

# Agenda

## Planning Committee

Date: **Thursday 26 September 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)

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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 Julie Najuk  
Councillor Lynda Pearson  
Councillor Catherine Pope  
Councillor Grahame Pope  
Councillor Sam Smith  
Councillor Ruth Strong  
Councillor Clive Towsey-Hinton  
Councillor Jane Walker  
Councillor Henry Wheeler  
Councillor Russell Whiting

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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**

**Page**

1. **Apologies for Absence and Substitutions.**
2. **To approve, as a correct record, the minutes of the meeting held on 24 July 2024.** 5 - 23  
**Planning Committee Protocol.**
3. **Declaration of Interests**
4. **Application no. 2024/0381 - Ernehale Lodge Nursing Home, 82A Furlong Street, Arnold** 29 - 87
5. **Application no. 2023/0926 - Land Rear of Coppice Farmhouse, Mapperley Plains, Arnold** 89 - 117
6. **Application no. 2023/0872 - Top Wighay Farm, Linby** 119 - 147
7. **Application no. 2024/0560 - 10 Wadham Road, Woodthorpe** 149 - 154
8. **Appeal Decision Ref: APP/N3020/D/24/3343663 - 225 Mansfield Road, Arnold** 155
9. **Appeal Decision Ref: APP/N3020/W/23/3331584 - 6 Winston Close, Mapperley** 157 - 158
10. **Appeal Decision Ref: APP/N3020/W/24/3339028 - Ravenshead Farm Shop, 131 Main Road, Ravenshead** 159
11. **Future Planning Applications** 161
12. **Planning Delegation Panel Action Sheets** 163 - 178
13. **Any other items which the Chair considers urgent.**

## **MINUTES PLANNING COMMITTEE**

**Wednesday 24 July 2024**

Councillor Roy Allan (Chair)

In Attendance:      Councillor Paul Wilkinson              Councillor Catherine Pope  
                            Councillor Sandra Barnes              Councillor Grahame Pope  
                            Councillor Stuart Bestwick              Councillor Martin Smith  
                            Councillor David Ellis                  Councillor Sam Smith  
                            Councillor Andrew Ellwood              Councillor Ruth Strong  
                            Councillor Helen Greensmith              Councillor Henry Wheeler  
                            Councillor Julie Najuk                  Councillor Russell Whiting  
                            Councillor Lynda Pearson

Absent:                  Councillor Jane Walker

Officers in              C Goodall, M Avery, N Bryan, N Osei, H Stylianou  
Attendance:              and L Widdowson

### **13              APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Walker. Councillor Martin Smith attended as substitute.

### **14              TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 5 JUNE 2024**

#### **RESOLVED:**

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

### **15              DECLARATION OF INTERESTS**

The Chair declared a non-pecuniary interest in item 5 on the agenda, as he had a professional relationship with the developer. The Chair confirmed that he would withdraw from the meeting and asked Councillor Wilkinson as Vice Chair to assume the Chair for that item.

Councillor Martin Smith declared a non-pecuniary interest in item 5 on the agenda, as he was the Chair of Ravenshead Parish Council and the report stated that Section 106 monies could be transferred to the parish council in due course.

**APPLICATION NO. 2024/0094 - TOTAL SITE, ROAD NO 3, COLWICK**

The erection of industrial and warehouse units (Use Classes E(g)(iii), B2 and B8) together with access and servicing arrangements, parking, landscaping, boundary fencing and associated works.

George Dickens of Chancery Gate, the applicant, spoke in support of the application.

The Development Manager informed members of a proposed amendment to condition 7 of the report, in relation to the relocation of the bus stop and in terms of its timing, as follows:

*“The proposed industrial units shall not be brought into use until an application has been submitted to Nottinghamshire County for bus-stop GEO336 to be re-located, as shown on drawing 21068-602 P05”.*

He then went on to introduce the report.

Members resolved to add an additional condition in respect of security for the site when it was not in operation, through the submission and approval of a site management plan. Therefore, it was agreed that based on Members’ comments, the Development Manager would provide the wording for an additional condition 19 and the associated reason.

**RESOLVED:**

To GRANT PLANNING PERMISSION: subject to the following conditions:

**Conditions**

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be completed in accordance with the following drawings:
  - Unit 19 Site Access Junction Visibility - J32-5783-PS-103
  - Revision B;
  - Internal Vehicle Tracking 16.5M Max Legal - J32-5783-PS-113;
  - Road No.1 Site Access Junction Visibility - J32-5783-PS-101 - Revision B;
  - Planning Layout - North - 853.19.08 Revision A;
  - Planting Layout - South - 853.29.09 Revision A;
  - Proposed Site Plan - 21068-302 P-05;
  - Unit 19 - Proposed Elevations - 21068-0721 P-03;

- Units 1-6 - Proposed Elevations - 21068-0321 P-03;
- Units 7-11 - Proposed Elevations - 21068-0421 P-03;
- Units 12-15 - Proposed Elevations - 21068-0521 P-03;
- Units 16-18 - Proposed Elevations - 21068-0621 P-03;
- Units 1-6 - Proposed Floor Plans - 21068-0310 P-03;
- Proposed Cycle Storage - 21068-305 P-01;
- Unit 19 - Proposed Roof Plan - 21068-0711 P-03;
- Units 16-18 - Proposed Roof Plan - 21068-0611 P-03;
- Unit 19 - Proposed Sections - 21068-0731 P-03;
- Location Plan - 21068-0300 P-01;
- Units 7-11 - Proposed Floor Plans - 21068-0410 P-03;
- Units 12-15 - Proposed Floor Plans - 21068-0510 P-03;
- Units 16-18 - Proposed Floor Plans - 21068-0610 P-03;
- Unit 19 - Proposed Floor Plan - 21068-0710 P-03;
- Units 1-6 - Proposed Roof Plan - 21068-0311 P-03;
- Units 7-11 - Proposed Roof Plan - 21068-0411 P-03;
- Units 12-15 - Proposed Roof Plan - 21068-0511 P-03;
- Units 1-6 - Proposed GA Sections - 21068-0331 P-03;
- Units 7-11 - Proposed GA Sections - 21068-0431 P-03;
- Units 12-15 - Proposed Sections - 21068-0531 P-03;
- Units 16-18 - Proposed Sections - 21068-0631 P-03; and
- Proposed Site Sections - 21068-900 P-00.

- 3 The proposed industrial units shall not be brought into use until the parking/turning/servicing areas as shown on drawing 21068-302 P05 have been provided. The parking/turning/servicing areas shall be maintained in accordance with the approved details and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.
- 4 The proposed industrial units shall not be brought into use until the vehicular access points as shown on drawing 21068-302 P05 have been provided to the satisfaction of the Highway Authority.
- 5 The proposed industrial units shall not be brought into use until the redundant vehicular crossing serving the site on Road No.1 has been permanently closed and reinstated to verge/footway to the satisfaction of the Highway Authority.
- 6 The proposed industrial units shall not be brought into use until the site access arrangements have been constructed with provision to prevent the discharge of surface water from the access points to the public highway. The provision to prevent the discharge of surface water from the access points shall be retained for the lifetime of the development.
- 7 The proposed industrial units shall not be brought into use until bus-stop GEO336 as shown on drawing 21068-602 P05 has been provided.

- 8 The development shall be carried out in accordance with the submitted flood risk assessment (ref 21-034-CHA Road No.3, Colwick, dated 21st December 2023) and the following mitigation measures it details:
- Finished floor levels shall be set no lower than 20.95 metres above Ordnance Datum (AOD)
  - The proposed units shall be made to be floodable
  - There shall be a safe refuge on site and a safe access route (as per drawing document SK010-Proposed Safe Refuge Routes)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 9 Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.
- 11 Piling or any other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
- 12 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
- 13 Prior to the occupation of building(s) hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority as to the position within the development of a minimum of twenty three (23) Electric Vehicle Recharging Points



(active); with infrastructure installed for Units 1-17 to benefit each from an extra point in future years (passive). The Electric Vehicle Recharging Points shall be in a prominent position on the site and shall be for the exclusive use of zero emission vehicles. The Electric Vehicle Recharging Points shall be installed prior to occupation of any part of the development and shall be thereafter maintained in the location as approved for the lifetime of the development. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of car park users.

- 14 The development hereby permitted shall be undertaken in strict accordance with the protection measures set out in the submitted Arboricultural Implications Report dated January 2024.
- 15 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy 21-034- CHA Road No.3, Colwick, 21st December 2023, I and L Consulting Ltd., 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.

- 16 The development shall be carried out in accordance with the Local Labour Agreement dated January 2024; received by the Local Planning Authority on 9 February 2024.
- 17 The landscaping scheme as approved (including the trees to be planted on the public highway) shall be carried out in the first planting season following completion of the development. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.
- 18 The development hereby approved shall be carried out using materials as set out in the submitted materials schedule.
19. Prior to the occupation of buildings hereby permitted a 'site management plan' identifying means of security for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved site management plan shall be adhered to.

## Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interest of highway safety in accordance with Policy LPD 61 of the Gedling Local Planning Document 2018.
- 4 In the interest of highway safety in accordance with Policy LPD 61 of the Gedling Local Planning Document 2018.
- 5 In the interest of highway safety in accordance with Policy LPD 61 of the Gedling Local Planning Document 2018.
- 6 In the interest of highway safety in accordance with Policy LPD 61 of the Gedling Local Planning Document 2018.
- 7 To promote sustainable travel.

- 8 To reduce the risk of flooding to the proposed development and future occupants.
- 9 To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the NPPF.
- 10 To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 180 of the NPPF.
- 11 Piling can result in risks to water resources from, for example, mobilising contamination, drilling through different aquifers, and creating preferential pathways. Thus it should be demonstrated that any of these activities will not harm water resources in line with paragraph 180 of the NPPF. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".
- 12 To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 180 of the NPPF.
- 13 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.
- 14 To ensure that there is no unacceptable adverse impact on trees as a result of the development hereby permitted.
- 15 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.
- 16 To enable local people to benefit from the development in accordance with LPD 48 of the Gedling Part 2 Local Plan (2018).

- 17 To ensure that the character of the area is respected and to comply with policies LPD18 and LPD19.
- 18 In the interests of visual amenity and in accordance with Policy 10 of the Aligned Core Strategy and Policy 43 of the Gedling Local Planning Document 2018.
- 19 To ensure the site is secure and does not encourage anti-social behaviour and to comply with guidance within the NPPF.

**Reasons for Decision**

The application site is within an established industrial estate and will enhance employment use on offer. The built form would respect the character of the area and amenity of adjacent users. Highway safety would be respected and parking provision is considered to be acceptable. Subject to conditions the development would be acceptable in respect of flood risk and contamination. The application is, therefore, deemed to comply with policies 1, 4 and 10 of the Aligned Core Strategy; policies LPD 3, LPD 4, LPD 7, LPD 11, LPD 32, LPD 44, LPD 48, LPD 57 and LPD 61 of the Local Planning Document and guidance within the NPPF.

**Notes to Applicant**

The development makes it necessary to construct/reinstate a vehicular crossing over a verge/footway of the public highway and provide public transport infrastructure. These works will take place on land that is subject to the provisions of the Highways Act 1980 (as amended) and is therefore land over which you have no control. Please contact [licences@viaem.co.uk](mailto:licences@viaem.co.uk) to ensure the necessary licences are in place and that payment has been made to compensate for the loss of the Highway Trees prior to works commencing.

We recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

Adequacy of rescue or evacuation arrangements

Details and adequacy of an emergency plan.

Provision of and adequacy of a temporary refuge.

Details and adequacy of flood proofing and other building level resistance and resilience measures. We strongly recommend that the LPA ensures that the resilience measures proposed are adequate in protecting the units to at least 300mm above the breach height of 22.28mAOD.

Details and calculations relating to the structural stability of buildings during a flood

Whether insurance can be gained or not

Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

In making our response, we have considered the risks posed to controlled waters.

The Local Authority's Environmental Health Officer must be contacted with regards to other risks, such as those posed to human health. This is particularly relevant given that the risk assessment reports were written with different planning proposals in mind.

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 not payable on the development hereby approved as the development type proposed is zero rated in this location.

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

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 regular discussions took place with the applicant to address any issues that occurred.

**17 APPLICATION NO. 2014/0273 - LAND AT CORNER OF LONGDALE LANE AND KIGHILL LANE, RAVENSHEAD**

*Councillor Allan left the meeting.*

*Councillor Wilkinson assumed the Chair.*

Outline Planning Permission for up to 31 No. dwellings with all matters reserved.

The Community Infrastructure Levy Officer introduced the report.

Members resolved to amend condition 14 to include specific reference to tree protection fencing along the southern boundary of the site. Therefore, it was agreed that based on Members' comments, the Community Infrastructure Levy Officer would amend the condition to include that protective fencing should be erected along the southeast, southwest and northwest boundaries of the application site.

**RESOLVED:**

That the Borough Council GRANTS OUTLINE PLANNING PERMISSION, subject to the applicant entering into planning obligations with the Borough Council as local planning authority and with the County Council as local highway and education authority for the provision of, or financial contributions towards, Affordable Housing, Transport Infrastructure Improvements, Open Space, Healthcare Facilities, Management Company, Local Labour Agreement and Educational Facilities; and subject to the following conditions:

**Conditions**

- 1 Approval of the details of Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any phase of the development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 No phase of development shall commence until a Phasing Schedule has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in phases in accordance with the approved Phasing Schedule
- 4 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented strictly in accordance with the approved details.

- 5 No development shall commence within any phase unless or until a detailed design of the access to serve that phase has been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with details approved.
- 6 No part of the development hereby permitted, within a phase, shall be brought into use until the visibility splays of 2.4m x 47m, serving that phase, are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6metres in height.
- 7 No part of the development hereby permitted, within a phase of development, shall be brought into use until a 2.00m wide footway has been provided across the site frontage, within that phase of development, on Longdale Lane, in accordance with details to be first submitted and approved in writing by the Local Planning Authority.
- 8 The formal written approval of the Local Planning Authority is required prior to commencement of any development, within a phase of development, in the site curtilage with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters.) The development shall be undertaken in accordance with the approved details.
- 9 Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing within a phase of development on site. The approved measures shall be implemented prior to any other works commencing on the phase of development.
- 10 No part of the development hereby permitted, within a phase of development, shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented strictly in accordance with the timetable set out in that plan.
- 11 A plan showing satisfactory arrangements for refuse collection shall be submitted with the 'layout' reserved matter.

- 12 No development shall take place, within a phase of development, until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from construction works.
- 13 Before development is commenced, within a phase of development, there shall be submitted to and approved in writing by the Local Planning Authority details of a surface water drainage scheme for that phase based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development. The scheme to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques which incorporate at least two differing forms of SuDS treatment in accordance with Table 3.3 of CIRIA C697 'The SuDS Manual' prior to discharging from the site; (2) The limitation of surface water run-off to the equivalent Greenfield runoff rate; (3) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (4) Responsibility for the future maintenance of drainage features.
- 14 Before development is commenced, within a phase of development, there shall be submitted into and approved in writing by the Local Planning Authority an Arboricultural Impact Assessment and Mitigation Strategy. The mitigation strategy shall include (1) A tree protection plan to graphically show the locations of any tree and details of root protection barriers, and protective fencing to be erected along the southeast, southwest and northwest boundaries of the application site; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement to give guidance on aspects of proposed works which were identified within the Arboricultural impact assessment which provides guidance as to how works might be mitigated or compensated for; (4) Details of any special engineering works and surfacing required near trees. The approved measures of protection shall



be implemented strictly in accordance with the approved details for the duration of the construction period.

- 15 No external artificial lighting shall be provided, within a phase of development, until there has been submitted to and approved in writing by the Borough Council details of a 'bat friendly' lighting scheme to ensure that artificial lighting (including any construction site lighting and compound lighting), avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat. The scheme shall be implemented strictly in accordance with the approved details.
- 16 The detailed plans and particulars to be submitted as reserved matters in relation to ecology shall include a Phase 1: Habitat Survey and Ecological Assessment in relation to each phase of development. Detail shall include a survey for reptiles on field margins. In particular the assessment shall include precise details of any mitigation measures required and measures of how any reptiles would be cleared sensitively prior to development. The mitigation measures shall be implemented strictly in accordance with the approved details before the development is first commenced.
- 17 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out strictly in accordance with the approved details, which shall be retained for the lifetime of the development.
- 18 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted, which shall consist of native species, ideally of local provenance, where possible; (b) details of any mitigation measures, compensatory habitat, or wildlife corridors; (c) details of the boundary treatments, including those to individual plot boundaries; (d) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (e) a programme of implementation. The development shall be implemented in accordance with the approved details.
- 19 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of

the same species and size as that originally planted shall be planted at the same place.

- 20 Development must not commence, within a phase of development, until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; and assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
- 21 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.
- 22 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.
- 23 From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/ or a garage shall be provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle.

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

## **Reasons**

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To enable the site to be developed in a phased manner
- 4 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014
- 5 In the interest of highway safety and in accordance with Policy LPD61.
- 6 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 7 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 8 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 9 In the interest of Highway Safety and in accordance with Policy LPD61.
- 10 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 11 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 12 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).

- 13 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures; and to protect the water environment from pollution, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
- 14 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014), and LPD18.
- 15 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
- 16 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014), and LPD18.
- 17 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 18 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014)
- 19 To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough
- 20 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 21 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 22 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 23 In the interest of sustainable travel

## Notes to Applicant

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.

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.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. All correspondence with the Highway Authority should be addressed to: TBH - NCC (Highways Development Control) (Floor 8), Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham, NG2 7QP.

The Environment Agency advises that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site, as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

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

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

Advice regarding travel plans can be obtained from the Travel Plans Officer at Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham.

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).

**Informative:** The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles.

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

### **Reasons for Decision**

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) The Local Planning Document Part 2 where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

**18 APPEAL REF: APP/N3020/W/24/3338360 - 313 MAPPERLEY PLAINS, ARNOLD**

*Councillor Allan re-joined the meeting and re-took the Chair.*

Proposed redevelopment comprising 4 dwellings.

**RESOLVED:**

To note the information.

**19 APPEAL REF: APP/N3020/W/23/333618289 - SHEEPWALK LANE, RAVENSHEAD**

Development of one detached dwelling.

**RESOLVED:**

To note the information.

**20 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**21 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

**22 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT**

None.

The meeting finished at 6.40 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 2024/0381**

1:1,250      Planning Reference: 2024/0381  
Ernehale Lodge Nursing Home  
82A Furlong Sreet Arnold

NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright. Licence No LA100021248. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

**Gedling** Borough Council           Serving People. Improving Lives      Date: 13/09/2024

**Report to Planning Committee**

<b>Application No:</b>	<b>2024/0381</b>
<b>Location:</b>	<b>Ernehale Lodge Nursing Home, 82A Furlong Street, Arnold, Nottinghamshire</b>
<b>Proposal:</b>	<b>Change of Use from Nursing Home to 19 No. Dwellings with rear, side and roof extensions and facade alterations</b>
<b>Applicant:</b>	<b>Mr Waseem Shafiq</b>
<b>Case Officer:</b>	<b>Claire Turton</b>

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

**1.0 Site Description**

- 1.1 This application relates to Ernehale Lodge Nursing Home located on the eastern side of Furlong Street at its junction with James Street within the urban area of Arnold. It is located within an established residential area of primarily terraced housing fronting closely onto the public road.
- 1.2 The property has 21 bedrooms (10 single and 11 doubles) and ancillary accommodation set across an L shaped split-level building with a two-storey frontage and a raised single storey rear projection with raised patio area accessed from the car park which is located to the rear of the site.
- 1.3 Beyond the rear projections is a small garden area which backs onto the Asda Petrol Filling Station. The site is also adjoined to the east (rear) by the end gable of a motor service centre, to the south by single storey commercial buildings, garages and rear gardens serving properties on Furlong Street and to the north by the rear gardens of adjoining dwellings on Furlong Street.
- 1.4 Planning permission was previously granted (2020/0880) to extend the Nursing Home to create an additional seven bedrooms, but this has not been implemented and has since expired.
- 1.5 The Nursing Home has been vacant since 2021.

**2.0 Proposed Development**

- 2.1 Full planning permission is sought for;-

*“Change of Use from Nursing Home to 19 No. Dwellings with rear, side and roof extensions and facade alterations.”*

- 2.2 Accommodation would consist of 19 residential flats comprising 1 No. Studio flat, 12 No. 1 bed flats, and 6 No. 2 bedroom flats. There will be 13 No. car parking spaces provided on site along with cycle storage, bin storage and landscaping. 4 of the units will have private amenity space (gardens). The existing access is proposed to be utilised.
- 2.3 The proposed external alterations include the following:
1. Hip to gable roof extension to front part of building and insertion of rooflights to create a second floor.
  2. Extending the rear wing of the building both eastwards and to the southern aspect of the building from approx. 14.8 metres in length x 10 metres in width to approx. 20 metres in length and 10.8 metres in width.
  3. Replacement windows and new windows.
  4. Erection of a dormer extension to the northern elevation of the rear wing to create a windowless corridor.
  5. New 2.4m high timber close boarded boundary fencing to the north and east elevation along with bin store screen to the west elevation.
  6. The removal of the canopy and blocking up of the access at the existing entrance, an entrance door would be created to form a new entrance to the development on the south elevation (facing into the existing car park).
- 2.4 Air source heat pumps were originally proposed to serve the development. However, following concerns from the Environmental Health Officer regarding noise, these have been removed from the scheme. This is discussed in more detail later in this report.

### **3.0 Relevant Planning History**

- 3.1 2023/0605 - Change of use from care home (Class C2) to a 29-bedroom house in multiple occupation (Sui Generis), together with changes to windows and doors and associated development. Refused, February 2024. The reason for refusal was that:-

*“The intensification of the proposed use from a care home to a HMO to accommodate at least 29 people occupying a single building, with shared bathroom and kitchen facilities together with a limited amount of external amenity space would unduly impact on the amenity of neighbouring occupiers within a densely populated area through noise and disturbance. As such the proposal is therefore contrary to paragraph 135 of the NPPF (2023) which requires that planning policies and decisions should ensure that developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.” The proposed development is also contrary to Policies 8 and 10 of the GBACS (2014) and Policies 32, 40, of the adopted LPD (2018).”*

- 3.2 2020/0880 - Construct a new single storey bedroom wing with 'rooms in roof' attic accommodation to the existing Ernehale Lodge Care Home, including minor car parking space modifications. Approved, December 2020

#### **4.0 Consultations**

- 4.1 Gedling Borough Council Environmental Health Officer (Noise) – Initially queried construction times, how the applicant will minimise disruption to neighbours during construction and requested further noise information and specifications regarding the proposed air source heat pumps. However, they now raise no objection to the application.
- 4.2 Gedling Borough Council Environmental Health Officer (Housing) – No objection
- 4.3 Gedling Borough Council Scientific Officer – No objection, subject to conditions regarding electric vehicle charging points and a Construction Emissions Management Plan.
- 4.4 Gedling Borough Council Strategic Housing – 2 no. First Homes are required and 2 no. Affordable Rent.
- 4.5 Gedling Borough Council Waste Services – No objection.
- 4.6 Nottinghamshire County Council Lead Local Flood Risk Authority;- Originally objected due to insufficient information. Now raise no objection subject to a condition in respect of final details of drainage being approved in accordance with the submitted Flood Risk Assessment.
- 4.7 Nottinghamshire County Council Rights of Way – No public rights of way are affected by the proposal.
- 4.8 Nottinghamshire County Council Highways – No objection subject to conditions regarding surfacing material for parking and turning areas and the cycle store being provided prior to implementation.
- 4.9 Nottinghamshire County Council Planning Policy – Will not be seeking a contribution towards education as the number and type of flats are below the threshold for this requirement. Provide advice regarding public health such as connected communities. No objection on the grounds of archaeology.
- 4.10 Nottinghamshire Police – No objection. However, provide comments and recommendations as to how additional security measures would make the development more secure.
- 4.11 NHS (Integrated Care Board) - The number of dwellings fall below their threshold for requesting a Section 106 contribution.
- 4.12 The Environment Agency – No response received.
- 4.13 Severn Trent Water – No response received.
- 4.14 Neighbouring properties were consulted via letter, a site notice was placed at the site and a notice published in the local press. 48 letters have been



received from neighbouring properties. 29 are letters of objection and 17 are letters of support.

Reasons for objection are:-

Highway Safety

Insufficient parking spaces proposed  
The proposal will bring additional vehicles to the street  
The street already suffers with parking issues  
This is a busy pedestrian route  
School children use this road  
Elderly people use this road  
Disabled people use this road  
Emergency services, refuse lorries and delivery trucks already struggle to access the street  
Access down the street is limited  
Need to be able to park close to their house for personal safety  
It is implied by the Highway Authority that they are willing to overlook an under-provision in car parking spaces  
Children can't play out on the street due to cars  
People park on the street who don't live there when visiting the town centre  
Issues for contractor parking  
A parking permit scheme will need to be implemented.  
There are potholes on the road outside which cause issues to cyclists  
If cannot park outside house, would not feel safe walking back from car alone at night

Residential amenity

Overcrowding  
This could accommodate at least 50 new residents  
Number of residents are too high for the location  
The number of residents is more than the previously proposed HMO was  
Very close to existing neighbouring properties  
Overlooking from new dormer windows  
Overlooking from north side of building  
Noise from air source heat pumps  
The bin area is to the front of the property which could increase the potential for smells and rodents  
The entrance being re-located to the rear may cause additional noise issues.  
The previous care home did not cause noise issues  
Nerby schools already cause noise pollution  
Noise from the proposed gardens  
This will change the demographic of the street  
The proposal is causing residents anxiety issues  
The proposal will be detrimental to quality of life to both existing and future residents

Impact on proposed residents

Each flat has the bare minimum facilities  
Useable outdoor space is limited  
These flats are not suitable for people with disabilities  
These flats are not suitable for young families

The flats are too small to be described as luxury

#### Anti-social behaviour

The apartments could house criminals, drug addicts, alcoholics, illegal immigrants, paedophiles, unattached males

Criminal occupiers could damage cars and attack vulnerable adults and children

Would not object if tenants were working professionals

Will not let their children walk to school by themselves if this application is approved

The proposal would result in anti-social behaviour through the volume of additional residents in the high density, low quality accommodation

Security concerns to property and family from increased overlooking

Increase in litter

The site is already a target for anti-social behaviour

No attempt has been made by the owner to maintain the building or keep it secure

The applicant has told neighbours to call him and not the police when there is anti-social behaviour.

The Police have been called out to anti-social behaviour at the site

A car is currently abandoned in the rear car park

Fly tipping is occurring

There are care homes nearby with vulnerable residents

The nearby doctors surgery contains drugs

The submitted documents do not reference crime prevention methods

There could be trouble in Arnold following local outrage to these plans

#### Design / Visual Amenity

Lack of trees / greenery proposed

#### Local Services

Local facilities are past capacity

It will increase costs on local services

The area is already overpopulated

Impact on drains and sewage

The proposal will take capacity away from adult care services

#### Need / Alternative Uses

There are already a number of flats and apartments in the area

The applicant should look at family homes

Less flats should be proposed

The building needs knocking down or changing to an office block

The proposal should stay as a care home

#### Other Concerns

The applicant is only interested in financial gain

The application submission is mis-leading

Not all neighbours have been notified by letter.

A site notice has not been posted at the site at the time of writing

The applicant has not consulted neighbouring occupiers

The applicant has consulted neighbouring occupiers but has ignored their concerns

The proposal is contrary to planning policy  
A fire risk assessment has not been undertaken  
An asbestos or other contamination report has not been undertaken  
The proposal does not help to regenerate Arnold  
The building was only vacant for the purpose of redevelopment  
The viability report makes the scheme look barely viable  
A third floor conversion is likely to require additional works to strengthen the floors and meet fire regulations  
It should be considered what happens if the development is allowed to go ahead but development has to stop mid-build.  
Will have an adverse impact on local businesses

#### 4.14 Reasons for support are:-

Arnold needs housing  
Arnold needs lower cost housing  
May mean local people can afford to stay in the area  
Good area for housing, close to town centre  
More people living in the area is good for local businesses  
Glad it is market housing and not student accommodation  
This is a sustainable location and will reduce the need for travel if residents also work in Arnold  
Brings a derelict property back into use  
Would reduce vandalism at the site

### **5.0 Relevant Planning Policy**

- 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 (NPPF) (2023) and the National Planning Practice Guidance (NPPG). The NPPF sets out the national objectives for delivering sustainable development. Sections 2 (Achieving Sustainable Development), 5 (Delivering a sufficient supply of homes), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well-designed and beautiful places), 14 (Meeting the challenge of climate change, flooding and coastal change) are particularly relevant in this instance.
- 5.3 The Environment Act (2021) – Biodiversity Net Gain. In England, BNG is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development.
- 5.4 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 Sustainable Development) sets out that a positive approach will be taken when considering development proposals.
- Policy 1 (Climate Change) sets out sustainability criteria for new dwellings.
- Policy 2 (The Spatial Strategy) identifies the settlement hierarchy to accommodate growth and the distribution of new homes.
- Policy 8 (Housing Size, Mix and Choice) requires that all development should contain adequate internal living space
- Policy 10 (Design and Enhancing Local Identity) sets out that “development will be assessed in terms of its ‘massing, scale and proportion; materials, architectural style and detailing and impact on the amenity of nearby residents and occupiers’.”
- Policy 17 (Biodiversity) sets out how the biodiversity will be increased over the plan period.
- Policy 19 (Developer Contributions) contributions may be required towards local services.

5.5 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:

- Policy LPD 4 (Surface Water Management) all development proposals should, wherever possible, include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.
- Policy LPD11 (Air Quality) Planning permission will not be granted for development proposals that have the potential to adversely impact on air quality, unless measures to mitigate or offset their emissions and impacts have been incorporated
- Policy LPD 18 (Protecting and Enhancing Biodiversity) development proposals will be expected to take opportunities to incorporate biodiversity in and around development and contribute to the establishment and maintenance of green infrastructure.
- Policy LPD 32 (Amenity) requires that development proposals do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures.”
- Policy LPD 33 (Residential Density) residential developments with higher densities will be supported provided that this reflects local characteristics and does not harm the character of the area.

- LPD 35 (Safe Accessible and Inclusive Development) sets out that the massing, scale and proportion of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and the sites the location within the townscape.
- LPD37 (Housing type, size and Tenure) identifies that an appropriate housing mix for the demand in the local area should be sought
- LPD 40 – Housing Development on Unallocated Sites, part B allows for the conversion and change of use to residential provided they have their own access arrangements, that it would not cause a significant adverse impact on the amenity of nearby residents and appropriate parking provision is made
- LPD 57 (Parking Standards) provides that permission for residential development will be granted where the development proposal meets the Council's requirement for parking provision, or otherwise agreed by the local planning authority.
- LPD 61 (Highway Safety) sets out that permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.
- LPD 63 (Housing Distribution) - A minimum of 7,250 homes will be provided for during the plan period (2011-2028), distributed as follows ... Windfall allowance - 240 homes.

## 5.6 Supplementary Planning Documents/Guidance

- Parking Provision for Residential Development SPD (2022) sets out the parking provision requirements for new developments.
- Affordable Housing SPD (2009) sets out the requirements for affordable housing.
- Interim Planning Policy Statement: First Homes (2022) sets out the requirements for first homes.
- Low Carbon Planning Guidance for Gedling Borough (2021) sets out sustainability guidance.

## **Appraisal**

### 6.0 Principle of development

6.1 The application site is located within the built-up urban area of Arnold. The application site is not covered by any site-specific planning policies. It is therefore considered that the principle of the proposed change of use to residential is acceptable having regard to the provisions of Policy LDP 40, subject to the proposal complying with certain criteria and other relevant planning policies. These are assessed in this section of the report below.

### 7.0 Design and Appearance

7.1 It is considered that the proposed external appearance of the building is of an acceptable scale, design and appearance. The applicant has submitted

streetscene elevations to show that the proposed building sits slightly lower than the two properties immediately adjacent.

- 7.2 The majority of the extension lies to the rear of the existing building and is not overly prominent within the streetscene. Nonetheless, the proposed extensions are considered to be of an acceptable scale and their design is considered on the whole to be in keeping with the existing building. The height of the proposed extensions are no taller than the height of the existing building and, therefore, cannot be seen over the host building when viewing the site from the front.
- 7.3 Materials are proposed to match the existing and on the whole fenestration details are also in keeping with the character of the existing building.
- 7.4 The proposal is a high density development at 158 units per hectare. This is in accordance with Policy LPD 33 which states that planning permission will not be granted for proposals for residential development of less than 30 dwellings per hectare. The supporting text to this paragraph states that;-

*“To ensure that residential development achieves an efficient use of land, a minimum density will be identified for different areas. The policy, however, allows for higher densities provided this reflects local characteristics and does not harm local character. Where higher densities are proposed and will not reflect local characteristics, a balanced decision will be required taking account of the need for higher densities in order to deliver wider public benefits (e.g. where higher densities are required to deliver a return sufficient to make the redevelopment of a brownfield site viable).”*

The majority of the building is already in situ and the proposed design and scale of the proposed extensions are considered to be in keeping with the host dwelling and surrounding properties. The development does not appear cramped within its plot and does facilitate the redevelopment of a brownfield site.

- 7.5 A landscaped area is proposed. Precise details of this can be controlled by way of a condition, should planning permission be granted.
- 7.6 For the reasons stated above, it is considered that the design of the proposal is acceptable and that the scheme is in keeping with the character of the surrounding area. It is therefore considered that the proposal accords with Section 12 of the NPPF (2019), Policy 10 of the GBACS (2014), and Policies LPD 33, 35 40 and 63 of the LPD (2018).

## 8.0 Internal Layout

- 8.1 Part 1 of Policy 8 – Housing Size, Mix and Choice requires that all new development should contain adequate internal living space. The Council’s Environmental Health Officer has assessed the application on this basis and has raised no objection. The 1-bedroom units are between 37sqm and 45.5sqm and the 2-bedroom units are between 55.9sqm and 71.2sqm which is considered to be adequate internal space. All units are self-contained with their own facilities and primary rooms have natural lighting.

## 9.0 Residential Amenity

9.1 The proposals would introduce a different use of the building in terms of the impact it would have on neighbouring amenity. The existing nursing home use, although vacant for a number of years, has a very limited impact on amenity, particularly in terms of noise, mainly because the residents are contained within the existing building, and it is mostly the movement of staff and visitors that would impact on noise and disturbance. Extensions to the building and additional windows are also proposed which require assessing in terms of massing / overshadowing, overbearing and overlooking.

9.2 With regards to issues of noise and disturbance, the planning history for this site is relevant. Planning application reference 2023/0605 for "*Change of use from care home (Class C2) to a 29-bedroom house in multiple occupation (Sui Generis), together with changes to windows and doors and associated development*" was refused planning permission in February this year. The reason for refusal was that:-

"The intensification of the proposed use from a care home to a HMO to accommodate at least 29 people occupying a single building, with shared bathroom and kitchen facilities together with a limited amount of external amenity space would unduly impact on the amenity of neighbouring occupiers within a densely populated area through noise and disturbance. As such the proposal is therefore contrary to paragraph 135 of the NPPF (2023) which requires that planning policies and decisions should ensure that developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience." The proposed develop is also contrary to Polices 8 and 10 of the GBACS (2014) and Policies 32, 40, of the adopted LPD (2018)."

9.3 The Council's Environmental Health Officer (EHO) objected to the previous planning application (2023/0605) on the basis that there is a high propensity for Antisocial Behaviour to occur in an area with the population density as high as the proposed development. In addition to this, they had concerns regarding noise pollution between residents of the development, as well as noise pollution from residents of the development to existing residential developments, which due to the population density of this development is likely to generate complaints.

9.4 This proposal differs from the previous refusal in that instead of being for a 29-bedroom HMO, it is for 19 no. self-contained residential units consisting of 1 No. Studio flat, 12 No. 1 bed flats, and 6 No. 2 bedroom flats. It is unclear as to the total number of residents that would be present in the building if planning permission were to be granted (for example, the one-bed apartments may house a single person or a couple). It is possible that there may be more overall residents in the building if this current planning application were to be approved than the 29-bedroom HMO. However, the residents of 19 no. self-contained units would live differently to the residents of a 29-bedroom HMO. This is primarily because each unit would be entirely self-contained with no shared

living facilities and, as such, significantly less interaction between residents. The Council's Environmental Health Officer was consulted on this current planning application and has raised no objections in terms of noise and disturbance from the number of units / occupiers proposed. I see no reason to disagree with the professional advice of the Council's EHO.

- 9.5 Given the close proximity to neighbouring properties, the EHO asked the applicant to clarify the proposed hours of construction. The applicant has confirmed that this will be 08:00-18:00 hours Monday-Friday, 08:00-13:00 hours Saturdays with no Sunday or Bank Holiday Working. This is considered reasonable for a residential area and avoids late night noise and disturbance during the construction phase. A condition can be attached to the grant of planning permission controlling hours of operation, should permission be granted. A pre-commencement condition requiring a Construction Emissions Management Plan has been requested by the Council's Scientific Officer which would aim to control dust emissions during construction. This should be attached to the grant of any planning permission.
- 9.6 The original submission proposed air source heat pumps to serve each individual unit. It is acknowledged that air source heat pumps have a positive environmental impact, however, the Environmental Health Office objected to these on the grounds of noise levels and their subsequent impact on neighbouring amenity. This was predominantly due to the number of air source heat pumps proposed (1 per residential unit) which were considered to cause unacceptable noise levels if all operating at the same time. These concerns were relayed to the applicant who was asked to remove the heat pumps from the scheme entirely. The applicant has complied with this request and the heat pumps are no longer proposed.
- 9.7 The Council's Environmental Health team has also not objected to the application in terms of housing standards and the residential amenity of the future occupiers of the proposed scheme. The 1-bedroom apartments are between 37sqm and 45.5sqm in floorspace and the 2-bedroom apartments are between 55.9sqm and 71.2sqm. I see no reason to disagree with the professional advice of the EHO on this matter.
- 9.8 Neighbours have raised concerns regarding noise from residents once the apartments are occupied, should planning permission be granted. However, it is not uncommon to have apartment blocks of this size close to traditional houses. There are other examples of apartment blocks within Arnold that are close to existing houses. There is no specific reason as to why this development would cause a noise nuisance. If there were to be a noisy neighbour, then this could be dealt with the same way as a noisy neighbour in any residential unit (be it a flat or a house) through the Council's Environmental Health team.
- 9.9 Turning now to issues of overlooking, proposed new windows along the front and rear elevation are at second floor level and are roughly in line with existing windows at first floor level. In any case, to the rear they look onto the site itself with a petrol station and car garage beyond. To the front they look onto the side elevation of a garage block and the blank side elevation of no. 2 James Street. To the south side of the site is the residential dwelling no. 82 Furlong Street.



This dwelling is approx. 6 metres away from the site building and contains no windows along its side elevation. As such, there are no direct overlooking issues onto this property itself. There are windows along the south elevation of the rear off-shoot of the proposed apartment block. However, these are approx. 17.5 metres away from the shared side boundary of no. 82 Furlong Street. This is considered a sufficient separation distance so as to not cause unacceptable issues of overlooking onto the amenity area which is more of an open plan parking area than private amenity space. To the north side of the site lies the residential dwelling no. 84 Furlong Street. However, the only proposed windows facing in this direction are at ground floor (which are predominantly screened by boundary treatment), 1 no, window at first floor which is in line with the blank elevation of the dwelling at no. 84 and at second floor are high level rooflights only. For the reasons stated above, it is considered that the proposal will not cause unacceptable issues of overlooking onto neighbouring properties.

9.10 With regards to issues of massing / overshadowing and overbearing, most of the building is existing. The main part of the proposed extension is to the rear of the site away from neighbouring residential buildings. Due primarily to separation distances, the proposal is not considered to cause unacceptable issues of massing / overshadowing or overbearing onto neighbouring properties.

9.11 In summary, for the reasons stated above, it is considered that the proposed development would not have a harmful impact on existing neighbouring amenity and is therefore in accordance with Policies LPD32 – Amenity and LPD40 Housing Development on Unallocated Sites which requires that new development would not cause a significant adverse impact on the amenity of nearby residents.

## 10.0 Crime and Anti-Social Behaviour

10.1 A number of neighbour concerns relate to crime and anti-social behaviour. Concerns mostly relate to the “type” of people that will occupy the units. The units are all proposed to be market housing and will be available to either purchase or rent on the open market. There is no specific reason as to why this development would attract criminals. Like any place of residence, if crime does occur then this is a matter for the Police.

10.2 Concerns have also been raised by neighbours that the existing derelict site has become a target for anti-social behaviour and fly tipping. If planning permission were to be granted for the re-development of the site, then the derelict site would be brought back into use.

10.3 The Police have been consulted on the proposal and raise no objection. They have, however, made a number of suggestions as to how the proposal could add crime prevention and security measures. These include a visitor door entry system, security standards for ground floor windows and doors, lighting for entrances and car parks, CCTV, security for cycle parking and a “good neighbour policy.” The detailed comments of the Police have been forwarded to the agent who has confirmed that they are willing to incorporate some of these recommendations into the scheme. To be clear, an informative should

be added to the grant of any planning permission that re-iterates this Police advice in full.

10.4 In summary, for the reasons stated above, it is considered that the proposed development is well designed, will function well and is safe and inclusive for all users. The proposal is therefore in accordance with LPD35 which states that proposals should contribute towards a simple, well-defined and interconnected network of streets and spaces that allows for convenient access to a choice of movement modes and routes, as appropriate to the size of the development and grain of the surroundings, without compromising the security of the development.

#### 11.0 Highway Matters

11.1 At present there are 8 car parking spaces located in a defined car parking area to rear / side of the building (south of the main building). These spaces served the previous 20-bedroom care home.

11.2 A Transport Statement has been submitted in support of the application. There are no plans to amend the proposed access, but it is proposed to increase the car parking spaces by re-configuring the existing arrangement. It is proposed to create 13 off-street spaces within the existing parking area, as well as a vehicle turning bay. An area for secure cycle storage is also proposed.

11.3 The Highway Authority has raised no objections to the access or car parking layout, subject to conditions regarding the car park to be bound in a hard-surface and for the cycle-storage to be available for use prior to the first residential unit being brought into use. It is considered that there is no reason to disagree with the professional advice of the Highway Authority.

11.4 Parking space provision is a matter for the Local Planning Authority to assess. A number of neighbour objections have been received regarding this matter. There is currently high levels of on-street car parking in this residential area of Arnold. Many residential properties along James Street and Furlong Street are 19<sup>th</sup> Century terraced properties which are high density and have no on-site car parking. Due to its close proximity to Arnold Town Centre, neighbour objectors state that visitors to the town centre often park on these residential streets where there are no parking restrictions. The nearby Stenhouse Medical Centre is served by a small car parking area and neighbour objectors state that patients often park on the nearby streets if the medical centre car park is full.

11.5 The adopted Gedling Borough Council's Supplementary Planning Document 'Parking Provision for Residential Development' (2022) sets out the parking provision requirements for new development. For 1 and 2-bedroom apartments in an urban area, there is a requirement for 0.8 unallocated spaces per unit. The proposal is for 19-units and therefore, according to the SPD, there should be a total of 16 car parking spaces provided.

11.6 The current proposal provides 13 car parking spaces, which is 3 car parking spaces below the figure in the Council's SPD. There is no space remaining within the site to provide 3 additional car parking spaces. As such, the applicant was asked to consider reducing the number of residential units proposed to 16

units. According to the SPD, the 13 car parking spaces proposed would be sufficient to provide for 16 residential units.

- 11.7 The applicant did consider a request to reduce the number of residential units proposed. However, the applicant has not reduced the number of residential units proposed. The applicant has instead indicated, through the submission of a Transport Statement, that additional car parking is not required. As such, the proposal has to be considered as originally submitted.
- 11.8 On balance, it is considered that the proposal is acceptable with a shortfall of 3 car parking spaces. The site is located in a highly sustainable location in extremely close proximity to the amenities and local transport of Arnold Town Centre. Residents could easily reside in this location without a private car. Furthermore, a secure bicycle storage area is also proposed to serve the development. This is supported by local planning policies.

Paragraph 11.6.2 of Gedling Borough Council's Local Plan states that:-

*“The conversion of houses into flats and the change of use of non-residential buildings to residential use can help to provide a range and variety of new homes ... in recognition of its importance and so as to encourage this type of development, the Borough Council may allow lower parking standards in certain circumstances where it is considered appropriate (for example near public transport corridors or near to shopping centres).”*

Paragraph 4.12. of the parking standards SPD states 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.”*

- 11.9 For the reasons stated above, it is considered that the proposals would not have an unacceptable adverse impact on highway safety contrary to Section 9 of the NPPF (2023), Policies LPD 57 and LPD 61 of the LPD (2018) and the Council's Parking Standards SPD.

## 12.0 Planning Obligations and Viability

- 12.1 With the application being a major there is a requirement to seek contributions to make the development acceptable in planning terms. As previously outlined, The NHS and Nottinghamshire County Council states that this development falls below their threshold for requesting financial contributions towards health care and education. The County Council are also not seeking contributions towards bus stop improvements or library stock.
- 12.2 The Strategic Housing team has commented that for a development of this size, 2 no. First Homes and 2 no. Affordable Rent units are required. The applicant has submitted a viability assessment contesting that the scheme would not be viable if it included these affordable housing units. The Planning Department has commissioned an independent financial advisor to assess the applicant's viability statement. The independent financial advisor does agree

with the applicant that the figures demonstrate that the scheme is unable to provide any affordable housing or Section 106 payments and that, on this basis, there is a good justification on this scheme for removing the affordable housing / S106 contributions in order to give the scheme the best chance of being delivered. The independent financial advisor has stated that this is not a marginal case and that the site fails to meet the viability threshold, even before any affordable housing/ S106 payments are factored in and that even if sales values were to increase by 5% (and construction costs reduced by 5%) the residual land value would still be below the benchmark land value and therefore at best only marginally viable; the assessment is available on the Council web-page. For this reason, in this specific instance, affordable housing units are not required at this site. A copy of the independent viability report is reproduced at the end of this committee report.

12.3 Furthermore, given that the viability indicates that the scheme falls somewhat below being viable a review or clawback provision is not considered necessary. It is also likely that the development will be completed in one phase given that it is the conversion of a single building. Therefore, having regard to viability being a material planning consideration, it is considered that the application would be acceptable without any contributions. The application is therefore deemed to comply with guidance outlined in the NPPF (paragraphs 57-58) and ACS19 (Developer Contributions).

#### 13.0 Flood Risk and Drainage

13.1 The site is located within Flood Zone 1 and, as such, is at a low risk of flooding. Nonetheless, due to the size of the proposal, the applicant has submitted a Flood Risk Assessment and Drainage Statement.

13.2 The Lead Local Flood Risk Authority (LLFRA) originally objected to the proposal on the grounds of lack of information. However, the applicant subsequently submitted further information regarding surface water drainage and flood risk. The LLFRA now raises no objection to the proposal subject to a condition regarding a detailed surface water drainage scheme based on the principle set forward by the submitted Flood Risk Assessment and Drainage Strategy to be submitted to and approved by the LPA prior to development commencing. It is considered that there is no reason to disagree with the professional advice of the LLFRA.

13.3 The Environment Agency has been consulted on the application but has not responded. However, the site is located within Flood Zone 1 and the proposal is changing the use of the building from a residential care home a “more vulnerable flood use” to residential unit, which is also a “more vulnerable flood use” both of which are compatible in flood zone 1.

13.4 For the reasons stated above, subject to conditions, drainage at the site is acceptable and the proposal will not increase flood risk in the area. As such, the proposal is considered to be in accordance with Part 14 of the NPPF, Policy 1 of the ACS and LPD4.

#### 14.0 Biodiversity Net Gain (BNG)

- 14.1 From 12<sup>th</sup> February 2024 Biodiversity Net Gain (BNG) is mandatory for development of small sites that do not meet the required exemptions. This means that developers must deliver a BNG of 10%. This results in a development with more or better quality natural habitat than there was before development.
- 14.2 With regards to BNG information submitted as part of this application, the applicant has submitted a small site's metric tool calculator, a written statement and a plan showing the proposed BNG areas within the site.
- 14.3 The applicant's submission states that the site comprises a total of 0.05 low-distinctiveness area habitat units as follows:-
- 0.01 area units of 'Introduced Shrubs',
  - 0.02 area units of 'Modified Grassland' with a Poor condition, and
  - 0.03 area units of 'Bare Ground' with a Poor condition.
  - As well as habitats with zero value.
- No linear hedgerow or watercourse units are recorded on the baseline.
- 14.4 To achieve the target 10% net gain, 0.06 area units will be required. These are proposed to be achieved on site and a plan has been submitted showing the areas where this is proposed.
- 14.5 No further BNG details are required at the planning application determination stage. However, should planning permission be granted for this development then this should be subject to the inclusion of a condition requiring a Biodiversity Gains Plan to be submitted to and agreed in writing. It is at this stage that precise details of BNG are assessed. The application is therefore deemed to comply with policies ACS17 and LPD18.
- 15.0 Other Matters
- 15.1 Nottinghamshire County Council Archaeology officer raises no objection to the proposal.
- 15.2 The Council's Scientific Officer has suggested conditions regarding electric vehicle charging and a Construction Emissions Management Plan. It is considered that these should be attached to the grant of any planning permission.
- 15.3 With regards to neighbour objections, the majority of these have been answered throughout the body of this report. The remaining concerns are addressed below.
- 15.4 Neighbours have raised concerns that the proposal lacks any greenery. If approved, then conditions relating to both landscaping and BNG should be attached to the planning permission. Both of these will provide greenery over and above existing levels on the site.
- 15.5 Neighbours have raised concerns that the proposal will take capacity away from adult care services. However, this is a market factor and not a planning consideration.

- 15.6 Neighbours also state that there are already a large number of flats within the area and that the proposal should be for family homes or an office block or that less apartment units should be proposed. The Local Planning Authority has a duty to assess any planning application as submitted. For the reasons set out in the main body of this report, this proposal for 19 apartments is considered to comply with relevant planning policy and is considered to be acceptable.
- 15.7 The applicant has submitted sufficient information in order for the application to be determined and the correct neighbour notification and publicity procedures have been carried out.
- 15.8 The Scientific Officer has assessed the application and has not raised concerns regarding contamination or asbestos. Asbestos would be assessed under separate legislation from the planning system in any case and a licence would be required to remove asbestos (if it is present on site and if it does require removal). Fire Risk would be assessed at the Building Regulations stage should the development be progressed.
- 15.9 There are no specific reasons as to why the proposal would have an adverse impact on local businesses. It would re-generate a vacant site close to the Town Centre.
- 15.10 There are no specific reasons as to why the proposed development would have to stop mid-build. In any case, this is down to the market and not an issue that the Planning system has control over.
- 15.11 Adequate consultation has been undertaken, which includes consultation letters to all properties immediately adjacent to the site, a site notice was erected and a notice placed in the press. The level of consultation is compliant with relevant government guidance and appropriate for the development proposed, which is reflected in the large number of responses received.
- 15.12 Neighbours have raised concerns with regards to the location of the communal bin area which is to the front north-east corner of the site. From a visual point of view, it is usually preferred for the bins to be located away from public areas. However, in this case, the existing bin storage area serving the previous nursing home was to the north-east front corner of the site. A refusal on this basis, therefore could not be sustained. Re-locating the bin area to the rear of the property would further reduce car parking spaces. The bin area is currently partially screened by boundary treatment, making it less prominent from public areas. The Council's Waste Services team has raised no objection to the proposal.

## 16.0 Conclusion

- 16.1 The proposed development is consistent with local and national planning policies. The site is located within the built-up area of the District, the design, scale and layout of the proposal is considered to be acceptable and does not have an unacceptable impact on the character or visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of occupiers of neighbouring properties in terms of noise, overlooking or

massing / overshadowing. Parking and access at the site is acceptable. The proposal will not increase flood risk in the area. The proposal achieves a Biodiversity Net Gain. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Parts 2, 5, 8, 9, 11, 12 and 14), Policies A, 1, 2, 8, 10, 17 and 19 of the ACS, Policies LPD 4, 11, 18, 32, 33, 35, 37, 40, 57 and 61 of the LPD, Gedling Borough Council's, Parking Provision SPD and Low Carbon Planning Guidance for Gedling Borough.

**17.0 Recommendation: GRANT PLANNING PERMISSION subject to the following conditions;-**

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

Proposed elevations, proposed floorplans and proposed layout plan, received 5<sup>th</sup> September 2024.

Existing elevations, existing floorplans and existing block plan, received 3<sup>rd</sup> June 2024

Site location plan, received 3<sup>rd</sup> June 2024

Application form, received 3<sup>rd</sup> June 2024

Reason: For the avoidance of doubt.

- 3 No above ground construction works shall commence until samples of the proposed external facing materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 4 No unit shall be occupied as a C3 residential use until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries, cycle storage area and bin storage area, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the buildings is first occupied as a C3 residential use.
- 5 No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The scheme as approved shall be carried prior to the first occupation of the development. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment)

of shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

an implementation and phasing programme

hard surfacing materials

6 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy FRA&DS\_001, Aug 2024, Lando Consulting., 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.
- 7 Construction works shall only take place within the following hours;-
- 0800-1800 Monday-Friday, 0800-1300 Saturdays, No Sunday or Bank Holiday working.
- 8 No part of the development hereby permitted shall be brought into use until the parking and turning are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number AR-AL-002. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning, and loading and unloading of vehicles
- 9 No part of the development hereby permitted shall be brought into use until the cycle parking store as indicated on drawing AR-AL-002, has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
- 10 From the date of first occupation every property 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.
- 11 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.
- 12 Development may not be begun unless:
- (a) a biodiversity gain plan has been submitted to the planning authority;  
and

- (b) The planning authority has approved the plan.

Development shall thereafter be carried out in accordance with the approved biodiversity gain plan, in accordance with the timings agreed by the biodiversity gain plan.

- 13 The Biodiversity Gain Plan shall be prepared in accordance with the Proposed Site Layout Plan, received by the Local Planning Authority 5<sup>th</sup> September 2024, Letter from Estrada Ecology dated 10<sup>th</sup> July 2024, BNG Metric, received by the Local Planning Authority 12<sup>th</sup> July 2024.
- 14 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
- (a) a non-technical summary;
  - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
  - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
  - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
  - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

has been submitted to, and approved in writing by, the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

### Reasons

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

- 6 Reason: 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.
- 7 Reason: In the interests of residential amenity.
- 8 Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 9 Reason: To ensure that adequate cycle provision has been provided.
- 10 Reason: To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 11 Reason: To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 12 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 13 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 14 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).

### Informatives

- 1 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.

- 2 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.

- 3 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).
- 4 The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2023). 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.
- 5 With regards to condition 12, the biodiversity gain plan must include :
- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
  - (b) the pre-development biodiversity value of the onsite habitat;
  - (c) the post-development biodiversity value of the onsite habitat;
  - (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
  - (e) any biodiversity credits purchased for the development; and
  - (f) any such other matters as the Secretary of State may by regulations specify.
  - (g) timings for implementation
- 6 The advice from Nottinghamshire Police is as follows;-  
“It is recommended that the Secured by Design standard is adopted as part of this property development.

<https://www.securedbydesign.com/images/HOMES%20GUIDE%20May%202024.pdf>

### **Access control and door entry systems**

Smaller developments containing 25 or less, apartments, bedsits or bedrooms should have a visitor door entry system and access control system. The technology by which the visitor door entry system operates is a matter of developer choice, however it should provide the following attributes:

- Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device).

- Vandal resistant external door entry panel with a linked camera.
- Ability to release the primary entrance door set from the dwelling or bedroom (in the case of student accommodation or House in Multiple Occupation).
- Live audio and visual communication between the occupant and the visitor.
- Ability to recover from power failure instantaneously.
- Unrestricted egress from the building in the event of an emergency or power failure.
- Control equipment to be located in a secure area within the premises covered by the CCTV system and contained in a lockable steel cabinet to LPS 1175 Security Rating 1 or STS 202 Burglary Rating 1.

## Door sets

All door sets allowing direct access into to the home, dedicated private flat or apartment entrance door sets, communal door sets shall be certificated to one of the following standards:

- PAS 24:2016 (Note 23.4b), or
- PAS 24:2022 (Note 23.4b), or
- STS 201 Issue 12:2020 (Note 23.4c), or
- LPS 1175 Issue 7.2:2014 Security Rating 2+ (Note 23.4d), or
- LPS 1175 Issue 8:2018 Security Rating A3+, or
- STS 202 Issue 10:2021 Burglary Rating 2 (Note 23.4d), or
- LPS 2081 Issue 1.1:2016 Security Rating B (Notes 23.4d and 23.4e), or
- STS 222 Issue 1:2021

## Windows

All easily accessible (Note 24.2a) windows (including easily accessible roof lights and roof windows) shall be certificated to one of the following standards:

- PAS 24:2016 (Note 24.2b), or
- PAS 24:2022, (Note 24.2b), or
- STS 204 Issue 6:2016 (Note 24.2c), or
- LPS 1175 Issue 7.2:2014 Security Rating 1 (Note 24.2d), or
- LPS 1175 Issue 8:2018 Security Rating 1/A1, or
- STS 202 Issue 10:2021 Burglary Rating 1, or
- LPS 2081 Issue 1.1:2016 Security Rating A, or
- STS 222 Issue 1:2021

Note 24.2a: Easily accessible is defined within Approved Document Q Appendix A as:

- A window or doorset, any part of which is within 2 metres vertically of an accessible level surface such as a ground or basement level, or an access balcony, or
- A window within 2 metres vertically of a flat roof or sloping roof (with a pitch of less than 30°) that is within 3.5 metres of ground level.

## External Lighting

Where possible the lighting requirements within BS 5489-1:2020 should be applied. Developers are advised that there is further guidance available from the Chartered Institute of Building Services Engineers (CIBSE) and the Society of Light and Lighting (SLL).

Lighting is required to illuminate all elevations containing a door set, car parking and garage areas and footpaths leading to dwellings and blocks of flats. Bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

Overall Lighting uniformity ( $U_o$ ) - levels of 0.4 or 40% - are recommended where possible to ensure that lighting installations do not create dark patches next to lighter patches where the human eye has difficulty in adjusting quickly enough to see that it is safe to proceed along any route. If high levels of uniformity are neither achievable nor appropriate for technical or locally applying environmental reasons, the highest levels of uniformity possible should be achieved.

External public lighting must be switched using a photo electric cell (dusk to dawn) with a manual override or via a Central Management System (CMS) for large scale developments. If LED light sources are used, then shorter burning hours can be programmed as no warmup time is required for the lamp.

Secured by Design has not specified PIR activated security lighting for several years following advice from the ILP and police concern regarding the increase in the fear of crime (particularly amongst the elderly) due to repeated PIR lamp activations. Research has proven that a constant level of illumination is more effective at controlling the night environment.

24-hour lighting (switched using a daylight sensor formally called photoelectric cells) to communal parts of blocks of flats will be required. It is acceptable if this is dimmed during hours of low occupation to save energy. This will normally include the communal entrance hall, lobbies, landings, corridors and stairwells and underground garaging facilities and all entrance/exit points. Technology exists in respect of energy efficient light dimming systems and other means of ensuring that security lighting is intelligently provided in the right quantities and only at the right time.

## **CCTV**

It is recommended that CCTV is installed as part of this development. For the purposes of this guide, the term Closed Circuit Television (CCTV) is used to describe all video surveillance systems capable of recording moving images or sound, from traditional CCTV systems with on-site or remote recording facilities to video doorbells that begin recording only when a doorbell is activated.

The purpose of a CCTV system and the results desired from it must be carefully detailed in the Operational Requirement so that an appropriate installation is identified and can be agreed upon with a prospective installer. Attendant problems that could detract from the success of a CCTV system should be identified and a solution to them sought at this early planning stage.

Although a CCTV system cannot address all aspects of security, it can form an invaluable element within a comprehensive security strategy as long as the specification and installation meet the users Operational Requirement.

CCTV is not a universal solution to security problems, but it does form part of an overall security plan. It can help deter crime and criminal behaviour, assist with the identification of offenders, promote personal safety, and provide reassurance for residents and visitors. Even the smallest development will benefit from the installation of a good quality CCTV system, which does not need to be expensive.

Images of people are covered by the General Data Protection Regulation (GDPR), and so is information about people which is derived from images – for example, vehicle registration numbers. Most uses of CCTV will be covered by the Data Protection Act 2018, which is the UK's implementation of the GDPR, regardless of the number of cameras or how sophisticated the equipment is.



Specifiers are reminded that there will be a requirement for a data controller to ensure compliance with the GDPR. The data controller must ensure that all CCTV images that can be used to identify individuals are used, stored, and disclosed in line with the GDPR principles.

It is important that signs are displayed explaining that CCTV is in operation. A CCTV system should:

- Have CCTV cameras contained in vandal resistant housings with the facility for ceiling or wall mounting.

- Record images in colour HD quality.
  - Not be affected by concentrated white light sources directed at the camera, such as car head lights and street lighting.
  - Have a lockable steel cabinet for 'on-site' recording equipment or other hard drive units to one of the following standards:
    - LPS 1175 Security Rating 1 (A1), or
    - STS 202 Burglary Rating 1, or
    - SS314
  - Identify each camera's location and record this information along with time and date stamping.
  - Provide suitable methods of export and incorporate the required software to view the exported footage.
  - Negatively impacted upon by lighting and landscape proposals
  - Whether there is consideration for inclusion of comprehensive Operational use and Requirements Table
- Also, it is worth mentioning that the most important aspect of utilising CCTV is the quality of the system and its imagery.

CCTV cameras associated with visitor door entry systems covering communal entrances and internal lobby areas should be installed and be capable of providing images of persons that are clearly identifiable on smaller devices such as smart phones.

Ideally, CCTV systems should be monitored live 24/7 giving the ability to react to a situation as it occurs. However, this is not a requirement of Secured by Design for residential developments. Most CCTV systems are designed for recording images and for the post event investigation only, in which case nobody is required to monitor the activities live. Police recommend that images are stored for a minimum of 31 days.

Early discussions with an independent CCTV expert and potential installers can resolve a number of matters, including:

- monitoring and recording requirements.
- activation in association with the intruder alarm.
- requirements for observation, facial recognition/identification and automatic number plate recognition (ANPR) .
- areas to be monitored and field of view.
- activities to be monitored.
- the use of recorded images.
- maintenance of equipment and the management of recording.
- subsequent on-going training of operatives.
- Further advice, including the ICO CCTV Code of Practice is available at: [www.ico.org.uk](http://www.ico.org.uk)

## **Bicycle Security**

The area is particularly prone to cycle theft and any bicycle storage solutions should be constructed to the following 'Secured by Design' standards.

Bicycle parking will comprise of bicycle stands, anchor points, single and two-tier rack systems and dedicated lockers. The bicycle stands and rack systems, single or two tier, should be certified to one of the following standards:

- Sold Secure – SS104 Security Rating Bronze, or
- Element (Wednesbury) – STS 501 Security Rating TR1, or
- Element (Wednesbury) – STS 503 Security Rating TR1, or
- Warringtonfire – STS 205 Issue 6:2021 Security Rating BR1, or
- Warringtonfire – STS 225 Issue 1:2021 Security Rating BR1 (S), or
- Loss Prevention Certification Board LPS1175 Issue 8:2018 Security Rating A (A1)

Bicycle parking facilities should be limited to the storing of no more than seventy bikes; if larger numbers need to be stored at the same location, the facilities should be separated into discreet units and be subject to extra mitigating security measures as agreed with the Nottinghamshire Designing Out Crime Officer.

Standards for Public Cycle Parking is available at:

[www.securedbydesign.com/images/05132-Cycle-Parking-andSecurity-Standards-June-2021- REV-6.pdf](http://www.securedbydesign.com/images/05132-Cycle-Parking-andSecurity-Standards-June-2021-REV-6.pdf).

### **Good Neighbour Policy**

It is essential that staff and the company itself listen to and respond to the concerns of neighbours in the spirit of being a good neighbour. It is important that neighbours know the 'Good Neighbour Policy' exists and have access to a copy along, with contact telephone numbers which are responded to outside of normal office hours.

This approach will prevent unnecessary feelings of frustration and escalation resulting in calls for service from the Police and Local Authority.

It is requested that the Secured by Design standard is achieved and formally accredited due to the crime and disorder profile at the location.



*Independent Viability Experts*

FAO Ms Claire Turton  
Principal Planning Officer  
Gedling Borough Council

David Newham MRICS  
Director  
CP Viability Ltd

Sent by email only

**Our ref:** DN-1041  
**Your ref:** 2024/0381  
**Date:** 31<sup>st</sup> July 2024

Dear Ms Turton,

**PROPERTY ADDRESS:** Ernehale Lodge Nursing Home 82A Furlong Street Arnold Nottinghamshire NG5 7BP

**INSTRUCTING BODY:** Gedling Borough Council

**APPLICANT:** Arnold Point Ltd



Further to your confirmation of instruction dated 18<sup>th</sup> July 2024, we are pleased to report as follows.

## 1. Property Overview

- 1.1. The subject property is located in the market town of Arnold, to the north eastern side of the Nottingham conurbation around 3.5 miles north east of Nottingham City centre. The main town centre is focused around Front Street and Market Place, which offers a variety of retailers and eateries / bars. Main road access is via the A60 (Mansfield Road) which runs north to south and is accessible just over 600m to the south west of the site, on Cross Street. Nottingham Railway Station is located approximately 4 miles to the south.
- 1.2. More specifically, the property fronts onto the 'T-Junction' of James Street and Furlong Street. This is in an established mixed use residential and commercial area, with an ASDA petrol station and a Halfords Autocentre immediately to the east and other industrial and commercial uses to the north. To the south is a doctor's surgery and medical centre, as well as 2 storey semi detached and terraced residential housing beyond that. There are traditional terraced dwellings to the west. There is also an ASDA supermarket around 100m to the south east.
- 1.3. The subject property comprises a two storey vacant building last used as a nursing home. An accessway runs between the building and 82 Furlong Street and providing access to a carparking area at the rear. A strip of scrub/grass land is located along the northern and eastern boundary separating the site from Halford car parking area and Asda petrol station.
- 1.4. The site is broadly rectangular with open boundaries and areas of tarmacking and scrub. The land slopes gently from west to east, with a fall of about 0.6m. According to the planning application form, the site has a gross area of 0.12 Ha (0.29 acres).
- 1.5. Previous planning applications in respect of the site include:

**2023/0605** “Change of use from care home (Class C2) to a 29-bedroom house in multiple occupation (Sui Generis), together with changes to windows and doors and associated development” This was refused permission in February 2024.

1.6. The current application is for **(2024/0381)** “Change of Use from Nursing Home to 19 No. Dwellings with rear, side and roof extensions and façade alterations”

1.7. Based on the schedule of accommodation shown in the S106M “Financial Viability Appraisal” dated 31<sup>st</sup> May 2024, the proposed dwellings can be summarised as follows:

Name	Beds	Total units	Size per unit sq m	Total sq m
Apartment	1	4	37	148
Apartment	1	1	38	38
Apartment	1	1	38.40	38.40
Apartment	1	1	38.60	38.60
Apartment	1	2	41.40	82.80
Apartment	1	1	43	43
Apartment	1	1	44.50	44.50
Apartment	1	1	44.80	44.80
Apartment	1	1	45.50	45.50
Apartment	2	1	55.90	55.90
Apartment	2	1	59.50	59.50
Apartment	2	1	59.70	59.70
Apartment	2	1	62.10	62.10
Apartment	2	1	63.10	63.10
Apartment	2	1	71.20	71.20
		<b>19</b>		<b>895.10</b>

- 1.8. The scheme has a total gross internal floor area of 1,046 sq m. This is a gross to net ratio of around 86%.

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

- 2.1. Acting on behalf of the applicant, S106M have presented a “Financial Viability Appraisal” dated 31<sup>st</sup> May 2024 in which they consider a single scenario based on nil affordable housing. S106M conclude “...on a 100% open market basis, the benchmark land value exceeds the residual land value of the scheme.”
- 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 affordable housing / S106 contributions that the scheme can 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 1<sup>st</sup> 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 for this 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 1<sup>st</sup> 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 1<sup>st</sup> 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. We have assessed the viability of the scheme as at 31<sup>st</sup> July 2024.
- 2.9. 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 application.
- 2.10. 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.
- 2.11. 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. We have also adhered to the requirements of the Planning Practice Guidance: Viability, first published in July 2018 and updated since.
- 2.14. In undertaking our appraisals, we have utilised an approved toolkit, designed specifically for residual appraisals.
- 2.15. 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. S106M’s appraisal – summary**

- 3.1. As stated above, S106M’s single scenario appraisal does not include any affordable housing. S106M’s appraisal generates a residual land value of £221,166. As this is below the benchmark land value of £620,000 this is deemed to be unviable.
- 3.2. To summarise S106M’s appraisal, 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.	Average values	Total
Apartment 1 bed	13	£136,538 (£3,390 psm)	£1,775,000
Apartment 2 bed	6	£175,167 (£2,829 psm)	£1,051,000
<b>Total</b>	<b>19</b>		<b>£2,826,000</b>

### Gross Development Cost (Outgoings)

Type	Rate	Total
Apartment construction	£1,376 per sq m of GIA (1,046 sq m)	£1,439,296
External works	10% of build costs	£143,930
Contingency	4.55% of build costs	£71,965
Additional costs	Biodiversity net gain	£10,795
Professional fees	9.55% of build costs	£151,126
Marketing and sales	3% of GDV	£84,780
Sales legal fees	£1,000 per dwelling	£19,000
Finance costs	8% debit	£103,815
Developer profit	20% of GDV	£565,200
Acquisition costs	Legals, agent, SDLT	£14,928
<b>Total</b>		<b>£2,604,835</b>

- 3.3. Based on the above, S106M's appraisal generates a residual land value of £221,166. This is below S106M's separately assessed benchmark land value of £620,000 therefore S106M conclude that the scheme is unviable, even before any affordable housing is factored in.

#### 4. CP Viability's appraisal

##### Gross Development Value (Revenue)

4.1. S106M's adopted values equate to an average of £3,389 per sq m (ranging from £135,000 to £140,000), for 1-bedroom flats and £2,829 per sqm (ranging from £167,000 to £185,000) for 2-bedroom flats.

4.2. In terms of market evidence, S106M refer to the following:

- Land Registry Data for Gedling in respect of sold flats.
- Sold flats within 0.5 miles in the last 2-year period from Rightmove.
- New build and second-hand stock from Nimbus, of flats for sale within 1 mile.

4.3. We have firstly considered Land Registry data over the last 2-year period for the postcode area 'NG5' within which the site is located. We note the following:

	Address		Pcode	Sq m	Price	£psm	Date	Type
4	ADAMS DRIVE	REDHILL	NG5 8PY	55	£157,995	£2,873	08/08/2022	Flat
3	NICHOLSON CLOSE	REDHILL	NG5 8RQ	55	£157,995	£2,873	13/10/2022	Flat
16	NICHOLSON CLOSE	REDHILL	NG5 8RQ	55	£157,995	£2,873	29/09/2022	Flat
20	NICHOLSON CLOSE	REDHILL	NG5 8RQ	55	£144,995	£2,636	16/12/2022	Flat
					<b>£154,745</b>	<b>£2,814</b>		
1	ADAMS DRIVE	REDHILL	NG5 8PY	68	£157,995	£2,323	03/03/2023	Flat
2	ADAMS DRIVE	REDHILL	NG5 8PY	68	£154,995	£2,279	29/07/2022	Flat
6	ADAMS DRIVE	REDHILL	NG5 8PY	68	£154,995	£2,279	08/08/2022	Flat
1	NICHOLSON CLOSE	REDHILL	NG5 8RQ	68	£160,995	£2,368	31/08/2022	Flat
14	NICHOLSON CLOSE	REDHILL	NG5 8RQ	68	£144,995	£2,132	09/12/2022	Flat
18	NICHOLSON CLOSE	REDHILL	NG5 8RQ	68	£157,995	£2,323	29/09/2022	Flat
					<b>£155,328.33</b>	<b>£2,284.24</b>		

- 4.4. This development (known as 'Eagles Edge') is situated to the northern edge of Redhill around 0.8 miles northwest of the subject site. The sales referred to above relate to Phase 1 (we have recently appraised Phase 2 of the scheme). According to the UK House Price Index, flat values across Gedling have been static since 2022. By way of comparison, flats of circa 55 sq m above show an average of £2,814 per sq m, whilst at the subject scheme S106M allow £2,987 psm for a flat of 55.90 sq m. For larger flats of circa 68 sq m the above shows an average of £2,284 psm, whereas S106M allow £2,598 psm for a 71 sq m flat. In this context, S106M's allowances appear broadly reasonable.
- 4.5. However, as the new build transactional evidence is limited, we have also researched new build apartments currently available for sale. Currently on Rightmove, though, there is only 1 x 1 bed new build flat being marketed for sale. This is at Spondon Street in Sherwood and is sold subject to contract at an asking price of £155,000. However, the size of the unit is unclear and this also benefits from a balcony, therefore this does not provided a 'like for like' comparison to the subject site. Limited conclusions can therefore be drawn from this evidence.
- 4.6. With limited new build evidence, we have subsequently turned to second hand sold apartments within a circa 1 mile radius of the subject site. We attempted to limit our results to similarly sized properties. We note the following:



Flat 1 Roxby House Derwent Crescent  
Arnold NG5 6TD

This 2 bed flat was sold for £76,000 in  
March 2024.

It has a floorspace of 69 sqm (£1,101 per  
sqm)



7 Kingswell Avenue Arnold NG5 6SY

This 2 bed flat sold for £135,000 in December 2023.

It has a floorspace of 62 sqm (£2,177 per sqm)



2 Larkspur Avenue Redhill NG5 8JU

This 2 bed flat sold for £111,000 in December 2023.

It has a floorspace of 56 sqm (£1,982 per sqm)



Flat 14 Furlong Court Furlong Street Arnold NG5 7AJ

This 2 bed flat sold for £118,000 in December 2023.

It has a floorspace of 49 sqm (£2,408 per sqm)

4.7. By way of additional evidence, we have also considered apartments currently for sale within a circa 1 radius of the subject site:



Nicholson Close, Redhill

2 bed apartment SSTC

Advertised for £160,995

Size unknown



Goddard Court, Mapperley Plains

2 bed apartment SSTC

Advertised for £160,000

68 sq m (£2,353 psm)



Mapperley Heights Plains Road

2 bed apartment

Advertised for £155,500

Size unknown



Kingswell Avenue Arnold

2 bed apartment

Advertised for £140,000

59 sqm (£2,373 psm)



Edison Way Arnold

2 bed Apartment

Advertised for £140,000

62 sqm (£2,258 psm)



Oxborough Road Arnold

1 bed apartment

Advertised for £90,000

45.3 sqm (£1,987 psm)



Edison Way Arnold

1 bed apartment

Advertised for £109,950

44 sqm (£2,499 psm)

4.8. In the context of the above evidence, S106M's average value allowances at the subject site appear broadly reasonable.

4.9. However, as a final indicator of value, we have also considered the rental potential of the flats. We have again researched the local market for 1 & 2 bed flats within Arnold. We note the following current availability:

- Stockdale Close: 1 bed let agreed at £525 pcm
- Edison Way: 1 bed asking rent £750 pcm
- Millbeck Apartments: 1 bed asking rent £750 pcm
- Front Street: 1 bed let agreed £650 pcm
- Dawley Court: 2 bed asking rent £950 pcm
- Furlong Court: 2 bed let agreed at £850 pcm
- Jasmin House: 2 bed let agreed £825 pcm
- Edison Way: 2 bed let agreed £825 pcm

4.10. For the 1 beds we have subsequently adopted a gross rental rate of £800 pcm, increased to £1,000 pcm for the 2 beds. We have then allowed an average of 20% as a gross to rent reduction, which gives a total net rental income of £157,440 per annum. To capitalise this, an investment yield is applied. In this case, and taking into account market conditions as well as the nature of the scheme, a 6% is deemed to be appropriate. This equates to an investment value of £2,624,000. Finally, with respect to purchaser's costs, a deduction of 5.8% is considered to be a reasonable allowance given the size and nature of the development. Adopting this approach, we have arrived at an investment value of £2,471,808. This is therefore below the value shown in S106M's appraisal of £2,826,000 (which is based on individual sales of the apartments).



4.11. Having considered all of the above we conclude that S016M's adopted values are appropriate for the purposes of the viability testing.

#### Build costs

4.12. S106M adopt the following construction costs:

- Flat construction           £1,376 per sq m
- Externals                    10% of above
- Contingency                 4.55% of above

4.13. To arrive at the plot costs, S106M have referred to the Build Cost Information Service ("BCIS") database, which is regularly used in the industry to establish construction costs. S106M apply the median quartile costs for the rehabilitation/conversion of 3-5 storey flatted projects.

4.14. For the purposes of our assessment, we consider it appropriate to review the BCIS data, which is a source of build costs regularly used in the construction industry (and a database supported by the Planning Practice Guidance on viability). The rates given can be adjusted to reflect different building types and also to reflect locational factors. The rates include preliminaries and contractor overheads, but exclude contingency and abnormals (which therefore have to be allowed for separately).

4.15. We have reviewed the latest BCIS rates (rebased to Nottinghamshire and the 'rehabilitation/conversion' rates) and note the following:

## £/M2 STUDY

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

Last updated: 27-Jul-2024 07:23

Rebased to Nottinghamshire ( 100; sample 152 )

## 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	
Rehabilitation/Conversion							
816. Flats (apartments)							
Generally (15)	1,856	400	1,072	1,453	1,929	6,438	77
1-2 storey (15)	2,467	790	1,203	1,522	2,963	6,438	16
3-5 storey (15)	1,571	400	1,068	1,366	1,745	5,960	46
6 storey or above (15)	2,156	628	1,005	1,463	3,287	5,396	14

- 4.16. As shown above, the median rate for 3-5 storey is currently £1,366 per sq m. We have subsequently applied this latest figure to our appraisal.
- 4.17. As for externals, S106M's allowance is equivalent to 10% of the BCIS rate. By way of evidence, we have reviewed the external costs put forward by applicants in their own viability assessments for other similar size apartment conversion schemes. We note the following:

Site Address	Local Authority	Date	Description	Units	Externals (% of build cost)
Beeston Lodge, 15-17 Meadow Rd, Beeston	Broxtowe BC	Apr-23	Conversion	14	0.00%
Knightsbridge Court, West Bars, Chesterfield	Chesterfield BC	Aug-20	Conversion	30	4.56%
Westbridge House, Holland St, Nottingham	Nottingham City	Jan-21	Conversion	27	6.57%
29 Addison Street, Nottingham NG1 4HN	Nottingham City	Jul-22	Conversion	29	5.00%
2 Bunny Lane, Keyworth, Rushcliffe	Rushcliffe BC	Oct-22	Conversion	26	0.00%
Millbeck House, Oakdale Road, Arnold	Gedling BC	Feb-20	Conversion	23	8.32%
90 - 92 Nottingham Road, Somercotes	Amber Valley	Nov-20	Conversion	20	6.04%
Crocus Mills, Crocus St, Nottingham	Nottingham City	May-21	Conversion	30	11.63%
Playworks, Alfred Street, Nottingham	Nottingham City	Feb-21	Conversion	16	6.61%
102 Palm Street, Nottingham NG7 7HS	Nottingham City	Apr-21	Conversion	15	5.08%
					<b>5.38%</b>

4.18. Having reviewed the plans we do not consider there to be any significant external works associated with the scheme, other than the parking areas, access and limited landscaping. We are of the view that a 7.5% allowance (which equates to £107,163) would be sufficient to cover these cost elements. We have subsequently adjusted our appraisal accordingly.

4.19. 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.

4.20. 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 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 in our appraisal.

4.21. As for other costs, S106M allow £10,795 for Biodiversity Net Gain. We have assumed this is a robust figure and has been calculated to reflect the national requirements and the specific circumstances of the site. We have therefore accepted this in our appraisal.

Professional fees

4.22. S106M’s professional fees are equivalent to 9.84% of our adjusted BCIS rate / externals.

4.23. By way of evidence, we have again referred to the schemes discussed above in para 4.17. We note the following allowances put forward by applicants for professional fees:

Site Address	Local Authority	Date	Description	Units	Prof fees
Beeston Lodge, 15-17 Meadow Rd, Beeston	Broxtowe BC	Apr-23	Conversion	14	7.50%
Knightsbridge Court, West Bars, Chesterfield	Chesterfield BC	Aug-20	Conversion	30	8.89%
Westbridge House, Holland St, Nottingham	Nottingham City	Jan-21	Conversion	27	12.12%
29 Addison Street, Nottingham NG1 4HN	Nottingham City	Jul-22	Conversion	29	6.29%
2 Bunny Lane, Keyworth, Rushcliffe	Rushcliffe BC	Oct-22	Conversion	26	6.78%
Millbeck House, Oakdale Road, Arnold	Gedling BC	Feb-20	Conversion	23	13.18%
90 - 92 Nottingham Road, Somercotes	Amber Valley	Nov-20	Conversion	20	12.34%
Crocus Mills, Crocus St, Nottingham	Nottingham City	May-21	Conversion	30	7.46%
Playworks, Alfred Street, Nottingham	Nottingham City	Feb-21	Conversion	16	13.19%
102 Palm Street, Nottingham NG7 7HS	Nottingham City	Apr-21	Conversion	15	13.86%
					<b>10.16%</b>

4.24. S106M’s allowance is therefore considered to be reasonable when compared to the other identified schemes. We have subsequently adopted the same in our appraisal.

Planning policies

4.25. The Council has advised that there is a 20% onsite affordable housing requirement in this location.

4.26. The Council has also indicated that there may be a Bus Stop contribution requirement, a library facilities contribution and potentially an education contribution. However, at this stage the Council is waiting for consultation responses and therefore the potential S106 requirements are not yet known.

4.27. We understand that the subject property is in an area which attracts a nil CIL charge.

Marketing / legal costs

4.28. To cover sales and marketing, S106M have allowed the equivalent of 3% of the revenue.

4.29. By way of evidence, we have again referred to the schemes discussed above in para 4.17. We note the following allowances put forward by applicants for marketing / disposal:

Site Address	Local Authority	Date	Description	Units	Marketing
Beeston Lodge, 15-17 Meadow Rd, Beeston	Broxtowe BC	Apr-23	Conversion	14	3.00%
Knightsbridge Court, West Bars, Chesterfield	Chesterfield BC	Aug-20	Conversion	30	1.34%
Westbridge House, Holland St, Nottingham	Nottingham City	Jan-21	Conversion	27	3.00%
29 Addison Street, Nottingham NG1 4HN	Nottingham City	Jul-22	Conversion	29	1.00%
2 Bunny Lane, Keyworth, Rushcliffe	Rushcliffe BC	Oct-22	Conversion	26	2.00%
Millbeck House, Oakdale Road, Arnold	Gedling BC	Feb-20	Conversion	23	3.13%
90 - 92 Nottingham Road, Somercotes	Amber Valley	Nov-20	Conversion	20	3.00%
Crocus Mills, Crocus St, Nottingham	Nottingham City	May-21	Conversion	30	1.00%
Playworks, Alfred Street, Nottingham	Nottingham City	Feb-21	Conversion	16	1.50%
102 Palm Street, Nottingham NG7 7HS	Nottingham City	Apr-21	Conversion	15	2.00%
					<b>2.10%</b>

4.30. Based on the above we therefore consider 2% to be appropriate, plus £1,000 per unit for legals.

### Finance

- 4.31. In their appraisal, S106M adopt a debit interest charge of 8%. In light of recent increases in the Bank of England base rate this is considered to be reasonable and has been accepted in our appraisal.
- 4.32. To calculate the debit interest charges we have inputted our appraisal using ARGUS Developer. This is an industry leading toolkit designed specifically for preparing development appraisals.

### Developer's profit

- 4.33. In their report, S106M adopt a return on revenue of 20%.
- 4.34. 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.
- 4.35. In our experience profit margins fluctuate depending on the nature of the scheme and the type of developer implementing the project. For a 'traditional' flat scheme (where apartments are sold individually), and only as a broad guide, we tend to see net profit margins in the region of 15% to 20% of revenue.
- 4.36. In this particular case, given the relatively small size of the scheme we consider a reduced profit of 15% on revenue to be appropriate.

### Benchmark Land Value ('BLV')

- 4.37. 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.
- 4.38. 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.
- 4.39. 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. One area which the PPG deals with is in relation to assessing BLV, stating the following:
- 4.39.1. 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.
- 4.39.2. The EUV should disregard any hope value.

- 4.39.3. Benchmark land value should reflect the implications of abnormal costs, site specific infrastructure costs and professional site fees.
- 4.39.4. Benchmark land value should be informed by market evidence including current uses, costs and values wherever possible.
- 4.39.5. 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.
- 4.39.6. Under no circumstances will the price paid for land be a relevant justification for failing to accord with the relevant policies in the plan.
- 4.39.7. 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.
- 4.40. 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.



- 4.41. S106M adopt a benchmark land value of £620,000, which is based on a 'Red Book' valuation (a valuation for secured lending purposes) completed by Allcott Associates LLP on 20<sup>th</sup> October 2023.
- 4.42. We would stress that Allcott's assessment seeks to identify the market value of the subject site. The viability guidance indicates that a benchmark land value is a different concept and that this can vary from market value. It is therefore important to review valuation reports of this nature before judging whether this can be taken as the benchmark land value or not.
- 4.43. We have subsequently reviewed Allcott's valuation report. We note that the valuation identified by Allcott is principally based on 5 "Care home sold comparables". They ultimately establish a rate per sq m of circa £925 and apply this to the gross internal area of 671 sq m to arrive at a market value of £620,000.
- 4.44. We have researched the 5 comparables referred to by Allcott to assess whether these were sold on the basis of a care home use or whether the underlying value was based on future development potential (i.e. hope value). This is important, because any 'hope value' for future development should be excluded when assessing benchmark land values. We would comment on each of the 5 comparables as follows:
- 1166 London Road, Alvaston, Derby: Allcott refer to a sale in June 2023 at £552,000. However, since this time, the property went into LPA Receivership and was sold via auction in March 2024 for £425,000. With a stated internal area of 576 sq m this is equivalent to £738 per sq m.
  - Duncan Wood Lodge, Ollerton Rd, Worksop. This sold through auction as an investment in 2022.

- 17 Ashleigh Rd, Leicester the sales particulars referred to the development potential of the property. It is therefore unclear as to whether the price paid included hope value for future development.
  
- Park Lodge, 34 Sandy Lane, Romiley, Stockport the sales particulars referred to the development potential of the property. It is therefore unclear as to whether the price paid included hope value for future development.
  
- Evergreen Family Centre, Albany St, Ilkeston sold for £465,000, however since this time a planning application has been submitted for conversion to apartments. The price paid for the site therefore likely included hope value, which cannot be included when determining benchmark land value.

4.45. Having considered the above, our view is that the underlying existing use value (i.e. as a care home) would attract a lower value than the £925 per sq m figure adopted by Allcott. Using the London Road, Alvaston property as a key comparable we consider circa £750 per sq m would be appropriate at the subject property. This equates to an existing use value of £503,250. As per the requirements of the viability guidance it is then necessary to apply a premium uplift in order to arrive at the benchmark land value. In this case, we deem a circa 15% uplift to be appropriate, which gives a (rounded) benchmark land value of £580,000. We have subsequently applied this to our appraisal modelling.

## 5. Appraisal results and conclusions

5.1. We have initially run an appraisal based on nil affordable housing / planning policies contributions (if applicable). Please see attached our appraisal. This generates a modest residual land value of £394,400. As this is below our benchmark land value of £580,000 this fails to meet the viability threshold, even before any affordable housing / S106 payments are factored in.

5.2. Please note, this outcome is despite the following assumptions in our appraisal:

- Reducing the construction costs to £1,366 per sq m
- Reducing the externals to 5%
- Reducing the contingency to 3%
- Reducing the marketing / disposal to 2%
- Reducing the profit to 15% on revenue
- Reducing the benchmark land value to £580,000

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%
		2,999.33 /m <sup>2</sup>	3,078.26 /m <sup>2</sup>	3,157.19 /m <sup>2</sup>	3,236.12 /m <sup>2</sup>	3,315.05 /m <sup>2</sup>
-5.000%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%
1,297.70 /m <sup>2</sup>	(£365,938)	(£416,462)	(£466,986)	(£517,510)	(£568,033)	
-2.500%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%
1,331.85 /m <sup>2</sup>	(£329,645)	(£380,169)	(£430,693)	(£481,217)	(£531,741)	
0.000%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%
1,366.00 /m <sup>2</sup>	(£293,352)	(£343,876)	(£394,400)	(£444,924)	(£495,448)	
+2.500%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%
1,400.15 /m <sup>2</sup>	(£257,059)	(£307,583)	(£358,107)	(£408,631)	(£459,155)	
+5.000%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%
1,434.30 /m <sup>2</sup>	(£220,766)	(£271,290)	(£321,814)	(£372,338)	(£422,862)	

- 5.4. By way of explanation, even if sales values were to increase by 5% (and construction costs reduced by 5%) the residual land value would only be £568,033. This would still be below the benchmark land value and therefore at best only marginally viable, in which case there would still be no surplus available to put towards planning policy requirements.
- 5.5. In summary, we agree with the applicant and consider there to be a good justification on this scheme for removing the affordable housing / S106 contributions in order to give the scheme the best chance of being delivered.
- 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 timeframe then market conditions may have changed sufficiently for our conclusions on viability to be adjusted. Under this scenario we would strongly recommend a re-appraisal.

Ernehale Lodge Nursing Home  
82a Furlong St, Arnold  
Viability appraisal  
DN-1041

Development Pro Forma  
Prepared by David Newham MRICS  
ARGUS Software  
July 31, 2024

Ernehale Lodge Nursing Home  
82a Furlong St, Arnold  
Viability appraisal

**Project Pro Forma for Phase 1**

Currency in £

**REVENUE**

Sales Valuation	Units	mSales Rate	m <sup>2</sup> Unit Price	Gross Sales
Market Value	19	895.10	3,157.19	148,737 2,826,000

**TOTAL PROJECT REVENUE****2,826,000****DEVELOPMENT COSTS****ACQUISITION COSTS**

Residualized Price (0.12 Ha @ 3,286,665.57 /Hect)		394,400		394,400
Land Transfer Tax			9,220	
Effective Land Transfer Tax Rate		2.34%		
Agent Fee		1.00%	3,944	
Legal Fee		0.75%	2,958	
				16,122

**CONSTRUCTION COSTS**

Construction	mBuild Rate	m <sup>2</sup>	Cost
Market Value	1,046.00	1,366.00	1,428,836
Contingency		3.00%	46,404
Biodiversity Net Gain			10,795
			1,486,035

**Externals**

Externals	7.50%	107,163	107,163
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**PROFESSIONAL FEES**

Professional fees		151,126	151,126
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**DISPOSAL FEES**

Sales Agent Fee		2.00%	56,520
Sales Legal Fee	19.00 un	1,000.00 /un	19,000
			75,520

**TOTAL COSTS BEFORE FINANCE****2,230,365****FINANCE**

Timescale	Duration	Commences
Pre-Construction	3	Jul 2024
Construction	15	Oct 2024
Sale	12	Jan 2026
Total Duration	30	

Debit Rate 8.00%, Credit Rate 0.00% (Nominal)

Ernehale Lodge Nursing Home  
82a Furlong St, Arnold  
Viability appraisal

Total Finance Cost	171,735
<b>TOTAL COSTS</b>	<b>2,402,100</b>
<b>PROFIT</b>	<b>423,900</b>

**Performance Measures**

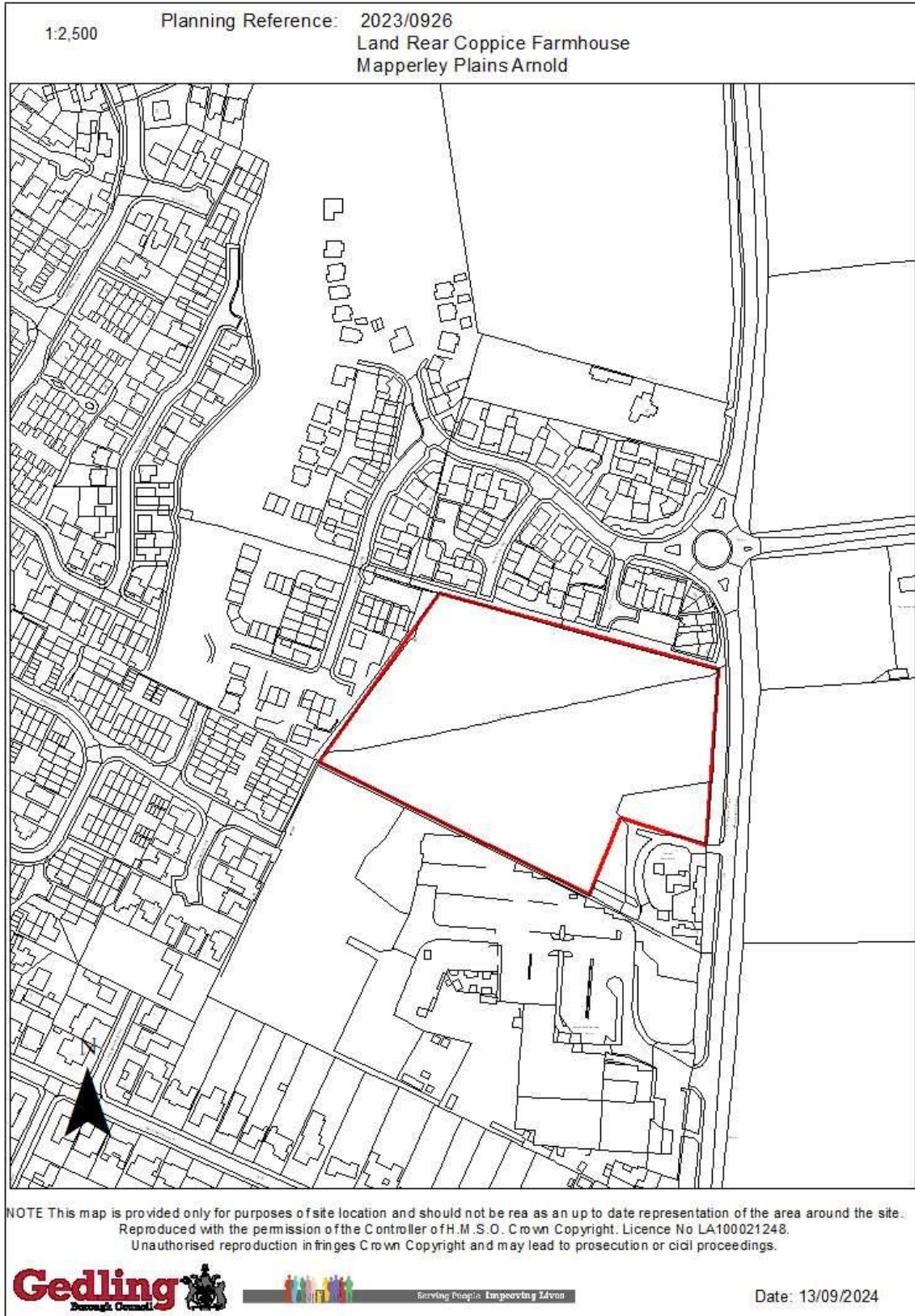
Profit on Cost%	17.65%
Profit on GDV%	15.00%
Profit on NDV%	15.00%

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**Planning Report for 2023/0926**



**Report to Planning Committee**

<b>Application No:</b>	<b>2023/0926</b>
<b>Location:</b>	<b>Land Rear of Coppice Farmhouse, Mapperley Plains, Arnold, Nottinghamshire</b>
<b>Proposal:</b>	<b>Erection of 54 dwellings (38 open market and 16 affordable dwellings), along with the provision of associated public open space and infrastructure.</b>
<b>Applicant:</b>	<b>Cameron Homes</b>
<b>Agent</b>	<b>GraceMachin Planning &amp; Property</b>
<b>Case Officer:</b>	<b>Claire Turton</b>

**In accordance with the Gedling Borough Council Constitution, this application is required to be determined by Planning Committee as it is an application proposing more than 9 dwellings and a legal agreement is required.**

**1.0 Site Description**

- 1.1 The site comprises a parcel of Greenfield land located on the western side of Mapperley Plains within the built-up area of Nottingham. The site measures approximately 2.12 ha in size and has historically formed part of a wider agricultural landholding.
- 1.2 This site forms part of the Residential Allocation H7, within the Gedling Borough Local Plan Document (adopted July 2018).
- 1.3 The Site is broadly rectangular in shape and is bound along its northern and western boundaries by the remainder of Allocation Reference H7, which is now under development by Davidsons Homes, for a residential scheme comprising 164 no. dwellings, including new vehicular and pedestrian access, garages, parking, roads, footpaths, infrastructure, drainage and attenuation / detention basins, landscaping and open space (Application Reference 2019/0213). Along its southern boundary, the site adjoins Brookfields Garden Centre and associated uses, which are also allocated for residential development under Allocation Reference H7 of the LPD.
- 1.4 To the east, the site fronts onto Mapperley Plains (the B684), whilst within its south-eastern corner, the landholding abuts the rear yard belonging to Coppice Farm. Planning permission has previously been approved for a residential development of 3 no. dwellings to the rear (west) of Coppice Farm itself (Application Reference 2022/0426).

- 1.5 There is a public footpath running across the site from its north-eastern corner where it adjoins Mapperley Plains, and then traversing the landholding in a roughly diagonal line, before joining 'Crawford Rise' at its south-western corner.
- 1.6 The application site lies within Flood Zone 1 and is, therefore, at the lowest risk of flooding.

## **2.0 Relevant Planning History**

- 2.1 None for this site. Planning permissions for adjacent sites are explained in Section 1 of this report, above.

## **3.0 Proposed Development**

- 3.1 Full planning permission is sought for residential development of 54 no. dwellings (38 no. open market and 16 no. affordable dwellings), along with the provision of public open space, private gardens, sustainable drainage, roads, car parking and landscaping.
- 3.2 The scheme envisages a mix of house types and sizes, including 2 and 2.5 storey properties, and offering a range of terraced, semi-detached and detached properties ranging from 2 – 5 bedrooms. The proposal of 54 no. dwellings, over a Gross Site Area of 2.12 hectares produces a density of 25 dwellings per hectare.
- 3.3 Located centrally within the application site, it is proposed to include an area of public open space (measuring 1,476 square metres). A further, smaller area of public open space (measuring 696 square metres) will be provided within the south-western corner of the site.
- 3.4 Around the perimeter of the Application Site, existing hedgerow and tree planting will be retained and protected as part of this proposal, with the submitted Soft Landscaping Scheme providing details of additional planting to be provided both around this outer boundary and within the body of the Site itself, as well as within private garden areas.
- 3.5 The current application site will be accessed via the approved Davidsons Homes development immediately to the north, with Shipley Close (within the Davidsons Scheme) entering the site on its northern boundary. Within the application site itself, this road will be constructed to adoptable standards, and will link to the main street which runs along an east – west axis through the proposed development. A further adoptable spur will be provided to the north of this main street, whilst to the south, properties will be served by a series of private drives.
- 3.6 The existing public footpath which bisects the site is proposed to be diverted through the development. This is shown on the submitted plans but would need to form part of a formal footpath diversion order application, should planning permission for this current residential planning application be approved. The footpath is proposed to continue to enter the site at its north-

eastern corner from Mapperley Plains, before following dedicated footways through the development. The public footpath will then exit the site at its south-eastern corner, through the smaller area of Public Open Space, before linking through to Crawford Rise to the west.

#### **4.0 Consultations**

- 4.1 GBC Arboricultural Officer – Originally requested further details, which have been submitted. Now raise no objection to the application, subject to conditions, as set out in the conditions section of this report.
- 4.2 GBC Development and Parks and Open Spaces (POS) – No objection. Note that requisite 10% of the site is to be POS and would be seeking a figure of £63,840.00 if the POS is to be maintained by Gedling Borough Council, instead of a Management Company. For the avoidance of doubt, no play equipment is sought on this parcel of the allocated site in that the provision of play equipment on the Davidsons site meets the entire provision for the allocation.
- 4.3 GBC Strategic Housing – Originally negotiated the type of affordable housing to be provided on site. Now raises no objection to the proposal.
- 4.4 GBC Scientific Officer – No objection subject to conditions regarding electric vehicle charging and a construction emission management plan.
- 4.5 GBC Waste and Recycling Team – Provide advice regarding waste collection, which is set out in the conditions section of this report.
- 4.6 NCC Highways Officer – No objection, subject to conditions, to final amended plans. Sought clarification and amendments throughout the application process (discussed in main body of report).
- 4.7 NCC Rights of Way (ROW) – No objection subject to conditions. Arnold Footpath 3 runs through the application site. An application for a Footpath Diversion Order will be required.
- 4.8 NCC Planning Policy – No objection subject to conditions. Raise no concerns with regards to minerals safeguarding or archaeology. Request a financial contribution towards secondary and post-16 education and library provision. No contribution is sought toward primary provision, with adequate capacity in local schools.
- 4.9 Lead Local Flood Authority (LLFA) – Originally requested further drainage details. Now raise no objection subject to conditions.
- 4.10 The Environment Agency – No objection. The development falls within flood zone 1 and therefore there are no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency
- 4.11 NHS Nottingham and Nottinghamshire – Request a contribution of £29,261.25 towards Primary and Community Care Services.

- 4.12 Nottinghamshire Police – No objection. Provide advice regarding designing out crime.
- 4.13 Severn Trent Water – No comments received.
- 4.14 Neighbours – Over the course of the application letters have been received by 21 residents. Concerns are;-

Residential Amenity

Overlooking

Noise from properties once occupied

Noise from traffic once occupied

Noise throughout construction phase

Noise will affect their business as they work from home

Air pollution, dust and dirt throughout construction phase

Privacy throughout construction phase

The character of the cul-de-sac will change due to it being a new through road

Will make the new Davidson development an undesirable place to live

Highway Safety

Object to access from Beedham Way and Shipley Close

Access should be from B684

The dictionary definition of “close” is no through road

Access road is not wide enough for additional traffic

Construction vehicles may not be able to enter site due to parked cars on access road

Emergency vehicles may not be able to use access road due to parked cars on access road

The roads on the new Davidson development were designed for that development only and not additional development.

The roads on the Davidson development are soon to have traffic calming measures

Children play out on the access street as it is currently safe to do so

Additional traffic will affect disabled residents

Traffic congestion from additional cars

The existing roundabout on the B684 is already busy

Additional traffic is a danger to pedestrians

Existing residents will be at danger when reversing off their drives

Safety throughout construction phase from construction vehicles

Damage to road surface throughout construction phase

Mud on road from construction vehicles

A full traffic assessment is required

The pavement between the existing roundabout on the B684 and Brookfields Garden Centre is extremely narrow. The applicants should create a safer pavement or create a footpath entrance at the corner of the new development onto Plains Road.

The County Council should review more bus routes in the area.

Other

Pollution

Disruption to water, drainage and electricity throughout construction phase

Impact on wildlife

There is a family of foxes, badgers, hedgehogs and lots of birds that flourish in the field

There will be a need for additional services such as schools, doctors and dentists

Additional people will impact on the already weak public transport

Consider further bus stops on Mapperley Plains

Consider bungalows

Flooding / drainage issues

The septic tank adjacent to plot 25 is used by 441, 443 and 445 Mapperley Plains. This should be fenced off. The current owners of the septic tank need to know who the land owner is.

Foul drainage requires careful considerations.

Existing culvert at the site is not big enough for the amount of water that flows into it

The green field currently acts as a buffer to flooding

Has an Environmental Impact Assessment (EIA) been carried out?

Has the Footpath Officer been consulted?

The area has been taken out of the Green Belt

The area will become over populated

This development is not in line with the sustainability agenda

This field is the only open public space left after the two new build estates in the area

Loss of green space – whilst some green space is proposed this is tiny

Bought their new house next to a field to enjoy nature

Was told no new housing was proposed for a few years

A brownfield site should be considered

Opposed to idea of more housing

De-valuation of property

Does not wish to live close to social housing

Increase in litter

People use the site as an illegal cut through to Howbeck Road

Less houses should be proposed

## **6.0 Relevant Planning Policies**

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. The following policies are relevant to the application:

6.2 At the national level the National Planning Policy Framework (2023) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development. The NPPF seeks to ensure a high standard of amenity for existing and future users of land and buildings.

National Planning Policy Framework:

Part 2 – Achieving sustainable development

Part 4 – Decision making

Part 5 – Delivering a sufficient supply of homes

- Part 8 – Promoting healthy and safe communities
- Part 9 – Promoting sustainable transport
- Part 11 – Making effective use of land
- Part 12 – Achieving well-designed and beautiful places
- Part 14 – Meeting the challenge of climate change, flooding and coastal change
- Part 15 – Conserving and enhancing the natural environment

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

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 – Sets out a hierarchical approach of urban concentration and regeneration, that supports the principle of residential development in the main built up area of Nottingham.

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

Policy 10 – Design and Enhancing Local Identity states that development will be assessed in terms of its “structure, texture and grain including street patterns, plot sizes, orientation and positioning of buildings and the layout of space”.

Policy 14 – Managing Travel Demand - The need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations.

Policy 16 – Green Infrastructure, Parks and Open Spaces – Green Infrastructure should be designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities.

Policy 17 – Biodiversity – New development should provide new biodiversity features, and improve existing biodiversity features wherever appropriate.

Policy 18 – Infrastructure – New development must be supported by the required infrastructure, and contributions will be sought from development proposals.

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

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

LPD4 – Surface Water Management states “all development proposals should, wherever possible, include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.

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

LPD18 – Protecting and Enhancing Biodiversity – Development proposals will be expected to take opportunities to incorporate biodiversity in and around development, wherever possible.

LPD 21 - Provision of New Open Space - Planning permission will be granted for residential development on sites of 0.4ha and above where it provides a minimum of 10% open space.

LPD 32 - Amenity states “Planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures”.

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

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

Policy LPD 36 - Affordable Housing - Planning permission will be granted for new residential development on sites of 15 dwellings or more subject to the provision of affordable housing. The following percentage targets will be sought in the sub-market ... Arnold / Mapperley 30%.

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

LPD 48 – Local Labour Agreements - The Borough Council will seek to negotiate planning agreements to secure local labour agreements for developments of 10 or more dwellings, on 0.5 hectares of land or development that will create more than 15 jobs.

LPD 57 Parking Standards sets out the requirements for parking.

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



LPD 64 Housing Allocations – Urban Area and edge of Hucknall – The site forms part of a larger housing allocation H7 Howbeck Road/Mapperley Plains.

6.5 Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy (December 2013). Part 1 Waste Core Strategy

Policy WCS2 Waste Awareness, Prevention and Re-Use – Development should be designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.

Policy WCS10 Safeguarding Waste Management Sites – There are no existing waste management facilities in the vicinity of the proposed development.

6.6 Low Carbon Planning Guidance for Gedling Borough (May 2021)

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

Interim Planning Policy Statement: First Homes (2022)

Open Space Provision for New Housing Development SPG (2001).

Development brief for three sites to the north east of Arnold (2019).

### **Assessment of Planning Considerations**

#### **7.0 Principle of Development**

7.1 The application site is allocated for residential development as the site forms the southern part of the housing allocation H7, Howbeck Road/Mapperley Plains for approx. 205 homes, allocated under Policy LPD 64 of the Local Plan but did not form part of planning application 2019/0213 (for the erection of 164 dwellings) on the northern part of the housing allocation H7, a number of which are now occupied.

The principle of development on this site is established through the allocation in the adopted Local Plan under LPD64. Therefore, the principle of development is supported.

7.2 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.

#### **8.0 Design / Impact on Visual Amenity and Character of the Area**

8.1 The design of the proposal is considered to be acceptable and not have an unacceptable impact on the character or visual amenity of the area.

- 8.2 There would be a good range of house types and sizes, including 2, 3, 4 and 5 bedroomed dwellings, 2 and 2.5 storey properties, terraced, semi-detached and detached properties. 54 dwellings are proposed across the site which results in a density of 25 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. The site also incorporates 2 no. areas of public open space. Therefore, a slightly lower density of development is considered to be appropriate in this instance.
- 8.3 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 brick under red and grey tiled roofs with a smaller number of plots including white render, to add interest and assist in legibility.
- 8.4 Around the perimeter of the site, existing hedgerow and tree planting will be retained and protected with additional planting proposed around the outer boundary of the site and within the body of the site.
- 8.5 To conclude this section, it is considered that the overall design, layout and housing mix of the proposal complies with the relevant planning policies set out in Section 6 of this report. In particular, it complies with the objectives of the National Planning Policy Framework and the Aligned Core Strategy Policies 8 and 10 and Policies LPD 33, 35 and 37.

## **9.0 Impact on Residential Amenity**

- 9.1 The amended proposal is not considered to have an unacceptable impact on the residential amenity of occupiers of neighbouring properties.
- 9.2 A number of neighbouring objections have been received regarding the impact on residential amenity on the occupiers of Shipley Close through the creation of the access road (highway safety is assessed later in this report). In particular this is through noise from traffic accessing the site throughout the construction phase and once the development is built out and occupied, should planning permission be granted. With regards to noise during the construction stage, house building sites are not uncommon next to existing residential areas and noise from construction traffic is only temporary in nature. If noise levels do become a noise nuisance then the Council's Environmental Health team would be able to control this. With regards to noise once the development is built out, should planning permission be granted, it is not considered that an access road serving an additional 54 dwellings would create a sufficient level of noise to be classed as a noise nuisance. A road serving this number of dwellings is not uncommon for a residential area.
- 9.4 Furthermore, the installation of the roundabout at the junction of the B684 and Beedham Way was designed to accommodate traffic for the whole of the allocated housing site (H7 in the adopted Local Plan). It was always intended

that access to the remainder of the H7 site (this specific application site) was to come from the new roundabout via the adjacent new estate.

- 9.5 Neighbours have also raised concerns regarding loss of privacy through the construction phase. Again, there would be some inevitable disruption during the construction phase. The retention of hedgerows will somewhat help to shield the site from existing neighbouring properties. House building sites are not uncommon next to existing residential areas and are only temporary in nature. However, there is a national and local requirement for housing delivery (as set out in Section 5 of the NPPF) and key to the delivery is the development of allocated housing sites.
- 9.6 Neighbour objections have also been received concerning dust and dirt during the construction phase. The Council's Scientific Officer has raised no objections to the proposal, subject to a number of conditions. One such condition is the submission of a Construction Emissions Management Plan to minimise the emission of dust and other emissions to air during site preparation and construction, in accordance with LPD11.
- 9.7 The proposal is not considered to cause unacceptable issues of massing / overshadowing, overbearing or overlooking onto neighbouring occupiers. This is primarily due to layout and separation distances between the proposed dwellings and between the proposed dwellings and existing properties as well as the location of the windows on the proposed dwellings and the existing hedgerows, which are proposed to remain. The properties with the shortest separation distance are plot 1 and 17 Shipley Close which are 8 metres apart. However, these are two side elevations containing no main aspect windows. With regards to separation distances between adjacent windows, the closest separation distances are within the site itself between plots 41 and 49 at 21 metres.
- 9.8 The proposed units themselves are of an adequate size to provide an acceptable level of amenity for proposed occupiers and adequate garden sizes are proposed to serve all dwellings.
- 9.9 For the reasons stated above, it is considered that the proposal complies with the relevant planning policies regarding amenity set out in Section 6 of this report. In particular, it complies with the objectives of the National Planning Policy Framework Policies, LPD 32 and 37.

## **10.0 Highway Safety**

- 10.1 A single access is proposed to serve the development. This is through the adjacent Davidson Homes development directly to the north, via the new roundabout on the B684 Mapperley Plains, and then through Shipley Close. The access point through Shipley Close will enter the site on its northern boundary, towards the western side of the development. This road will link to the main street within the site which runs along an east – west axis through the proposed development. A further adoptable spur will be provided to the north of this main street as well as a series of private drives, serving smaller groups of properties.

- 10.2 One of the most frequent neighbour objection to this proposal is the access road through the existing Davidson Homes development, with a number of neighbours stating that direct access to the site should be from the B684 Mapperley Plains. However, paragraph 5.22 of the Council's "Development brief for the three sites to the north east of Arnold (January 2019)" provides the following statement regarding access to the wider allocated H7 site (which comprises this current application site and the existing Davidson Homes site);-

*"All sites will be served with a Primary Access Road. Access to Site H7 will be provided via a new roundabout interchange with Mapperley Plains and Catfoot Lane."*

As such, the clear intention at the site allocation stage was for a single primary access road from the new roundabout on the B684 Mapperley Plains to serve the whole H7 allocated site which this current application is part of.

- 10.3 Furthermore, the Highway Authority has assessed the planning application, including the applicant's Transport Assessment, and has raised no objection to the proposed access arrangements stating that;-

*"Table 4 of the Transport Assessment shows the development will generate 64 and 51 person trips in the AM and PM peaks respectively. This has then been prorated in accordance with Method of Travel to Work Census data which reduces these values to 44 and 35 vehicles. Our own interrogation of the TRICS database has produced lower vehicle trip rates, and so the applicant's methodology is considered more robust."*

*Junction capacity assessment has been undertaken at the B684 / Catfoot Lane roundabout. Table 6 of the TA shows it will still operate within its theoretical maximum in the 2028 future year assessment scenario which is acceptable. Development traffic has been distributed on the network in accordance with Travel to Work origin/destination data from the 2011 Census which does not result in significant volumes of additional traffic at nearby junctions and so no further performance analysis is necessary."*

- 10.4 Following negotiations, clarifications and amendments, the Highway Authority now raises no objection to the proposed roads within the application site itself. Internally, the road layout comprises of a 5.5m wide carriageway with 2.0m wide footways on both sides, which is considered to be acceptable. Following a request from the Highway Authority, the applicant has submitted tracking details to show that it is possible for a dustcart and car to pass one another on all parts of the proposed adopted highway, specifically on bends / turns of more than 20 degrees. Also at the request of the Highway Authority, swept path analysis within the turning heads has been undertaken and is sufficient to accommodate a dustcart and a turning area has been made available to the rear of plots 27 and 28 for the occupiers at plot 26 to enter/exit the shared driveway in a forward gear.
- 10.5 A Section 106 Legal Agreement is being prepared and will include the provision of a private management company to maintain all shared private

driveways serving more than 5 properties. This would need to be signed prior to the grant of any planning permission.

- 10.6 Following negotiations, clarifications and amendments, the shared private drives now measure the required dimensions of 4.8m wide for the first 8.0m behind the highway boundary with an additional 0.5m for each side that is bound by a wall/fence/hedge or similar type obstruction. Bin collection points are also provided within 25 metres of the adopted highway (which is the maximum carry distance so that refuse vehicles do not have to enter the private driveways).
- 10.7 Following negotiations, driveway parking between plots have been widened to allow cars to park comfortably in the spaces and car parking spaces and have been re-positioned so that they are in close proximity to the property which they serve.
- 10.8 The Council's Parking Provision for Residential and Non Residential Developments SPD (2022) states that the parking requirement for houses in urban areas is as follows;-
- 2 bedrooms – 2 allocated spaces plus 0.2 unallocated spaces
  - 3 bedrooms – 2 allocated spaces plus 0.3 unallocated spaces
  - 4 plus bedrooms – 3 allocated spaces plus 0 unallocated spaces or 2 allocated spaces plus 0.6 unallocated spaces.
- 10.9 The proposal complies with the parking standards above.
- All the 2 bed units on site provide 2 car parking spaces so each have a requirement for 0.2 unallocated spaces.
  - All the 3 bed units on site provide a minimum of 2 parking spaces so each have a requirement for 0.3 unallocated spaces.
  - All but one of the 4 and 5 bed units on site provide a minimum of 3 parking spaces so do not have any unallocated parking requirement. The 1 no. 4 bed affordable housing unit (plot 40) has 2 no. allocated parking spaces and, as such 1 unallocated parking space is also provided adjacent to this parking area.

Taking the above into account a total of 9 unallocated parking spaces are required within the development. The proposal exceeds this and provides 11 unallocated visitor parking spaces.

The 11 spaces provided are located as follows:

- 6 no. spaces adjacent to the central public open space
- 1 no. space adjacent to plot 6 on the western edge of the site
- 3 no. spaces at the end of main street on the eastern edge of the site
- 1 no. space in front of plot 40 in the northern part of the site

It is considered that these spaces are distributed throughout the site and are acceptable in this respect.

- 10.10 There is an existing public footpath (Arnold Footpath 3) which traverses the site. The submitted plans show that this footpath will remain but will be re-routed through the site to enable the housing development. Nottinghamshire County Council's Rights of Way Officer has raised no objection to this proposal, subject to conditions. The diversion of the footpath will require approval through a separate footpath diversion order. The applicant is aware of this but for clarity this should also form part of an informative, should planning permission be approved for this current residential development application. If this application is granted planning permission then no part of the development, or any temporary works or structures, would be able to obstruct the public right of way until a footpath diversion order has been granted. The footpath diversion order application would also assess precise details of the design and specification of the proposed diverted footpath.
- 10.11 For the reasons stated above, it is considered that the proposal complies with the relevant planning policies regarding highway safety set out in Section 6 of this report. In particular, it complies with the objectives of the National Planning Policy Framework Policies, LPD 57, 61 and the Council's Parking Standards SPD.

## **11.0 Drainage / Flood Risk**

- 11.1 The site is located within Flood Zone 1 and is therefore at a low risk of flooding. Nonetheless, due to the size of the proposal a full Flood Risk Assessment was submitted with the application. The Environment Agency were consulted on the application and have raised no objections.
- 11.2 The Lead Local Flood Authority (LLFA) has assessed the submitted surface water drainage information and found it to be acceptable. This is subject to a condition requiring precise details of surface water drainage being approved prior to the commencement of development.
- 11.3 Foul drainage will be dealt with through the Building Regulations process, should planning permission be granted.
- 11.4 Following the neighbour letter, the area of the site containing an existing septic tank serving the properties on Mapperley Plains is now proposed to be fenced off from the proposed new dwellings.
- 11.5 For the reasons stated above, subject to conditions, drainage at the site is acceptable and the proposal will not increase flood risk in the area. As such, the proposal is considered to be in accordance with Part 14 of the NPPF, Policy 1 of the ACS and LPD4.

## **12.0 Ecology**

- 12.1 The site is a greenfield site located within an urban area. There is the possibility that species may be present within the grass or within the trees / hedges on site. As such, an Ecology Survey was submitted in support of the planning application.

- 12.2 This survey concludes that the proposal will not impact on ecology or protected species at the site or in the area, subject to a number of conditions. These include tree and hedgerow protection during construction and a low impact lighting strategy. The survey recommends a precautionary approach during construction works including final checks for any bats prior to any works to trees on site, works to take place outside of the bird breeding season unless hedgerows are first inspected for the presence of nesting birds and precautionary methods of construction. Ecology enhancements are also recommended such as the installation of bat and bird boxes.
- 12.3 This application was submitted prior to the legislation being published requiring a 10% Biodiversity Net Gain (BNG).
- 12.4 For the reasons stated above, subject to conditions, the proposal will not have an unacceptable impact on ecology and is in accordance with Part 15 of the NPPF policy 11 of the ACS and LPD18.

### **13.0 Sustainability**

- 13.1 In respect of the Low Carbon Planning Guidance for Gedling Borough the applicant has taken into account the relevant guidance and in particular, the checklist at Appendix 1, which is intended to be used in support of planning applications. The developer states that their standard approach is to reduce emissions through fabric improvements such as high levels of insulation and energy efficiency appliances. The site is close to local transport links, including footpaths and bus stops as well as being close to local amenities. Trees and hedgerows are proposed to remain as part of the development. The scheme is intending to provide a SUDs drainage system. As recommended in Section 17 of this report, conditions should be attached to the grant of any planning permission requiring electric vehicle charging points and bird nest boxes.

### **14.0 Planning Obligations**

- 14.1 The application meets the trigger for a number of contributions to make the development acceptable in planning terms.
- 14.2 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. The Council's Housing Manager requested that 11 of these units be affordable rented units and 5 to be First Homes. Negotiations have taken place with the applicant and a 4-bedroom affordable rented unit is now being proposed to meet demand within the borough. As a result, the housing mix for the affordable rent is 5 x 2-bed, 5 x 3-bed and 1 x 4-bed. The housing mix for the First Homes is 5x 2-bed.
- 14.3 The contributions sought from various statutory consultees are summarised below:
- Affordable housing – 11 housing units to be affordable rented units and 5 housing units to be First Homes.

- Education Contribution - £272,430 as a contribution towards secondary educational facilities in Arnold's Secondary Planning Area and £60,540 as a contribution towards post 16 educational facilities in Arnold.
- Library Contribution - £2,047 to be used by Nottinghamshire County Council as a contribution towards enhancing library provision at Arnold Library.
- Primary Healthcare Contribution - £29,261.25 RPI Index Linked to be used by the Integrated Care Board towards providing additional accommodation at Highcroft Surgery, Stenhouse Medical Centre and Plains View Surgery
- Open Space Contribution – Public Open Space to be provided on site as well as a maintenance sum of £63,840.00.
- Transport and travel – A £7,500 travel plan monitoring fee. A management scheme and management company for the future maintenance of the private driveways.
- S106 Monitoring fee – A S106 monitoring fee.
- Local Labour Agreement – A local labour agreement.

14.4 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.

14.5 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.

14.6 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.

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

14.8 A Section 106 Legal Agreement has been drafted to secure the contributions set out in paragraph 14.3 of this report.

## **15.0 Other Issues**

15.1 The site is located within a former coal mining area and, as such, the standard coal mining informative should be attached to any grant of any planning permission providing advice for building in a former coal mining area.

15.2 The Council's Scientific Officer advises that conditions should be attached to the grant of any planning permission regarding a Construction Emission Management Plan and electric vehicle charging points. This is in accordance with Policy LPD11 as well as the NPPF.

15.3 The majority of neighbour concerns have been addressed throughout the main body of this report. However, the remaining neighbour concerns are addressed below.

15.4 Concerns have been raised that there will be a disruption to water, drainage and electricity throughout construction phase. There is no reason as to why services would be disrupted during the construction phase. If this did happen, this would be a private matter.

15.6 Neighbours have raised concerns that there will be a need for additional services such as schools, doctors and dentists. As explained in Section 14.1 of this report, the developer has agreed to pay Nottinghamshire County Council a financial contribution towards local schools and a financial contribution towards local doctors' surgeries. A financial contribution towards dentists has not been requested.

- 15.7 Objections have been raised on the grounds that additional people will impact on the already weak public transport and further bus stops are required on Mapperley Plains. Nottinghamshire County Council were consulted on the application but have not requested any financial contributions to bus stop improvements. They have, however, requested that introductory free bus passes are provided to new residents in order to encourage the use of sustainable transport methods. The applicant agrees to this through their submitted Travel Plan.
- 15.8 A neighbour has asked the Council to consider bungalows. The applicant has not proposed any bungalows on this development and this has also not been requested by the Council's Strategic Housing team. The proposal is considered to provide an appropriate mix of house types and tenures as set out in paragraph 8.2 of this report.
- 15.9 A neighbour has raised the question as to whether an Environmental Impact Assessment (EIA) been carried out? The proposal is not EIA development as set out in the EIA Regulations and, as such, an EIA has not been carried out.
- 15.10 A neighbour states that the site has been taken out of the Green Belt. This is correct, the site was taken out of the Green Belt and allocated for housing development as part of the current Local Plan. A neighbour also states that a brownfield site should be considered for housing instead of this green field site. However, the site is already allocated for housing development in the Gedling Local Plan and, as such, the principle of residential development at this site is already established.
- 15.11 Concerns have been raised that the area will become over-populated. The density of development is slightly less than set out in LPD33, as explained in paragraph 8.2 of this report. The S106 legal agreement ensures that the development contributes to local services as set out in paragraph 14.1 of this report.
- 15.12 Neighbours raise concerns that this development is not in line with the sustainability agenda. As explained in paragraph 13.1 of this report, the applicant has demonstrated how the proposal will comply with the Council's Low Carbon Planning Guidance for Gedling Borough.
- 15.14 Neighbours state that this field is the only open public space left after the two new build estates in the area. Although the field has a public right of way running through it, it is privately owned and not a public open space.
- 15.15 Concerns have also been raised regarding the loss of a green space, on the grounds that a neighbour bought their house next to a field to enjoy nature, on the grounds that neighbours were told that no new housing was proposed on this site and some neighbours stated that they were opposed to the idea of more housing in general. This site is allocated in the Local Plan for housing development and, as such, the principle of residential development at the site is already established.
- 15.16 De-valuation of property is not a material planning consideration which can be afforded significant weight in the decision making process.

15.17 One neighbour states that they do not wish to live close to social housing. However, there is a need for social housing in the area and Policy LPD64 states that in the region of 31 dwellings on this allocated site needs to be affordable housing.

15.18 A neighbour requests that Nottinghamshire County Council (NCC) reviews bus service provision in the area. NCC has assessed the current planning application but has concluded that there is good access to local bus routes and that contributions towards local bus service provision will not be sought.

## 16.0 Conclusion

16.1 The proposed development is consistent with local and national planning policies. The site is allocated for residential development in the Local Plan, the design, scale and layout of the proposal is considered to be acceptable and does not have an unacceptable impact on the character or visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of occupiers of neighbouring properties in terms of noise, overlooking or massing / overshadowing. Parking and access at the site is acceptable. The proposal will not increase flood risk in the area nor will it have an unacceptable impact on ecology in the area. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Parts 2, 4, 5, 8, 9, 11, 12, 14, and 15), Policies A, 1, 2, 8, 10, 14, 16, 17, 18 and 19 of the ACS, Policies LPD 4, 11, 18, 21, 32, 33, 35, 36, 37, 48, 57, 61 and 64 of the LPD, Policies WCS2 and WCS10 of the RWLPWCS, Gedling Borough Council's Interim Planning Policy Statement: First Homes, Parking Provision SPD, Low Carbon Planning Guidance for Gedling Borough, Open Space Provision SPD and Development brief for three sites to the north-east of Arnold.

**17.0 Recommendation: GRANT PLANNING PERMISSION: Subject to the owner entering into planning obligations secured through a s106 agreement with the Borough Council as the Local Planning Authority and the County Council as the Local Highway Authority to secure 5 no. First Homes and 11 no. affordable rented units (affordable housing) on the site, areas of public open space on the site as well as a maintenance contribution, a travel plan monitoring fee, a S106 monitoring fee as well as a contribution to education, libraries, primary healthcare, and a local labour agreement and subject to the conditions listed for the reasons set out in the report.**

## Conditions

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

Garage Type STS, House Type 761, House Type 920, House Type Chapman, House Type Crane, House Type Gardener, House Type Harrison,

House Type Hermitage, House Type Heywood, House Type Hudson, House Type Kipling 1, House Type Kipling 2, House Type Seymour, received 15<sup>th</sup> January 2024

Amended Site Location Plan, received 28<sup>th</sup> June 2024

House Type 1158, received 28<sup>th</sup> June 2024

Application forms and certificates, received 4<sup>th</sup> July 2024

Amended Proposed Site Layout 2326-03-01 Rev R, received 16<sup>th</sup> August 2024

Amended travel Plan (ref: T23541 rev B dated 08/05/24)

- 3 No above ground construction works shall commence until samples of the proposed external facing materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 4 No unit shall be occupied until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the buildings are first occupied.
- 5 No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved prior to the first occupation of the development. These details shall include:

A schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

An implementation and phasing programme

Hard surfacing materials

- 6 No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the current or next planting season with others of similar size and species.
- 7 The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Method Statement, received by the Local Planning Authority 3<sup>rd</sup> September 2024 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.

- 8 Occupation of the proposed dwellings shall not take place until their respective driveways/parking areas have been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0m from the rear of the public highway, and which shall be drained to prevent the discharge of surface water from the driveways/parking areas 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.
- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- 10 From the date of first occupation every property 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.
- 11 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.

- 12 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy Plains Road Mapperley, December 2023, Woods Harwick., 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.

- o No surcharge shown in a 1 in 1 year.
- o No flooding shown in a 1 in 30 year.
- o 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.

- 13 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 14 No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved buildings 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.
- 15 The development hereby permitted shall be carried out in accordance with details contained in the submitted Ecological Appraisal, received by the Local Planning Authority 15<sup>th</sup> January 2024. In particular;-

No building on site shall be occupied until details of bird nest boxes and bat boxes have been implemented in accordance with Table 6 of the Ecological Appraisal. The bird and bat boxes shall then be retained thereafter for the lifetime of the development.

No development shall be commenced until details of a low impact lighting strategy will for the site during and post-development have been submitted to and approved in writing by the Local Planning. Development shall then be carried out in accordance with the approved details.

Prior to any tree pruning or felling, a close-up inspection of any features that could be used by roosting bats will be undertaken to determine the presence or likely absence of roosting bats. This may require a qualified climbing team or a Mobile Elevated Work Platform (MEWP) to access the features. In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.

A precautionary working method will be implemented during construction, including the following measures:

- Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.
- Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.
- In the unlikely event that a badger sett is identified, works must cease and advice must be sought from a suitably qualified ecologist.
- If any hedgehogs are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should

be moved by hand to a sheltered, vegetated area away from disturbance.

## Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interests of visual amenity
- 4 In the interests of visual amenity
- 5 In the interests of visual amenity
- 6 In the interests of visual amenity and biodiversity
- 7 In the interests of visual amenity and biodiversity
- 8 In the interests of highway safety
- 9 In the interests of highway safety
- 10 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 11 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 12 A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
- 13 In the interests of maintaining and enhancing biodiversity.
- 14 To ensure the character of the area and residential amenity is respected and to comply with policies ACS10 and LPD32.
- 15 In the interests of maintaining and enhancing biodiversity.



## Reasons for Decision

The proposed development is consistent with local and national planning policies. The site is allocated for residential development in the Local Plan, the design, scale and layout of the proposal is considered to be acceptable and does not have an unacceptable impact on the character or visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of occupiers of neighbouring properties in terms of noise, overlooking or massing / overshadowing. Parking and access at the site is acceptable. The proposal will not increase flood risk in the area nor will it have an unacceptable impact on ecology in the area. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Parts 2, 4, 5, 8, 9, 11, 12, 14, and 15), Policies A, 1, 2, 8, 10, 14, 16, 17, 18 and 19 of the ACS, Policies LPD 4, 11, 18, 21, 32, 33, 35, 36, 37, 48, 57, 61 and 64 of the LPD, Policies WCS2 and WCS10 of the RWLPWCS, Gedling Borough Council's Interim Planning Policy Statement: First Homes, Parking Provision SPD, Low Carbon Planning Guidance for Gedling Borough, Open Space Provision SPD and Development brief for three sites to the north-east of Arnold.

## Notes to Applicant

- 1 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)
- 2 With regards to condition 14, 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.
- 3 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.
- 4 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).

- 5 With regards to condition 17 all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).
- 6 The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2023). 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.
- 7 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:  
hdc.south@nottscc.gov.uk

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

- 8 A separate application for an Order to divert the public right of way/highway will be required under Town and Country Planning Act 1990 legislation. This is a separate legal process and the applicant will need to contact Gedling Borough Council.
- 9 The advice from Nottinghamshire Police is set out below;-

“We would further encourage the developers to consider the security benefits that the latest Secured By Design (SBD) Homes Guide 2024 which can be found at the link below, and which contain details of the specifications recognised nationally as providing the security aspirations for the developer:

<https://www.securedbydesign.com/images/HOMES%20GUIDE%20May%202024.pdf>

Ideally, the site would also apply for, and achieve the Secured by Design Gold Standard.

Construction site security is also of concern when this development progresses, and there is also guidance provided by Secured by Design, and this can be viewed at

[https://www.securedbydesign.com/images/CONSTRUCTION\\_SITE\\_SECURITY\\_GUIDE\\_A4\\_8pp.pdf](https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf)

Secured by Design (SBD) is a police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. ‘Secured by Design’ is proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure, and sustainable environments. Secured by Design is owned by the UK Police Service and is supported by the Home Office, Building Control Departments in England (Part Q Security – Dwellings), Scotland (Building Standard 4.13) and Wales (Part Q Security – Dwellings) all reference SBD.

Secured by Design (SBD) is a place-based approach to crime reduction that brings together standards of physical security with the broader principles of Crime Prevention Through Environmental Design (CPTED) to set minimum requirements that enable properties to be awarded SBD status. The results of several studies have shown that housing design plays a key role in influencing offender decision-making, the risk of surveillance and standards of physical security being primary deterrents (Armitage & Tompson, 2022).”

10 With regards to the public right of way at the site;-

- There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks’ notice is required to process the closure and an alternative route on should be provided if possible.
- If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.

- If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.
- Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.
- No materials or contractor's vehicles should be stored/parked on the path prevent access to or along the path at any time (unless a temporary closure of the path has been applied for and granted)
- Should vehicles run over the path during the development, the applicant must ensure that the surface is repaired and made safe for the users of the path, be that pedestrian, equestrian or cyclists.
- Where the right of way runs across the site, there are currently open fields on either side with no adjacent boundary. This open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor. See NCC development guide.
- The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuring that it is cut back so as not to interfere with right of way.
- Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption. [licences@viaem.co.uk](mailto:licences@viaem.co.uk)

If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email [countryside.access@nottscc.gov.uk](mailto:countryside.access@nottscc.gov.uk)

- If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic.

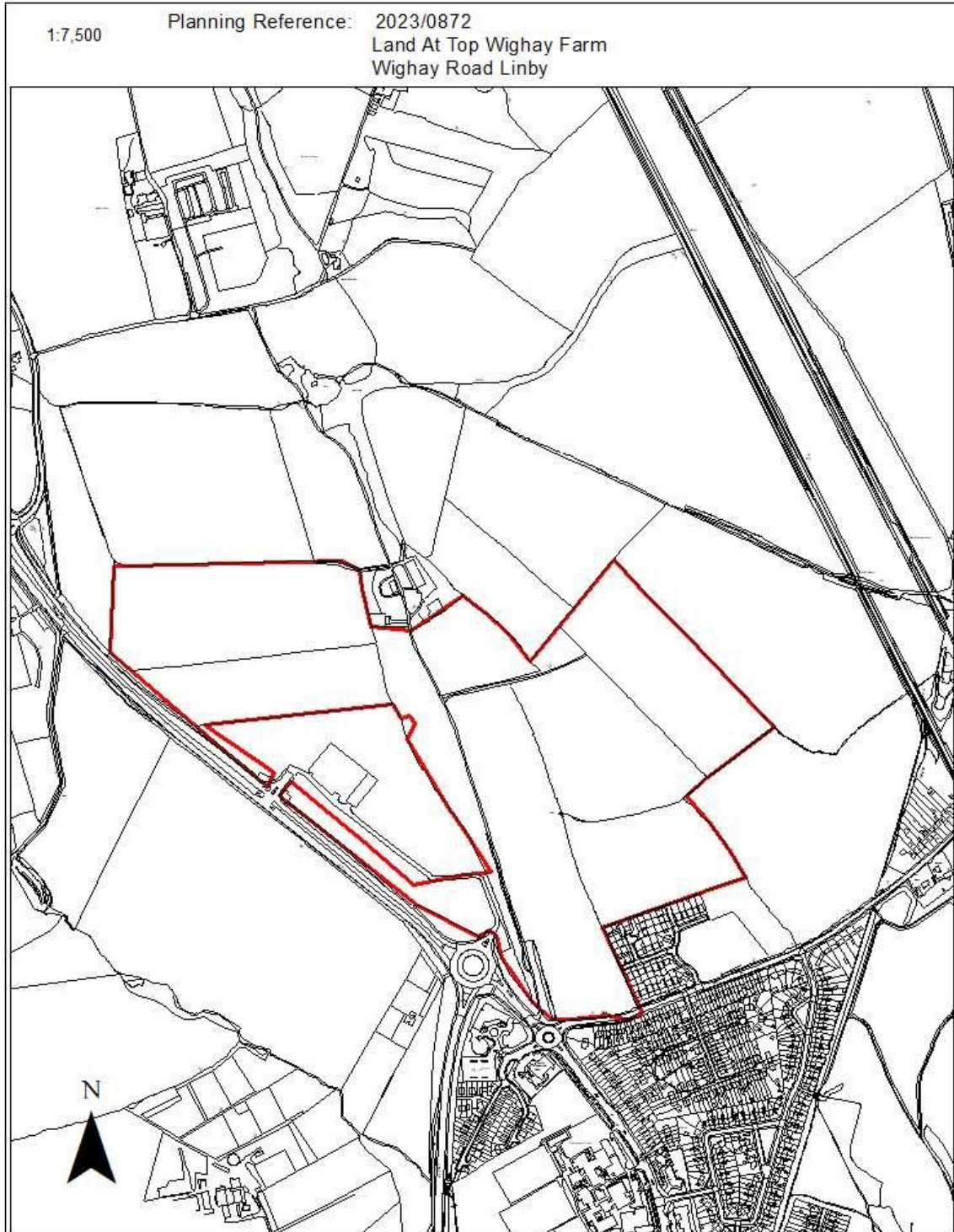
The proposed dwellings shall not be occupied until Arnold Footpath 3 has been formally diverted in accordance with the details shown indicatively on drawing 2326-03-01 Rev P. Any temporary works or structures shall not obstruct the right of way unless/until arrangements have been made with the Highway Authority to introduce a Temporary Prohibition of Pedestrians Order.

For the avoidance of doubt, vegetation removal does not constitute the commencement of development.

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**Planning Report for 2023/0872**



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.  
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Date: 13/09/2024

**Report to Planning Committee**

<b>Application No:</b>	<b>2023/0872</b>
<b>Location:</b>	<b>Top Wighay Farm, Linby</b>
<b>Proposal:</b>	<b>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, bell mouth entrances and associated infrastructure pursuant to outline permission Ref: 2020/0050.</b>
<b>Applicant:</b>	<b>Vistry Partnerships Ltd</b>
<b>Agent</b>	<b>Countryside Partnerships</b>
<b>Case Officer:</b>	<b>Craig Miles</b>

**The application is referred to Planning Committee to comply with the Councils constitution as the development proposes more than 9 dwellings.**

**1. Site Description**

- 1.1 The larger outline application site comprises an area of land covering 40.347 hectares, the current reserved matters application covers an area of 33.34 hectares and only excludes the employment land, local centre and school. It is located to the north of Linby and Hucknall and is bound by Wighay Road to the south and Annesley Road to the west.
- 1.2 The actual application site includes no buildings on it in that the agricultural buildings associated with Top Wighay Farm, whilst in the same ownership of the applicant, actually fall to the immediate north of the application site. As a result, the application site comprises a number of agricultural fields marked by hedgerows and an access track to the farmstead, which is raised above the surrounding fields. Whilst the majority of the site is intensively farmed there is one Local Wildlife Site within it, Top Wighay Farm Drive. Since the determination of the outline application an access point from Annesley Road for construction traffic is in situ and development has commenced on the building for Nottinghamshire County Council, referred to in section 2.5 of this report.
- 1.3 The application site is allocated for a mixed-use development under policy 2 of the Aligned Core Strategy and Gedling Borough Council have also produced a Top Wighay Farm Development Brief Supplementary Planning Document (SPD) to guide the overall development. The site is strategically located to the edge of Hucknall and the wider Nottingham conurbation and falls next to the administrative boundary of Ashfield District Council.



## **2. Background**

- 2.1 The application site is allocated within the Aligned Core Strategy under Policy 2 (The Spatial Strategy). Gedling Borough Council prepared and adopted a Development Brief Supplementary Planning Document for the Top Wighay Farm site in 2017.
- 2.2 In 2020, Nottinghamshire County Council submitted an outline application for mixed-use development comprising; 805 homes, land for employment purposes (up to 49,500m<sup>2</sup> of B1/B8 uses), a Local Centre comprising A1-A5, B1(a) and D1 uses (up to 2,800m<sup>2</sup>), a 1.5 form entry Primary School and associated infrastructure, open space and landscaping (EIA Development) (REF: 2020/0050).
- 2.3 The resolution to grant planning permission was made by Gedling Borough Councils Planning Committee in March 2021 and the outline application was subsequently granted permission on 25th March 2022 following the completion of the S106 Legal Agreement.
- 2.4 Permission was granted subject to conditions which require the development be carried out in accordance with details provided at the outline stage including an Illustrative Masterplan and Parameter Plan. These plans set out where certain land uses would be located on the wider site and how much be provided.
- 2.5 Since the grant of planning permission, Nottinghamshire County Council gained full planning permission for the erection of an office building on the land identified for employment development within the outline planning permission (Application Ref:FR3/4371). This development has started and is due to be complete at the end of 2024.
- 2.6 Separately, prior to the submission of the outline application, Strata Homes also obtained full planning permission for the erection of 38 dwellings on land adjacent the site, to the east along Wighay Road. This development is complete and fully occupied.
- 2.7 Nottinghamshire County Council made a request to change the existing Section 106 Agreement (the Agreement) at Top Wighay Farm which was considered at Planning Committee in June 2024. The matter related to a change to the form of open space, in essence 2x 9 a-side pitched would be formed instead of 2 x 11 a-side pitches. It should be noted that there would be no less open space provided compared to the approved outline application and associated illustrative masterplan. 2.8 In Part 2 of the Local Plan, adjoining the site to the north and east are areas defined as being "Safeguarded Land" for possible future development. They have no status for development at this time, but there is a requirement for connection to be made available to them as part of the layout.

### **3. Relevant Planning History**

- 3.1 2024/0063 - Variation of section 106 Legal Agreement (Schedule 5 Provision of Open Spaces - Definitions Section) for outline planning permission 2020/0050. Approved June 2024.
- 3.2 2023/0823 - Approval of details reserved by condition 4 (Phasing Plan) of outline planning permission 2020/0050. Approved January 2024
- 3.3 2020/0050 - Outline planning application for mixed-use development comprising; 805 homes, land for employment purposes (up to 49,500m<sup>2</sup> of B1/B8 uses), a Local Centre comprising A1-A5, B1(a) and D1 uses (up to 2,800m<sup>2</sup>), a 1.5 form entry Primary School and associated infrastructure, open space and landscaping (EIA Development). Approved March 2022.

### **4. Proposed development**

- 4.1 This application seeks reserved matters approval for the development of 763 dwellings and apartments within the residential parcels as detailed in the Parameter Plan, including bell mouth entrances for the school and Local Centre, Public Open space, comprising of informal games area, 3No. Locally Equipment Area for Play, and a Community Hub / Multi use games area and associated infrastructure.
- 4.2 The matters for which approval is sought include layout, scale, landscaping and appearance. The matter of access (from the public road) was secured as part of the outline planning permission and is therefore not considered at his reserved matters stage, save for the internal highway layout.
- 4.3 In accordance with the illustrative masterplan and parameter plan approved at the outline stage, for the residential parcels of the site, the outer areas of the site can be up to 2.5 storeys (10.5m in height) with the inner areas being up to 3 storeys (12m in height). The properties have been designed to comply with these upper height limits for all areas of the site. In terms of the quantum of development proposed, this reserved matters application proposes 763 of the approved dwellings (805). The remainder of the dwellings is likely to be delivered as part of the local centre development e.g. residential units above a shop. The proposal is to create four phases of development; Phase 3A, Phase 3B, Phase 5B and Phase 5A (which includes the central Public Open Space and a Multi-Use games area).
- 4.4 Phase 3A (Linden Homes) would contain 288 dwellings and will be accessed from the road leading beyond the new office development.
- 4.5 Phase 3B (Bovis Homes) would contain the entrance landscaping and Local Wildlife site with 158 dwellings beyond including an attenuation basin and proposed play space. Phase 5B and the dwellings within Phase 5A (Countryside Partnerships) contain 317 dwellings and a further attenuation basin to support the relevant catchment area. Overall, there would be a broad mix of dwelling sizes ranging from 1 bed to 5 bed. The major of units (49%) would be 3 bedroom dwellings.

- 4.6 The remainder of Phase 5A would contain the Primary School Land, central area Play and Open Space, which includes playing pitches, the community hub and the attenuation basin.
- 4.7 In terms of the creation of public open space and landscaping, the proposed development includes three play spaces (LEAPs) integrated within the residential layout as well as the central open space area opposite the school site which includes playing pitches and provision.
- 4.8 The proposed playing pitches are to cater for 9 v9 football and will be laid out and maintained to an appropriate standard to ensure year-round use.
- 4.9 Existing hedgerow lines and established trees are retained where possible with further incidental landscape planting woven around the residential parcels to enhance the sense of place and soften the appearance of street scenes. The ditch course running along the eastern boundary will have white railings running along its length similar to those running through central Linby.
- 4.10 In terms of the drainage it is proposed that across the site, the development would be served by a sustainable urban drainage system which includes above and below ground surface water attenuation, flow and discharge control and permeable paving. Catchment areas would be created, and surface water collected, stored and discharged appropriately at greenfield run off rates.
- 4.11 In terms of layout, it is proposed that there is a main spine road through the development, the secondary and tertiary roads as well as the access designs to the school and local centre. The main spine road will extend from the roundabout in front of the office development which is currently under construction. The spine road will loop around the site and link to the dormant fourth arm of the Annesley Road round about. Access is provided to the safeguarded land to the north through the development parcels.
- 4.12 The main spine road itself would be 6.5m in width with 3m shared pedestrian/cycle footways on either side with a further 1m wide margin adjacent the footpath edge. The secondary spine road would have a carriageway width of 6.2m with a 3m wide shared cycle/pedestrian footway one side and a 2.5m wide shared cycle/pedestrian footway on the other.
- 4.13 Although the outline planning permission granted consent for the remaining employment development, a primary school and local centre, these elements of the original outline consent are not being delivered by the applicant and does not form part of this reserved matters application. Separate reserved matters applications will be required by others for the development of a primary school and local centre and employment development. Although it should be noted that the primary school development is being delivered by Nottinghamshire County Council using funds deriving from the S106 Agreement for the site.
- 4.14 Sufficient space would be retained for the potential future provision of an extension to Nottingham Express Transit so that it would serve the future residents and occupiers of the site.

4.15 Overall, 95 affordable rented homes and 40 shared ownership homes would be delivered throughout the site in accordance with the outline planning permission

## 5. Consultations

### Members of the Public

5.1 A number of site notices were displayed, and neighbour notification letters posted. The application has been advertised in the press in that it is a major application. As a result of consultation undertaken no letters of objection were received from the general public and 2 letters were received neither objecting nor supporting the application. A summary of the responses received are drafted below;

- The proposed dwellings on the southern part of the site should be limited to two storeys in height to limit direct overlooking into the existing Strata Homes development to the south.
- Clarity required about who would be responsible for maintaining the existing dividing hedge
- The existing footpath on Wighay Road should be increased as it not particularly wide.
- Additional parking should be provided for the should the tram be extended into the site
- Pedestrian crossing on Wighay Road should be upgraded
- There should be a traffic light system for cars to limit speed to and from the proposed site.

5.2 Linby Parish Council– have submitted representation objecting to the proposals on the basis that:

- The proposed development is contrary to policy EMP2 Employment in the Linby Neighbourhood Plan, by virtue of being piecemeal development without a masterplan for the wider site.
- The proposed development is poorly designed and not specific to the site and context and fails to meet national, local or Neighbourhood Plan policy requirements. It has ignored the guidance in the National Model Design Code.
- The proposal represents piecemeal development, and there is concern that the rate of housing development will not be matched by the provision of essential employment or service infrastructure.
- It fails to meet design requirements of the NPPF, National Model Design Code, LNP, Draft Gedling Borough Design Framework or the Top Wighay Farm Development Brief SPD. Encourage the applicant to consider this design guidance and revise the proposed scheme reflecting the local

character of Linby, rather than a non-site specific design and layout that fails to positively respond to the character of Linby Parish, a historic rural community.

- There is still no clear indication how surface water drainage will be dealt with. The Parish Council submitted additional representations specifically in relation to surface water flooding and the submitted design proposals together with the findings of their independent report in April 2024. They are still awaiting a response from the applicant.
- There is nothing requiring the timed or guaranteed implementation of the wider pedestrian/ cycle connectivity within the whole area of the outline application as shown on the approved illustrative masterplan. There is concern that users of this development will not have sustainable travel options readily available that are sufficient to encourage and enable their use.
- The scheme is unsustainable, as it will not offer sufficient options for sustainable and active travel.

5.3 Strategic housing – Based on the most recent need the Strategic Housing Manager confirms that based on a split of house types/by tenure of 70% affordable rent and 30% affordable home ownership (shared ownership) there would be a requirement for 95 affordable rented homes and 40 shared ownership homes. They raise no objection to the application as they have confirmed that the appropriate units and specific sizes have already been identified on the site (these are outlined in more detail in the affordable housing section of this report).

5.4 Sport England – Object to the proposals on the basis that there is a lack of changing rooms for the proposed sport pitches. However, they note that “if an appropriate mechanism is put in place to secure the delivery of the changing room facility, the proposal would accord with Sport England’s Planning Objective 10 “Provide sport and physical activity provision which is fit for purpose and well designed.” If the Council is minded to approve the application they suggest a condition for the delivery of the changing room facility and a minimum specification for this facility which complies with Sport England/ NGB design guidance. They also request a condition requiring the submission and approval of detailed pitch works, including construction specification for the playing pitch to ensure that the construction and design of the natural turf playing pitches is fit for purpose.

5.5 Nottinghamshire County Council Highways – The Highway Authority raise no objection to the application subject to the imposition of conditions (as set out at paragraphs 2, 4 and 5 of the “Conditions” section of this report)

5.6 Lead Flood Authority – Confirm that they have reviewed the reserved matters application and based on the submitted information they have no objection and can recommend the approval of the reserved matters application. They note that any surface water management conditions on the outline approval will still require discharging.

5.7 GBC Parks and Street Care – Following receipt of amended plans in respect of the main area of sports provision, they raise no objection to the application, with it noted that the other two play areas would need to be approved through the S106 and approval of the open space scheme.

5.8 Active Travel England - Comment that significant alterations are required to the design of streets within the development to meet national and local standards. These are required to provide an attractive choice for people to walk, wheel or cycle and for the development to play a part in meeting the Government's objective for half of all journeys to be made using active modes by 2030. They recommend that the application should not be determined until amendments to address these concerns are submitted and that they are not in a position to support this application and requests further assessment, evidence, revisions and/or dialogue.

The above comments were received on the original consultation, but they have not responded to the consultation on the revised layout.

5.9 NCC Transport and Travel - Advise that bus stop provision would be required throughout the development. They confirm that updated plan showing location and vehicle tracking for new stops is broadly acceptable but recommend a planning condition requiring the design to include real time bus stop flags, poles & displays including low voltage power source to the real time information pole location; polycarbonate bus shelter; solar or electrical lighting in bus shelter; raised kerbs; enforceable bus stop clearway; lowered access kerbs; additional hard stand and a timescale for installation.

5.10 The Environment Agency – Confirm that they do not have any new comments to make at this reserved matters stage.

5.11 Environmental Health Officer (Contamination and air quality)– confirms that only the comments submitted in 2020 for the outline would still apply, which included conditions in respect of a Construction and Environmental Management Plan and Electrical Vehicle Charging Points.

5.12 Conservation Officer – notes that the housing types appear to be well considered and does not object to the application. He advises that the proposed dwellings with a mix of render and brick or stone, and those with wholly of brick or stone and the detailing on them would add interest and reflect more traditional built forms. However, he raises some concerns about the overuse of all rendered properties and suggest that they should be reduced in number and interspersed with a greater number of wholly stone buildings and stone mixed with the stone coloured render particularly on the eastern character area closest to the conservation area.

5.13 Environmental Health Officer (Noise) – Having considered that the noise impact assessment they recommend that it should be a condition of the planning permission being granted that the mitigation measures suggested in the noise impact assessment should be adopted to mitigate any noise issues from the Annesley Road and Wighay Road.

- 5.14 Nottingham Express Transit Project Officer - Advises that safeguarding route should be retained and be reduced to 12.5 along the eastern edge of the site. They highlight that a section of safeguarded alignment coincides with the route of a ditch – this is the only available space in which the tram route and tram stop can be accommodated within the submitted proposals, without the realignment of roads or buildings. NET advise that it is possible for a drainage channel to be culverted beneath a tram alignment, although not preferable.

## **6.0 Assessment of Planning Considerations**

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

## **6.0 Development Plan Policies**

- 6.1 The following policies are relevant to the application:

### **6.2 National Planning Policy Framework 2023 (NPPF)**

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). Sections 5 (Delivering a wide choice of high quality homes), 6 (building a strong and competitive economy), 9, (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), 15 (conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment) are particularly pertinent.

- 6.3 The following policies of The Adopted Greater Nottingham Core Strategy (ACS) Part 1 Local Plan 2014 are pertinent to the determination of the application:

- 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 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 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 assessing application affecting the historic environment and heritage assets and their settings
- Policy 16: Green Infrastructure, Parks and Open Space
  - 
  - Policy 17: Biodiversity – sets out the approach to ecological interests

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

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

- LPD3: Managing Flood Risk – identifies the thresholds whereby particular developments may be considered acceptable in a particular flood zone and mitigation that may be required in terms of a site specific flood information e.g. a flood risk assessment.
- LPD4: Surface Water Management - sets out the approach to surface water management.
- LPD5: Managing water quality – identifies that planning permission will be granted for development that does not have an adverse effect on water quality through pollution of surface water.
- LPD6: Aquifer protection – identifies that development will be granted for proposals that do not cause contamination of ground water aquifers.
- LPD10: Pollution – notes permission will not be granted for development which result in pollution and may impacts sites allocated in the ACS or LPD or detrimentally impact the historic or natural environment.
- LPD11: 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.
- LPD18: Protecting and enhancing biodiversity - sets out that proposals should be supported by an up to date ecological assessment. Any harmful impact should be avoided through design, layout and mitigation or compensation. Where possible, development proposals will be expected to take opportunities to incorporate biodiversity in and around the development and contribute to the establishment of green infrastructure.
- LPD19: 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.
- LPD21: 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.
- LPD26: Heritage assets - highlights the criteria against which applications that affect heritage assets will be assessed along with the need to consider wider public benefits and other mitigation that may be advanced.
- LPD27: Listed Buildings – identifies the need to consider impacts to listed buildings from the development proposed, as well as on their setting.
- LPD28: Conservation Areas – identifies that applications should preserve or enhance the character of a Conservation Area, and identifies a number of criteria against which to asses applications.



- LPD29: Historic landscapes, parks and gardens – identifies that such features should be retained and not be detrimentally impacted by a development, including the setting of the Heritage Asset.
- LPD30: Archaeology - sets out the measures to protect sites with archaeological potential.
- LPD32: Amenity - planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- LPD33: Residential density - outlines the level of residential density that is likely to be acceptable in various locals within the Borough.
- LPD35: 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 the thresholds whereby affordable housing will be required on a scheme.
- LPD37: Housing type, size and tenure - states that planning permission will be granted for residential development that provides for an appropriate mix of housing.
- LPD48: Local Labour Agreements - identifies the threshold for seeking Local Labour Agreements.
- LPD57: Parking Standards - sets out parking standards for developments.
- LPD61: 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.
- LPD71: Employment allocations – identifies employment allocations in the Borough, along with the types of uses and amount of land that are allocated.

6.5 The relevant policies from the Linby Parish Neighbourhood Plan 2018 – 2032 are:

- Policy HSG1: Housing – identifies that for developments of 15 or more dwellings there would need to be a suitable housing mix, including a mix tenure, demand for smaller housing and elderly/disabled people,
- Policy DES1: Place – identifies a number of design principles that would need to be adhered to including a suitable layout, scale, attractive form of development; appropriate parking and a distinction between public and private space.
- Policy CBH1: Designation of Local Green Spaces – identifies areas that are protected from development, save for under very special circumstances.
- Policy CBH2: Historic Character – recognises that application would need to respect the historic character of the area through the design use of appropriate materials e.g. Bulwell stone
- Policy NE1: Habitats, Trees and Hedgerows – There should not be a net loss of habitat and where existing vegetation is removed this would need to be mitigated with appropriate new planting.

- Policy NE2: Landscape and Rural Character - Development should respect its rural and landscape character through Sustainable Urban Drainage features incorporated within the landscape and appropriate boundary treatments.
- Policy TRA1: Traffic and Transport – new development should have sustainable transport provision through roads that have capacity and the encouragement of public transport modes, including cycling and walking
- Policy EMP2: Employment and Infrastructure – identifies that on the Top Wighay Farm Site an overall masterplan for the site should be approved prior to individual applications being approved.
- Policy COM1: Community Facilities and Assets – identifies the criteria against which new application for community facilities will be assessed along with those that are to be protected.
- Policy DC1: Developer Contributions – recognises that through CIL and Section 106 Legal Agreements contributions should be sought to improve education, health, footpath provision and public transport.

## 6.5 Other Guidance

Parking Provision for Residential Developments Supplementary Planning Document (May 2012) and Requirement for Parking Provision in Residential and Non-Residential Developments – Appendix D of the adopted Local Planning Document Part 2 Local Plan set out parking standards for residential uses; Affordable Housing SPD; Open Space Provision for New Housing Development SPG; Air quality and Emissions mitigation. Low Carbon Planning Guidance for Gedling Borough (May 2021) - provides guidance on sustainable design and construction. Top Wighay Farm Development Brief Supplementary Planning Document February (adopted 2017).

## 7.0 Planning Considerations

### Principle of the development

- 7.1 The application site is identified as a strategic allocation under policy 2 (3bii) of the ACS. The policy recognises that up to 1,000 homes could be erected on the land whilst noting that the site is available for housing or other development where specified. Subsequent to the adoption of the ACS, Gedling Borough Council (the Council) adopted the LPD, with policy 71(E3) allocating the employment land and the Top Wighay Farm Development Brief SPD, which guides the overall development of the site, was adopted in February 2017. The Linby Neighbourhood Plan also notes that the land is allocated in the development plan. Outline permission has already been granted for the development of the site by Gedling Borough Council and the purpose of his application is to determine whether or not the reserved matters (being layout, scale, landscaping and appearance) is acceptable because the principle of development is already established. Whilst the principle of development is supported there are numerous facets of the development that need to be considered in accordance with the development plan, unless other material considerations indicate otherwise. and these are considered in turn later in this report.

## Layout, scale and appearance

7.2 The design and layout of the application site is influenced by the Top Wighay Farm Development Brief Supplementary Planning Document February (adopted 2017), and importantly the Illustrative Masterplan and Parameter Plan that were approved as part of the outline planning application.

7.3 The Illustrative Masterplan demonstrated a framework for how the site could be developed taking account of Development Brief Supplementary Planning Document. It broadly included: -

- A residential-led development, split into distinct neighbourhoods, responding to the existing context;
- A mix of uses, including land for a Local Centre and a Primary School (including land safeguarded for expansion), at the heart of the site, and employment land adjacent to Annesley Road;
- Vehicular connectivity to the surrounding network via two proposed access points off Annesley Road;
- Potential future connectivity to the Safeguarded Land, allowing for its development in the future;
- An indicative alignment for the Primary Street connecting the two access points through the site, and potential links towards the Safeguarded Land;
- A network of pedestrian and cycle routes through the development and potential connection points to the adjacent development;
- Indicative access points to the development parcels;
- A corridor safeguarded for the potential NET extension route (circa 12.5m);
- Sustainable urban drainage and the retention of the existing watercourse;
- The location of a variety of play spaces, including equipped play, playing pitches and a community hub; and
- Existing planting to be retained and proposed planting.

7.4 The Parameter Plan also accompanied the outline application which separated out parcels of the site to be developed. The parameters identified included rules on:

- Built form parameters: that clearly demarcating areas that can be developed with built form and areas which cannot, including the distribution of other uses and the maximum height of the development. The extents of the built form responding to the site constraints. Within these areas locations of the residential parcels are indicated as part of a holistic site wide strategy for creating a new community.
- Access and Movement parameters: that detail two points of vehicular access into the site are required and a Primary Road through the site. Additionally, it includes a corridor safeguarded from development for a potential future NET link.

Landscape parameters: detail that the existing landscape features be protected retaining existing trees and hedgerows within green links

around the site, as well as embedding soft landscaping throughout the development proposals. The landscape parameters also required a legible hierarchy of public open spaces and movement corridors are created including green links that expand into larger public open spaces, and frontages facing over the proposed areas of public open space.

- Drainage parameters: Indicative locations are shown for the drainage ponds, and the location of existing watercourse within the site that would be retained.

7.5 The submission of this reserved matters application has carefully followed the requirement of both the illustrative masterplan and the parameter plan.

7.6 In terms of design (forming scale and appearance), there would be 3 broad character areas, the northern area which has smaller unit types and the use of brick detailing, render and chimneys at key locations. We then have the central and eastern area which has the use of stone and render around the loop road with 3 storey frontages, this then buffers outwards towards the open countryside/Linby area to a more typical semi-rural feel with continued use of stone and chimneys to reflect the style of Linby. To the South there would be larger and more detached units with the use of stone to reflect the character of Linby.

7.7 The layout accords with the indicative layout and masterplan that was submitted with the outline application. There are clear character areas that accord with the SPD and masterplan. The character areas have been carefully considered to align with these documents. The overall layout focuses around a clear hierarchy of roads where there is a primary road from the southern access at Wighay Road and connecting through the site to Annesley Road to the west. The secondary roads are clearly connected through footpaths and cycle ways. They also link to areas of opens space, play areas and the Local Centre. Sufficient space has also been safeguarded for NET as required by the outline application.

7.8 The elevation treatments of the proposed dwellings and apartments having a modern architectural style. There is a variety of house type and sizes that include key features of detailing around the windows and doors, some of which will have brick cills, and others stone, which would create visual diversity within the buildings. Some will have render focal points and a number will have porches to break up the front aspect. Furthermore, some of the dwellings have been specifically designed and sited for their context e.g. double fronted dwellings. The external appearance of the dwellings would align with the character of the area sought in the SPD and Parameter Plan and scale and appearance of the development is deemed to comply with policy ASC10 of the aligned core strategy and guidance within the NPPF.

7.9 A materials schedule has been provided that details that each character area would have their own pallet of colours and materials. The materials as identified are acceptable and will respect the character of the area having regard to materials utilised on existing properties in the area and approved on the wider site that benefit from planning permission.

- 7.10 In summary, it is considered that, having regard to the above it is considered that the development would result in a scheme that would respect the character of the existing area and have an appropriate density of development. The layout would provide sufficient amenity standards for future occupiers taking account of the space between dwellings, their associated garden ground and the orientation of windows.
- 7.11 As part of the outline application concerns were raised about the potential impact on noise from vehicle movements along Annesley Road immediately to the west and to a lesser degree along Wighay Road in terms of the potential impact it may have on future residents. The applicant has submitted a noise assessment that concludes that the proposed dwelling backing onto Annesley Road and a proportion of dwellings fronting onto Wighay Road would be marginally affected by road noise of vehicles traveling in both directions. By way of mitigation, (excluding the potential impact future planting will have on noise) it is proposed that acoustic glazing would be provided on these dwellings. This can be secured by way of planning condition. The council; s Environmental Health Officer agrees with the conclusion of the noise impact assessment is agreeable with this approach.
- 7.12 Overall, in the context that the site is allocated for residential development, that the proposal is aligned with both the illustrative masterplan and parameter plan, the application is deemed to comply with Policy 2 (3bii) of the ACS, and policies LPD19, LPD21, LPD32, LPD33, LPD35, LPD36 and LPD37 of the Local Planning Document. The development also complies with Policy NE1, NE2 and DES1 of the Linby Neighbourhood Plan 2018 – 2032.

### Affordable housing

- 7.13 As part of the consideration for the outline application, it was agreed through the S106 Agreement that 17.64% of dwelling should be affordable, (taking account of viability). Whilst it is also a requirement in the S106 Agreement that a separate Affordable Housing Scheme for each phase to be submitted and agreed with Gedling Borough Council, the applicant have also detailed the mix and location of the affordable units throughout the site on the layout drawing. The house types and tenure have been progressed with the Strategic Housing Officer, and would comprise of 95 affordable units comprising:

- 1 Bed Affordable Rent – 4
- 2 Bed Affordable Rent House – 38
- 3 Bed Affordable Rent House – 29
- 4 Bed Affordable Rent House – 8
- 5 Bed Affordable Rent House – 2
- 2 Bed Affordable wheelchair adapted bungalow with level access shower - 10
- 3 Bed Affordable wheelchair adapted bungalow with level access shower – 4
  
- 1 Bed shared ownership – 8
- 2 Bed House shared ownership – 22
- 3 Bed house shared ownership – 10

- 7.14 This equates to the necessary 17.64% of the dwellings proposed in accordance with outline application and as such complies with Policy

### Open Space

- 7.15 The main central play and open space is located at the heart of the site in compliance with both the approved masterplan and the Top Wighay Farm SPD on the northern boundary adjacent to the existing farm buildings. This would be a multi-use space including a LEAP, a multi-use games area, skate park, sports pitches, table tennis tables, drainage for the north west residential parcels, and car parking. It is overlooked by the adjacent residential parcels ensuring a safe and secure environment and will be a hub of activity for the future development. There would also be space reserved for future changing rooms, if required. It should be noted that allotments have been removed from the proposals so that space is reserved for future changing rooms and to increase the level of parking provision. Allotments could be provided as part of development for the wider site (safeguarded land), should it come forward.
- 7.18 There are also two other proposed local equipped areas for play (LEAP) within the site. They are located centrally in the central green corridor and in the south-eastern corner, adjacent to the proposed attenuation pond. Each play area is proposed adjacent to residential development, with the required offsets from the proposed dwellings, but still allowing providing natural surveillance.
- 7.19 Other areas of open space are also proposed throughout the development that would include the retaining of the existing planting and incorporating the new sustainable urban drainage by the entrance to the development (via Wighay Road).
- 7.20 A green spine would be formed through the middle of the site that incorporates Top Wighay Farm Wildlife Site, this will be a connective thread through the development, providing pedestrian and cycle routes, connecting the northern Community Hub (and residential parcels beyond) to the school, local centre and other residential parcels. Furthermore, it connects the development back to Wighay Road, and the surrounding context. The corridor will allow for the retention of existing vegetation whilst providing opportunities for new soft landscaping.
- 7.21 Along the eastern edge two drainage ponds, which service the residential parcels, and a proposed play space is proposed to help soften the edge of the development adjacent to the existing open countryside and Linby beyond.
- 7.22 Gedling Borough Parks and Streetcare team initially advised that a larger multi use games area (MUGA) be provided but have since accepted that it would be alongside skate park, and when combined would exceed the area required for a MUGA. Following revisions to the layout to include cycle stands, seating, soft landscaping, and the layout, they do not object to the proposals and note that the design and layout of the other LEAP's can be agreed through the open space scheme as part of the S106. On this basis it is considered that the location and size of the open space is considered suitable, and that design of the central area of open space all comply with the requirements of the outline

permission, illustrative masterplan and parameter plan and SPD (with the noted exception that allotment would not be provided).

- 7.23 Sport England have also been consulted regarding the proposals; they have responded to state that they object to the proposals unless changing rooms are provided for the 9 a side pitches. However, there is no requirement in the outline application for changing rooms to be provided and the viability considered as part of the outline application did not include costing for a changing room. Following revisions to the layout plan, a space has been provided immediately to the south of the 9-a-side pitches that could be used for changing rooms, if they are required and funding becomes available. Given that changing rooms were not required as part of the outline application, and space is now available alongside the pitches, it is considered that the request from Sport England cannot be met at this time.
- 7.24 In conclusion, the development would therefore comply with ACS Policy 16: Green Infrastructure, Parks and Open Space, Policy LPD21: Provision of New Open Space which requires that planning permission will be granted for residential development on sites of 0.4ha and above where it provides a minimum of 10% open space, and Paragraph 102 of the Framework notes that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

### Roads and Parking

- 7.25 Although access is not a reserved matter being considered as part of this planning application, the layout of the proposed road network and parking are consideration. Policy LPD57: Parking Standards specifies that planning permission for residential and non-residential development will be granted where development proposals meet the relevant requirements for parking provision. Policy DES1: Design of the Linby Neighbourhood Development Plan, June 2019 sets out the design principles that development proposals must comply with, including; layout and definition of streets and spaces, attractive and safe environments for pedestrians, car parking provision.
- 7.26 At outline stage an Illustrative Masterplan demonstrated a framework which formed the basis of the detailed movement strategy incorporated into the detailed proposals for the site. The access arrangement for the site was designed to serve the proposed community providing two access points into the site, which was submitted to Nottinghamshire County Council in November 2019 (NCC application reference FR3/4054).
- 7.27 A new, signalised junction provides access off Annesley Road, which will primarily serve the employment land and residential parcels in the north-west corner of the site. A separate vehicular access via the Annesley Road roundabout has been constructed, providing vehicular access to the remainder of the residential parcels, the proposed primary school and local centre. These two points are connected by the Primary Street, which leads to a clear hierarchy of streets, creating legible routes around the site, ensuring that the development is easy to navigate, safe and secure with recognisable events along streets that create a distinct location.

- 7.28 The Primary Street consists of a 6.5m carriageway, with 3m shared footpath / cycleways on either side. A 0.5m zone is provided adjacent to the footpaths to accommodate any street lighting or furniture, without reducing the overall width of the proposed cycle/ pedestrian routes. A 1.5m landscape verge is then provided either side, allowing for consistent tree planting on both sides of the Primary Street, creating a boulevard through the heart of the development.
- 7.29 A change of surface is indicated in the two locations where the Top Wighay Farm Drive meets the Primary Street adjacent to the public open space, which aims to notify road users to the proximity of the proposed Primary School, therefore reducing vehicle speeds and enhancing pedestrian connectivity (subject to S38 approval). Two spurs connect the Primary Street to the future Safeguarded Land, which continue to integrate a landscape verge for tree planting and a shared footpath/ cycleway on one side, with a 6.2m carriageway, allowing for a potential bus route in the future.
- 7.30 The Primary Street will lead to lower category secondary streets and lanes serving the residential parcels and a combination of lanes / edge lanes and shared private drives. The different street typologies have been reviewed and agreed with Nottinghamshire County Council Highways prior to submission.
- 7.31 In terms of parking, a variety of car parking treatments are also utilised, including frontage parking, side of plot parking and garages. The majority of allocated parking will be provided on-plot and are generally located to the side of dwellings within private driveways and/or garages. Where possible they are set back from the building line to allow ease of access to dwellings and ensure cars don't visually dominate the street scene. Along the frontages of the dwellings, parking spaces have been grouped and divided by landscaping to provide a green visual break within the street scenes.
- 7.32 Unallocated visitor parking would be provided, primarily integrated within shared private drives; it is envisaged that an amount of visitor parking will be acceptable within the carriageway along the lower category streets.
- 7.33 Cycle parking numbers are also provided in accordance with the appropriate standards, and it is envisaged they can be accommodated within rear gardens, discrete cycle stores for the apartment blocks and/or garages where provided.
- 7.34 In respect of parking provision the Gedling Borough Council Parking Provision SPD sets out parking standards for new residential development. The following parking criteria has been applied throughout the development:
- 1 Bed Maisonettes – 1 car parking space per unit
  - 2 Bed Houses – 2 car parking spaces per unit
  - Bed Houses – 2 car parking spaces per unit (larger detached 3beds also have a large garage)
  - 4+ Bed Houses – 3 Spaces or 2 spaces and a large garage (to accommodate a car) per unit
  - Apartments – Based on unallocated car parking basis detailed in the SPD of 0.8 spaces per apartment. Blocks 1-3 has 33 flat units creating a requirement of 26.4spaces, the parking court has 28 spaces. Blocks



has 21 flat units creating a requirement of 16.8 spaces, the parking court has 17 spaces.

- In terms of visitor spaces there are 68 visitor bays throughout the scheme and a further 36 visitor bay within the north POS.

- 7.34 The proposed parking provision to serve the proposed dwellings therefore complies with the Gedling Borough Council Parking Provision SPD and it is considered that resident parking is well integrated into the scheme.
- 7.35 NCC Transport and Travel have also advised that that bus stop provision would be required throughout the development. They confirm that updated plan showing the location and vehicle tracking for new stops is broadly acceptable but recommend a planning condition requiring the design to include real time bus stop flags, poles & displays including low voltage power source to the real time information pole location; polycarbonate bus shelter; solar or electrical lighting in bus shelter; raised kerbs; enforceable bus stop clearway; lowered access kerbs; additional hard stand and a timescale for installation. This can be secured by way of condition.
- 7.36 In accordance with the initial illustrative master plan and SPD which highlighted a safeguarding area for Nottinghamshire Express Transit safeguarded route, the submitted layout drawing demonstrates that a 14m wide NET Safeguarded Easement would be in place from the Local Centre leading to the west part of the site. In accordance with the advice from NET, this reduces to 12.5 along the eastern edge of the site. Section of safeguarded alignment coincides with the route of a ditch – this is the only available space in which the tram route and tram stop can be accommodated within the submitted proposals, without the realignment of roads or buildings. NET advise that it is possible for a drainage channel to be culverted beneath a tram alignment, although not preferable. Given that the route has been marked on the illustrative masterplan approved as part of the outline application, there is limited ground to deviate from the route, particularly when there is limited space across the site to deliver all of the dwellings in the development plan. Given that a technical solution is possible, it is not considered to be a requirement, at this stage, to provide further details in terms of construction.
- 7.37 As part of the statutory consultation process, Active Travel England have objected to the proposals on the basis that the development should provide an attractive choice for people to walk, wheel or cycle and for the development to play a part in meeting the Government's objective for half of all journeys to be made using active modes by 2030. They recommend that the application should not be determined until amendments to address these concerns, primarily that the scheme should include LTN1/20 – Cycle Infrastructure Design compliant crossings. Amended plans have been received to address some of their concerns.
- 7.38 The main spine road itself will be 6.5m in width with 3m shared pedestrian/cycle footways on either side with a further 1m wide margin adjacent the footpath edge. The secondary spine road will have a carriageway width of 6.2m with a 3m wide shared cycle/pedestrian footway one side and a 2.5m wide shared cycle/pedestrian footway on the other.

- 7.39 The proposed layout includes cycle routes throughout the development. The applicant states that they are unable to amend the geometry any further than slight amendments due to the parameters of the outline planning permission, however on the basis of the requested LTN1/20 – Cycle Infrastructure Design compliant crossings within the highways which consists of raised crossings to allow continuous level access for pedestrians and cyclists, the layout was amended to adopt a traffic calming approach whereby there would be raised tables along the spine road and secondary streets where geometry does not allow for speed reductions. Furthermore, at all junctions with a cycleway/footway we have included an LTN1/20 crossing which forms a small, raised table to ensure the continuous level of cycle/footways at junctions to indicate that they have right of way. Active Travel have been reconsulted but have not yet responded to the revised proposals, nevertheless it is considered that the proposal would provide sufficient cycle routes and space around and through the development site in Policy LPD35: Safe, Accessible and Inclusive Development. Any additional comments received will be reported to the Planning Committee. However, it is considered that their concerns have been addressed and it should be noted that Nottinghamshire County Council as Highway Authority raise no objection to the design and layout, taking account of all cycle routes.
- 7.40 In conclusion Nottingham County Council as Highways Authority have responded to state that they have considered the submitted layout drawings and additional information, and have no objections to the proposals, therefore, subject to conditions, the highway authority raise no objection to the application and deemed to comply with policy LPD61. 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.

### Landscaping

- 7.41 As a reserved matter, landscaping is a consideration of this application. An illustrative landscape masterplan has been submitted which detail that the areas of open space would be appropriately landscaped with native species. Primary roads would be tree lined and there would be a separate strategy for each character area. Existing green infrastructure is, where possible, retained and is complimented by additional landscaping weaving through the residential plots.
- 7.42 Structural landscaping is proposed around the play spaces and the central area Multi Use Games Area, and other areas of open space. This, together with the existing green infrastructure will ensure that the development provides a safe, welcoming and attractive public realm. The overall landscape and green infrastructure strategy is based on features of local landscape character including planting belts and hedgerows – to create an overall structure that underpins the essential character of the proposed development. This approach aligns with the commitments set out within Chapter 6 of the Environmental Statement which accompanied the outline planning permission

and complies with the above stated Policies of the ACS, Local Plan Part 2 and the Linby Neighbourhood Plan as well as the NPPF

- 7.43 It is acknowledged that the landscape strategy is a key component for creating a successful development at Top Wighay Farm and that the proposed multi-functional green infrastructure is an integral part of the scheme and creates a strong landscape structure across the site, focussed around the retention and enhancement of existing landscape assets wherever possible.
- 7.44 Given that the site was until recently arable farmed there are few trees of note within this smaller application site that would be affected, save for those with hedgerows. The landscaping scheme as proposed is, to all intents and purposes, the same as previously approved at outline stage. It should be noted that condition 23 of the outline requires the submission and approval of an Arboricultural Assessment prior to development commencing. Having regard to the above it is considered that the landscaping scheme is acceptable and complies with policy LPD18 and guidance within the NPPF. A condition will be required to detail each specific new tree, to ensure that any dying trees are replaced within a 5-year period. It is already a requirement of the outline consent that a landscape management plan be submitted and approved for future maintenance.

#### Drainage

- 7.45 The integration of a comprehensive Sustainable Drainage System (SuDs) has been considered from the outset and shaped the development of the layout. The aim of SuDs is to maximise the existing potential of the site to attenuate and clean water, while providing valuable amenity by creating and integrating well-designed landscaped features and promoting a greater diversity of flora and fauna. SuDs manage surface water run-off rates by mimicking natural drainage characteristics to achieve a sustainable drainage solution that balances water quality, water quantity, amenity and biodiversity.
- 7.46 In this instance the application is accompanied by a site wide drainage strategy which echoes the outline application whereby there would be above ground water storage areas, which will have restricted outfall rates. The ultimate outfall for the water will be an existing water course, which heads in an easterly direction just to the south of the proposed local centre and exits the site close to pond four, to the eastern most edge of the site. The watercourse ultimately feeds into the stream that runs through the centre of Linby. The drainage strategy identifies that pre-development greenfield rates can be achieved, taking into account the modelled 1 in 100 year plus 40% climate change storm event. As a result, and subject to final approval of the detailed drainage strategy, the development should ensure that both the site and those downstream of it, would not be at risk of flooding. Foul water would be discharged to the main foul network and the applicant is in discussion with Severn Trent over capacity and improvements that may be required.
- 7.47 The Lead Local Flood Authority have been consulted on the proposals and have since confirmed that they have no objections to the proposals based on additional information being submitted in relation to the proposed suds ponds.

The Lead Local Flood Authority also considered the response from Libby Parish Council as part of their objection.

- 7.48 The outline permission also considered flood risk and drainage as part of the determination of the application, and it is a requirement of the outline consent that no phase of development shall commence until drainage plans of the disposal of foul sewage and surface water have been submitted to and approved in writing by the local planning authority (conditions 14 and 15). The Environment Agency have provided no further comment and have noted that they wish to be consulted when an application is made to discharge each of these conditions.
- 7.49 Having regard to the above it is considered that the site is at low risk of flooding and a development that accords with the drainage strategy and incorporates SUD's should ensure that the site and adjacent land will not be at risk of flooding. Furthermore, the means of disposal of foul water to the existing mains network is acceptable. The application is, therefore, deemed to comply policies LPD3, LPD4, LPD5 and LPD6.

#### Impact on heritage assets and archaeology

- 7.50 In the outline application Chapters 8 and 9 of the Environmental Statement address the impacts on Cultural Heritage and notes that there are no designated heritage assets that lie within or in the immediate area of the site. The nearest heritage assets are the Grade II\* Registered Annesley Hall Park and Gardens, which is some 270 north-west of the site and Linby Conservation Area, which is 420m to east of the site and contains the Grade II\* Listed Church of St Michael. With regard to Annesley Hall Park it is the setting of the park and gardens that are most important and to this end large parts of the heritage asset are made up of agricultural land, and it is this setting of isolation that contributes to the heritage asset. However, it is not considered that the setting of the asset would be unduly impacted by this development should it be approved given the distance, topography and planting between the two.
- 7.51 In respect of Linby Conservation Area it is noted that the development would be some distance from the heritage asset and that the railway line, and its associated earthworks, runs between the two. Taking into account the existing and proposed planting between the nearest part of the application site and the conservation area (together with listed buildings within it), any potential harmful impact is considered to be negligible.
- 7.52 As confirmed in the design statement, the design of the proposed dwellings on the Eastern Character area reflects the semi-rural context through appropriately lower densities, softer landscaping, larger properties and reduced storey heights to the edges of the development. The applicant states that in the Eastern Character area boundaries would be defined by existing linear hedgerows that would be reinforced by further planting. Generally, the density transitions from higher to the west, adjacent to the Central Character Area and lower to the east, adjacent to the site boundary and closest to Linby. Given the open aspect, the eastern frontage as proposed utilises materials that closely resemble those found in Linby. The majority of the house types along this frontage utilise Marshall's Cromwell Split Faced Reconstituted Stone

(Weathered colour) along their front elevation. On key corner plots, the first floor would be rendered and ridgeline chimneys highlight their prominence within the street scene. Additional use of Roughcast Render in a sandstone colour would be used to define key nodal points along the existing green corridors, key plots or corners and to terminate internal vistas. The applicant has therefore designed this part of the site having regard to the character and appearance of the Linby Conservation Area and has taken steps so that any potential long-distance views are viewed in the context of these sensitively designed dwellings. Whilst it is acknowledged that the conservation officer raises some concern about the overuse of all rendered properties on the eastern part of the site, it is considered that the impact on Linby Conservation Area would be limited, particularly given the distance to the conservation area (420m) and there being a raised railway embankment in between.

- 7.53 Matters relating to archaeology are covered by a pre-commencement planning condition on the outline permission. The applicant has agreed to undertake a Written Scheme of Investigation in accordance with this condition and the county archaeologist is agreeable with this approach.
- 7.54 Having regard to the above, it is not considered that the development would have any undue negative impact on above ground heritage assets, nor mitigation necessary. However, there would be a need to ensure that below ground archaeological features of interest are fully explored as per the requirement of the condition on the outline permission. Having regard to the above, the application is deemed to comply with policies ASC11, LPD26, LPD27, LPD28, LPD29, LPD30, CBH2 and guidance within the NPPF.

#### Other considerations

- 7.55 The outline planning application was accompanied by an Environmental Statement of which Chapter 7 – “Biodiversity” covered biodiversity impacts together with a Shadow Habitat Regulations Assessment (Stage 1 and 2). As required by the outline consent, the applicant confirms that the proposed development has been designed in accordance with Table 7.2 “Mitigation” of the ES Chapter 7, for measures identified to be secured via design. This includes retention of existing hedgerows (where possible) and installation of landscaping features. Furthermore, it is a requirement of the outline consent that a Mitigation Statement in respect of ecology be submitted to and approved at the reserved matters stage. No consultation response has been received from Natural England or Nottingham Wildlife Trust in respect of the mitigation and therefore a condition needs to be replicated to be approved via a discharge of condition.
- 7.56 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 would be required for each dwelling and encourage electric car usage. The dwellings proposed as part of this re-plan will also have greater insulation over and above current minimum building regulation requirements. The site is also sustainably located with good access to services and the has been designed in a manner whereby a bus route could

access the site should safeguarded land come forward, all of which will help to reduce the impact of the development on the environment and assist in reducing climate change.

- 7.57 For the avoidance of doubt, there are a number of other topics that were covered when the outline application was determined. Notably, a Section 106 Legal Agreement secured planning obligations in respect of affordable housing, health care, education, bus service and bus stop improvements, a local labour agreement and maintenance of the Public Open Space. This should mitigate infrastructure concerns relating to this development. Other matters covered by condition on the outline permission include archaeology, ecology, drainage, possible contamination, a Construction Method Statement and others.
- 7.58 Concern has been expressed by local residents about whether the site should be allocated at all and that the site unsustainable; however, the sites suitability has been extensively investigated through the local plan process and is considered to be acceptable, this being reflected in the adoption of the Wighay Farm Development Brief SPD.
- 7.59 It should also be noted as part of the outline application a separate economic benefits report, look at the various economic and social impacts that the development would have, during construction this will be in the form of up to 424 temporary jobs. Once occupied the development is likely to support an estimated 664 net additional jobs in the Gedling economy, generating an estimated £0.7 billion of gross value over its first 10 years since occupation, as well as in the region of £1.1million per annum in business rates. As a result the scheme is considered to have significant economic benefits in the long-term. In respect of social impacts it is considered that the possible negative impacts on education and health can be mitigated against through the contributions sought as well as social benefits in terms affordable housing to be provided. Whilst these figures have not been verified by Gedling Borough Council, there are considered to be significant economic benefits from the development, as well social benefits too which weighs in favor of the development.

## **8.0 Conclusion**

- 8.1 The principle of the development has been established following the grant of outline application 2020/0050; given the fact that the site is allocated for residential development in the Local Planning Document; Access has already been approved with the internal access arrangements also now considered to be acceptable. The density of development is acceptable, and the layout considered to respect the character of the area. The design of the dwellings is acceptable with a mixture of materials and scale of properties, with public open space overlooked and residential amenity respected. Having regard to the above it is considered that The application is, therefore, deemed to comply with policies A, 1, 2, 10, 11, 17 and 19 of the Aligned Core Strategy; policies 3, 4, 7, 11, 18, 19, 21, 26, , 32, 35, 36, 39, 48, 57, 61, 64, 71 and Appendix D of Local Plan Document; policies HSG1, CBH2, NE1 TRA1 and DC1 of the Linby Neighbourhood Plan; Parking Provision for Residential Developments

Supplementary Planning Document (May 2012); Affordable Housing SPD, Air quality and Emissions mitigation; and guidance contained within the NPPF.

**9.0 Recommendation: Recommendation: to grant reserved matters approval, subject to the imposition of conditions, as set out in the report:**

**Conditions**

1. This permission shall be read in accordance with the application form and following list of approved drawings:
  - P21-2773\_DE\_005\_N\_1 Planning Layout (1of4)
  - P21-2773\_DE\_005\_N\_2 Planning Layout (2of4 Linden)
  - P21-2773\_DE\_005\_N\_3 Planning Layout (3of4 Bovis)
  - P21-2773\_DE\_005\_N\_4 Planning Layout (4of4 Countryside)
  - P21-2773\_DE\_006\_L\_1 Materials Plan
  - P21-2773\_DE\_006\_L\_2 Materials Plan
  - P21-2773\_DE\_006\_L\_3 Materials Plan
  - P21-2773\_DE\_006\_L\_4 Materials Plan
  - P21-2773\_DE\_007F Boundary Treatment Plan
  - P21-2773\_DE\_008G Hard Landscaping Plan
  - P21-2773\_DE\_015\_D Presentation Layout
  - P21-2773\_EN\_0003\_E\_0003 Northern POS Detailed Soft Landscape Proposal
  - P21-2773\_EN\_0003\_E\_0004 Northern POS Detailed Soft Landscape Proposal
  - P21-2773\_EN\_0003\_E\_0005 Detailed NEAP Proposal
  - 22095-150G Vehicle Tracking Plan
  - 22095-151E Bus and Refuse Vehicle Tracking
  - 22095-152A Tracking Exercise 3
  - P21-2773\_205B - House Type Pack
  - P21-2773\_EN\_0001\_C\_0001 POS Illustrative Landscape Masterplan
  - P21-2773\_EN\_0002\_C\_0001 Plot Landscape Strategy Plan
  - P21-2773\_EN\_0003\_D\_0006 Detailed Skatepark proposals
  - 22095 - M&H Flood Risk Assessment Combined
  - P21-2773\_204A Design Compliance Statement
  - P212773 Planning Statement
  - P21-2773\_DE\_001\_B - Site Location Plan
  - 22095 127 Basin SUDs Plans and Sections
  - Noise Impact Assessment dated 28 November 2023 (Report Reference J004606-7430-RC-02)
2. The multi-use games area shall not be brought into use until the car-park as shown for indicative purposes only on drawing P21-2773\_DE\_005\_N\_1 has been surfaced in a bound material (not loose gravel), with the parking bays clearly delineated, and constructed with provision to prevent the discharge of surface water from the car-park to the public highway. The bound material, bay markings, and provision to prevent the discharge of surface water from the car-park to the public highway shall be maintained for the lifetime of the development.
3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in

writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- I. the parking of vehicles of site operatives and visitors
  - II. loading and unloading of plant and materials
  - III. storage of plant and materials used in constructing the development
  - IV. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - V. wheel washing facilities
  - VI. measures to control the emission of dust and dirt during construction
  - VII. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - VIII. contact details of the site manager being displayed on-site for members of the public to view.
4. No dwelling served from a shared private drive with 5 or more frontages shall be occupied until details of the proposed arrangements and plan for future management and maintenance of the shared private drives including associated drainage have been submitted to and approved in writing by the Local Planning Authority. The shared private drives and drainage shall thereafter be maintained in accordance with the approved management and maintenance details, until such time that a private Management and Maintenance Company has been established.
5. No part of the development hereby permitted shall be brought into use unless or until plans detailing the location of new bus stops within the site have been made to the satisfaction of the Local Planning Authority and shall include any of the following: real time bus stop flags, poles & displays including low voltage power source to the real time information pole location; polycarbonate bus shelter; solar or electrical lighting in bus shelter; raised kerbs; enforceable bus stop clearway; lowered access kerbs; additional hard stand (3.6 metres depth x 8 metres width if required), black top dressing (tarmacadam) and the above to be installed to an agreed timescale. If bus stops are not installed prior to bus services operating the developer will be responsible for the cost of any temporary infrastructure arrangements.
6. Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling. The submitted details should identify run-off sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.



7. No dwelling hereby approved shall be occupied until such time as all noise mitigation measures as detailed in Section 7 of the submitted Noise Impact Assessment dated 28 November 2023 (Report Reference J004606-7430-RC-02). The mitigation measure shall remain in place for the lifetime of the development.
8. Notwithstanding the provisions of condition 19 of the associated outline consent (ref: 2020/0050), before development commences a detailing planting schedule containing all of the existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme having regard to the approved Landscaping Scheme pursuant to the Plot Landscape Strategy Plan (Plan Ref: P21-2773\_EN\_0002\_C\_0001), the Illustrative Landscape Masterplan (Plan Reference P21-2773\_EN\_0001\_C\_0001 POS), Northern POS Detailed Soft Landscape Proposal (plan reference P21-2773\_EN\_0003\_E\_0003) and Northern POS Detailed Soft Landscape Proposal (Plan reference P21-2773\_EN\_0003\_E\_0004). All planting hereby approved 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.
9. Notwithstanding the requirements of condition 25 detailed on the outline consent (Ref: 2020/0050) and the submitted Ecology Mitigation statement (Ref: RSE 7184 R1 V2 MS Optimized Ecology), before development commences details of the mitigation measures and timescale for implementation identified in table 7.2 of the Environmental Statement (submitted with the outline application) shall be submitted and approved by the local planning authority that takes account of the layout hereby approved (plan ref: P21-2773\_DE\_005\_N\_1 Planning Layout). The mitigation measures shall be in place for the lifetime of the development and be appropriately managed.

10. No development shall commence until such time as the following documents have been submitted to and approved in writing by the Local Planning Authority:
  - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
  - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- (b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

**Reasons:**

1. To define the permission
2. In the interest of highway safety and to comply with Policy LPD61.
3. In the interest of highway safety and to comply with Policy LPD61.
4. To ensure the shared private drives are maintained to an appropriate standard and to comply with Policy LPD61.
5. To ensure the special location and design of all bus stops and to comply with Policy LPD61
6. To ensure surface water is suitably disposed of and to comply with Policy LPD 4.
7. To ensure that the amenity of proposed occupiers is respected and to comply with Policy LPD32.
8. To ensure that all landscape feature are specified and in place as part of the development of the site and to comply with policy LPD18.
9. To ensure that protected species are respected and to enhance ecology and comply with Policy LPD18.
10. To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy LDP18 and LPD 19.

**NOTES TO APPLICANT:**

A Management and Maintenance Company for the shared private drives must be secured by S.106 Agreement to protect the financial interests of both the future occupiers and County Council. Please contact [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk) for details.

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 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:  
[hdc.south@notts.gov.uk](mailto:hdc.south@notts.gov.uk)

The applicant is advised that the playing pitches should comply with the relevant industry Technical Guidance, including guidance published by Sport England and National Governing Bodies for Sport.

The applicant is reminded that the conditions associated with the associated outline consent (Ref: 2020/0050) and the provision of the completed S106A still remain applicable as a result of this reserved matters consent.

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**Planning Report for 2024/0560**

1:1,250      Planning Reference: 2024/0560  
10 Wadham Road  
Woodthorpe

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** Borough Council   Date: 13/09/2024

## Report to Planning Committee

<b>Application Number:</b>	<b>2024/0560</b>
<b>Location:</b>	<b>10 Wadham Road, Woodthorpe</b>
<b>Proposal:</b>	<b>Two Storey Side Extension</b>
<b>Applicant:</b>	<b>Mr D Turton</b>
<b>Agent:</b>	<b>David P Formon Building Design Consultancy Ltd</b>
<b>Case Officer:</b>	<b>Nigel Bryan</b>

The application has been referred to Planning Committee as the applicant is related to a Gedling Borough Council employee.

### **1.0 Site Description**

- 1.1 The application site accommodates a two-storey semi-detached dwelling built of red brick under a tiled roof. There is a relatively large change in levels through the application site in that there is a raised patio area to the immediate rear of the house with a larger amenity space on a lower level to the south. There is a drive to the immediate west of the property, adjacent to 8 Wadham Road, where the extension is proposed to be built.
- 1.2 The site is located to the south of Wadham Road and is in a predominantly residential area. The site is bordered by residential properties 8 and 12 Wadham Road and 37 Thackerays Lane to the south. There is a significant change of levels in the area with the land rising when heading east along Wadham Road; as a result, the host dwelling sits approximately 0.5-1m higher than 8 Wadham Road. The host dwelling also sits higher than properties on Thackerays Lane.

### **2.0 Relevant Planning History**

- 2.1 None.

### **3.0 Proposed Development**

- 3.1 This application seeks planning permission for a two storey side extension, which would have a set-back of 450mm from the front elevation of the property, making it subordinate to the host dwelling. The extension would have a width of 2.45m and depth of 7.2m, and it would sit approximately 5cm from the boundary with 8 Wadham Road. Internally no additional bedroom would be created, rather at the ground floor it would incorporate an extension to the kitchen, study and toilet; at the first floor it would create an extension to a bedroom and an additional bathroom.

#### **4.0 Consultations**

4.1 Members of the Public - Neighbour notification letters were sent, and a site notice posted. No responses have been received.

4.2 Highway Authority – Raise no objection to the application.

#### **5.0 Relevant Planning Policy**

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.

##### Development Plan Policies

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

- LPD 32 – Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- LPD 43 - Extensions to Dwellings not in the Green Belt - states within the existing main built-up areas of Nottingham, the key settlements of Bestwood Village, Calverton and Ravenshead and the other villages of Burton Joyce, Lambley, Newstead and Woodborough, planning permission will be granted for extensions or alterations to dwellings provided:
  - the appearance of the proposal is in keeping with surrounding character in terms of height, built form and general design;
  - the proposal conserves any historic significance the building may have; and
  - the proposal would not cause a significant adverse impact on the amenity of nearby occupiers.
- LPD 57 – Parking Standards - states planning permission for residential development will be granted where the development proposal meets the requirement for parking provision set out in Appendix D, or otherwise agreed by the local planning authority.
- LPD 61 – Highway Safety – Planning permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all.

5.3 The Aligned Core Strategy was Adopted in September 2014, the following policies are considered most pertinent to the determination of the application; Policy A – Presumption in Favour of Sustainable Development and Policy 10

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

- 5.4 With respect of the National Planning Policy Framework 2023 (the NPPF), the following chapters are most pertinent to the determination of the application:

Section 2 Achieving sustainable development – provides for a presumption in favour of sustainable development.

Section 12 Achieving well-designed places states that good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities.

- 5.5 Other policy guidance of note includes: Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022).

## **6.0 Planning Considerations**

### Principle of Development

- 6.1 The principle of the extensions and alterations to an existing residential dwelling within the main built-up area is acceptable in principle, subject to all other matters being adequately addressed.

### Design and Layout

- 6.2 The design of the proposed extension would be subordinate to the host dwelling by having a set-back from the front elevation. Given the limited width of the plot at the front, it would result in built form sitting up to the property boundary, save for a modest gap to 8 Wadham Road. However, the street scene is mixed, including semi-detached and detached properties, some of which have been extended and some which have off-street parking, with others not. The proposed extension would largely sit on the property boundary; however, given the fact that the host dwelling sits higher than number 8, the set-back from the front elevation and fact that number 8 has not been extended to the side, it is considered that the extension would not result in a terracing impact or be out of character with the area.
- 6.3 Overall, the scheme would have an acceptable design and it is not considered that the proposal would be detrimental to the character and appearance of the site and street scene. The proposal would therefore accord with the NPPF, Policy 10 of the Aligned Core Strategy and Policy LPD43.

### Residential Amenity

- 6.6 It is accepted that the host dwelling sits on land higher than the nearest property, 8 Wadham Road. However, a gap would be retained between the two properties in that the neighbouring property has its drive adjacent to the proposed extension. There are also no habitable room windows proposed in the side elevation of the extension, nor are there any in the neighbouring property, only a small, secondary first floor landing window. As a result, it is not



considered that the extension would have an overbearing or overlooking impact on 8 Wadham Road.

- 6.7 Given the location of the extension and its relationship with other properties on Wadham Road and Thakerays Lane, it is not considered that the extension would have a detrimental impact on the amenity of any other neighbouring properties in the locality either.
- 6.8 For the reasons set out above, it is deemed that the proposed development accords with the aims set out in the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy and Policies 32 and 43 of the LPD.

### Highway Matters

- 6.9 The extension would be on the drive; however, the drive at approximately 2.5m in width, and being bound by a wall, is narrow and extremely tight to park a vehicle on it. As a result it is not considered that there would be any change in parking provision as a result of the application in that the existing parking space is not readily usable. The proposed extension does also not increase the number of bedrooms within the property. There would not be provision to the front of the extension to allow a vehicle to park clear of the highway so occupiers would park on the street, which is no different to the current situation. Furthermore, the site is considered to be in a sustainable location and the Parking for Residential and non-residential Developments SPD allows for on-street parking in circumstances such as this.
- 6.10 It is therefore considered that the proposal would result in adequate access and parking and would not have an unacceptable adverse impact on highway safety. The application is therefore in accordance with the NPPF and Policies LPD 57, LPD 61 and the Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022).

### Conclusion

- 6.11 The principle of development is considered to be acceptable, and the proposal would not be detrimental to the character and appearance of the site or street scene. The proposal raises no residential amenity, parking or highway safety issues. For the reasons set out above, the proposed development accords with the aims set out in the NPPF, Policy 10 of the Aligned Core Strategy and Policies 32, 43, 57 and 61 of the Local Planning Document. It is therefore recommended that planning permission is granted.

### **Recommendation: 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 16 August 2024
  - D Turton/24/4 rev E03

- 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, 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).

Please note that the grant of planning permission does not override civil legal matters with regard to development on or over a boundary, including the Party Wall etc Act, advice on which should be sought from an independent source.

## Report to Planning Committee

**Application Number:** 2023/0897

**Appeal Ref:** APP/N3020/D/24/3343663

**Site Address:** 225 Mansfield Road, Arnold

**Application description:** Erection of car port to the front of the property including solar panels on the roofslope

**Case Officer:** Joe Mitson

The planning application was refused permission on the 23<sup>rd</sup> February 2004 under delegated powers, as set out below:

In the opinion of the Local Planning Authority, due to the size, scale, design, materials and siting of the carport, on a higher land level than the adjacent highway and being the only built structure forward of the established front building line of this group of properties, it is considered to have a detrimental impact on the site, street scene and the surrounding area. As such, the proposal is contrary to Policy 10 2 d) and e) of the Aligned Core Strategy and Policy 43 a) of the LPD.

The appeal was allowed with the Inspector having considered the following key issues.

The Inspector identified the key issue being the impact on the character and appearance of the site and area. He noted properties along this stretch of Mansfield Road are mostly set well back from the highway, behind front boundaries and that there are few, if any, significant structures within their front gardens.

It was noted the car port is sited well forward of the house, and covers a fairly large area, although not disproportionately so compared to the dwelling and the front amenity space. The structure was described as an open-sided structure with narrow support posts allowing views through it which limit its bulk, giving a lightweight appearance. It is set back slightly from the low front boundary wall and tall hedgerow so although on slightly higher ground, it is well screened from the road. The car port's green painted timber posts assist in integrating it into its vegetated setting.

The Inspector concluded that even in glimpsed views through the vehicular access point, it is not a dominant feature in the street scene and the Inspector had no cogent reason to believe that existing trees and shrubs, which are depicted on the plans, will be removed. For these reasons, the car port has not harmed the character and appearance of the site or the area.

It was concluded that the scheme does not therefore conflict with Policy 10 of the Gedling Borough Council Aligned Core Strategy (2014), or with Policy LPD 43 part a) of the Gedling Local Planning Document Part 2 Local Plan (2018).

As a result, the appeal has been allowed.

**Recommendation:** To note the information.

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## Report to Planning Committee

**Application Number:** 2022/1299

**Appeal Ref:** APP/N3020/W/23/3331584

**Site Address:** 6 Winston Close, Mapperley, Nottinghamshire NG3 5SR

**Application description:** Conversion of garage building into a self contained one bed flat.

**Case Officer:** Claire Turton

The planning application was refused permission on the 18<sup>th</sup> April 2023 under delegated powers, as set out below:

*“The change of use of the building from a subservient outbuilding connected to no. 6 into an independent residential dwelling would result in a new dwelling that would appear cramped within its plot and out of keeping with neighbouring residential dwellings. Neighbouring residential dwellings are all fairly large dwellings located within fairly substantial plots of land. This dwelling, by contrast, would result in a much smaller dwelling located in a much smaller plot of land and tight up to site boundaries. This represents a cramped form and an overdevelopment of the site. As such, the proposal is contrary to the NPPF (Part 12), ACS Policy 10 and LPD Policies 33(c) 40a)1).”*

The appeal was dismissed with the Inspector having considered the following key issues.

The Inspector identified the key issue being the effect of the proposal on the character and appearance of the appeal site and the street.

The Inspector noted that the appeal site currently hosts a detached garage located in front of a two-storey dwelling in a residential area. The properties in the cul-de-sac are all large two-storey dwellings built with similar design characteristics and materials, which creates a pleasing consistency that contributes positively to the character and appearance of the street.

The conversion of the garage would result in a small single storey dwelling with habitable accommodation in the roof space. As such the proposed dwelling would fail to integrate with the built form of the cul-de-sac. Furthermore, although the building would not increase in size, it would have a cramped appearance given the limited size of the plot relative to the other properties in the street.

The Inspector noted that planning permission has been granted to convert the existing garage into a 1-bed annexe. However, while the appearance of the annexe would be identical to the proposed dwelling, it would remain ancillary to the main house at No 6, as per condition 5 of the planning permission, and would not be a separate planning unit. As such the annexe would be able to share services and the garden area of No 6, whereas the subdivision of the site and creation of its own amenity area would result in a cramped appearance as described above.

Consequently, the Inspector agreed with the Council that the proposed dwelling would detract from the character and appearance of the appeal site and the street. The proposal would therefore be contrary to Policy 10 of the Greater Nottingham Aligned Core Strategies (2014) and Policies LPD 33 and 40 of the Gedling Borough Local Planning Document (2018) which all require, amongst other things and in regard to this main issue, development to have a high standard of design which does not harm the character of the area. The proposal would also conflict with the design aims of the National Planning Policy Framework.

As a result, the appeal has been dismissed

**Recommendation:** To note the information.

## Report to Planning Committee

**Application Number:** 2023/0743

**Appeal Ref:** APP/N3020/W/24/3339028

**Location:** Ravenshead Farm Shop, 131 Main Road, Ravenshead, Nottinghamshire, NG15 9GS

**Proposal:** single storey extension 'link' from Farmshop to the additional tearoom seating area, preparation and storage areas.

**Case Officer:** Calum Smith

Planning permission was refused by the Borough Council on the 30<sup>th</sup> of November 2023 on the following grounds:

- 1 It is considered, given the location, scale and nature of the proposed extension, and the context of the existing building on site (which has already been extended on several occasions), the proposed development would result in a disproportionate addition over and above the size of the original building and encroachment into the countryside, which is harmful to the openness of the Green Belt. No very special circumstances have been demonstrated and the proposal is therefore inappropriate development in the Green Belt, contrary to Section 13 of the NPPF, Policy 3 of the ACS and policy LPD 13 a)b)iv. of the Local Planning Document.

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

This appeal has been dismissed. The Inspector concluded that the proposed 'link' would cause harm to the Green Belt by way of inappropriateness and through reducing openness, to which substantial weight should be afforded, it was considered that other considerations, notably economic, did not mitigate this or amount to vary special circumstances.

It was therefore concluded that the development would be contrary to the aforementioned planning policies.

**Recommendation:** To note the information.

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## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 16/09/2024

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.

<b><u>App No</u></b>	<b><u>Address</u></b>	<b><u>Proposal</u></b>	<b><u>Possible Date</u></b>
2019/1080	Land At Broad Close Woodborough	Outline application for 11 no. residential properties	TBC
2023/0083	Land Off Longdale Lane, Ravenshead	Erection of 33 dwellings, including open space, landscaping and associated infrastructure	TBC
2024/0404	Baptist Church, Cross Street, Arnold	Conversion of church building to 9 no. residential apartments and erection of 14 apartments, including ancillary bin stores, cycle stores and landscaping	TBC
2024/0269	Land At Burton Wood Farm Spring Lane Lambley	Proposed Battery Energy Storage System (BESS) and associated infrastructure	TBC
2024/0526	Friar Tuck, Gedling Road, Arnold	Demolition of existing buildings and erection of a 51 no. apartment retirement living development (Use Class C3), landscaping, car parking and associated works	TBC
2023/0851	Leivers Court Douro Drive Arnold	Demolition of existing care home and construction of a 3-storey building to incorporate 22 flats providing supported accommodation, staff office, and communal hub, and the erection of 8 semi-detached dwellings including access, parking and turning	TBC

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

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## **ACTION SHEET PLANNING DELEGATION PANEL 19th July 2024**

2023/0864

202 Nottingham Road Burton Joyce Nottinghamshire

Two storey front extension and increase roof height with two dormers on the front elevation

The proposed development would not impact on the openness of the Green Belt, the visual amenity of the area, residential amenity or highway safety.

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

Decision to grant planning permission.

2024/0241

140 Marshall Hill Drive Mapperley Nottinghamshire

Demolition of existing conservatory and construction of two-storey rear extension

The proposed development would not impact on the visual amenity of the area, residential amenity or highway safety.

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

Decision to grant planning permission

2024/0300

91A Front Street Arnold Nottinghamshire

Change of use of ground floor from shop (E class commercial) to adult gaming centre (Sui Generis) and shopfront alterations

The proposed development would not impact on the vitality or viability of the town centre, the visual amenity of the area, residential amenity or highway safety.

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

Decision to grant planning permission.

2024/0303

308 Carlton Hill Carlton Nottinghamshire

Change of use of existing storage building to dwelling, plus external alterations and erection of boundary fence and wall.

The proposal represents a cramped form and an overdevelopment of the site and in addition is not considered to offer a good standard of amenity to serve its future occupants

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

Decision to refuse planning permission.

2024/0348

Baptist Church Shelt Hill Woodborough

Part demolition and conversion of Church to a dwelling and associated parking and amenities

The proposed development would not impact on the character and appearance of the conservation area, the visual amenity of the area, residential amenity or highway safety.

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

Decision to grant planning permission.

### **Video Conference Call Meeting**

**Cllr Roy Allan**

**Cllr David Ellis**

**Cllr Ruth Strong**

**Cllr Lynda Pearson**

**Cllr Stuart Bestwick**

**Claire Turton – Principal Planning Officer**

**19th July 2024**

## ACTION SHEET PLANNING DELEGATION PANEL - 26th July 2024

2023/0518

599 Mapperley Plains, Arnold, Nottinghamshire  
Proposed replacement dwelling

The proposed development would respect the character of the area, residential amenity and highway safety. Furthermore, having regard to the fallback position of a prior notification on the site, it is not considered that the proposal would be detrimental to the openness of the Green Belt.

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

**Decision: To grant permission**

2024/0245

71 Kent Road, Mapperley, Nottinghamshire  
First 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**

2024/0357TPO

Park House, Mile End Road, Colwick  
Reduce the two London Plane trees (T6 & T8) and one Norway Maple (T7) back to the previous pollard points. Approximately 3 metres to be removed from each tree.

The proposed works would not have a detrimental impact on the longevity of the trees and is acceptable in arboricultural terms.

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

**Decision: To grant consent**

2024/0380TPO

Sherwood Glade, Mansfield Road, Arnold

Felling of 2 Oak and 4 Silver Birch trees situated at location number "6" on the Block Plan.

The proposed works would not have a detrimental impact on the visual amenity of the area and is acceptable in arboricultural terms.

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

**Decision: To grant consent**

2024/0450

Old Lodge, Bestwood Lodge Drive, Bestwood

Single storey side/rear extension

The proposed development would require Planning Permission and Listed Building Consent and, therefore, the prior notification should be refused.

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

**Decision: To refuse prior notification**

**26th July 2024**

Video Conference Call Meeting

Cllr Roy Allan

Cllr David Ellis

Cllr Lynda Pearson

Cllr Stuart Bestwick

Cllr Ruth Strong

Nigel Bryan – Development Manager

Claire Turton – Principal Planning Officer

## ACTION SHEET PLANNING DELEGATION PANEL - 2nd August 2024

2023/0728

Whitehaven Farm, Mansfield Lane, Calverton

Demolition of existing buildings for residential development of five detached dwellings, garages and curtilages, improvement of existing private access track to Mansfield Lane and demolition and repositioning of a detached garage to Whitehaven Farm (house) to provide bespoke bat roost mitigation measures.

The proposed development would result in the redevelopment of a brownfield site within the green belt without having a detrimental impact on its openness. The character of the area and residential amenity would be respected. Nor would there be a detrimental impact on highway safety or protected species.

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

**Decision: To grant permission.**

2024/0154

764 Mansfield Road, Woodthorpe, Nottinghamshire

Demolition of existing garage. Two storey side and rear extension; creation of amenity space within attic and rear dormer; re-clad external elevations with brickwork; creation of entrance portico and additional parking to front of property.

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.**

2024/0392

327 Foxhill Road Central, Carlton, Nottinghamshire

Wrap around rear and side ground floor extension.

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

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

**Decision: To grant permission.**

**2nd August 2024**

Video Conference Call Meeting

Cllr Roy Allan  
Cllr David Ellis  
Cllr Ruth Strong  
Cllr Linda Pearson  
Cllr Stuart Bestwick

Nigel Bryan – Development Manager



## **ACTION SHEET PLANNING DELEGATION PANEL - 9th August 2024**

2023/0839

Former Bank Hill House, Bank Hill, Woodborough  
To erect a new dwelling house.

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

2024/0297

65 Green Lane, Lambley, Nottinghamshire  
Replacement dwelling and garage/store

The proposed development would respect the character of the area, setting of the adjacent Conservation Area, residential amenity and not have a detrimental impact on 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.**

2024/0353

Old Paviers Sports Club, Burntstump Hill, Arnold  
Removal of condition 4 (to restrict lighting) of planning permission 2010/0851

The proposed development would not have a detrimental impact on the amenity of neighbouring properties.

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

**Decision: To grant permission.**

2024/0382

43 Main Street, Woodborough, Nottinghamshire

Erection of a 6ft high fence running for approximately 30 m adjacent to the pavement on a corner plot.

The proposed development would, through its scale and prominence, have a detrimental impact on the character of the Conservation Area.

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

**Decision: To refuse permission.**

**9th August 2024**

Video Conference Call Meeting

Cllr Roy Allan

Cllr David Ellis

Cllr Ruth Strong

Cllr Linda Pearson

Nigel Bryan – Development Manager

Claire Turton – Principal Planning Officer

## **ACTION SHEET PLANNING DELEGATION PANEL 16th August 2024**

2024/0213

176 Nottingham Road Burton Joyce Nottinghamshire

New 3 Bed detached dwelling

The proposed development would result in a cramped and overintensive form of development on the site which would be out of character with the area. The proposal would result in an adverse overlooking impact onto the neighbouring property which would, in turn, would overbear the proposed dwelling.

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

Decision to refuse planning permission.

2024/0367

14 Dean Road Woodthorpe Nottinghamshire

New detached bungalow with associated detached garage

The proposed development would not impact on the visual amenity of the area, residential amenity or highway safety.

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

Decision to grant planning permission.

2024/0421

11 Chapel Fields Ravenshead Nottinghamshire

Single storey front and rear extensions

The proposed development would not impact on the visual amenity of the area, residential amenity or highway safety.

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

Decision to grant planning permission.

**Video Conference Call Meeting**

**Cllr Roy Allan  
Cllr David Ellis  
Cllr Ruth Strong  
Cllr Lynda Pearson  
Cllr Stuart Bestwick**

**Claire Turton – Principal Planning Officer**

**16th August 2024**

## ACTION SHEET PLANNING DELEGATION PANEL - 23rd August 2024

2023/0715

271 Moor Road, Papplewick, Nottinghamshire  
Single storey rear extension

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**

2024/0254

Open Space, Marsham Drive, Arnold  
New self build dwelling, garage and outbuilding

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**

2024/0288

63 Main Road, Ravenshead, Nottinghamshire  
Two storey side, single storey rear extension and loft conversion

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**

2024/0435  
4 Birchwood Drive, Ravenshead, Nottinghamshire  
Front and rear extensions and render property

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 August 2024**

Video Conference Call Meeting

Cllr Roy Allan  
Cllr David Ellis  
Cllr Lynda Pearson  
Cllr Stuart Bestwick  
Cllr Ruth Strong

Nigel Bryan – Development Manager  
Lewis Widdowson – CIL and Section 106 Officer

## ACTION SHEET PLANNING DELEGATION PANEL - 30th August 2024

2023/0443

1 Church Lane, Linby, Nottinghamshire

Detached dwelling with associated car parking, dropped kerbs and amenity space.

The proposed development would have a detrimental impact on the character of the Conservation Area and Green Belt.

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

**Decision: to refuse permission.**

2024/0343

7 Thackerays Lane, Woodthorpe, Nottinghamshire

Change of use from residential dwelling to HMO

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

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

**Decision: to grant permission.**

2024/0397

67 Queens Avenue, Gedling, Nottinghamshire

Proposed dwelling

The proposed development would have a detrimental impact on the character of the area, residential amenity and insufficient information has been submitted in respect of parking.

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

**Decision: to refuse permission.**

2024/0423  
St Wilfrids Church, Main Street, Calverton  
Replacement of the west door.

The proposed development would have a detrimental impact on the character of the Grade II\* Listed Building and wider Conservation Area.

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

**Decision: to refuse permission.**

2024/0454  
50 Church Road, Burton Joyce, Nottinghamshire  
Demolition of existing bungalow and construction of new dwelling house

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

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

**Decision: to grant permission.**

**30th August 2024**

Video Conference Call Meeting

Cllr Roy Allan  
Cllr Ruth Strong  
Cllr Linda Pearson  
Cllr Stuart Bestwick

Nigel Bryan – Development Manager



## ACTION SHEET PLANNING DELEGATION PANEL - 6th September 2024

2023/0882

2 Lee Road, Burton Joyce, Nottinghamshire  
Erection of 4 detached dwellings

The proposed development would respect the character of the area, residential amenity, highway safety and not have a detrimental impact on protected trees.

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

**Decision: To grant permission**

2024/0358

56 Melbury Road, Woodthorpe, Nottinghamshire  
Two story side and rear extension, roof alterations and replacement double garage, boundary improvements, provision for off street parking and application of render.

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**

2024/0443

42 Chapel Lane, Ravenshead, Nottinghamshire  
Variation of condition 4 (no new foundation) of planning permission 2023/0712

The proposed development would respect the character of the area, residential amenity, highway safety and not have a detrimental impact on the longevity of adjacent trees.

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

**Decision: To grant permission**

2024/0478  
355 Carlton Hill, Carlton, Nottinghamshire  
Air conditioning condenser units and extract grilles.

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 permission**

2024/0503  
63 Catfoot Lane, Lambley, Nottinghamshire  
ADDITIONAL STOREY UPWARD EXTENSION TO ORIGINAL HOST BUILDING

The proposed development would comply with relevant guidance within the GPDO and not have a detrimental impact on the character of the area or residential amenity.

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

**Decision: To grant prior notification**

**6th September 2024**

Video Conference Call Meeting

Cllr Roy Allan  
Cllr David Ellis  
Cllr Lynda Pearson

Nigel Bryan – Development Manager  
Lewis Widdowson – CIL and Section 106 Officer