ourselves and TM have been instructed to provide an updated viability appraisal to reflect these costs.

## 2. TM's updated appraisal – summary

2.1. TM have considered 3 scenarios:

- Scenario 1. 25% affordable housing (10% s106 and 15% non-s106)
- Scenario 2. 10% s106 affordable housing with a contribution of £566,000
- Scenario 3. 16% s106 affordable housing, with no additionality.

2.2. Scenario 3 (which TM deem to be viable) can be summarised as follows:

### Gross Development Value (Revenue)

Type	No.	Average £ per sq ft	Total
Market housing	121	£291	£36,495,015
Affordable housing (Affordable rent)	9	£146	£1,591,932
Affordable housing (First Homes)	14	£204	£1,635,780
<b>Total</b>	<b>144</b>		<b>£39,722,727</b>

### Gross Development Cost (Outgoings)

Type	Notes	Total
Standard build costs	Plot costs / externals (142,423 sq ft GIA)	£21,814,125
Abnormals	Inc Part L costs	£4,536,994
Professional fees	7.00% of build costs	£1,478,208
S106 contributions		£957,384
Sales & marketing	2.50% of GDV	£952,174
Legals	£800 per unit	£85,600
Finance		£1,410,741
Developer profit	18.5% on MV, 15% FH, 6% on AH	£7,086,562
Acquisition costs	Legals, agent SDLT	£105,371
<b>Total</b>		<b>£38,427,159</b>

- 2.3. Based on TM's assumptions above, the scheme generates a residual land value of £1,295,569. As this is above their benchmark land value of £1,258,357 this is deemed to be viable.

### 3. CP Viability's comments and updated appraisal

#### Gross Development Value (Revenue)

- 3.1. The values used in TM's latest appraisal are deemed to be in line with our expectations and subsequently have been accepted in our appraisal.

#### Build costs

- 3.2. In their June 23 appraisal, based on a scheme totalling 145,809 sq ft, TM allowed 'standard' build costs (plot costs, plot externals, estate roads, drainage, services etc) and contingency of £21,363,615 (£146.52 per sq ft). This was said to be underpinned by the BCIS lower quartile rate.
- 3.3. In our June 23 appraisal we used the BCIS lower quartile (£118.62 per sq ft), plus the externals rate of £3,998,136 and contingency of £846,585 (which was 3.3% of the standard plot costs and the abnormal / site specific infrastructure). For clarity, our June 23 costs can be regarded as being exclusive of Part L Building Regulations costs (as the BCIS rates do not yet reflect these now mandatory costs).
- 3.4. In their Feb 24 updated modelling, TM adopt a 'standard' build cost (including plot costs, externals and contingency) of £21,814,125. This is said to be underpinned by the BCIS lower quartile rate.
- 3.5. We have revisited the BCIS lower quartile rate as at June 23 (when the values were established) and note the following:



## £/M2 STUDY

Description: Rate per m2 gross internal floor area for the building Cost including prelims.

Last updated: 17-Jun-2023 07:37

Rebased to Gedling ( 98; sample 13 )

### MAXIMUM AGE OF RESULTS: DEFAULT PERIOD

Building function (Maximum age of projects)	£/m <sup>2</sup> gross internal floor area						Sample
	Mean	Lowest	Lower quartiles	Median	Upper quartiles	Highest	
New build							
810, Housing, mixed developments (15)	1,466	795	1,276	1,422	1,606	3,622	1275
810,1 Estate housing							
Generally (15)	1,461	708	1,245	1,404	1,600	5,067	1428

- 3.6. The relevant rate is therefore £1,276 per sq m or £118.54 per sq ft. As indicated above, as this is a BCIS rate this currently excludes any allowance Part L changes (which came into mandatory effect in July 2023 but have yet to significantly infiltrate the BCIS rates). To this we have added the externals (£3,998,136) and also contingency (at a rate of 3.3%). This gives a total of £21,813,953. This is therefore close enough to TM's total of £21,814,125 to be agreeable.

### Professional fees

- 3.7. TM's allowance is circa 7% of the standard build costs (i.e. when measured against standard build costs only, excluding the abnormal / site specific infrastructure). This is in keeping with our previous modelling and is therefore accepted.

### S106 / Other Council Policy Requirements

3.8. The Council has advised that the following S106 contributions now apply to the subject scheme:

- NHS	£78,030
- Bus passes	£35,000
- Bus stop infrastructure	£40,100
- Secondary education	£603,842
- Post 16 education	£105,016
- Special education	£90,322
- Libraries	£5,074
<b>Total</b>	<b>£957,384</b>

3.9. We have applied this to our appraisal.

### Sales and Marketing / Legal costs

3.10. In their latest appraisal TM adopt circa 2.5% on revenue plus £800 per unit for legals. This is in keeping with our previous modelling and is therefore accepted.

### Finance

3.11. Given further increases in the Bank of England base rate since June 23 we consider 8.25% to be a reasonable allowance at the current time. To calculate the finance, we have inputted our appraisal data into the ARGUS Development Appraisal Toolkit, which is an industry approved discounted cash flow model (appended to this report).

### Developer's profit

3.12. TM's appraisal assumes a 18.5% on revenue profit for the market value dwellings, 15% on revenue for First Homes and reduced to 6% for the affordable. This is in keeping with our previous modelling and is therefore accepted.

### Benchmark land value

3.13. In their original Aug 22 assessment, TM adopted a benchmark land value of £1,937,264 (equivalent to £115,464 per gross acre or £200,000 per net acre). TM suggest that this was the rate used in the Phase 1 testing (which we were not party to).

3.14. In our initial assessment in Mar 23 we followed the requirements of the Planning Practice Guidance: Viability and first considered the existing use value of the site. As undeveloped fields we considered an average rate of £10,000 per acre to be realistic here. At a benchmark land value of £115,464 per acre, TM's allowance therefore reflected a circa 11.5 times the existing use value premium.

3.15. In terms of whether this premium uplift was reasonable or not, we stressed that the guidance is silent. However, we indicated that we are now assisted by various planning appeal decisions, including:

- Land off Holts Lane, Poulton-le-Fylde (ref 3241233).
- Land at Warburton Lane, Trafford (ref 3243720).
- Land at Forest Heights, Forge Weir View, Halton (ref 3285794).

3.16. Specifically, these cases set the following parameters:

- Warburton Lane, Trafford appeal from Jan 2021 (ref 3243720) solidified the key viability principle that there is a relationship between the level of abnormal costs and the corresponding benchmark land value (on the basis that as abnormals increase the benchmark land value decreases and vice versa). In this decision the Inspector agreed with the Council that a 10 times multiple of the existing use value was appropriate. In that particular case the abnormal costs were in excess of £400,000 per net acre (around £350,000 per gross acre).
  - Halton Heights, Forge Weir View involving Wrenman Homes and Lancaster City Council (ref 3285794) dated 29<sup>th</sup> July 2022. The Inspector accepts an existing use value of £10,000 per acre and a premium uplift of 15 times this amount to arrive at the benchmark land value. At that scheme, the abnormal costs equated to £164,544 per net acre. The guidance states that the higher the abnormal costs, the lower the benchmark land value (as the existing use value is fixed the only way this can be accounted for is by reducing the premium uplift).
- 3.17. In other words, where abnormals are in excess of £400,000 per net acre the premium uplift should be 10 (or lower). With reduced abnormals around £165,000 per net acre the premium uplift can increase to circa 15 times the existing use value.
- 3.18. In the case of the subject site, the revised abnormal / site infrastructure costs are £4,536,994 (or £468,392 per net acre). However, this includes the Part L costs, which are not strictly abnormal works as these are now mandatory. If these are excluded, the costs reduce to £3,672,988 (£379,193 per net acre). The costs are therefore more aligned with the Warburton Lane case referred to above. In this context, we consider a 10 times premium uplift to be reasonable here. This therefore equates to a benchmark land value of £1,677,809. We deem this to be appropriate for the testing.

#### 4. Appraisal results, conclusions and further considerations

- 4.1. We have initially run a full policy compliant scheme (30% on-site affordable housing plus S106 costs totalling £957,384). However, this generates a residual land value below the benchmark land value and is therefore deemed to be unviable. On a ‘trial and error’ basis we have subsequently reduced the affordable housing to see at what point (if any) the scheme reaches the viability threshold.
- 4.2. Please see attached our appraisal. The scheme generates a residual land value of £1,697,066 (i.e. viable as this is just above the benchmark land value of £1,677,809) with the following affordable housing applied (totalling 22 units, which is equivalent to 15.28%).

##### AFFORDABLE RENT

Flat	1	2	604	1,208
House	2	5	793	3,965
House	3	1	941	941
<b>Sub totals</b>		<b>8</b>	<b>5.56%</b>	<b>6,114</b>

##### FIRST HOMES

			<b>70.00%</b>	
House	2	5	793	3,965
House	3	7	941	6,587
House	3	2	1,308	2,616
<b>Sub totals</b>		<b>14</b>	<b>9.72%</b>	<b>13,168</b>

- 4.3. Based on this modelling, we therefore agree that the scheme cannot viably support the 30% affordable housing provision (including the non-S106 affordable units). However, our updated modelling suggests that 15% is viable (which is effectively in line with TM’s latest Scenario 3 appraisal).

4.4. Furthermore, we understand that the Council has now requested a bungalow as part of the affordable housing. The proposed adjustment to the affordable housing mix would be as follows:

15 First Homes - 2 x 1 bed and 13 x 2 bed (including the bungalow)

6 Affordable rented units – 3 x 3 bed and 3 x 2 bed.

4.5. The Council has questioned whether a change to the above mix would change the viability outcome of the scheme. Having considered this, we can confirm that the proposed adjustment in the affordable housing mix to 15 x First Homes (including 1 bungalow) and 6 x Affordable Housing (so 21 units in total) would not change the outcome i.e. this is viable.



4.6. Our conclusions remain valid for 6 months beyond the date of this report. If the implementation of the scheme is delayed beyond this time-frame then market conditions may have changed sufficiently for our conclusions on viability to be adjusted. Under this scenario we would strongly recommend the scheme is re-appraised.



**Planning Report for 2023/0701**

1:1,250      Planning Reference:      2023/0701  
Site of former Daybrook Laundry  
Mansfield Road, Daybrook

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: 15/03/2024

**Report to Planning Committee**

<b>Application Number:</b>	<b>2023/0701</b>
<b>Location:</b>	<b>Site of Daybrook Laundry, Mansfield Road, Daybrook</b>
<b>Proposal:</b>	<b>Erection of a 51 no. apartment retirement living development (use Class C3), landscaping, car parking and all associated works.</b>
<b>Applicant:</b>	<b>McCarthy Stone</b>
<b>Agent:</b>	<b>Planning Potential</b>
<b>Case Officer:</b>	<b>Craig Miles</b>

**This application has been referred to Planning Committee to accord with the Constitution as more than 9 dwellings are proposed.**

**1.0 Site Description**

- 1.1 The application site relates to land at the former Daybrook Laundry which is located to the north of the existing Aldi Store on Sir John Robinson Way, and to the west of Mansfield Road (to the rear of the Premier Inn Hotel). It forms part of the main urban area of Arnold.
- 1.2 The site comprises partially cleared, vacant brownfield land, made up of a mixture of hardstanding, partially demolished brick structures in connection with the sites former use as a laundry & cleaning depot, and areas of scrub planting and grassland. In terms of topography, there is a steep embankment along the north, east and west boundaries that separate the site from the adjoining properties as a retaining wall system that retains the ground surrounding the Aldi Superstore. The boundaries of the site are mainly made up of timber boarding fence and concrete panels. Otherwise, the site slopes from east to west, save for a flat plateau that runs north to south where the existing area of hardstanding is present.
- 1.3 The site is bound to the north by commercial buildings and an area of open space, to the west by residential properties flanking Browning Close, to the south by an Aldi food store and east by the Premier Inn, with Mansfield Road (A60) beyond. The site is accessed via the existing access/ egress from Sir John Robinson Way, which provides signalised access to/ from Mansfield Road and the wider highway network.
- 1.4 Only a few remains of the previous building occupying the grounds are still standing as almost all of the original building has been demolished and only the



lower floor is still standing. The applicant advises that the ruins of the previous building act as retaining structure of the uneven ground as there is a difference in level of approx.5m between the West and East boundary.

- 1.5 The site is not in a conservation area, however the presence of Grade II Listed St Pauls Church and Alms houses on the other side of Mansfield Road is noted. The site is in a Flood Zone 1 area. Which is the land at the lowest flooding risk.

## **2.0 Proposed Development**

- 2.1 Full planning permission is sought for the construction of 51 apartments within a 3 storey building for the purposes of retirement living (Use Class C3).
- 2.2 The proposed development would comprise of self-contained apartments, with a mix of 15 no. 2-bed apartments and 36 no. 1-bed apartments distributed across three floors. The building would be L-shaped and centrally located.
- 2.3 There will be a total of 20 off-street parking spaces including 2 disabled spaces provided within the site that would be accessed from Sir John Robinson Way. The existing vehicular access would be widened to a minimum of 6m wide, together with a new 1.5m wide pedestrian footpath along one side, which would link into Sir John Robinson Way to Mansfield Road.
- 2.4 There would be an area of communal garden ground surrounding the building. To the rear of the building, the steep embankment on the west part of the site would be landscaped and a fence erected on the boundary with dwellings backing on to the application site at Browning Close.

## **3.0 Relevant Planning History**

- 3.1 Ref: 2008/0247 – Demolition of existing and construct residential development (outline). In June 2008, planning permission was refused for residential development. The application was refused on the basis that the proposals would lead to a loss of protected employment land without sufficient evidence to justify the loss, insufficient information regarding land contamination, and inappropriate layout. The development was allowed at appeal in December 2008, the application was allowed for outline residential development (Ref: APP/N3020/A/08/2081500). As part of the appeal, it was agreed that the Council did not oppose the principle of residential development but that insufficient detail was provided, and the Inspector took the view that the proposals could be made acceptable through the appropriate use of conditions.
- 3.2 Ref: 2011/1113 – Extension of time pursuant to application reference 2008/1113. Granted, November 2011.
- 3.3 None of these permissions were implemented and have since expired although the site has since been allocated in the Local Planning document for housing under policy LPD64.

## **4.0 Consultations**

- 4.1 Local Lead Flood Authority – Based on the submitted they do not object to the proposals on the basis that applicant has underground tanks proposed and therefore the proposed SUDS scheme is accepted by the LLFA.
- 4.2 Environment Agency – No comment on the basis that the development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.
- 4.3 Highway Authority – Advise that the proposed carpark would accommodate 18 spaces for 51 apartments which equates to 0.35 spaces per unit (the highway authority have not included the 2 disabled spaces as they would not be available to all occupiers). This level of provision has been derived from the applicant's own research across seven of its other sites but is significantly less than the LPA's required standard of 0.8 spaces per apartment (unallocated). Disabled user bays have not been included in the calculation as they are not available for everyone to use. Although they acknowledge that a shortfall of 4 spaces is "unlikely to materially change the existing situation on our network," they advise that there is room within the site to provide the additional bays which would help control parking to designated areas so that ancillary vehicles can enter/exit in a forward gear and that this may also help prevent displacement into the adjacent ALDI store.

Based on their own interrogation of the TRICS database, they have found the development is likely to result in up to 10 two-way trips during the AM and PM peak hours which falls below the 30 two-way trip threshold that would trigger junction capacity assessment.

They have also requested numerous changes to the Travel Plan.

- 4.4 Strategic Housing Manager – Advise that there is a requirement for 20% affordable housing in this location and that 10 units would need to be provided in the form of 5 First Homes and 5 Affordable Rent.
- 4.5 NHS Primary Healthcare – To make this development acceptable from a health perspective additional infrastructure would be needed as a result of the proposals. The practices affected by this development would be Daybrook Medical Practice, Tudor House Medical Practice and The Alice Medical Centre. The financial contribution requested is £27,635.
- 4.6 Nottinghamshire County Council Strategic Policy – The proposed development is for retirement living and therefore in accordance with their Developer Contributions Strategy they are not seeking an education contribution. In respect of libraries, they state that they have a requirement to provide "a comprehensive and efficient library service for all" and as a result of the development 117 residents are projected to occupy the development and therefore £1,792 is required towards maintaining optimum stock levels. In respect of bus stop infrastructure, they request a contribution of £19,400 in respect of improvements to the existing bus stop at Byron Street, denoted as GE0451. The improvements would be a real time bus stop poles & displays. They advise that no contribution is required for bus service provision, but the travel plan should include measures for free introductory travel for new residents to encourage use of public transport. In respect of archaeology, they have no comments or recommendations. In

respect of waste, they advise that as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit.

- 4.7 Gedling Borough Council Scientific Officer (Contamination) – Having considered the contamination assessment submitted with the application they have no objection to the proposals subject to conditions requiring the development being carried out in accordance with this assessment. They also state that conditions in relation to the provision of EV charging points and a Construction Emission Management Plan to control construction on the site is required.
- 4.8 Tree Officer – Confirms that the proposals would not cause a significant impact upon the trees or hedgerows within the site and that there are no trees worthy of protection. Advises that the replacement tree planting is low and requests further planting to be provided.
- 4.9 Conservation Officer – Confirms that the proposal would not adversely affect the setting of existing heritage assets.
- 4.10 Members of the Public - A press notice was published; a site notice was displayed, and neighbour notification letters were posted. Only one letter of representations has been received and raises the below points:
- The road is already congested, and the development of a retirement home would add to the traffic problems at Daybrook / Arnold. There may also be an adverse impact on the adjacent supermarket.

## **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 December 2023 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

### **Development Plan Policies**

The following policies are relevant to the determination of the application.

- 5.3 National Planning Policy Framework (December 2023) - Sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a sufficient supply of homes), 11 (Making effective use of land) and 12 (Achieving well-designed and beautiful places) are particularly relevant.
- 5.4 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

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

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

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

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

Policy 19: Developer Contributions – set out the criteria for requiring planning obligations.

5.5 The Gedling Borough Local Planning Document (LPD) is part of the development plan for the area. The relevant policies are:

LPD 4: Surface Water Management – sets out the approach to surface water management.

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

LPD 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.

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

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

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

LPD36: Affordable Housing – sets out that a 20% affordable housing provision will be required in Arnold but that a lower requirement may be justified provided there is sufficient evidence which takes account of all potential contributions and a viability assessment has been undertaken by the Council which demonstrates this.

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

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

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

LPD 64: Housing Allocations – identifies the application site as housing allocation X1, for approximately 50 new dwellings.

## 5.6 Supplementary Planning Documents/Guidance

Parking Provision for Residential and Non-Residential Developments SPD – (2022)

Air Quality and Emissions Mitigation (2019)

Low carbon planning guidance for Gedling Borough (May 2021)

Interim Planning Policy Statement First Homes (October 2022)

## 6.0 Planning Considerations

### Principle of Development

- 6.1 The site is allocated as housing site X1 under Policy LPD 64 of the Local Planning Document which was adopted in July 2018. Policy LPD 64 identifies the site as providing approximately 50 dwellings. This application proposes 51 apartments and as such the principle of residential development of the site is acceptable.

### Design and layout

- 6.2 The position of the proposed apartment building within the site form is L-shaped and centrally located, which has been dictated by the existing site constraints including the steep bank to the west, a change of levels and site entrance. The applicant states that this would “... maximize the space within the site and to provide as much residents’ amenity as possible as well as good parking provisions.” This would provide sufficient external and internal amenity space for future residents.
- 6.3 In terms of scale, the site is set back from Mansfield Road and development on it would not generally be visible from the main road as it is located behind the Premier Inn Nottingham North. The mass of the proposed building shows a 3-storey high block that would be positioned between the 2 storey residential units to the west and the 3-storey high Premier Inn building to the east. Whilst it is

acknowledged that the ground floor level sits higher than Mansfield Road, as the building would follow the topography of the site and the overall building height would be lower than the ridge height of the residential semi-detached houses to the west. The proposed flat roof would minimise the overall height and the visual impact of the building that would not be at odds with adjacent built form.

- 6.4 The appearance of the proposed building would have a contemporary design being respectful of the local surroundings. The primary materials for the building include two different colour bricks, red and buff, with buff plinth and building projections as well as feature panels and horizontal banding to add architectural interest. The design has taken account of the character and appearance of the surrounding area as detailed in the submitted Design and Access statement.
- 6.5 The internal layout would provide for appropriately sized retirement apartments for future residents with sufficient communal areas.
- 6.6 In summary, it is considered that the proposed design and layout is acceptable and would result in a development that would be well-designed, be of an appropriate scale and would be in keeping with its surroundings. As such the proposed development is considered to accord with objectives of the National Planning Policy Framework, Aligned Core Strategy (ACS) Policy 10.

#### Impact on residential amenity

- 6.7 The proposed development is located on vacant and former commercial site. The residential properties that could be affected are primarily to the west of the site along Browning Close, however there is a large embankment to the rear of the site that raises up towards Browning Close. As a result, the level levels between the Browning Close and the application are completely different.
- 6.8 The proposed building does not obscure any significant views as it is located on a plot that is setback from other buildings. In addition, there would be no direct view from the dwelling along Browning Close as the proposed building would sit well below the ridge line of these dwellings. As such, the proposed layout would provide adequate separation distances to the properties on the adjacent development to ensure no significant issues of overlooking, loss of privacy or overshadowing.
- 6.9 Taking the above matters into account it is considered that the proposed development would not result in any significant impact on the residential amenity of neighbouring occupiers or future occupiers of the development. As such the proposal is considered to accord with the relevant policies of the National Planning Policy Framework and Policy LPD 32 of the Local Planning Document.

#### Highway safety and capacity

- 6.10 It is proposed to access the application site from Sir John Robinson Way, which provides signalised access to/from Mansfield Road and the wider highway network. Within the site 20 car parking spaces would be provided, that includes 2no. disabled spaces. They would be served by a total of 10 Electric Vehicle (EV) charging points.

- 6.11 The adopted Parking Provision for Residential and Non-Residential Developments SPD – (2022) states that the starting point to assess new residential development is the parking ratio for new apartments which is 0.8 spaces per apartment. In this instance, it equates to 40 car parking spaces. However, it also states in paragraph 4.13 that: *“The expectation is that parking standards will be met, however if the development is served by one or more regular public transport service, this may be a material consideration justifying a reduced parking provision requirement, especially if a site is located within; or close to a central area.”*
- 6.12 The applicant states in their planning statement that “the site benefits from good vehicular and pedestrian connectivity with the immediate and surrounding built fabric. Bus stops with services running in both directions toward Nottingham City Centre and Mansfield are less than 150m from the application site, and existing pedestrian infrastructure includes dropped kerbs, tactile paving, crossing points, road markings and barriers. This facilitates and encourages walking to/from the site with the surrounding services & facilities including a Public House, supermarket, public open space and bowls club. Arnold Town Centre is also some 700m away.” The applicant also states in their supporting planning statement that *“the provision of 20 no. spaces is appropriate and justified given the retirement living model which generates less parking demand and vehicular movements compared to more conventional residential uses.”*
- 6.13 In support of the application, a Transportation Statement has also been provided which set out comparison of the parking requirement of other similar development elsewhere in England. In short, it concludes that the parking requirement is reduced because car use is low amongst occupiers of retirement living apartments and, therefore, only 20 spaces would be required to serve the development. A draft Travel Plan has been submitted that outlines measure to reduce car use and the promotion of walking, cycling and public transport use.
- 6.14 The Highway Authority have been consulted on the proposals and have commented that the proposals would be significantly less than the required standard of 0.8 spaces per apartment (unallocated) set out in the adopted SPD. (Disabled user bays have not been included in their calculation as they have stated that they are not available for everyone to use). Upon assessing the Transportation Assessment, they have commented that from the 10 sites that were surveyed to inform the above trip rates we found they had an average parking provision of 0.68 spaces per apartment which for the purposes of this application is 31 spaces. Our research also identified that on average 70% of the spaces across the sample were occupied which on this occasion equates to 22 spaces.” They state that although a shortfall of 4 spaces is unlikely to materially change the existing situation on the highway network, there is room within the site to provide the additional bays which would help control parking to designated areas so that ancillary vehicles can enter/exit in a forward gear and that this may also help prevent displacement into the adjacent Aldi store.
- 6.15 The applicant has not agreed to the provision of 4 additional spaces within the site, on the basis that “Through a combination of the retirement living model, and the more affordable end product, the McCarthy Stone proposal at Daybrook generates significantly less parking demand than both standard C3 apartments and age-restricted retirement living apartments. This, combined with the

sustainable & accessible location of the site inc. good pedestrian infrastructure, and bus stops and services/ facilities all in easy walking distance means MCS can deliver an attractive and practical development with reduced parking provision – 18 no. spaces/ 0.4 per unit. They have also suggested that their model includes the potential to adopt a car club space to promote car sharing if a demand exists and retrofit additional spaces in future (albeit at the expense of some landscaping), but no additional detail has been provided. They conclude that they “do not consider it necessary or appropriate to include additional spaces within the site.”

6.16 In this scenario, it is considered a reduced parking requirement can be justified given the nature of the development as retirement living apartments, which can be secured via condition and ensure at least one occupant of each apartment is 60 years of age or over. It has also been demonstrated that the site is accessible by other means of transport, and it is well connected to public services. A draft Travel Plan has also been provided outlining measures to reduce car use. Whilst the parking requirement would be below the desired threshold set out in the SPD, taking in to account the above and having no objections from the highway authority it is considered that the proposal would not be harmful to highway safety or the surrounding highway network in general, and therefore the proposal would accord with the objectives of the National Planning Policy Framework, Local Planning Document Policies LPD 57 and 61, and the Parking Provision for residential developments Supplementary Planning Document.

#### Planning Obligations

6.17 The application site is larger than 10 residential units and therefore liable for planning obligations. Following consultation with consultees, planning policies would require the following obligations to be met: A requirement for 20% affordable housing meaning that 10 units would need to be provided in the form of 5 First Homes and 5 Affordable Rent;

- A contribution of £27,635 to NHS Primary Healthcare for additional infrastructure at affected practices - Daybrook Medical Practice, Tudor House Medical Practice and The Alice Medical Centre;
- A contribution of £1,792 towards maintaining optimum stock levels at local libraries, as a result of the development; and
- A contribution of £19,400 in respect of improvements to the existing bus stop at Byron Street, denoted as GE0451

6.18 However, the NPPF advises that planning obligations must only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Paragraph 58 of the NPPF states that “Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.”



- 6.19 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. The NPPF also requires that 10% of the total number of homes to be affordable home ownership.
- 6.20 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 planning obligations in 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.
- 6.21 The Planning Practice Guidance provides Local Planning Authorities with discretion to increase the discount above the national minimum of 30%, vary the price cap and include additional eligibility criteria. A report in relation to First Homes was considered by Cabinet on 6<sup>th</sup> October 2022 and the Interim Planning Policy Statement was adopted. Accordingly, the local requirements for First Homes are as follows:
1. A First Home must be discounted by a minimum of 30% against market value.
  2. In Gedling Borough after the discount has been applied, the first sale must be at a price no higher than £173,000
  3. Purchasers of First Homes within Gedling Borough, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £38,800.
  4. Applicants should either:
    - have lived in Gedling Borough Council's administrative area for 3 of the last 5 years; or
    - have immediate family member(s) who are living in Gedling Borough Council's administrative area; or
    - have permanent employment within Gedling Borough Council's administrative area; or
    - are in service of the regular or reserve armed forces of the Crown or have applied within five years of leaving.

The development as proposed would require 5 first homes and 5 affordable rent to comply with the national guidance and the Interim Position Statement adopted by the Council in October 2022.

- 6.22 In this instance a financial viability assessment was submitted with the application. It concludes that the development is unable to support any on-site or off-site affordable housing, largely due to the scheme not reaching the Benchmark Land Value (BLV). It states that there is no financial headroom available for planning obligations, after accounting for the anticipated gross sales receipts and all reasonable aspects of the outlay necessary. The residual land value for the proposed scheme is negative (£215,064). When compared against the BLV of £577,500 the scheme produces a total deficit of (£792,564) and is therefore unable to support any planning obligations.
- 6.23 An externally appointed independent viability expert has reviewed the viability assessment who state that “with a fixed developer profit of 20% on revenue, and nil planning policy contributions, the scheme returns a negative residual land value of (minus) -£102,992. As this is below the benchmark land value of £330,000 the scheme is therefore deemed to be unviable even before any planning policy contributions are factored in. Even factoring in sensitivity testing, if the sales values were increased by 5% and construction costs remained the same the residual land value would increase to £235,405. However, as this is still below the benchmark land value of £330,000 this scenario would remain unviable too. Therefore, in summary, they conclude that even with adjustments in our appraisal, we agree with the applicant that the scheme is unable to support any planning policy contributions. In this scenario, no planning obligation are, therefore, sought.
- 6.24 The applicant states although no planning obligations are required for the delivery of 51 no. apartments exclusive to people over 60 years of age directly addresses an unmet need in the local area by providing apartments for the local ageing residents seeking to downsize into accommodation appropriate for their later years. They state that there is an identified need for retirement housing in the local area, evidenced with very few retirement developments in Daybrook and the wider authority area. Whilst viability is constrained because of the values in connection with the application site, the applicant is prepared to commit to this site to deliver much need retirement housing to create a retirement living development supported by viability, which planning policy invites. The key matter for consideration in this regard is whether the development can be supported on this basis and whether such development could be considered to be sustainable development, the delivery of which is a key objective of national and local planning policies.
- 6.25 Having regard to the above it is accepted that providing the affordable housing would make the scheme effectively unviable. Local Planning Document Policy 36 states that a lower affordable housing requirement may be justified provided there is sufficient evidence which takes account of all potential contributions from grant funding sources and a viability assessment has been undertaken by the Council which demonstrates this. Gedling Borough Council Affordable Housing SPD sets out the requirements for negotiations on the content of s106 agreements in respect of affordable housing with input from Housing Strategy

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

With regard to the bus stop contribution, it would be used to enhance an existing bus stop rather than creating a new bus stop so it is not essential to allow the development to proceed.

The sum towards healthcare provision is intended to be split across three practices, and it is considered that the development can reasonably proceed in its absence. In particular, given the nominal amount provided to each practice (approximately £9,212 per practice), this is unlikely to generate extra capacity to serve residents of the proposed development.

Finally, the library contribution is considered to be a nominal sum and the provision of the contribution is not considered to be grounds for substantiating a refusal of planning permission.

- 6.26 The development is therefore deemed to comply with guidance as outlined in paragraph 55-58 of the NPPF, which identifies the tests required to seek a planning obligation, paragraph 65 of the NPPF, as well as ACS19 and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

#### Flooding and Drainage

- 6.27 The site is located within Flood Risk Zone 1, and not at a high risk of fluvial flooding. The Greater Nottingham Strategic Flood Risk Assessment does not indicate that the site is at risk of surface water flooding under a scenario of a 1 in 100-year flood risk event. The Environment Agency do not object to the proposals.
- 6.28 In terms of drainage, it is proposed to discharge into the existing Severn Trent Water surface/foul water system within Sir John Robinson Way. It is proposed to discharge through a HydroBrake from the development at a rate of 5l/s in accordance with local drainage standards, a 40% climate change allowance will be applied to the calculations.
- 6.29 Surface water from the development would be collected by a series of chambers, gullies and pipes where it would be brought into the car park area and discharged into a cellular storage system. Surface water runoff from the carpark would be collected by several drainage channels located in the carpark and discharged into a Bypass Separator before discharging into the proposed attenuation tank.
- 6.30 Foul water from the development would be collected through a series of soil vent pipes, sewers and manhole chambers. This will be brought to the southeast of the site where it will discharge into the proposed foul water stub connection located within the site.
- 6.31 The Local Lead Flood Authority do not object to these proposals. As such the proposed development is not considered to be at risk from flooding and would

not result in increased flooding elsewhere. The proposal is considered to accord with Policy LPD4.

### Ecology

- 6.32 Submitted in support of the application is an ecological appraisal that concludes that the proposed development would be unlikely to have any adverse effect on any statutory international or national nature conservation designation, nor would it have an adverse effect on any non-statutory designations.
- 6.33 The desk study did not reveal any existing records from within the past decade directly associated with the site. The survey confirms that “no evidence of the presence of protected or notable species was recorded during the habitat survey and the habitats were not considered to be suitable to support such species.”
- 6.34 By way of enhancement, the proposed soft landscaping scheme includes the planting of a species-rich native species hedgerow along boundaries of the development, shrub planting and a small number of urban trees. The ecological appraisal explains that these features would provide foraging and nesting habitat for the local urban bird assemblage and would be of value to invertebrates and considered to be an enhancement to the bare ground which forms a significant part of the site.
- 6.35 In these circumstances it is considered that the proposals meet the requirements set out in LDP - Policy 18.

### Trees and Landscaping

- 6.36 A tree survey prepared by Middlemarch recommends the retention of Category B and Category C trees across the site where possible. Where removal is required to facilitate the development, suitable mitigation planting should be included as part of the landscaping scheme with a mix of species to introduce a net gain on site. The Arboricultural impact Assessment (AIA) concludes the development of the site would not impact the visual amenity of the local area as no tree removal to facilitate the development is required.
- 6.37 In terms of further planting, a Landscape Masterplan has been submitted in support of the application. It is stated by the applicant that “the proposed landscape scheme has been developed to create an attractive garden setting for the residents whilst enhancing the biodiversity of the site with a palette of native species and wildlife attracting plants, alongside specimen trees to provide year-round seasonal interest.”
- 6.38 Planting of new trees is proposed around the entrance and frontage of the site and native hedgerows would strengthen the sites north and west boundaries. The majority of the resident garden will be laid to mown lawn to provide useable and accessible outside space. A more irregularly mown species rich flowering lawn mix will be planted around the building to enhance biodiversity and the sloped embankment between the site’s west elevation and boundary with neighbouring residential properties would be planted with a wildflower meadow mix.

6.39 The council's tree officer does not object in principle to the loss of the trees on the site but suggests additional replacement tree planting could be made across the site compared to what has been submitted. This can be secured by condition. Subject to this a planning condition, the proposal therefore complies with the objectives of the NPPF and ACS Policy 10 and with policy LPD 19 of the adopted Local Planning Document.

### Air Quality

6.40 An air quality assessment has been submitted in support of the application. This considers air quality matters arising during the construction phase including construction activities on the site and construction vehicle movements to and from the site.

6.41 Additionally, a Travel Plan has been submitted which promotes and encourages sustainable travel options. It should also be noted that the proposal includes two electric charging points.

6.42 These elements have been assessed by our Scientific Officer who has raised no objection to the scheme subject to a number of conditions in relation to Electric Vehicle charging points and a Construction Emission Management Plan and implementation of a Travel Plan.

6.43 Taking into account the above matters it is considered that the scheme would comply with policy LPD 11 and with Policy 1 of the ACS.

### Other Matters

6.44 The development would not harm the setting of any Listed Buildings, the Conservation Officer has been consulted on the application and does not object to it.

6.45 Should permission be granted it would be prudent to condition the future occupancy of the site to over 60s only as defined in the planning application submission because the sale of the premises on the open market could affect viability and parking at a later date.

6.46 In terms of the Low Carbon Planning Guidance, it is noted that 10 EV charging points are to be supplied. An amended Travel Plan is being sought to provide additional public transport information and the site is, in any event, well inked to the public transport network. The application is therefore deemed to make a contribution toward low carbon development, albeit modest.

6.47 A waste Audit has also been recommended by the County Council, and is something that could be secured by condition.

## **7.0 Conclusion**

7.1 The principle of the development accords with the objectives of national and local planning policies, in particular as the site is a housing allocation in the adopted Local Planning Document. It is considered that the proposed 51 apartments would be accommodated on the site in a manner that would not

cause undue harm to visual and residential amenity, highway safety. It has also been demonstrated and verified by an independent valuer that the scheme is unviable when the requirements of affordable housing and planning obligations are included, therefore none are being sought, although the scheme is still considered to be sustainable in the absence of such contributions.

- 7.2 It is therefore considered that the proposals would fully accord with the guidance contained in the National Planning Policy Framework (2023), policies A, 1, 2, 8, 10, 17 and 19 of the Aligned Core Strategy, policies 4, 11, 19, 21, 32, 33, 35,36, 37, 57, 61, and 64 Local Planning Document and 'Interim Planning Policy Statement: First Homes', 'Parking Provision for residential developments Supplementary Planning Document' and the 'Low Carbon Planning Guidance'

**Recommendation: Grant Planning Permission: Subject to the conditions listed for the reasons set out in the report:**

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and report specification listed below:

Plan Ref: 22024-1000 P2 – location plan received 11.10.2023

Plan Ref: 22024-1002 P2 – proposed site plan received 18.09.2023

Plan Ref: 22024-1007 P2 – boundary treatment received 18.09.2023

Plan Ref: 22024-1010 P1 – GF plan received 18.09.2023

Plan Ref: 22024-1012 P1 - roof plan received 18.09.2023

Plan Ref: 22024-1013 P1 – close boarded fence details received 18.09.2023

Plan Ref: 22024-2000 P2 – south & east elevations received 18.09.2023

Plan Ref: 22024-2001 P2 – north & west elevations received 18.09.2023

Plan Ref: 22024-2010 P2 - streetscene received 18.09.2023

Plan Ref: 22024-3000 P2 – site sections received 18.09.2023

Plan Ref: 22024-3010 P2 – daylight review received 18.09.2023

Plan Ref: R-2684-1C – landscape masterplan received 18.09.2023

Plan Ref: 29688/104 Rev B – Proposed Kerbing Layout received 18.09.2023

Design and Access statement dated June 2023, received 15.09.2023

Phase I and II Site Appraisal ReF: MRN-PPC-00-XX-R-G-0002 received 15.09.2023

Air Quality Assessment Ref: R6140-R1-V3 received 18.09.2023

Preliminary Ecological Appraisal – Ref: RT-MME-158919-03 Rev B received 18.09.2023

Flood Risk & Drainage Impact Assessment – Ref: 29688/DIA/WOB Rev 02 received 18.09.2023

3. No apartment hereby approved shall be occupied until such time as all car parking, turning and servicing areas are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

4. Prior to the date of first occupation the development shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations and as detailed on Plan Ref: 22024-1002 P2 – proposed site plan received 18.09.2023. A minimum of two active charge points and, cable routes installed to at least one-fifth of the total number of parking spaces. 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 site users. They shall be thereafter maintained in the location as approved for the lifetime of the development.
5. The development hereby approved shall be undertaken in accordance with the submitted Flood Risk & Drainage Impact Assessment – Ref: 29688/DIA/WOB Rev 02 received 18.09.2023.
6. Prior to the commencement of development hereby approved details of a Local Labour Agreement in relation to the construction phase of the development, and job creation once operational, shall be submitted to and approved in writing by the Local Planning Authority. The local labour agreement shall be implemented in accordance with the approved details thereafter.
7. 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.
8. No development shall commence until such time as a Waste Audit has been submitted and approved in writing by the Local Planning Authority, which shall demonstrate in both construction and operational phases of a proposed development, waste will be minimised as far as possible and that such waste as is generated will be managed in an appropriate manner in accordance with the Waste Hierarchy. In particular, the waste audit could cover the following:
  - a. the anticipated nature and volumes of waste that the development will generate;
  - b. where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development;
  - c. the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities; and
  - d. any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete

Thereafter, development shall proceed in accordance with the approved Waste Audit.

- 9.** The approved landscaping as detailed on the Soft Landscape Proposals (Plan Ref: R-2684-1C – landscape masterplan received 18.09.2023 shall be carried out in the first planting season following the first occupation of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place.
- 10.** The materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 11.** Notwithstanding submitted details, prior to the use commencing, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter comply with the updated Travel Plan as approved.
- 12.** Each Unit of the development hereby permitted shall be occupied only by:

  - a) at least one person over the age of 60 years;
  - b) persons living as part of a single household with such a person or persons;
  - c) persons who where living in the unit as part of a single household with such a person or persons who have since died.
- 13.** Development shall not commence until a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) is 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. The agreed remediation scheme shall be implemented in accordance with the approved timetable of works.
- 14.** 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.
- 15.** 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 good practice 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.

16. The development hereby permitted must not be occupied or first brought into use until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Preliminary Ecological Appraisal – Ref: RT-MME-158919-03 Rev B received 18.09.2023 have been implemented. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.

## Reasons

- 1) To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.
- 2) For the avoidance of doubt and to define the permission.
- 3) In the interest of highway safety and to comply with policy LPD61.
- 4) 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.
- 5) To reduce the risk of flooding to the proposed development and future occupants and to comply with policy LPD4.
- 6) To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area and to accord with Policy LPD 48.
- 7) 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.
- 8) To accord with Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy and paragraph 049 of the Planning Practice Guidance.
- 9) To ensure a satisfactory form of development and appropriate landscaping of the site and to comply policy LPD19.
- 10) To ensure that the character of the area is respected and to comply with policies ASC10 and LPD26.
- 11) To ensure that the development encourages forms of travel other than the private motor vehicle and to comply with guidance within the NPPF.
- 12) In order to support the considerations of the viability assessment which effectively reduced the level of financial obligations required from this development based on the demographic of the proposed occupiers and given

the lower level of parking provided, and subsequently to prevent the sale of these units on the open market to any individual and to comply with policies LPD36, LPD37 and LPD57.

- 13) To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 189 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 14) To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 189 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 15) To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 189 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 16) To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 18 - Protecting and Enhancing Biodiversity of the adopted Local Plan and Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2023).

### **Informatives**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

Works to the public highway are subject to the approval of the Highway Authority. For the new accesses works to be carried out to the satisfaction of the Highway Authority, you should contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at Licences@viaem.co.uk to arrange for these works to take place.

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

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) and The Electric Vehicles (Smart Charge Points) Regulations 2021.

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*Independent Viability Experts*

FAO Mr Craig Miles  
Principal Planning Officer  
Gedling Borough Council

Sent by email only

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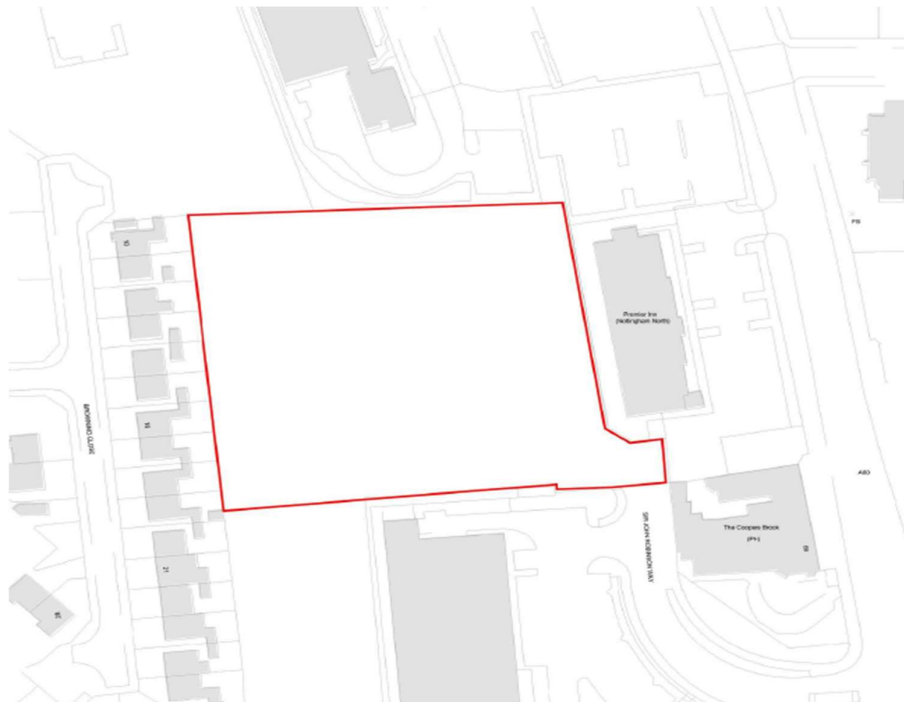
Our ref: DN-0945

Your ref: 2023/0701

Date: 12<sup>th</sup> January 2024

Dear Mr Miles,

**PROPERTY ADDRESS:** Site of Daybrook Laundry, Mansfield Road, Daybrook  
**INSTRUCTING BODY:** Gedling Borough Council  
**APPLICANT:** McCarthy Stone Retirement Lifestyle Ltd.



Further to your instruction and our Terms of Engagement dated 13<sup>th</sup> December 2023 we are pleased to report as follows.

## 1. Property Overview

- 1.1. The property is located in Daybrook, a suburb of the larger market town of Arnold, which is located on the north eastern edge of the Greater Nottingham conurbation, around 3.5 miles north of Nottingham City Centre. Main road access to the area is via the A60 (Mansfield Road) trunk road, which runs to the east of the subject site, connecting Nottingham in the south to Mansfield in the north. The nearest connection to the strategic road network is at junction 26 of the M1, 4 miles to the west. The nearest rail connection is at Bulwell station, less than 2.5 miles to the west, with local services available. Nottingham station, 3.5 miles to the south, has local, regional and national services available. The nearest NET tram stop is also at Bulwell station.
- 1.2. More specifically, the property is situated to the north of the western section of Sir John Robinson Way, a cul de sac off Mansfield Road serving an Aldi supermarket and the subject site. The Aldi supermarket is to the south, a Premier Inn budget hotel to the east, the curtilages of dwellings on Browning Close to the west and industrial premises/open space to the north. Access is available from Sir John Robinson Way. The immediate area is characterised by a mixture of social/ex-social housing (to the west) with mainly commercial uses to the north, south and east. A range of amenities is available within this area, including 2 supermarkets, a medical centre, a retail park, church, pub and bowls club.
- 1.3. The subject site previously accommodated part of a laundry/dry cleaning operation, which was demolished more than 10 years ago. It mainly comprises an area raised around 5 metres above the ground level of the access, with a smaller area at ground level, consisting of a (previous building) ground floor slab and tarmac hardstanding. The elevated area (which is also retained along the north and south boundaries) partly comprises a lower floor of the cleared laundry building and a wall which retains the higher ground. The raised area has become overgrown with scrubby vegetation.

1.4. The subject site is roughly rectangular in shape and according to the Alder King (“AK”) “Financial Viability Assessment” dated September 2023 extends to 0.58 Ha (1.44 acres) on a gross basis.

1.5. In terms of planning history, a previous application for residential permission in 2008 was allowed on appeal, but this was time limited, and although an extension of time for submission of reserved matters (up to 3 years) was granted in 2011, this has lapsed.

1.6. The current application (ref 2023/0701) is for:

*“Erection of a 51 no. apartment retirement living development (Use Class C3), landscaping, car parking and all associated works”*

1.7. This is proposed to be delivered as a single retirement living scheme configured as a 3 storey ‘L’ shaped block, containing 36 x 1 bed apartments and 15 x 2 bed apartments, together with residents’ lounge, external shared gardens and 20 car park spaces. Access will be from a single point on Sir John Robinson Way.

1.8. According to the AK Financial Viability Assessment dated September 2023, the proposed accommodation can be summarised as follows:

Type	Total units	Av Size (sq m)	Total size (sq m)
1 Bed RL Apartments	36	42.98	1,547
2 Bed RL Apartments	15	61.11	917
<b>Total</b>	<b>51</b>		<b>2,464</b>

## **2. Scope of Assessment and General Assumptions**

- 2.1. On behalf of the applicant, AK have presented their “Financial Viability Assessment” dated September 2023. In it, they consider a single (non-target policy compliant) appraisal scenario, with no affordable housing or other developer contributions. This returns a negative residual land value and AK state that their appraisal “It is clear that the proposed scheme is unable to provide any Sec.106 obligations and remain viable.”
- 2.2. We have been instructed to provide an independent viability assessment of the scheme, with a view to advising the Council as to the appropriate level of planning policy contributions that the scheme can viably deliver.
- 2.3. In accordance with the RICS Financial viability in planning: conduct and reporting 1st Edition (May 2019) we can confirm that in completing this instruction CP Viability Ltd have acted with objectivity, impartiality, without interference and with reference to all appropriate available sources of information.
- 2.4. In accordance with the RICS Financial viability in planning: conduct and reporting 1st Edition (May 2019) we can confirm that prior to accepting this instruction we undertook a conflict of interest check. It is stressed that as an organisation we only provide independent viability reviews upon the instruction of Local Authorities and therefore can guarantee that we have not provided viability advice on behalf of the applicant or advisors in relation to any other scheme. Within this context and having undertaken a review we are unaware of any conflict of interest that prevents CP Viability from undertaking this instruction. If, at a later date, a conflict is identified we will notify all parties to discuss how this should be managed.



- 2.5. In accordance with the RICS Financial viability in planning: conduct and reporting 1st Edition (May 2019) we can confirm that the fee agreed to undertake this review is a fixed rate (covering the elements set out in our fee quote / terms of engagement) and is not performance related or a contingent fee.
- 2.6. In accordance with the RICS Financial viability in planning: conduct and reporting 1st Edition (May 2019) we can confirm that CP Viability Ltd is not currently providing ongoing advice to Gedling Borough Council in area-wide financial viability assessments to help formulate policy.
- 2.7. As stated within the RICS Financial viability in planning: conduct and reporting 1<sup>st</sup> Edition (May 2019) it is now a mandatory requirement to provide sensitivity analysis of the viability results. This is to demonstrate to the applicant and decision maker the impact that changes to inputs have on the viability outcome and also to help the assessor reach an informed conclusion. We have subsequently undertaken sensitivity testing as part of this review.
- 2.8. This assessment does not provide a critique of the proposed development design (i.e. we have not commented on the efficiency of design, density etc). Our role is limited to testing the viability of the proposals as detailed on the relevant planning applications.
- 2.9. We have relied on the information provided to us by the instructing body and the applicant and in particular information publicly available through the Council's planning portal website.
- 2.10. We have assessed the viability of the scheme as at 12<sup>th</sup> January 2024.
- 2.11. We have not met either of the Instructing Body or the applicant and subsequently have not partaken in any negotiations regarding the scheme.

- 2.12. In accordance with the RICS “Assessing viability in planning under the National Planning Policy Framework 2019 for England (Guidance Note 1<sup>st</sup> Edition, March 2021), our appraisal assumes a hypothetical landowner and a hypothetical developer. The intention of a viability assessment is therefore to identify the approach a ‘typical’ or ‘average’ developer / landowner would take to delivering the site for development. A viability assessment does not therefore seek to reflect the specific circumstances of any particular body (whether landowner or developer).
- 2.13. In undertaking our appraisals, we have utilised ARGUS Developer. This is an industry approved cash-flow model, designed specifically residual appraisals. This report reflects the independent views of CP Viability, based on the research undertaken, the evidence identified and the experience of the analysing surveyor.

### **3. AK assessment**

- 3.1. As stated above, AK have appraised a single scenario based on 100% market value housing with no affordable housing or other developer contributions. This returns a negative residual land value of (minus) -£215,064. As this is below their separately assessed benchmark land value of £577,500 this scenario is deemed to be unviable even before any planning policy contributions are factored in.
- 3.2. AK carry out sensitivity analysis on this outcome, reviewing the impact of changes in costs and values in 2.5% intervals. They conclude that, in the light of this and other relevant data, ... the assumptions made within this FVA are appropriately balanced.”

- 3.3. To summarise AK's appraisal, we have focused on their single scenario. We have categorised the costs provided under what we consider to be the most common sections of a viability appraisal. This categorisation approach allows us to undertake a comparison between the subject scheme and other developments we have assessed.

Gross Development Value (Revenue)

Type	No.	Av £ per sqm	Total
1b retirement flats	36	£4,537	£7,020,000
2b retirement flats	15	£4,255	£3,900,000
<b>Totals</b>	<b>51</b>	<b>£4,432</b>	<b>£10,920,000</b>

Gross Development Cost (Outgoings)

Type	Rate	Total
Apartments	£1,633 per sqm (3,244 sq m GIA)	£5,297,017
Part L&O Building Reg changes	51 @ £3,000	£153,000
External works	9.72% of build cost	£529,702
Contingency	3.34% of above build costs	£199,945
Abnormal costs	Various (£462,096 per acre)	£685,104
Professional fees	8.92% of build costs	£533,186
Marketing & sales	5% of GDV	£546,000
Sales legal fee	£650 per unit	£33,150
Empty Property Costs		£279,589
Finance	7% debit, 1% credit	£694,372
Developer's profit	20% of GDV	£2,184,000
<b>Total</b>		<b>£11,135,065</b>

3.4. Based on the above assumptions, the scheme returns a negative residual land value of - (minus) £215,064. Separately, AK identify a benchmark land value of £577,500. As the residual land value is below the benchmark land value, the scheme is deemed to be unviable, even before any planning policies are factored into the assessment.

#### 4. CP Viability's appraisal

##### Gross Development Value (Revenue)

4.1. We have based our assessment of value for the completed dwellings on the mix detailed above (see 1.8).

4.2. AK's average sales values can be summarised as follows:

1 bed flat	42.98 sq m	£195,000 (£4,537 per sq m)
2 bed flat	61.11 sq m	£260,000 (£4,255 per sq m)

4.3. To arrive at their adopted values AK, consider the following:

- Rightmove data for the NG5 postcode area (in adopting the Retirement House Group methodology to arrive at the sales values of the proposed retirement apartments). This takes the average value of a semi-detached housing in the immediate area and prices a 1 bed Retirement apartment at 75% of the value and a 2 bed Retirement apartment at 100% of the value.

4.4. In terms of evidence, this is limited for recently built retirement apartment schemes within the immediate Daybrook/Arnold area (and no direct transactional evidence is shown on the Land Registry since Jan 2020 for retirement apartments). Given the lack of transactional evidence in the immediate locality we have subsequently widened our research and considered current asking prices. We note the following:

- **Catherine Place, Scalford Rd, Melton Mowbray:** around 18 miles south east of the subject site within the distinct market town of Melton Mowbray. This is a new build 3 storey McCarthy & Stone retirement apartment scheme with the majority of the development now sold out. This therefore provides an example of a new build McCarthy & Stone scheme, however it is within a very different setting so is of limited assistance. There is currently a 2 bed apartment of 77.48 sq m available for sale at £299,995 (£3,872 per sq m). There is also a 1 bed apartment of 52.77 sq m available as 50% shared ownership at a value of £117,500, which equates to a market value of £235,000 (£4,453 per sq m).
- **Gilbert lodge, 2 Wilmot Lane, Beeston NG9:** around 6 miles south west of the subject site. This is a town, albeit within close proximity to Nottingham city. In this sense, this is a similar location to Arnold, where the subject site is adjacent to, as this is also a distinct town albeit this merges with the Nottingham City urban sprawl. In terms of how this location compares in value terms to Daybrook / Arnold, we note that AK identify a semi-detached average value of £219,390 for postcode NG5 (in which the subject site is located). We have adopted the same approach for 'NG9' in which Gilbert Lodge is located and note the following:

# House Prices in NG9

Properties in NG9 had an overall average price of £276,031 over the last year.

The majority of sales in NG9 during the last year were semi-detached properties, selling for an average price of £259,862. Detached properties sold for an average of £381,232, with terraced properties fetching £211,369.

Overall, sold prices in NG9 over the last year were 3% down on the previous year and 3% up on the 2021 peak of £266,874.

The average is therefore £259,862, which is around 18.5% higher than Daybrook/Arnold in which the subject site is located. We would therefore expect a discount at the subject site compared to the values shown at Gilbert Lodge.

In terms of the development itself, this is a new build 4 storey Churchill Retirement apartment scheme with the majority of the development now sold out. We undertook a viability review of this site in 2021, on behalf of Broxtowe Borough Council. There is currently a 2 bed apartment of 78.77 sq m available for sale at £394,950 (£5,014 per sq m). There is also a 1 bed apartment of 53.82 sq m available at £264,950 (£4,923 per sq m). Applying say a bullish 15% discount, as discussed above, this would give an equivalent value of £4,262 per sq m for the 2 bed and £4,185 per sq m for the 1 bed. Within this context, AK's adopted rate at the subject scheme of £4,255 per sq m for the 2 bed and £4,537 per sq m for the 1 bed does not appear to be underplayed.

- 4.5. Having considered the above, and accepting that there is limited direct comparable evidence available, we see no tangible evidence to justify a departure from the values put forward by AK in their assessment. We have subsequently applied the same to our modelling.

## Build costs

4.6. For construction costs, AK apply the following:

- New build apartments	£1,633 per sq m (£5,297,017)
- Part L/F Building Regs	£3,000 per unit
- External works	9.72% of above combined costs
- Contingency	3.34% of above combined costs
- Abnormal works	£685,104 (£462,096 per acre)
<b>Total</b>	<b>£6,864,768</b>

4.7. By way of evidence, AK refer to the Build Cost Information Service (“BCIS”) database, which is regularly used in the industry to estimate construction costs. AK apply the default median rate, rebased to Gedling, for “Supported Housing – 3 storey”.

4.8. We agree that it is appropriate to benchmark these costs against the BCIS (which is an approach which has been approved through numerous planning appeals regarding retirement apartment schemes in recent years). Please note, the BCIS rates include preliminaries and a contractor’s overhead, but they exclude external works and contingency (and therefore these need to be allowed for separately).

4.9. We have checked the latest BCIS figures and consider the ‘default’ rebasing for the Gedling data to be appropriate. The 3 storey supported housing figure supports AK’s suggested rate of £1,633 per sq m as being reasonable.

- 4.10. Please note that changes to Part L of the Building Regulations came into full effect from June 2023. These changes require that CO2 emissions are reduced by 31% for dwellings, with a new emphasis on low carbon heating systems. These are an interim step towards the Future Homes Standard which will come into force from 2025. To reflect these requirements AK have allowed an additional £3,000 per dwelling.
- 4.11. Firstly, we agree that it is necessary to make an additional allowance for these forthcoming changes. The BCIS data is based on contracted schemes (i.e. it is based on actual tendered contract sums submitted to the BCIS by developers / house builders). As this inherently 'looks backwards' it does not (currently) reflect these recent regulations changes. In other words, the costs of the Part L changes are not yet reflected in the BCIS data, so it is necessary to make an additional allowance at the current time when applying the BCIS figures. Secondly, in terms of the level of the Part L allowance, we have received submissions on other cases where in excess of £5,000 per dwelling has been deemed appropriate by developers / house builders, which has largely been based on a study undertaken in 2019. However, we have rejected this level of allowance for a number of reasons, and instead pushed for an allowance of around £3,000 dwelling. In this regard, AK's allowance is broadly in line with our own expectations and is therefore deemed appropriate for the purposes of the viability testing.
- 4.12. The external cost allowance equates to 10% of the BCIS rate (or 9.72% if the Part L changes are also factored into the calculation). By way of evidence, we have reviewed other retirement apartment schemes we have appraised in recent years and identified the external costs put forward / agreed in those assessments. We note the following from the last 2 years:



Local Authority	Date of appraisal	Units	Externals (% of build cost)
Wirral Borough Council	Mar-22	37	8.00%
Wirral Borough Council	Feb-22	38	8.00%
South Kesteven DC	Oct-22	41	10.00%
Oldham Borough Council	Jul-22	51	5.00%
Wakefield District Council	Jul-22	58	7.77%
Peterborough City Council	Jul-23	60	10.00%
West Lancashire Borough Council	Jul-22	67	9.19%
			<b>8.28%</b>

4.13. External costs therefore vary from site to site and will depend on factors such as the length of the access road, the amount of parking provision, landscaping etc. Also, please note, we did not agree to some of these allowances in our review. For example, in the Peterborough case, owing to the limited access road and landscaping we inputted 8% in our modelling.

4.14. We have subsequently revisited the site plans of the attached to see how they compare to the external space proposed at the subject scheme. In the Wirral example of 37 units at 8% there is a similar number of parking spaces, however the access road appears shorter and there is less landscaping. The other 8% example in the Wirral (38 dwellings) has only a short access road and limited landscaping. This is also the case for the Oldham example at 5%. At the West Lancashire example, there is a long access road, but relatively limited landscaping. In the South Kesteven example, the access road is significantly longer than normal.

- 4.15. In terms of the subject site, the access road is fairly average when compared to the other schemes listed above, as is the proportion of car parking spaces. The landscaping is arguably above average when compared to the other schemes. In light of this, we do not consider an 8% allowance is appropriate, as this would not cover the above average landscaping works needed here. However, equally we find 10% too high, as for the only 2 cases identified at 10% one had an extremely long access road and the other was rejected in our review. On balance, we subsequently conclude that a 9% figure is broadly reasonable for the purposes of the modelling.
- 4.16. In terms of contingency, we would stress that this is ultimately a figure which may never be realised by a developer (and there is a line of argument to say that a contingency should not be allowed in viability testing for this reason, as essentially 'risk' is reflected already in developer profit). In other words, this is a cost which may never be drawn upon by the developer in which case this simply becomes an additional profit, potentially at the expense of planning policy requirements. However, and notwithstanding this, it is common practice to apply contingencies to viability modelling (as well as this approach being approved through the viability guidance) therefore we are of the view that it is appropriate to make some allowance for contingency in the appraisal, albeit not overstating this given the pressures on Councils to deliver planning policies. We are subsequently of the view that a figure of 3% reflects a reasonable balance between the need to include some level of contingency but also the Council's need to deliver planning policies. We have applied this to our appraisal.
- 4.17. With regard to abnormal costs, AK have included the following:

Site clearance and demolition	£195,220
Cut & fill - excavation	£77,609
Cut & fill - disposal	£361,025
Retaining wall	£51,250

4.18. This amounts to a total of £685,104 (£462,096 per acre).

4.19. We would stress that we are not Quantity Surveyors and are unable to provide a detailed review of these abnormal costings without third party input (which would have time / cost implications). However, to some degree the impact of abnormal costs can be offset in the land price (at least when determining viability). The Planning Practice Guidance ('PPG') on viability makes it clear that abnormal costs must be factored into the assessment of land value, with the implication being the higher the abnormal costs the greater the downward pressure on land value.

4.20. In practical terms, it is not the case that if abnormal costs go up by £100,000 per acre the land value will always decrease by £100,000 per acre, as the land value still has to be at a sufficient level to incentivise a landowner to release the site for development. For example, if a site has an existing use value as an agricultural field at £10,000 per acre and, after abnormal costs are deducted, a residential scheme can only deliver a land value of £15,000 per acre then this would not represent a sufficient incentive for a landowner to release the site for development. There still has to be some sort of suitable premium above the existing use value. However, it is reasonable that the burden of the higher abnormal costs on a development should not fall solely on the Council through a reduction in their planning policies. The principle that the land value must bear the most significant proportion of any abnormal costs is a sound one.

- 4.21. In short, changes in abnormal costs are of course significant. However, when assessing viability, they should be balanced against land value (which can serve to dampen the effect of abnormal costs on the overall viability outcome).
- 4.22. Having considered these factors, for the purposes of the modelling we have run our appraisal on the basis of abnormal costs of £685,104, albeit on the basis that this is balanced with an appropriate level for the benchmark land value, as per the requirements of the Planning Practice Guidance.

Professional fees

- 4.23. AK's professional fees equate to 8.92% of their combined block costs and externals costs.
- 4.24. By way of evidence, we have again reviewed the other retirement apartment schemes referred to above in para 4.12 and note the following:

Local Authority	Date of appraisal	Units	Prof fees (applied to build)
Wirral Borough Council	Mar-22	37	8.30%
Wirral Borough Council	Feb-22	38	10.00%
South Kesteven DC	Oct-22	41	11.03%
Oldham Borough Council	Jul-22	51	8.02%
Wakefield District Council	Jul-22	58	8.00%
Peterborough City Council	Jul-23	60	9.77%
West Lancashire Borough Council	Jul-22	67	8.08%
			<b>9.03%</b>

- 4.25. Within the context of the above, AK's allowance (which is equivalent to 8.98% of our adjusted costs) is broadly reasonable. We have adopted the same in our appraisal.

### Marketing / legal costs

4.26. AK have allowed 5% of revenue to cover marketing / sales fees, plus legal fees equivalent to around £650 per dwelling.

4.27. Based on other schemes we have appraised, we acknowledge that the marketing cost allowance is typically significantly higher than a non-retirement equivalent scheme (which would usually be 3% or lower dependent on the size of the scheme). However, as a principle, it has been accepted through various planning appeals that the costs associated with selling a retirement apartment are more significant owing to:

- The market is restricted, with typical purchaser's being in excess of 70 and widowed.
- Sales need to include family members, not just purchasers.
- Direct, targeted marketing is required for likely purchasers in the area.
- A sales office and several show apartments have to be maintained throughout the disposal process.
- Development costs are committed and incurred prior to any sale.

4.28. Whilst, in our view, some of the principles outlined above are also true of non-retirement apartments, it is accepted that this has been 'tried and tested' in an appeal setting.

4.29. This is also replicated in the cases discussed above in para 4.12, which show the following:

Local Authority	Date of appraisal	Units	Marketing
Wirral Borough Council	Mar-22	37	5.00%
Wirral Borough Council	Feb-22	38	5.00%
South Kesteven DC	Oct-22	41	5.00%
Oldham Borough Council	Jul-22	51	5.00%
Wakefield District Council	Jul-22	58	5.00%
Peterborough City Council	Jul-23	60	5.00%
West Lancashire Borough Council	Jul-22	67	5.00%

4.30. Within this context, AK's adopted costs are deemed to be reasonable and have been accepted in our report.

4.31. AK have also made an allowance for empty property costs, which is an allowance which has been accepted through appeal decisions and other retirement living schemes. This recognises that when a scheme reaches practical completion not all of the apartments will be sold straight away, however all apartments will attract Council Tax payments, there will be a shortfall in service charge income and also some electricity charges. The overall allowance applied by AK in their appraisal is £279,589.

4.32. To arrive at this Empty Property Cost, AK make the following assumptions:

- Council Tax 1 bed apartment      £167.84 per calendar month.
- Council Tax 2 bed apartment      £188.82 per calendar month.
- Service Charge 1 bed apartment   £212.03 per calendar month.
- Service Charge 2 bed apartment   £317.92 per calendar month.
- 11 units sold at practical completion
- 15 units sold in Months 1 – 12
- 15 units sold in Months 13 – 24
- 10 units sold in Months 25 – 36

4.33. We would comment on their approach as follows:

- We agree with the service charge inputs, the Council Tax allowances and the utilities.
- We also agree with 11 dwellings sold as at completion, which is just over 20%.
- However, for the first 12 months we would expect a high disposal rate, at 2 per calendar month, dropping to 1 per calendar month thereafter.
- In this regard, we note that AK's cash flow does not account for 'whole units' instead it shows decimal units. This is not reflective of reality, as clearly part of a dwelling cannot be sold. For this reason, we propose to apply full unit sales, at 2 per calendar month for the first 12 months and then 1 per calendar month thereafter.

4.34. We have run our own cash flow (see Appendix 1). Adopting our approach this results in a disposal period of 30 months. The model shows an Empty property Cost calculation of £214,921. We have applied this to our appraisal.

#### Finance

4.35. AK have adopted a debit rate of 7% and a credit rate of 1% for finance costs in their assessment. This is considered to be reasonable and has been accepted in our appraisal.

4.36. To calculate the finance costs, we have inputted our appraisal data into ARGUS Developer, which is an industry approved discounted cash flow model.

### Developer's profit

- 4.37. AK consider a developer profit of 20% on revenue to be appropriate for the modelling.
- 4.38. For a scheme of this size and nature we believe it is appropriate to apply a profit margin expressed as a percentage of the revenue.
- 4.39. In our experience profit margins fluctuate depending on the nature of the scheme and the type of developer implementing the project. However, and only as a broad guide, we tend to see profit margins in the region of 15% to 20% of revenue. This range is also referred to in the Planning Practice Guidance on viability.
- 4.40. For other retirement apartment schemes we have appraised (involving McCarthy & Stone and Churchill Retirement Living) the assessor typically argues for a 20% profit, referencing numerous appeal decisions where 20% has been deemed acceptable by the Planning Inspectorate. AK refer to this in their report regarding the subject property.
- 4.41. However, and whilst notwithstanding this, we have reservations as to whether this appropriately reflects the intention of viability testing. The Planning Practice Guidance: Viability indicates that developer profit is a reflection of risk. As risk fluctuates from site to site it should follow that the level of profit should also fluctuate dependent on that level of risk.



- 4.42. According to AK's appraisal, with no planning policies applied and assuming their benchmark land value of £577,500 (see below), the best that the scheme can generate as a return is circa 12.74% on revenue, not 20%. The fact that the applicant is willing / able to still bring this forward suggests that retirement apartment providers are willing to bring forward sites at a level of return below 20%, dependent on the risk associated with each scheme.
- 4.43. To understand this further we have reviewed the other retirement apartment schemes we have been involved with and note a similar trend, whereby the 'target' profit is 20% on revenue, but often the actual profit shown in the appraisal put forward by the retirement apartment operator (once all the planning policies are removed) is lower. It is therefore disingenuous for AK to state that the profit has to be fixed at 20% on revenue in order for the scheme to be delivered, as this is not reflective of reality.
- 4.44. That said, we were previously involved with a Retirement operator scheme in West Bridgford, Nottingham which ultimately went to appeal (ref APP/P3040/W/19/3229412). As part of the appeal submissions made by the appellant, a letter was provided by HSBC which stated that "...it would be highly unlikely that we would fund an individual site on a sub 20% (profit on GDV [Gross Development Value]) basis unless there was a material risk mitigation aspect such as a larger pre-sales dimension". On the basis of this evidence, the Inspector concluded that a 20% developer profit was appropriate to apply to the viability modelling.
- 4.45. We are also aware of 2 recent planning appeal decisions, as follows:
- **17 & 19 Holly Road South, Wilmslow (appeal ref 3317173)**. Appeal decision 11<sup>th</sup> Sept 2023. This relates to a Churchill Living retirement scheme for 34 retirement apartments. Viability was originally a reason for refusal; however the viability position was ultimately agreed prior to the Inquiry. As part of the agreement, a profit equivalent to 20% on revenue was applied to the modelling.

- **35 Oakfield, Sale (appeal ref 3325034)**. Appeal decision 8<sup>th</sup> December 2023. This relates to a McCarthy and Stone retirement scheme for 25 retirement apartments. The appellant suggested a developer profit of 20% on revenue. The Council's advisor suggested 18.5% on revenue. In their decision the Inspector concluded that "I therefore agree with the Appellant that a profit of 20% of gross development value should apply".

4.46. However, this raises a query at the subject scheme. As stated above, AK's own appraisal, once all planning policies are removed and a land value of £577,500 is applied (see below section on Benchmark Land Value), demonstrates that the maximum profit that can be achieved at the subject scheme is under 20% on revenue at 12.74% on revenue. If funders truly require a minimum of 20% profit, as per the HSBC evidence used at the aforementioned appeal, then it follows that either:

- (i) The scheme cannot be delivered as a funder would not lend on this scheme because it does not reach the requisite level of profit, or
- (ii) The appraisals submitted to the funders include different appraisal assumptions, which result in a higher developer profit of at least 20% on revenue.

4.47. Our own professional view is that it is incorrect that developer profit is fixed at 20% on all retirement apartment schemes (which is the view of the applicant). Profit is directly linked to risk, therefore fixing the profit at 20% on revenue ignores the requirements of the guidance for profit to be site specific and also ignores the reality of other schemes being assessed by retirement apartment developers where lower profit margins than 20% are deemed acceptable in certain cases.

- 4.48. However, we do acknowledge that the 20% profit figure has been agreed previously at numerous planning appeal decisions (and as shown above some recent decisions). From our own experience of attending appeals in connection with this type of scheme, we would stress that Planning Inspectors are mindful of this type of precedent.
- 4.49. In light of this, for the purposes of our review, and given the precedents set at appeal, we have applied a 20% on revenue profit margin in our appraisal. However, this is in the context of the benchmark land value discussions below.

#### Benchmark land value

- 4.50. The Benchmark Land Value (“BLV”) attempts to identify the minimum price that a hypothetical landowner would accept in the prevalent market conditions to release the land for development. Whilst a relatively straight forward concept in reality this is open to interpretation and is generally one of the most debated elements of a viability appraisal. It is also often confused with market value, however the guidance stresses that this is a distinct concept and therefore is different to market value assessments.
- 4.51. The standard approach is to run an initial appraisal based on all of the above fixed inputs to arrive at a site value for the site. In accordance with the RICS guidance, this residual site value can then be compared to the “benchmark land value” (which is the minimum price that a hypothetical landowner would accept and a hypothetical developer would pay for the scheme to be delivered). If the residual site value is above this “benchmark” then the scheme is viable. If the residual site value falls below this figure then the scheme is deemed to be unviable.
- 4.52. Viability assessors are provided some guidance through the National Planning Policy Framework (‘NPPF’) and Planning Practice Guidance (‘PPG’), as published on 24<sup>th</sup> July 2018 (and updated in May/September 2019). One area which the PPG deals with is in relation to assessing BLV, stating the following:

- 4.52.1. To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land.
- 4.52.2. The EUV should disregard any hope value.
- 4.52.3. Benchmark land value should reflect the implications of abnormal costs, site specific infrastructure costs and professional site fees.
- 4.52.4. Benchmark land value should be informed by market evidence including current uses, costs and values wherever possible.
- 4.52.5. Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.
- 4.52.6. Under no circumstances will the price paid for land be a relevant justification for failing to accord with the relevant policies in the plan.

- 4.52.7. Alternative Use Value of the land may be informative in establishing benchmark land value. However, these should be limited to those uses which have an existing implementable permission for that use. Valuation based on AUV includes the premium to the landowner. If evidence of AUV is being considered the premium to the landowner must not be double counted.
- 4.53. In other words, the Council should not subsidise (through a loss of planning policy contributions) any overbid made when acquiring the site. Any overbid (or indeed underbid) for a site should therefore be disregarded when considering the BLV. As part of the process of reviewing viability it is down to the assessor to determine whether a price paid is an appropriate figure (or not) to use as a BLV.
- 4.54. To arrive at their benchmark land value, AK refer to the existing use value and look to apply a premium uplift. AK adopt an existing use value of £525,000 (which is informed by a third-party valuation report undertaken by Matthews & Goodman dated 7<sup>th</sup> Oct 2022) and to this apply a 10% uplift to arrive at a benchmark land value of £577,500.
- 4.55. Firstly, we have reviewed AK's adopted existing use value, which as indicated above is based on a valuation undertaken by Matthews & Goodman ("M&G"). M&G's valuation considers 2 scenarios, the first establishing the market value of the site based on development potential, stated as being £580,000, and the other being a special assumption that there is no development potential (i.e. existing use value only) which is given as £525,000. We would comment on their approach as follows:

- To establish the market value, M&G run a residual appraisal based on the residential development potential of the site (which they anticipate would attract the highest value for the site). M&G assume a residential scheme of 14 dwellings. However, we consider their approach to be flawed because the allowances for abnormal works are underplayed. In the viability assessment of the subject scheme (i.e. retirement apartments), AK allow £685,104 for abnormal / site infrastructure costs. This includes site clearance and demolition, cut and fill excavation, cut and fill disposal and retaining walls. We would expect these same costs to apply to a residential development of 14 houses. However, in M&G's residual appraisal they only allow £257,950 for infrastructure costs. There is subsequently a shortfall in the abnormal costs of £427,154. If the correct level of abnormal costs are applied to M&G's model this would result in a residual value of £152,846.
- As for M&G's stated 'existing use value' figure of £525,000 this is based on 4 commercial land sales in Sutton in Ashfield, Chesterfield and Mansfield (showing values at £110,000 per acre, £261,000 per acre, £299,000 per acre and £465,000 per acre). M&G ultimately apply a rate of circa £350,000 per acre to arrive at a figure of £525,000. However, 3 of the 4 sites (bar the £299,000 per acre site in Chesterfield) were cleared sites. At the subject scheme, there is an associated cost of £195,220 for clearing the site. This therefore needs to be deducted from the gross price. In our view, a value of £350,000 per acre is acceptable for the subject site, however the deduction for clearance works needs to be applied. This reduces the figure to (rounded) £330,000. Furthermore, in our view, this is not an 'existing use value' as a planning consent would be required for a commercial development. This is instead an 'alternative use value'. As per the guidance, where this is established there is no requirements for a premium uplift.

4.56. In short, we consider AK's benchmark land value to be overstated. In our view, based on the alternative use value of the property (for a commercial use) we consider a value of £330,000 to be appropriate for the viability modelling.

## 5. Appraisal results and conclusions

5.1. Please see attached our viability appraisal. With a fixed developer profit of 20% on revenue, and nil planning policy contributions, the scheme returns a negative residual land value of (minus) -£102,992. As this is below the benchmark land value of £330,000 the scheme is therefore deemed to be unviable even before any planning policy contributions are factored in.

5.2. For illustrative purposes, this outcome is despite the following adjustments in our appraisal:

Input	AK appraisal	CPV appraisal
Externals	£529,702	£490,502
Contingency	£199,945	£178,216
Empty Property Costs	£279,589	£214,921
Benchmark land value	£577,500	£330,000

5.3. As per the RICS requirements we have also run sensitivity testing, considering the impact that stepped increases and decreases on sales values and construction costs (at 2.5% intervals) would have on the viability outcome:

Sales: Rate /m <sup>2</sup>					
Construction: Rate /m <sup>2</sup>	-5.000%	-2.500%	0.000%	+2.500%	+5.000%
-5.000%	20.00%	20.00%	20.00%	20.00%	20.00%
1,551.35 /m <sup>2</sup>	£172,833	(£519)	(£168,071)	(£335,623)	(£503,176)
-2.500%	20.00%	20.00%	20.00%	20.00%	20.00%
1,592.18 /m <sup>2</sup>	£312,143	£137,859	(£34,186)	(£201,738)	(£369,290)
0.000%	20.00%	20.00%	20.00%	20.00%	20.00%
1,633.00 /m <sup>2</sup>	£452,111	£277,085	£102,992	(£67,853)	(£235,405)
+2.500%	20.00%	20.00%	20.00%	20.00%	20.00%
1,673.83 /m <sup>2</sup>	£592,340	£416,842	£242,028	£68,124	(£101,520)
+5.000%	20.00%	20.00%	20.00%	20.00%	20.00%
1,714.65 /m <sup>2</sup>	£732,959	£556,845	£381,580	£206,970	£33,348

5.4. By way of explanation, if the sales values were increased by 5% and construction costs remained the same the residual land value would increase to £235,405. However, as this is still below the benchmark land value of £330,000 this scenario would remain unviable.

**5.5. In summary, and even with adjustments in our appraisal, we agree with the applicant that the scheme is unable to support any planning policy contributions.**

5.6. Our conclusions remain valid for 6 months beyond the date of this report. If the implementation of the scheme is delayed beyond this time-frame then market conditions may have changed sufficiently for our conclusions on viability to be adjusted. Under this scenario we would strongly recommend the scheme is re-appraised.

Yours sincerely



David Newham MRICS  
Director  
CP Viability Ltd







**Planning Report for 2023/0071**

1:1,250      Planning Reference:      2024/0071  
Eagle Square  
Front Street

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: 15/03/2024

**Report to Planning Committee**

**Application Number:** 2023/0071

**Location:** Eagle Square, Front Street, Arnold

**Proposal:** Temporary planning permission of 12 Market Stalls to continue to trade for a further 12 months (change of use).

**Applicant:** Gedling Borough Council

**Agent:**

**Case Officer:** Calum Smith

**The application is referred to Planning Committee to comply with the Council constitution as the application is submitted by the Council and is on Council land.**

**1.0 Site Description**

1.1 This application relates to 626 square metres of land comprising a public square at the southern end of and within The Arnold Primary Shopping Centre. It is bounded by and serviced from High Street to the west and the pedestrianised Front Street to the east and is adjoined by various commercial units.

**2.0 Relevant Planning History**

2020/1042 - Change of use of Eagle Square to allow for the temporary relocation of 12 market stalls for up to 12 months.

**3.0 Proposed Development**

3.1 Planning permission is sought to change the use of Eagle Square to allow a temporary market use for a further period of up to 12 months to accommodate 12 market stalls. Planning permission had previously been granted for the same in December 2020, but this has since lapsed. Over the next 12 months the Council will undertake a full review of the permanent location of the market within Arnold Town Centre, in consultation with market traders and residents.

3.2 Each stall would have maximum dimensions of 3.6m in length, 1.2m in width and 2.5m in height. 2no. waste bins secured within an enclosure would be provided to the High Street boundary.

- 3.3 Regular market trading days would be Tuesday, Friday and Saturday between 08.00 and 16.00. General trading hours are however proposed as being Monday -Saturday (inclusive) 08.00 – 22.00 and Sundays 08.00-16.00 to allow for other events, retailers or community uses on non-market days.

#### **4.0 Consultations**

Neighbouring properties were consulted and a site notice was placed on 14<sup>th</sup> February 2024. Following three weeks of consultation no written representations have been received.

Nottinghamshire County Council Highways – No objections, subject to a Section 115 license being in 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 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 2023 (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 At the national level the National Planning Policy Framework (NPPF) (December 2023) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sets out the national objectives for delivering sustainable development. Sections 2 (Achieving sustainable development), 4 (Decision making), 6 (Building a strong and competitive economy), 7 (Ensuring the vitality of town centres), 9 (Promoting sustainable transport), and 12 (Achieving well designed places) are particularly relevant.
- 6.3 The Gedling Borough Council Aligned Core Strategy (GBACS) (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:  
Policy A (Presumption in Favour of Development) sets out that a positive approach will be taken when considering development proposals.

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

Policy 6 (Role of Town and Local Centres) identifies Arnold as a town centre within the retail hierarchy. Part 6 sets out the vitality and viability of centres will

be maintained including widening the range of uses. This policy also identifies Arnold Town Centre as in need of enhancement or to be underperforming.

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

Policy 12 (Local Services and Healthy Lifestyles) supports the principle of new facilities located within town centres.

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

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

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 49 (Retail Hierarchy and Town Centre Boundaries) identifies Arnold as a town centre within the retail hierarchy.

LPD50 (Development within town and local centres) identifies the types and use of development that is likely to be acceptable in Local Centres.

LPD53 (Markets) sets out that planning permission will be granted for development proposals that result in the enhancement of existing markets or the creation of new markets within town and local centres subject to a number of criteria, including the design is of a high standard and adequate parking is provided.

LPD 61 (Highway Safety) provides that 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 people.

## **7.0 Planning Considerations**

### The principle of development

- 7.1 The application site falls within Arnold Town Centre and the proposed market stalls are considered to fall within the definition of a main town centre use. Policy LPD 53 (Markets) is relevant to the determination of this application and identifies that permission will be granted for proposals that result in an enhancement of existing markets subject to a number of criteria, notably that the proposal is of a high standard of design, will not result in the loss of buildings or open space that contribute to the character of the area, the amenity of nearby residents or occupiers is not comprised and that adequate parking provision is provided. These matters are considered later in this report.

- 7.2 The proposed temporary change of use of Eagle Square would provide an alternative site for the relocation of existing stalls whilst the Council undertakes a full review of the most suitable future location within Arnold Town Centre. A further temporary permission would provide an opportunity for the continued operation of a market and other community or retail events to take place particularly given the proposed flexible hours of operation. This would enhance the retail and community experience and the vitality and viability of Arnold Town Centre. Taking the above into account it is considered that the principle of the proposal is acceptable and is therefore in accordance with Sections 6, 7 and 12 of the NPPF (December 2023), Policies 6, 10 and 12 of the GBACS (2014), and Policies LPD 49, LPD 50 and LPD 53 of the LPD (2018).

#### Impact on Public Open Space

- 7.3 Although the proposal would result in a further temporary change of use of Eagle Square, the plans submitted with the application indicate that the existing public seating areas will be retained and made available at all times. It is therefore considered that the proposal would be ancillary to the existing use of the public square and would not impact on but would enhance how the area is currently used together with enhancing the current shopping experience within the Town Centre. It is therefore considered that the proposal accords with Policy 35 of the Aligned Core Strategy (2014).

#### Impact on Visual Amenity

- 7.4 The proposed further temporary relocation of stalls would not detract from the visual amenity of Eagle Square. The stalls would not be fixed into the ground. Additionally, existing trees and seating areas would be retained and the proposed stalls are of acceptable scale, design and of a traditional market stall appearance which will sit well within the character and appearance of Eagle Square and the wider Town Centre context.
- 7.5 Taking into account the above it is considered that the proposal would provide an attractive form which would not detract from the visual amenity of this public realm or the Town Centre setting in accordance with Section 12 of the NPPF (December 2023) and Policy 10 of the GBACS (2014) and Policy LPD 53 of the LPD (2018).

#### Impact on amenity

- 7.6 Given the Town Centre location of the proposal it is not considered that it result in any undue impact on the amenity of nearby properties.
- 7.7 Taking into account the nature of the proposal it is therefore considered that the proposal would accord with Section 12 of the NPPF (2019), and Policies LPD 32 and LPD 53 of LPD (2018).

#### Highway Matters

- 7.9 Given the location of the site within the Town Centre, having good public transport links which will allow visitors to access the market in a sustainable way and that there are a number of public car parks in the vicinity I am also

satisfied that the proposal would not result in any undue parking or highway impacts. Taking the above into account it is considered that the proposal would have adequate access and parking facilities and would not have an unacceptable adverse impact on highway safety and is deemed to be in accordance with Section 9 of the NPPF (2019), Policies LPD 53 and LPD 61 of the LPD (2018).

#### Other matters

#### Waste disposal

- 7.10 The latest site layout plan shows the location of 2 no. 1100litre waste bins set behind a secure enclosure adjacent to the boundary of the site with High Street. It has previously been confirmed by the applicant that these would be emptied twice weekly or as necessary. It is considered that this waste strategy is acceptable.

#### Community Safety

- 7.11 Although no formal security for the site would be provided, the activity and use of Eagle Square together with the prominent location of the stalls would provide a level of natural surveillance. Furthermore the site is well lit and surveillance is also provided by the Town Centre CCTV cameras. This would assist in discouraging anti-social behaviour.

### **8.0 Conclusion**

- 8.1 The principle of the development is supported in that it will result in retention of a market facility in Arnold Town Centre whilst a full review is undertaken. The proposals will enhance the character of the area as well as enhance the vitality and viability of Arnold Primary and Secondary Shopping Area. Furthermore, the application would not be detrimental to residential amenity or highway safety. The application is, therefore, deemed to comply with policies A, 2, 6, 10 and 10 of the Aligned Core Strategy (2014); policies 32, 35, 49, 50, 53, and 61 of the Local Planning Document (2018) and guidance within the National Planning Policy Framework (notably chapters 2, 4, 6, 7, 9, and 12).

**Recommendation: Grant full Planning Permission subject to the conditions listed for the reasons set out in the report.**

### **Conditions**

- 1 This permission shall be for a period of 12 months only from the date of this permission, at the expiration of which time the market stalls and any ancillary structures shall be removed.
- 2 The development hereby permitted shall be completed in accordance with the following plans, received by the Local Planning Authority on 31 January 2024:

2020\_1042-BLOCK\_PLAN-916940

## **Reasons**

- 1 To allow for the retention of a market facility within Arnold Town centre during the redevelopment of Arnold Market place and in the interests of the viability and vitality of the Town Centre.
- 2 For the avoidance of doubt.

## **Reasons for Decision**

The principle of the development is supported in that it will result in retention of a market facility in Arnold Town Centre whilst the Arnold Market redevelopment scheme is under construction and as such it will enhance the character of the area as well as enhance the vitality and viability of Arnold Primary and Secondary Shopping Area. Furthermore, the application would not be detrimental to residential amenity or highway safety. The application is, therefore, deemed to comply with policies A, 2, 6, 10 and 10 of the Aligned Core Strategy (2014); policies 32, 35, 49, 50, 53, and 61 of the Local Planning Document (2018) and guidance within the National Planning Policy Framework (notably chapters 2, 4, 6, 7, 9, and 12).

## **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 was no problems for which the Local Planning Authority had to seek a solution in relation to this application.

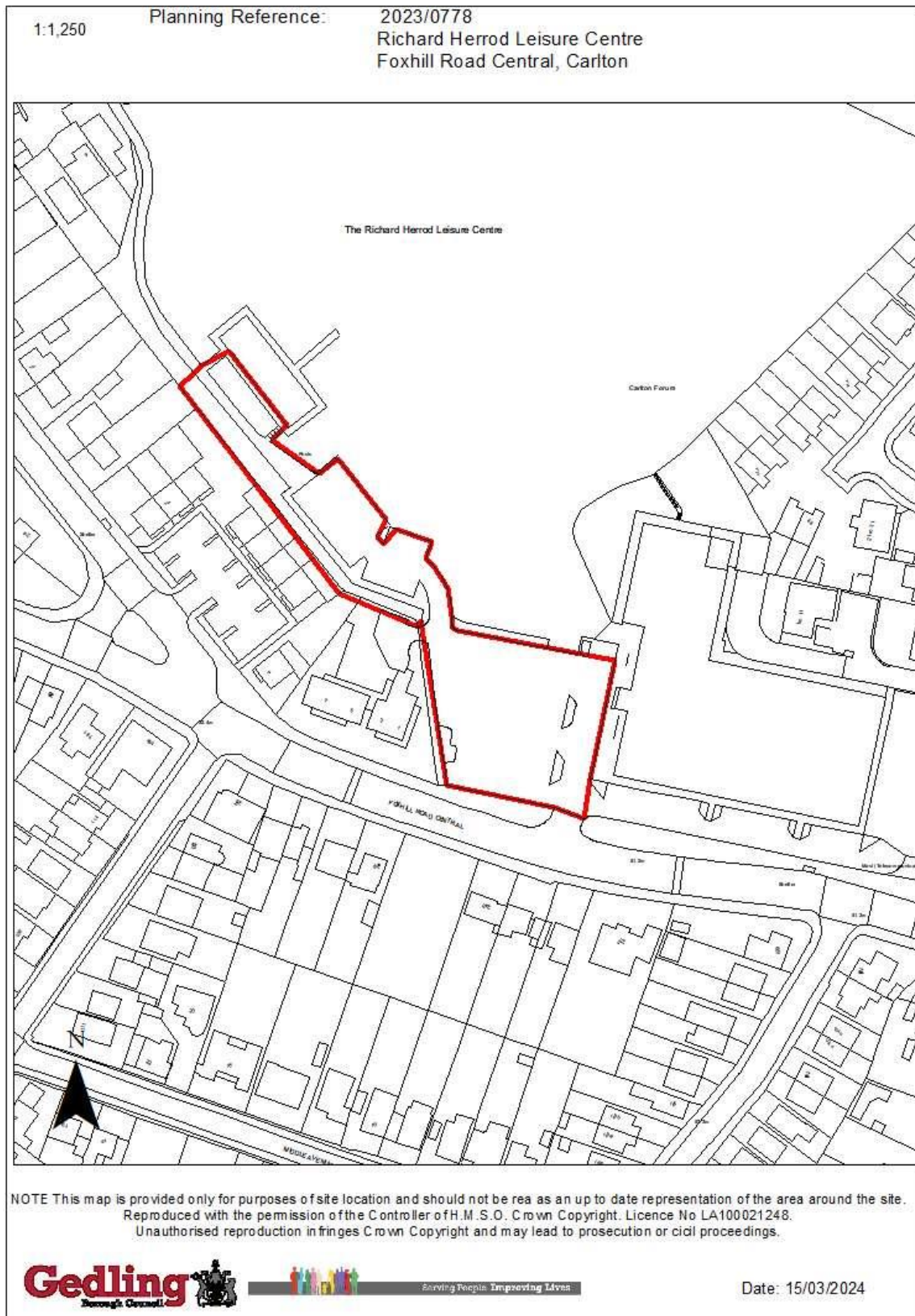
Additionally, your attention is drawn to the following: -Sufficient electric supply should be provided for the stalls. The trees in the area and the in situ seating area should be protected when installing the market stalls to prevent damage. Access must be allowed from High Street into the precinct for shop deliveries, emergency vehicles and disable blue badge holders. As a public right of way it should not be blocked - unless an alternative route is arranged with Nottinghamshire County Council highways. The flood relief water storage tank under the Eagles Square shall remain accessible at all times. The applicant is advised that all planning permissions granted on or 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 given that there is no net additional increase of floorspace as a result of the development.

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Planning Report for 2023/0778



**Report to Planning Committee**

<b>Application Number:</b>	<b>2023/0778</b>
<b>Location:</b>	<b>Richard Herrod Leisure Centre, Foxhill Road Central, Carlton</b>
<b>Proposal:</b>	<b>New storage container associated with Gedling Southbank FC together with associated ground work in respect of site levels.</b>
<b>Applicant:</b>	<b>Gedling Southbank FC</b>
<b>Agent:</b>	
<b>Case Officer:</b>	<b>Joe Davies</b>

**This application has been referred to the Planning Committee as part of the application site is land owned by Gedling Borough Council.**

**1.0 Site Description**

1.1 The site comprises an existing playing field next to Richard Herrod Leisure Centre in Carlton. There is already a large changing facility and storage building at the site, that was granted planning permission in the mid 2000s under the reference 2005/0721. To the north and east of the site is the playing field, to the west of the site are dwellings on Valley Road and to the south is the leisure centre and car park.

**2.0 Relevant Planning History**

- 2005/0721 - Erect brick built single storey changing accommodation and club room – Conditional permission (08.09.2005)

**3.0 Proposed Development**

3.1 The application seeks permission for the siting of a storage container at the site adjacent to the existing building. Initially the storage container was proposed to be sited to the west of the existing building, on the opposite side of a public footpath. However, it was considered that this would have an adverse impact on neighbours and visual amenity and the container has therefore now been moved closer to the existing building.

3.2 The container would have a length of 6.1 metres and a width of 2.4 metres and would be of a steel construction, typical of a shipping container.

**4.0 Consultations**

- 4.1 Nottinghamshire County Council - Local Highway Authority – No objection
- 4.2 Neighbours were consulted on the application and a site notice was placed outside the site. No comments were received.

## **5.0 Assessment of Planning Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2021 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

### **Development Plan Policies**

The following policies are relevant to the application:

#### **5.3 National Planning Policy Framework 2023**

Sets out the national objectives for delivering sustainable development. Sections 2 (Achieving sustainable development), 4 (Decision making), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), and 12 (Achieving well designed places) are particularly relevant.

#### **5.4 Greater Nottingham Aligned Core Strategy Part 1 Local Plan**

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

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

#### **5.5 Local Planning Document (Part 2 Local Plan)**

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

- LPD 32 – Amenity;
- LPD 35 – Safe, accessible and inclusive development;
- LPD 57 – Parking Standards; and
- LPD 61 – Highway safety.

## **6.0 Planning Considerations**

### **Principle of the development**

- 6.1 The proposal is for a storage container at an existing playing field. There are no overriding policy restrictions in the location where the storage container is proposed to be sited. As a result, the key considerations for the application are considered to be the impacts on the character of the area, residential amenity and highway safety. Overall, the principle of the proposed development is supported, subject to consideration of the aforementioned planning considerations.

#### Impact upon visual amenity

- 6.2 In terms of the impact on visual amenity, whilst the storage container would have little aesthetic merit, given that it has been re-sited to be closer to the existing changing facility it is considered that it would be seen in the context of that building and have no adverse impact on the character of the area. Furthermore, it is not uncommon to see such facilities at recreation sites for additional storage e.g. corner flags, next etc. The siting of the structure is, therefore, considered to be acceptable, not detrimental to the character of the area, and would comply with policies LPD 32 and LPD 35.

#### Impact upon residential amenity

- 6.3 The proposed development would now be sited away from any neighbouring properties so that there would be no significant impact in relation to loss of light or over-dominance and there would be no windows that would lead to overlooking. Furthermore, given the existing use of the site, it is considered that the siting of the storage container, would also have no significant impact in relation to noise and disturbance. The impact of the proposed development on neighbour amenity is therefore considered to be acceptable and in accordance with Policy LPD 32.

#### Highway matters

- 6.4 The proposed container would be sited far away from the public highway that there would be no impact on access or visibility. Furthermore, The Local Highway Authority have also confirmed that they have no objections to the proposed development and the proposal would also not result in the removal of any parking spaces or increase in demand for parking spaces. The impact on highway safety and parking provision is, therefore, considered to be acceptable and would be in accordance with Policies LPD 57 and LPD 61.

#### **Conclusion**

- 6.5 The proposed development would be acceptable in principle and would have no adverse impact on the character of the area, residential amenity or highway safety.
- 6.6 The proposed development is therefore considered to be in accordance with guidance contained in the NPPF (2023) policies A and ASC10 of the Aligned Core Strategy and LPD32, LPD35, LPD57 and LPD61 of the Local Planning Document.

**RECOMMENDATION: Grant planning permission subject to conditions:  
Conditions**

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall undertaken in accordance with the application form and the following drawings:- Steel Storage Container Adjacent Sports Pavillion Richard Herrod Leisure Centre Foxhill Road Scale 1:50 (Elevations); and- Site Location Plan (Amended and received 25th January 2024).

**Reasons**

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

**Notes to Applicant**

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

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.gedling.gov.uk](http://www.gedling.gov.uk). The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres

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## Report to Planning Committee

**Application Number:** 2023/0426

**Appeal Ref:** APP/N3020/W/23/3327141

**Site Address:** 90 Somersby Road, Woodthorpe

**Application description:** 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.

**Case Officer:** Joe Mitson

The appeal was dismissed with the Inspector identifying the key issues being the character and appearance of the host dwelling and the wider area and the living conditions of residents of the neighbouring flats at Nordean Court.

The Inspector noted the proposal would involve increasing the ridge height of the existing roof by 0.46 metres and constructing a pitched roof of the same height over the existing flat roofed two storey extension; this would have a greater mass than many of the other two storey dwellings nearby. However, dwellings in the area have slightly different heights and the increased ridge height would be seen adjacent to the adjacent three storey block of flats. As a result, the Inspector concluded the proposed increase in height of the ridgeline would not in appear an overly dominant extension.

However, he considered the proposed rear dormers would substantially alter the appearance of the dwelling, occupying most of the rear roof and adding substantial bulk. The result would be a dominant and top-heavy structure detracting from the scale and proportions of the host dwelling. Although to the rear the harm would outweigh the limited visibility from the public domain and would be a discordant feature.

As such, the design, scale and mass of the proposed rear dormers would harm the character and appearance of the host dwelling and the wider area.

In terms of residential amenity, the Inspector noted there is already a limited separation distance between the side of the existing extension of the dwelling and the ground and first floor windows in the side elevation of Nordean Court. The proposed additional height and bulk would result in an increased sense of enclosure that would unduly dominate the outlook from these windows. The proposals would also have an overbearing effect on outlook from this neighbouring second-floor window.

The Inspector concluded that the proposal would not harm living conditions of residents of the Nordean Court flats with regard to sunlight but would significantly harm the living conditions for residents of these properties with regard to outlook.

As a result, the appeal has been dismissed.

**Recommendation:** To note the information.

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## ACTION SHEET PLANNING DELEGATION PANEL - 16th February 2024

2023/0923

5 Southdale Drive, Carlton

Construct 2 storey front and side extension, 2 storey and single storey rear extension, two and single storey front extension, and construct annexe to rear of property

The proposed extension would introduce an unacceptable would be harmful by reason of size, scale, massing, design and siting and by reason of size, scale, siting, design and massing, would have an overbearing impact on neighbouring occupiers.

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

**Decision: To refuse permission.**

2023/0908

19B Maidens Dale, Arnold

First floor living space above existing double garage

**Withdrawn from the agenda.**

**Decision: Withdrawn**

2023/0605

Ernehale Lodge Nursing Home, 82A Furlong Street, Arnold

Change of use from care home (Class C2) to 29 bedroom house in multiple occupation (Sui Generis), together with changes to windows and doors

Having considered the delegated report together with additional information recently submitted detail how the premises would be managed, it was considered that the proposals would unduly impact the amenity of neighbouring properties intensification of the residential use and as such the proposals are therefore contrary to the NPPF the development plan.

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

**Decision: To refuse permission**

2023/0760  
54 Buxton Avenue, Carlton  
Two storey dwelling with off street parking

The proposals would give rise to an unacceptable level of amenity for future occupiers and would not provide an adequate supply of off-street parking provision, giving rising to an unacceptable level of highway safety contrary to the NPPF and development plan.

**Decision: To refuse permission**

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

Video Conference Call Meeting

Cllr Roy Allan  
Cllr Stuart Bestwick  
Cllr David Ellis  
Cllr Ruth Strong  
Cllr Ron McCrossen

Craig Miles – Principal Planning Officer

**16th February 2024**

## **ACTION SHEET PLANNING DELEGATION PANEL - 23rd February 2024**

2021/0964

The Old Forge, Newstead Abbey Park, Station Avenue, Newstead  
Listed Building Consent for the conversion of the garage into wheelchair accessible living and sleeping space with glass link to connect to the main property

The proposed development would have a detrimental impact on the character of the character of the host Listed Building.

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

**Decision: To refuse consent**

2022/0428

The Old Forge, Newstead Abbey Park, Station Avenue, Newstead  
Converting the garage into wheelchair accessible living and sleeping space with glass link to connect to the main property

The proposed development would result in an extension that would be disproportionate to the original dwelling, detrimentally affecting the openness of the Green Belt.

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

**Decision: To refuse permission**

2023/0817

17B Newton Road, Gedling, Nottinghamshire  
Raise roof of property and front extension

The proposed development would have a detrimental impact on the character of the area given the design and scale of the proposed roof alteration.

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

**Decision: To refuse permission**

2023/0824

The Headlands, Church Lane, Linby

Single-story rear extension and loft conversion with rear dormer

The proposed development would result in an extension that would be disproportionate to the original dwelling, detrimentally affecting the openness of the Green Belt.

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

**Decision: To refuse permission**

2023/0829

206 Porchester Road, Mapperley, Nottinghamshire

Single storey rear extension with double storey side and loft 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: To grant permission**

2023/0883

Land At Third Avenue, Carlton

2 bedroom chalet bungalow - outline application all matters reserved

The proposed development would have a detrimental impact on the character of the area and residential amenity given the tight nature of the plot, which is not considered large enough to accommodate a dwelling.

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

**Decision: To refuse permission**

2023/0897

225 Mansfield Road, Arnold, Nottinghamshire

Erection of car port to the front of the property including solar panels on the roofslope

The proposed development would have a detrimental impact on the character of the area given the design and prominent location of the car port forward of the principal elevation.

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

**Decision: To refuse permission**

2023/0901  
30 Arnot Hill Road, Arnold, Nottinghamshire  
Two storey side 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: To grant permission**

2024/0013  
14 Norman Road, Carlton, Nottinghamshire  
Single-storey side/rear extension and conversion of existing cellar into habitable space (amendment to permission 2023/0738 to add window to ground floor 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: To grant permission**

**23rd February 2024**

Video Conference Call Meeting

Cllr Roy Allan  
Cllr David Ellis  
Cllr Lynda Pearson  
Cllr Ruth Strong  
Cllr Ron McCrossen

Nigel Bryan – Development Manager  
Craig Miles – Principal Planning Officer

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## **ACTION SHEET PLANNING DELEGATION PANEL - 1st March 2024**

2023/0886

12 Lilleker Rise, Redhill, Nottinghamshire

Two storey side extension and single storey rear extension to 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: To grant permission**

2023/0929

155 Main Road, Ravenshead, Nottinghamshire

Proposed single storey 'garden room' rear extension. Proposed extension to be finished in render.

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

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

**Decision: To grant permission**

### **1st March 2024**

Video Conference Call Meeting

Cllr Roy Allan

Cllr David Ellis

Cllr Lynda Pearson

Cllr Ruth Strong

Cllr Stuart Bestwick

Nigel Bryan – Development Manager

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## **ACTION SHEET PLANNING DELEGATION PANEL - 8th March 2024**

2021/0035

Beanford Farm, Beanford Lane, Calverton

Conversion and extension of an existing building to create 2 No. dwellings and associated infrastructure.

The proposed development would respect the character of the area and non-designated heritage asset, nor would it have a detrimental impact on residential amenity, highway safety or the openness of the Green Belt.

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

**Decision: To grant permission**

2022/1020

Arnold Fire Station, Jubilee Road, Daybrook

Demolish an existing brick built fuel store and replace it with a metal banded above ground fuel tank. To ensure compliant below ground drainage system a new combined fuel and soil separator will be installed.

The proposed development would respect the character of the area, residential amenity, highway safety and would not impact on flood risk.

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

**Decision: To grant permission**

2023/0702

Glebe Farm, Glebe Drive, Burton Joyce

Replacement Farmhouse and erection of dwelling.

The proposed development would respect the character of the area, residential amenity and highway safety. It is also considered that the impact on openness of the Green Belt would be acceptable having regard to the layout, scale and form of development; and wider changing character of the area.

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

**Decision: To grant permission**

2023/0881

Loreto Cottage, Mapperley Plains, Lambley

Erection of new service core and circulation area for existing residential care home

The proposed development would result in the continued use of the building, providing disabled access and only have a minimal impact on the openness of the Green Belt.

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

**Decision: To grant permission**

2023/0885

22 Forest Lane, Papplewick, Nottinghamshire

Single storey rear extension

The proposed development would respect the character of the area, residential amenity and highway safety; nor would the proposal have a detrimental impact on the openness of the Green Belt.

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

**Decision: To grant permission**

2024/0022

11 Douglas Crescent, Carlton, Nottinghamshire

Two storey side extension and roof alterations, including insertion of a dormer

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: To grant permission**

2024/0030  
56 Thetford Close, Arnold, Nottinghamshire  
Erection of 2 bedroom semi-detached property

The proposed development would, through its scale and siting, be detrimental to the character of the area.

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

**Decision: To refuse permission**

2024/0062  
14 Jenned Road, Arnold, Nottinghamshire  
Single storey rear extension. Loft conversion with dormer to rear and side.

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: To grant permission**

**8th March 2024**

Video Conference Call Meeting

Cllr Roy Allan  
Cllr David Ellis  
Cllr Lynda Pearson  
Cllr Stuart Bestwick  
Cllr Ron McCrossen

Nigel Bryan – Development Manager  
Claire Turton – Principal Planning Officer

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## **ACTION SHEET PLANNING DELEGATION PANEL 15th March 2024**

2023/0927

Coppice Farm Stables Mapperley Plains Arnold

Reserved matters approval (scale, layout, appearance and landscaping) for the erection of 3 dwellings, pursuant to outline permission 2022/0426

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: To grant reserved matters**

2024/0045

25 Quarry Road Ravenshead Nottinghamshire

Proposed single storey rear extension and first floor side extension over existing garage

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: To grant permission**

**15th March 2024**

Video Conference Call Meeting

Cllr Roy Allan

Cllr David Ellis

Cllr Lynda Pearson

Cllr Stuart Bestwick

Cllr Ron McCrossen

Cllr Ruth Strong

Claire Turton – Principal Planning Officer

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## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 15/02/2024

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

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

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2019/1080	Land At Broad Close Woodborough	Outline application for 11no. residential properties	TBC
2023/0083	Land Off Longdale Lane, Ravenshead	Erection of 33 dwellings, including open space, landscaping and associated infrastructure	TBC
2023/0872	Land At Top Wighay Farm Wighay Road Linby	Reserved Matters Application (including scale, layout, appearance and landscaping) for the erection of 763 dwellings, including details of Public Open Space, Community Hub/ Multi Use Games Area and Allotments, bell mouth entrances and associated infrastructure pursuant to outline permission Ref: 2020/0050.	TBC
2023/0830	Land East Killisick Lane Arnold	Erection of 45 dwellings, including associated infrastructure, landscaping and open space	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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