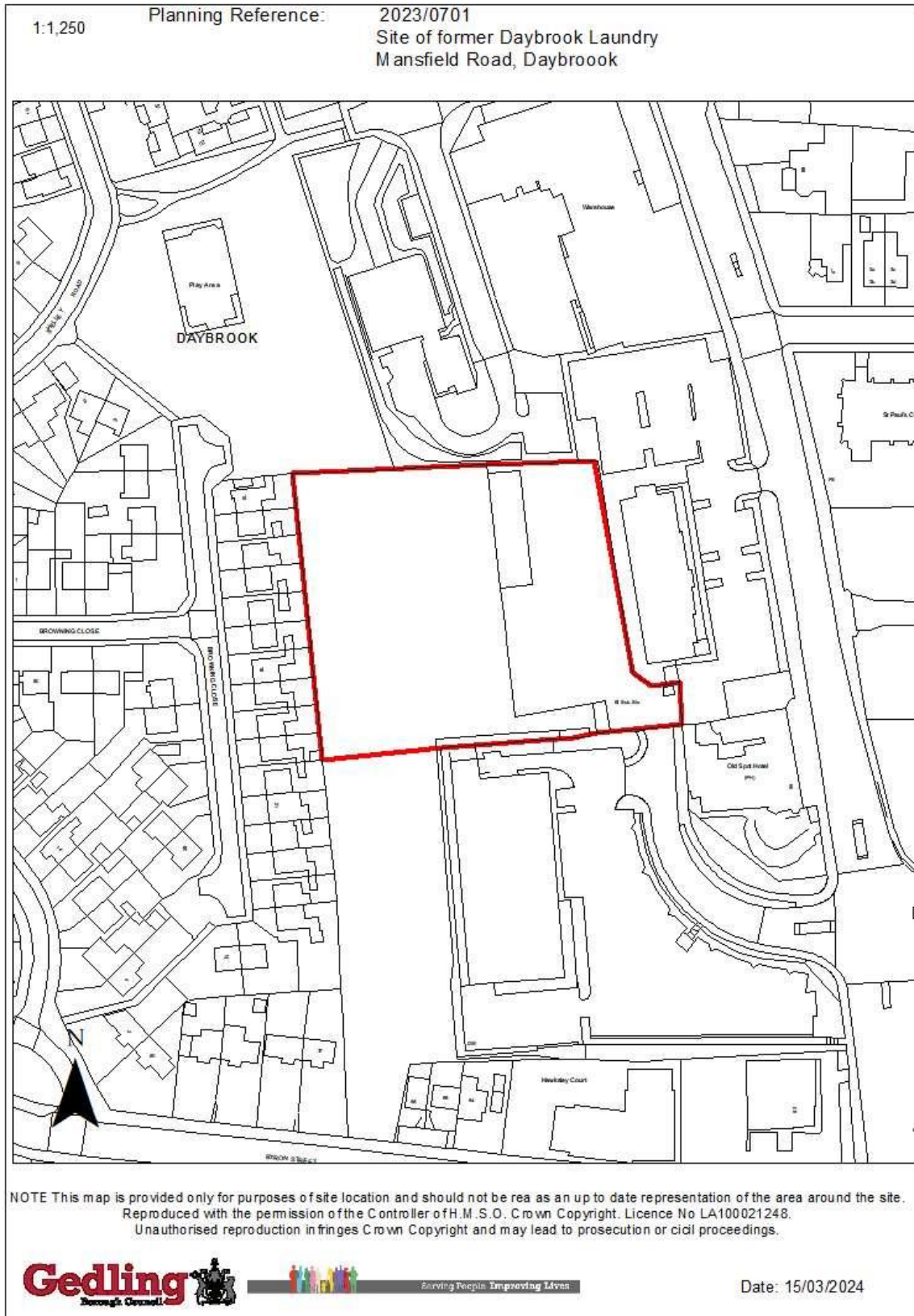




## Planning Report for 2023/0701



**Report to Planning Committee**

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

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

**1.0 Site Description**

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

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

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

## **2.0 Proposed Development**

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

## **3.0 Relevant Planning History**

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

## **4.0 Consultations**

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

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

They have also requested numerous changes to the Travel Plan.

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

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

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

## **5.0 Assessment of Planning Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework December 2023 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

### **Development Plan Policies**

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

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

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

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

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

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

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

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

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

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

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

LPD 11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

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

LPD 21: Provision of New Open Space – sets out that there will be a requirement for public open space on sites of 0.4 hectares in area and above, which could be on-site or off-site.

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

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

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

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

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

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

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

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

## 5.6 Supplementary Planning Documents/Guidance

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

Air Quality and Emissions Mitigation (2019)

Low carbon planning guidance for Gedling Borough (May 2021)

Interim Planning Policy Statement First Homes (October 2022)

## 6.0 Planning Considerations

### Principle of Development

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

### Design and layout

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

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

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

#### Impact on residential amenity

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

#### Highway safety and capacity

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



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

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

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

#### Planning Obligations

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

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

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

- 6.19 By way of background in respect of the affordable housing sought, it should be noted that the Council would, as outlined in the Council's Affordable Housing Supplementary Planning Document, normally seek 70% of the affordable units to be social rent and 30% intermediate housing. However, there is now a requirement to secure not less than 25% of affordable housing as First Homes. The NPPF also requires that 10% of the total number of homes to be affordable home ownership.
- 6.20 First homes is a new form of affordable housing as identified in a Written Ministerial Statement (WMS) of 24 May 2021 and is fully explored within the Planning Practice Guidance (PPG). The guidance identifies that such homes should be secured through planning obligations in a S106 legal agreement and should be sold at not less than 30% against market value. There is an eligibility criteria to qualify for a first home, including being a first time buyer, that occupiers would need to meet. To secure the homes as affordable in the long-term subsequent sale of the house would also need to be sold with a minimum of 30% discount against the market value and there will be a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer. Furthermore, after the discount has been applied, the first sale must be at a price no higher than £250,000 and with a household income cap of £80,000.
- 6.21 The Planning Practice Guidance provides Local Planning Authorities with discretion to increase the discount above the national minimum of 30%, vary the price cap and include additional eligibility criteria. A report in relation to First Homes was considered by Cabinet on 6<sup>th</sup> October 2022 and the Interim Planning Policy Statement was adopted. Accordingly, the local requirements for First Homes are as follows:
1. A First Home must be discounted by a minimum of 30% against market value.
  2. In Gedling Borough after the discount has been applied, the first sale must be at a price no higher than £173,000
  3. Purchasers of First Homes within Gedling Borough, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £38,800.
  4. Applicants should either:
    - have lived in Gedling Borough Council's administrative area for 3 of the last 5 years; or
    - have immediate family member(s) who are living in Gedling Borough Council's administrative area; or
    - have permanent employment within Gedling Borough Council's administrative area; or
    - are in service of the regular or reserve armed forces of the Crown or have applied within five years of leaving.

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

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

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

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

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

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

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

#### Flooding and Drainage

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

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

### Ecology

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

### Trees and Landscaping

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

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

### Air Quality

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

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

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

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

### Other Matters

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

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

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

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

## **7.0 Conclusion**

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

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

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

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

### **Conditions**

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

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

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

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

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

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

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

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

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

Plan Ref: 22024-2010 P2 - streetscene received 18.09.2023

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

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

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

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

Design and Access statement dated June 2023, received 15.09.2023

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

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

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

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

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



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

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

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

  - a) at least one person over the age of 60 years;
  - b) persons living as part of a single household with such a person or persons;
  - c) persons who where living in the unit as part of a single household with such a person or persons who have since died.
- 13.** Development shall not commence until a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) is submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The agreed remediation scheme shall be implemented in accordance with the approved timetable of works.
- 14.** Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
- 15.** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with good practice and where remediation is necessary a remediation scheme, together with a timetable for its

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

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

## Reasons

- 1) To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.
- 2) For the avoidance of doubt and to define the permission.
- 3) In the interest of highway safety and to comply with policy LPD61.
- 4) To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 5) To reduce the risk of flooding to the proposed development and future occupants and to comply with policy LPD4.
- 6) To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area and to accord with Policy LPD 48.
- 7) To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 8) To accord with Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy and paragraph 049 of the Planning Practice Guidance.
- 9) To ensure a satisfactory form of development and appropriate landscaping of the site and to comply policy LPD19.
- 10) To ensure that the character of the area is respected and to comply with policies ASC10 and LPD26.
- 11) To ensure that the development encourages forms of travel other than the private motor vehicle and to comply with guidance within the NPPF.
- 12) In order to support the considerations of the viability assessment which effectively reduced the level of financial obligations required from this development based on the demographic of the proposed occupiers and given

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

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

### **Informatives**

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

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

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

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

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015) and The Electric Vehicles (Smart Charge Points) Regulations 2021.