



## Planning Report for 2020/0954

1:1,250

Planning Reference: 2020/0954  
The Phoenix Shelford Road  
Gedling



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.



**Report to Planning Committee**

**Application Number:** 2020/0954

**Location:** The Phoenix Shelford Road Gedling

**Proposal:** Demolition of the existing buildings on the site (former pub and outbuilding); construction of a three-storey apartment block containing 26 self-contained flats, a secure cycle and bin store and ancillary landscaping; the stopping up of the two existing vehicular accesses, the creation of a new vehicular access to Wollaton Avenue and creation of a 21 space car park.

**Applicant:** Hockley Developments (Shelford Road) Ltd.

**Agent:** Richard Ling & Associates

**Case Officer:** Nigel Bryan

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

**1.0 Site Description**

- 1.1 The application site comprises The Phoenix Public House and its associated curtilage, which includes its car park, trees to the periphery of the site and various modest outbuildings. The Public House is vacant and it is understood not to have been operating for approximately two years. The building is a two storey structure constructed of red brick under a tiled roof, with single storey flat roof additions to the rear. It is roughly to the centre of the site with parking to the side and rear with vehicular access from both Wollaton Avenue and Shelford Road. The majority of the site is relatively flat, although it is typically lower than surrounding land uses with substantial changes in levels between the application site and, in particular land to the south, with a large retaining wall along this boundary and properties on Beckett Court.
- 1.2 All of the immediately adjacent uses to the site are residential and include 45 Shelford Road to the west, a two-storey semi-detached property; 97 Wollaton Avenue to the east, a two-storey semi-detached property, along with Beckett Court to the south. The application site occupies a prominent position within the streetscape being on the junction of Wollaton Avenue and Shelford Road, with residential properties opposite the site too. There are a number of shops in close proximity to the application site a short distance to the west along Wollaton Avenue, along with a bus stop.

## **2.0 Relevant Planning History**

- 2.1 There is no recent planning history pertinent to the current application.

## **3.0 Proposed Development**

- 3.1 The application is for the demolition of the existing Public House and the erection of 26 flats, 11 of which will be two-bedroom and 15 one-bedroom. The building would be three-storey in scale and a total of 21 parking spaces would be provided, along with a bin and cycle store. Two existing vehicular access points would be removed and replaced with one vehicular access point to Wollaton Avenue.
- 3.2 The building to be erected would be larger and located in a position forward of the Public House to be demolished and would be relatively modern in design having a flat roof with the top floor recessed from the main lower levels with small balconies at the upper floor. The overall density would be 100 dwellings per hectare.

## **4.0 Consultations**

- 4.1 A press notice was published, a site notice displayed and neighbour notification letters posted. As a result of consultation undertaken a total of 21 neighbour letters were received, all objecting to the application. A summary of the objections is drafted below;
- The building is out of character with the area given its scale and design;
  - The building will result in a significant overbearing and overlooking impact;
  - There is not enough parking for the number of dwellings proposed and on-street parking will be detrimental to highway safety, on a bus route;
  - Double yellow lines should be considered in the area;
  - The scale of the built form is inappropriate; it should be two-storey only;
  - Privacy of neighbouring properties will be compromised and overlooking will increase from the balconies;
  - Family housing should be encouraged in the area, not small flats which may bring in anti-social behaviour;
  - Trees on the site will be removed to the detriment of ecology and species that nest in them
  - If some are social rented it could lead to anti-social behaviour;
  - Drainage in the area is inadequate and may not cope with the increase in services.
- 4.2 Nottinghamshire County Council (NCC) Highway Authority – Raise no objection subject to a number of conditions, notably that the existing access points are blocked once the new access point is created and subject to a number of conditions in respect of parking and cycling provision.

- 4.3 NHS (primary care) – Based on the number of units to be erected a contribution of £14,088.75 is sought toward Primary Care Provision with the money to be spent at one of the following a local surgeries, Unity, Westdale Lane or West Oak Surgery, to increase existing capacity.
- 4.4 NCC Education – Note that 11 of the properties are to have two-bedrooms and, therefore, there is likely to be an impact on education provision from the development proposed. There is sufficient capacity within local primary schools to accommodate the number of children that the development is likely to generate. However, the development is likely to generate two additional secondary places, for which there is no capacity. As a result, a contribution £47,750 is sought toward secondary education.
- 4.5 Scientific Officer (Air Quality) – Request that a condition be added to ensure that electric vehicle charging points are secured on-site.
- 4.6 Environmental Health (contamination) – notes that the Public House has the potential for some contamination and suggests a condition requiring development to cease if any contamination is found onsite whilst development is underway.
- 4.7 Strategic Housing (affordable) – in this area there is a policy requirement of 20% on-site affordable provision, unless the development is unviable. This would equate to 5 on-site units, 4 of which should be affordable rent and 1 shared ownership.
- 4.8 Parks and Street Care – make no observations on the application in that it falls below the threshold of 0.4 of a hectare where contributions can be sought.
- 4.9 Economic Development – recommend that a condition be added in respect of a Local Labour Agreement.

## **5.0 Assessment of Planning Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

## **6.0 Development Plan Policies**

- 6.1 The following policies are relevant to the application:

6.2 The NPPF sets out the national objectives for delivering sustainable development. 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) and 15 (conserving and enhancing the natural environment) are particularly pertinent.

6.3 The following policies of The Adopted Core Strategy (ACS) 2014 are pertinent to the determination of the application:

- ☐ Policy A – Presumption in favour of sustainable development
- ☐ Policy 1 – Climate change
- ☐ Policy 2 – The Spatial Strategy
- ☐ Policy 8 – Housing size, mix and Choice
- ☐ Policy 10 – Design and Enhancing Local Identity
- ☐ Policy 19 - Developer Contributions

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:

- ☐ LPD 4 – Surface Water Management - sets out the approach to surface water management.
- ☐ LPD 7 – Contaminated land - sets out the approach to land that is potentially contaminated.
- ☐ LPD 11 – Air quality - states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.
- ☐ LPD 32 – Amenity - planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- ☐ LPD 33 – Residential density – outlines the level of residential density that is likely to be acceptable in various locals within the Borough.
- ☐ LPD 35 – Safe, Accessible and Inclusive Development – planning permission will be granted for development that is permeable in form and inclusive to all members of the community
- ☐ LPD 36 – Affordable Housing – sets out the thresholds whereby affordable housing will be required on a scheme
- ☐ LPD 37 – Housing type, size and tenure - states that planning permission will be granted for residential development that provides for an appropriate mix of housing.
- ☐ LPD 40 – Housing development on unallocated sites – planning permission will be granted for development on such sites provided the character of the area and residential amenity is respected and adequate parking is provided.

- LPD 48 – Local Labour Agreements – identifies the threshold for seeking Local Labour Agreements.
- LPD 56 – Protection of community facilities – Identifies facilities that are intended to be protected and criteria against which removing them should be assessed.
- LPD 57 – Parking Standards – sets out parking standards for developments
- LPD 61 – Highway Safety - states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

## 6.5 Other Guidance

Parking Provision for Residential Developments SPD. Furthermore, the Affordable Housing SPD is also relevant.

## 7.0 Planning Considerations

### Principle of development

- 7.1 The application site falls within the main urban area of the Borough and there are no policy restrictions on the site. It has good access to services, including local shops and the public transport network. Therefore the principle of development is supported by policy LPD40, although there would be a need to ensure that the development would, amongst other criteria, respect the character of the area, residential amenity and highway safety, explored later in this report.
- 7.2 Policy LPD56 identifies that applications for development of community facilities, including Public Houses, will not be granted unless particular criteria are met. One of the criteria is that the use is no longer economically viable, feasible or practicable to retain the existing community use. It is understood that the Public House has been vacant for a period of two years and following no interest in taking the business on as a going concern it was advertised for redevelopment. Having been vacant for such a long-period of time it is considered appropriate for alternate development to come forward in that the building could fall into a state of disrepair if left vacant for a longer period of time. Further, the Public House is not identified as Asset of Community Value. The layout of the building, which was purpose built as a Public House, also means that alternate uses are likely to be restricted to either its continued use as a Public House or restaurant. As a result an alternate use on the site is considered to be acceptable and the application deemed to comply with policy LPD56.

### Impact on the character of the area

- 7.3 The existing public house is a two-storey building under a tiled roof with render focal points and a number of flat roof extensions to the side and rear. Surrounding buildings are also typically red brick and two-storey in scale with

pitched Rosemary tiled roofs. The proposed flats would have accommodation over three-storeys and be relatively contemporary in design utilising a range of materials including, brick, render and cladding. The third floor aspect would be set-back from the main facing wall, reducing the overall mass of the building and providing balconies to the top floor units. Whilst there are no other flat roof buildings in the immediate area the overall height of the building would be similar to others in the streetscape and, due to the change in levels, the overall height of the building would be lower than 45 Shelford Road.

- 7.4 It is accepted that the building would be different to others in the immediate locality; however, the design of the building is considered to be of good quality and with the second floor accommodation being recessed from the main facing wall the overall mass of the building would not be overly large, particular given that the site is at a low point in the area. Furthermore, whilst not being a conventional two-storey building it does add some visual diversity to an area at a key focal point in the streetscape. Therefore, whilst accepting that it is not a traditional building in this local environment, it is considered that the built form is of a good quality design that will enhance the character of the area over and above the existing structure.
- 7.5 Having regard to the above it is considered that the layout and elevation treatment of the building would enhance the character of the area, subject to the building being built out of appropriate materials, with the varied palate acceptable in this location. Furthermore, the scale of the building is appropriate having regard to the built form that surrounds it and levels of the site. Whilst the density of development is high compared to those that surround it, the built form is not considered to be out of character with the area and would provide a mix of housing for the area. As a result, it is considered that the application complies with policies 8 and 10 of the ACS and LPD40.

#### Impact on residential amenity

- 7.6 The proposed building would have accommodation over three floors with the upper floor having balconies. No windows are proposed in the side elevation at first and second floor level adjacent to 45 Shelford Road nor is there a balcony on this elevation either. As a result it is not considered that there would be any overlooking impact on this property. Furthermore, the main mass of the building would be adjacent to the gable of this property and whilst it would extend further back it is considered that, taking into account the change in levels and fact that views of the flats from this property would only be oblique in nature, any overbearing impacts would not be significant.
- 7.7 The dwelling to the immediate east, 97 Wollaton Avenue, is on land higher than the application site and there is a gap of approximately 30m between the two buildings. Habitable room windows are proposed in the side elevation of the flats in this direction; however at approximately 30m between habitable room windows it is not considered that the development would have a detrimental impact on the amenity of this property through an overlooking or overbearing impact.
- 7.8 To the rear of the site is Beckett Court and this land is raised a considerable distance above the application site, as well as being some 25-30m away from



it. As a result the impacts on Beckett Court from an overlooking and overbearing impact is likely to be negligible with views largely across the roof of the building. Similarly, views from the front elevation of the proposed building and properties on the opposite side of Shelford Road and Wollaton Avenue would be acceptable across a public highway. Having regard to the above, it is considered that the development has been sensitively designed so as to ensure that there would be no significant detrimental impact on residential amenity and the application is deemed to comply with policy LPD32.

#### Highway safety and parking

- 7.9 There are currently two vehicular access points to the site, one from Shelford Road and one from Wollaton Avenue. These are proposed to be replaced with one vehicular point off Wollaton Avenue, slightly further east along the highway. A visibility splay of 2.4m by 33.87m can be achieved in a easterly direction toward Shelford Road and 2.4m by 47m in a westerly direction along Wollaton Avenue; the drive to access the parking area will be 5.2m in width. The Highway Authority have raised no objection to the application with it considered that adequate visibility can be achieved for the access, which would not be detrimental to highway safety. The highway authority have not indicated that double yellow lines are required in the area and none are considered necessary in this instance. Taking into account the above, the application is deemed to comply with policy LPD61.
- 7.10 In respect of parking provision, a total of 21 car parking spaces are to be provided. Guidance within the Local Planning Document 'Appendix D – requirement for parking provision in residential and non-residential development' identifies that for flats development with unallocated spaces a provision of 0.8 per unit would be required, or 21 spaces. As a result, the parking provision proposed would comply with pertinent policy and is considered to be acceptable. It is also noted that the site has good access to public transport and is close to a number of local shops and services. Having regard to the above, the application is deemed to comply with policies LPD57, LPD61 and Appendix D – requirement for parking provision in residential and non-residential development in that the proposal would not be detrimental to highway safety and adequate parking provision would be provided.

#### Planning obligations

- 7.11 The application meets the trigger for a number of contributions to make the development acceptable in planning terms. To this end, the contributions sought from various statutory consultees are summarised below:
- Affordable housing – a total of 20% of the units would need to be affordable, or 5 units, 4 of which would need to be affordable rent and 1 shared ownership;
  - Education – note that there is adequate provision for Primary School provision but there is a shortfall for Secondary and a contribution of £47,750 is required to address the shortfall in funding;



- NHS Primary Care Trust – it is identified that the development would have an impact on healthcare provision and to address this a contribution of £14,088.75 is sought; and
- Local Labour Agreement – A local labour agreement

No contribution is required for public open space provision in that the site area is less than the threshold identified in policy LPD21 of 0.4 hectares.

- 7.12 All of the above contributions are deemed to comply with guidance as outlined in paragraph 56 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).
- 7.13 A viability assessment has been submitted by the applicant in support of the application. This identifies that the scheme would not be viable with the level of contributions required (as set out above) as the scheme would have a residual land value of negative £337,630. This assessment has been independently assessed by a suitably qualified party on behalf of the Council who has arrived at the same conclusion that the scheme would not be viable if any of the contributions sought were required. Although the Council commissioned assessment valued the negative residual land value at the lesser sum of £101,855, it was concluded that no reasonable developer would proceed if the contributions are sought.
- 7.14 Paragraph 57 of the NPPF identifies that in certain circumstances development can proceed with reduced contributions where it is demonstrated that through a site specific viability assessment *‘where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force’*.
- 7.15 It is therefore necessary to consider whether the development can be supported on the basis of no contributions and whether such development could be considered to be ‘sustainable development’, the delivery of which is a key objective of national and local planning policies.

#### *Affordable housing*

- 7.16 Paragraph 5.3 of the Gedling Borough Council Affordable Housing SPD sets out the requirements for planning obligations in respect of affordable housing, with input for Housing Strategy and Development Management. In this instance, Housing Strategy have been consulted on the conclusions of the independent assessment and it is accepted that affordable housing would make the development unviable. It would therefore be unreasonable to insist on its inclusion. Paragraph 11.2.6 of LPD 36 acknowledged that the requirements for affordable housing as set out in the Affordable Housing SPD

may make a development unviable and where this is the case the SDP confirms that a lower requirement of affordable housing contribution may be justified provided sufficient evidence regarding all potential sources of funding has been provided and a viability assessment has been undertaken by the Council which demonstrates this.

### *Education*

- 7.17 In respect of the education contribution, the County Council has identified that the development is likely to generate two additional school places, for which there is no capacity and therefore a contribution of £47,750 is sought toward secondary education. Paragraph 94 of the NPPF discusses the importance of education provision. It explains that a sufficient choice of school places should be available to meet the needs of existing and new communities. It also gives great weight to the need to create, expand or alter schools.
- 7.18 However, in this particular case, the proposed development comprises a substantial number of one and two-bedroom apartments, with limited access to private garden areas. This would not in my opinion be particularly attractive to occupation by families and subsequently, it is considered that this would lessen the demand for local school places and adds weight to not securing the contribution.

### *Health*

- 7.19 In respect of health, the NHS has sought a contribution of £14,088.75 to increase existing capacity at either Unity, Westdale Lane or West Oak Surgery. In terms of expanding existing facilities my opinion is that the requested commuted sum is unlikely to generate significant additional capacity to serve the residents of the new development. Given that the development is unviable, it is considered that it can reasonably proceed in its absence.
- 7.20 The position in respect of the viability assessment has also been assessed by an independent party and therefore, the shortfall in respect of affordable housing provision and financial contributions to mitigate the impact upon secondary school provision and health is, in this instance, considered to be justified. A summary of the viability assessment submitted by the applicant and the review of the party acting on behalf of the Council is appended to this report.
- 7.21 However, there is always the possibility of changes in market circumstances, therefore, it is considered that a review mechanism should be secured as a planning obligation through a s106 agreement. The mechanism would provide that if development does not commence within a year from the date of decision notice, and is above ground level, then the scheme would need to be re-assessed to determine whether or not the scheme has become more profitable and can make a financial contribution. The Local Labour Agreement could also be secured as a planning obligation through the same s106 agreement.

### Other matters

- 7.22 The application site falls within floodzone 1 and is not identified as a site at risk of flooding. It has been indicated on the submitted application forms that both foul and surface water will connect into the existing foul network. Allowing surface water to discharge into the foul network is typically only allowed when all other possible sources of disposal have been fully explored and, therefore, it is recommended that the details of both foul and surface water be approved prior to the commencement of development on site.
- 7.23 A condition is required to ensure that electric vehicle charging points are secured on site. Furthermore, a condition to advise that if contamination is found development should cease until such time as it has been adequately explored.
- 7.24 On the submitted drawings a degree of planting is proposed, which would enhance the character of the area and help to green the environment, although no details of species have been supplied. Existing trees are shown in situ; however, they are not considered to be worthy of long term protection e.g. by a Tree Preservation Order. Therefore, a standard condition in respect of securing details of the proposed planting would be acceptable in this instance. A note would also need to be added to the decision notice in respect of ensuring that nesting birds are not detrimentally impacted.

## **8.0 Conclusion**

- 8.1 The principle of development is supported in that the site falls within the main urban of the Borough, has good access to services and is currently a vacant site. The design, scale and layout of the built form is considered to be of a good quality design, respect the character of the area and be an enhancement on the existing; nor is considered that residential amenity would be compromised through a dominating or overlooking impact. Furthermore, highway safety would not be compromised and parking provision would be acceptable.
- 8.2 The application is, therefore, deemed to comply with policies A, 1, 8, 10 and 19 of the Aligned Core Strategy; policies 4, 7, 11, 32, 33,, 36, 37, 40, 48, 56, 57 and 61 of Local Plan Document and guidance contained within the NPPF

**9.0 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 and Education Authority to provide for a review of viability of the development to secure contributions towards affordable housing, primary healthcare and primary education if the development becomes more viable and to secure a local labour agreement; and subject to the conditions listed for the reasons set out in the report.**

## Conditions

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

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

2025-PL-001 - Location plan

2025-PL-110 - Site/Ground floor plan

2025-PL-111 - First and second floor plans

2025-PL-210 - Elevations

2025-PL-211 - Site sections and street elevations

2025-PL-050 - access design

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

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

4. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification.

5. No part of the development hereby permitted shall be brought into use until the two existing site accesses (1no on Shelford Road and 1no on Wollaton Avenue) that has been made redundant and are permanently closed and the access crossings are reinstated as footway in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

6. No part of the development hereby permitted shall be brought into use until the site access road is surfaced in a hard-bound material. The surfaced access drive shall then be maintained in such hard-bound material for the life of the development.

7. 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 2025-PL\_050. 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.

8. No part of the development hereby permitted shall be brought into use until the access driveway / parking / turning area (s) is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

9. No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing 2025-PL-110 has been provided.

10. No part of the development hereby permitted shall be brought into use until the bin store has been constructed and positioned in accordance with drawing number 2025-PL-050.

11. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

12. 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

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 at least two (2) Electric Vehicle Recharging Points. 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 residents.

14. No development shall commence until details of the means of foul drainage and surface water disposal 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. Prior to the commencement of development, a scheme of landscaping showing the location, species and size of specimens to be planted and those to be retained shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.

## **Reasons**

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
2. For the avoidance of doubt.
3. To ensure that the character of the area is respected and to comply with policy ACS10.
4. In the interests of highway safety and to comply with policy LPD61.
5. In the interests of highway safety and to comply with policy LPD61.
6. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and to comply with policy LPD61.
7. 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 and to comply with policy.
8. To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with policy LPD61.
9. To ensure the cycle parking areas are available for use and to encourage alternative modes of transport to the private motor technical and to comply with guidance contained in the NPPF.
10. To enable the bins to be collected by the refuse team on collection day and reduce the likelihood of vehicles blocking the public highway and to comply with policy LPD61.
11. To ensure that possible contamination is explored and to comply with policy LPD7.
12. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
13. To 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, ACS 1 and policy LPD11 of the Councils Local Plan.
14. To ensure the site is suitably drained and to comply with policy LPD4.
15. To ensure the character of the area is respected and to comply with policy ASC10.

## **Notes to Applicant**

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.

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

Please note that removal of any trees on site should not occur during the bird nesting season, March to August inclusive.



Appendix – Executive summary of viability review on behalf of Gedling Borough Council



**DVS** Property Specialists  
for the Public Sector

Viability Report for  
The Phoenix  
Shelford Road  
Gedling  
NG4 4HU

Report for:



Gedling Borough Council

Prepared by:



MRICS

Principal Surveyor

RICS Registered Valuer

DVS

Tel:



@voa.gov.uk

Case Number:



Redacted : 18 February 2021

Alternative Use Value	N/A	N/A	Y
Viability Conclusion Planning Compliant Scheme	Not Viable	Not Viable	Y
Sensitivity Test Market Conditions	Not tested	Not Viable	N

#### Purpose of Assessment

It is understood that the Gedling Borough Council Planning Department require an independent opinion on the viability information provided by [REDACTED], in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme.

#### **Conclusions**

[REDACTED] on behalf of the Applicant concluded that even with no s106 contributions the scheme had a Residual Land Value of NEGATIVE £337,630 and therefore that the ...'scheme cannot viably provide a contribution towards Affordable Housing.'

DVS have varied a number of the inputs and the Benchmark Land Value but have reached the same conclusion. Our Residual Land Value conclusion is NEGATIVE £101,855. **In our opinion the scheme cannot viably provide any Affordable Housing or other s106 contributions.**

#### Review Mechanism

Given that, based on this advice, your Council's full planning policy requirements will not be met, but it is possible that a change in market conditions could support some policy provision a review clause might be appropriate as a condition of the permission.

The appraisal embraces the costs and revenues appropriate to the valuation date and is therefore valid only if the building construction work commences within the next 12 months and proceeds at a rate consistent with achieving sales in the market. If commencement of the works were to be delayed and is then undertaken at some other time when market conditions may be different, then a re-appraisal may be required.

## 1. Executive Summary

Proposed Development Details.

This report provides an Independent Review of a Financial Viability Appraisal in connection with:

<b>Proposed Development</b>	Demolition of existing Public House and Construction of 26 Apartments and associated areas
<b>Subject of Assessment:</b>	The Phoenix, Shelford Road, Gedling
<b>Planning Ref:</b>	2020/0954
<b>Applicant:</b>	Hockley Developments
<b>Applicant's Viability Advisor:</b>	

### Non-Technical Summary of Viability Assessment Inputs

Policy Compliant Inputs	Agent	DVS Viability Review	Agreed (Y/N)
Assessment Date	4 December 2020	4 December 2020	Y
Scheme, Gross Internal Area, Site Area	GIA 1,690 sq.m., Net Sales Area 1,345 sq.m., Site Area 0.26 ha	Assumed to be correct	Y
Development Period	24 months	24 months	Y
Gross Development Value	£3,754,000	£3,474,000 (including Ground Rents)	N
Construction Cost inc. Prelims, Total and £/sq. ft.	£2,371,210	£2,139,540	N
Abnormal Costs and external works	£299,292	£201,465	N
Contingency	5%	5%	Y
Professional Fees	10%	8%	
Finance Interest and Sum	7% plus £43,700 (arrangement and monitoring fees)	6% plus £43,700 (arrangement and monitoring fees)	N
<b>Other Fees</b>			
Marketing and Sales Fees	2%	2%	Y
Legal Fees	£1,000/unit	£750/unit	N
Land Acquiring Costs	nil	1.5%	N
Profit Target %	20%	20%	Y
EUV	£220,500	£200,000	Y
EUV Premium to BLV	25%	0%	N
Benchmark Land Value	£275,500	£200,000	N
Purchase Price			