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**Report to Planning Committee**

<b>Application Number:</b>	<b>2018/0471</b>
<b>Location:</b>	<b>Land Ashwell Street</b>
<b>Proposal:</b>	<b>Construction of a new medical centre and pharmacy including associated car and cycle parking facilities, sub-station and landscaping</b>
<b>Applicant:</b>	<b>Assura HC Limited</b>
<b>Agent:</b>	<b>Peacock And Smith</b>
<b>Case Officer:</b>	<b>Graham Wraith</b>

**1.0 Site Description**

- 1.1 The application relates to the site of the now demolished Carlton Netherfield Infants and Nursery School, which it is understood closed in September 2005. The site has been left devoid of the majority of the original buildings, with the exception of some boundary walls and the walls of attached outbuildings. It shares boundaries with the public highway on all four sides.
- 1.2 The surrounding area is predominantly residential in the area immediately adjacent but the site is in close proximity to the retail and commercial uses found within Netherfield Local Centre. Following the adoption of the Local Planning Document (Part 2 Local Plan), the Local Centre boundary has been extended to include the site within its confines.
- 1.3 The site is located within Flood Risk Zone 3 however the Greater Nottinghamshire Strategic Flood Risk Assessment places the site within Flood Zone 1 due to the presence of flood defences. In the event of a breach of flood defence, part of the site would be at risk of flooding based on a 1 in 100 year plus 30% climate change event.

**2 Relevant Planning History**

- 2.1 2011/0175 - New 50 Bed Care Home and 3 Bungalows – Approved. This permission was not implemented and has since expired.
- 2.2 2015/0824 - Construction of a new medical centre and pharmacy including associated parking, cycle shelters and landscaping on land previously used as a school. Approved. Permission is extant (expires 5<sup>th</sup> November 2018).

### **3 Proposed Development**

- 3.1 The application seeks full planning permission to erect a medical centre that would incorporate sections that are two storeys and single storey in height. The proposed building would be located closest to the northern and eastern site boundaries with car parking areas being sited to the south and west of the building. In addition, it is proposed to provide cycle parking facilities and to erect a new sub-station.
- 3.2 At ground floor level the main building would incorporate consulting rooms, treatment rooms, a waiting area and associated facilities, and at first floor there would be rooms associated with the administration of the use. It is also proposed to provide a pharmacy at ground floor level.
- 3.3 The proposed building would be of a modern appearance and would include sections of render and facing brickwork. Concrete roofing tiles colour grey are proposed to be used on the roof, which will include a solar panel array on the eastern roof plane.

### **4 Consultations**

- 4.1 Environment Agency – no objection subject to conditions requiring finished floor levels be set at 22.2m AOD and details of any unexpected contamination to be submitted.
- 4.2 Gedling Borough Council Economic Regeneration – there is a requirement for a local labour agreement.
- 4.3 Gedling Borough Council Scientific Officer – no objection subject to conditions relating to land contamination and dust management.
- 4.4 Lead Local Flood Authority – no objection subject to a number of surface water drainage considerations being addressed.
- 4.5 Nottinghamshire County Council Highways – no objection subject to conditions relating to surfacing and marking out, off-site highway improvement works, a travel plan, cycle parking and wheel washing.
- 4.6 Nottinghamshire County Council Section 106 Officer - requests a financial contribution of £2,500 towards bus stop improvements
- 4.7 Nottinghamshire County Council Property – this site was sold in 2008 and therefore is not proposed for use for future education purposes.
- 4.7 A press notice has been published, two site notices displayed and neighbour notification letter have been posted and letter of objection has been received. This is summarised as follows:
- Impact upon highway and parking
  - Consideration should be given to residents permits

## **5 Assessment of Planning Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2018 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG)

## **6 Development Plan Policies**

- 6.1 The following policies are relevant to the application:
- 6.2 National Planning Policy Framework 2018 – sets out the national objectives for delivering sustainable development. Sections 7 (Ensuring the vitality of town centres), 8 (Promoting healthy and safe communities), 12 (Achieving well-designed places) and 14 (Meeting the challenge of climate change, flooding and coastal change) are particularly relevant.
- 6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan
- Policy A – Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals
- Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.
- Policy 6: Role of Town and Local Centres – sets out the approaches to protecting the vitality and viability of town and local centres.
- Policy 10 – Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.
- Policy 12 – Local Services and Healthy Lifestyles – sets out the criteria that new community facilities will need to meet.
- 6.4 Local Planning Document (Part 2 Local Plan)  
The Local Planning Authority adopted the Local Planning Document (LPD) on the 18<sup>th</sup> July 2018. The relevant policies to the determination of this application are as follows:  
LPD 3: Managing Flood Risk – sets out the criteria that developments in areas at risk of flooding will need to meet.
- LPD 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 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.

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

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

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

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

## 7.0 **Planning Considerations**

### Principle of the development

- 7.1 Following the adoption of the Local Planning Document the site is located within the Netherfield Local Centre as defined by policy LPD 48 and the policies map. A medical centre falls within the definition of a main town centre use set out in Annex 2 of the National Planning Policy Framework 2018, as does the proposed pharmacy element of the development.
- 7.2 However, Local Planning Document Policy LPD 50 sets out additional criteria in relation to development proposals within local centres, as defined on the policies map. This includes a requirement that the percentage of other (non 'A' uses) does not exceed 10%. In relation to criteria (a) and (b) the proposal is for a D1 use which is therefore categorised as 'other' for the purpose of the policy. As at 30/01/2018 Netherfield had a total percentage 'other' shop unit frontages of 33%, well in excess of the policy requirement. In this respect therefore, the proposed development represents a departure from the development plan although it is noted that at paragraph 13.3.6 in certain circumstances other material considerations may mean that planning permission can be granted.
- 7.3 Whilst the proposal is a departure from the development plan, it is accepted that it would bring a derelict site back into use and would have wider community benefits in the provision of a purpose built health centre. The presence of the centre would bring people to the local centre and encourage linked trips and it is further noted that this development would enhance, not remove, the provision of facilities in the local centre. For these reasons, it is not considered that the proposal would cause harm to the vitality or viability of the local centre. It is further noted that the principle of this development was considered acceptable through the granting of planning permission 2015/0824, which is an extant permission.

- 7.4 The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 6 and Local Planning Document Policy LPD 48. Whilst the proposal is a departure from Policy LPD 50, it is considered that the development would have wider community benefits and would not cause harm to the vitality or viability of the local centre.

#### Impact upon visual amenity

- 7.5 The proposal would have a modern appearance and would include sections of render and facing brickwork. Concrete roofing tiles colour grey are proposed to be used on the roof, which will include a solar panel array on the eastern roof plane. The design and proposed use of materials is considered to be acceptable within the context of the surrounding and on a building of contemporary appearance as is proposed. The building would be two storeys and single storey in height which is appropriate for the scale of development observed in the surrounding area.
- 7.6 It is noted that the proposal would be set away from the primary road in the area (Meadow Road), and this position was subject to discussions at pre-application stage, given that the previously approved centre had greater engagement with Meadow Road. The Planning Statement submitted with the application states that the positioning proposed is to utilise the existing pedestrian route to the main Netherfield Local Centre by placing the entrance close to this and also that it necessary to site the building away from Meadow Road so to ensure that windows in clinical rooms are not as close to passing traffic and also to reduce potential nuisance from banging on windows.
- 7.7 The boundary along Meadow Road currently consists of a high brick wall which would be maintained and reinstated where necessary as part of the current proposals. This would ensure that the parking area would be screened for the most part and that the existing street scene would remain unaltered. However, even if this wall was subsequently removed or reduced in height, given that the parking would be set back and there would be a landscaped area on this frontage, it is not considered that the presence of the car parking area in this location would cause significant harm to the visual amenity of the surrounding area.
- 7.8 Therefore, on balance, it is considered that the proposed siting of the building and the car parking area would not be harmful to the visual amenity of the surrounding area.
- 7.9 The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10 and Local Planning Document Policy LPD 32.

#### Impact on residential amenity

- 7.10 The site is surrounded on all four sides by the public highway which ensures that adequate distance is provided between the proposed development and the adjacent dwellings so to ensure that undue overlooking does not occur. The two storey height of the building also ensures that the proposal would not

cause harm to residential amenity in terms of loss of light or through massing. The proposed use of the building is considered to be compatible with the surrounding uses in the area and with the existing residential properties.

- 7.11 The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10 and Local Planning Document Policy LPD 32.

#### Highways matters

- 7.12 The application proposes that the site would be accessed via two points on Knight Street which lead into the car parking area. 41 parking spaces would be provided within the car park area. There is no objection to the proposal from the Highway Authority and therefore it is not considered that the proposed access arrangements and parking proposals would cause harm to highway safety or to the surrounding highway network. On the basis of the comments of the Highway Authority it is not considered that there is any justification for residents permit parking to be considered and in any instance this would fall under other non-planning legislation. Conditions are proposed to address the requirements for surfacing and marking, off-site highway improvement works, a travel plan and cycle parking. It is considered that a note to applicant is proportionate with regard to mud on the highway.
- 7.13 The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework and Local Planning Document Policies LPD 57 and 61.

#### Flood Risk

- 7.14 The site is located within Flood Risk Zone 3 and a Flood Risk Assessment has been submitted. Consultation has been undertaken with the Environment Agency who do not object subject to a condition requiring a minimum finished floor level.
- 7.15 Developments within Flood Zone 3 would usually be required to demonstrate that there are no sequentially preferable sites available on which the development could take place in order to meet with the objectives of the National Planning Policy Framework. However, in this instance, it is noted that the site falls in an area of low risk when the Greater Nottingham Strategic Flood Risk Assessment (September 2017) is considered. Furthermore, the National Planning Policy Framework 2018 (paragraph 158) is clear that a Strategic Flood Risk Assessment will provide the basis for applying a sequential test. Therefore, given the site is considered to be of low flood risk under the Strategic Flood Risk Assessment, it is not necessary to require that a sequential test be undertaken.
- 7.16 It is noted that part of the site would be at risk of flooding in a flood defence breach scenario, however given that the Environment Agency considers that any such flood risk concerns can be successfully overcome through the finished floor level and that the building footprint would not be within the area of risk, it is considered that it would not be reasonable to refuse planning permission on flood risk grounds.

- 7.17 In light of the above considerations it is therefore considered that flood risk matters have been adequately addressed.
- 7.18 The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 1 and Local Planning Document Policy LPD 3.

#### Other matters

- 7.19 It is noted that the site formerly housed a school and that under the now withdrawn Gedling Replacement Plan 2005 safeguarded the land as Protected Open Space. This designation has not been carried forward into the Local Planning Document.
- 7.20 Nottinghamshire County Council requested a sum of £2,500 towards bus stop improvements to two existing bus stops on Meadow Road (in the vicinity of Knight Street). An improvement to the existing bus stop on the eastern side of Meadow Road was shown on the plans approved as part of planning permission 2015/0824 and was subject to a condition. However since this time, the bus stop in question has been enhanced to include a shelter and a raised kerb. Given that these improvements have taken place, it is not considered that the scale of the development justifies a request for a financial contribution towards further enhancement. Therefore the three tests set out on Section 122 of The Community Infrastructure Levy Regulations 2010 (necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development) would not be met by this request.
- 7.21 A Local Labour Agreement is required in order to comply with Policy LPD 48. This can be secured by way of a planning condition.

## **8 Conclusion**

- 8.1 The proposed development would not cause harm to the vitality and viability of the Netherfield local centre, would be of an acceptable design and appearance, would not cause undue harm to residential amenity, would not be detrimental to the surrounding highway network or highway safety and would be acceptable in flood risk terms. The proposal would therefore meet with the objectives of the National Planning Policy Framework 2018, the Aligned Core Strategy Policies A, 1, 6, 10 and 12 and Local Planning Document Policies LPD 3, 32, 48, 49, 50, 57 and 61.

**Recommendation: Grant planning permission subject the following conditions:**

### **Conditions**

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



- 2 This permission shall be read in accordance with the following plans submitted to the Local Planning Authority; drawing numbers 1442-99, 1442-200 Revision J, 1442-205 Revision A and 1442-300 Revision A received on 8th May 2018 and drawing 1442-100 Revision H received on 23rd July 2018 and the emails from the Agent received on 25th and 27th July 2018 confirming the appearance of the bin store and VRF enclosure screens and the height of the VRF enclosure screen.
- 3 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 development must be halted immediately on that part of the site until such time that the Borough Council has given written approval for works to recommence on site. Once contamination has been reported to the Local Planning Authority, an assessment of contamination must be undertaken. This assessment shall include a survey of the extent, scale and nature of contamination and an assessment of the potential risks to human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. The assessment shall be undertaken by a competent person and shall assess any contamination of the site whether or not it originates on site. Where remediation is necessary, a written 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. The remediation scheme and verification reporting shall be implemented as approved.
- 4 Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority details of a Dust Management Plan. The plan shall be produced in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). The plan shall be implemented in accordance with the approved details and shall be retained for the duration of the construction period.
- 5 Prior to the erection of any external lighting there shall be submitted to and approved in writing by the Local Planning Authority details of all such lighting, including levels of illumination and a lux plot of the estimated luminance, to be provided on the proposed building or elsewhere within the site. Any security lighting/floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway or adjacent properties. The external lighting shall be provided in accordance with the approved details and shall be retained for the lifetime of the development.
- 6 Prior to the first occupation of the building hereby approved there shall be submitted to and approved by the Local Planning Authority a landscape plan of the site showing the position, type and planting size of all trees, hedges, shrubs or seeded areas proposed to be planted. The approved landscape plan shall be carried out in the first planting season following the occupation of the building. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in

the opinion of the Borough Council seriously damaged or defective, another tree, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Local Planning Authority.

- 7 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted. The Local Employment Agreement shall be implemented in accordance with the approved details.
- 8 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 2 May 2018, Ref: 21/0073/FRA, Clancy Consulting Limited, and the following mitigation measures detailed within the FRA:
  - o Finished floor levels are set no lower than 22.2m above Ordnance Datum (AOD).
- 9 No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 1442-100 Rev H. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
- 10 Notwithstanding the details submitted, the development shall not be brought into use until a Travel Plan has been implemented in accordance with a scheme and timescale which shall be first submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall thereafter continue to be implemented as approved.
- 11 Prior to the commencement of development there shall be submitted to and approved in writing by the Local Planning Authority drainage plans for the proposed means of disposal of surface water. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development.
- 12 The development hereby approved shall not be brought into use until the off-site highway improvement works as indicated on drawing 20139-SK-0003 (Transport Statement Appendix D), with the exception of the bus stop works, have been implemented in full in accordance with precise details that have first been submitted to and approved in writing by the Local Planning Authority.
- 13 The development shall not be brought into use until the entry and exit markings to the new vehicular accesses have been marked out in accordance with precise details that have first been submitted to and approved in writing by the Local Planning Authority.

- 14 No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing 1442-100 Rev H has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.

## **Reasons**

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and to define the terms of this permission.
- 3 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters.
- 4 In the interests of residential amenity.
- 5 In the interests of residential amenity.
- 6 In the interests of visual amenity.
- 7 To seek to ensure that the construction of the site provides appropriate employment and training opportunities.
- 8 To reduce the risk of flooding to the proposed development and future occupants.
- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 10 In the interests of promoting sustainable travel.
- 11 To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem.
- 12 In the interests of highway safety.
- 13 In the interests of highway safety.
- 14 To promote sustainable transport.

## **Reasons for Decision**

The proposed development would not cause harm to the vitality and viability of the Netherfield local centre, would be of an acceptable design and appearance, would not cause undue harm to residential amenity, would not be detrimental to the surrounding highway network or highway safety and would be acceptable in flood risk terms. The proposal would therefore meet with the objectives of the National Planning Policy Framework 2018, the Aligned Core Strategy Policies A, 1, 6, 10 and 12 and Local Planning Document Policies LPD 3, 32, 48, 49, 50, 57 and 61.

## Notes to Applicant

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

The Local Planning Authority has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application the plans have been amended to address concerns with respect to the impact that the development would have upon visual amenity.

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 [ww.coal.decc.gov.uk](http://ww.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)

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

The Travel Plan coordinator and Final Travel Plan details should be discussed with Transport Strategy at Nottinghamshire County Council contact [transport.strategy@nottscc.gov.uk](mailto:transport.strategy@nottscc.gov.uk) .

To ensure that the appropriate application is submitted to provide No Waiting at Any Time restrictions, please contact [mike.barnett@viaem.co.uk](mailto:mike.barnett@viaem.co.uk) for further details

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.