



## Planning Report for 2024/0404

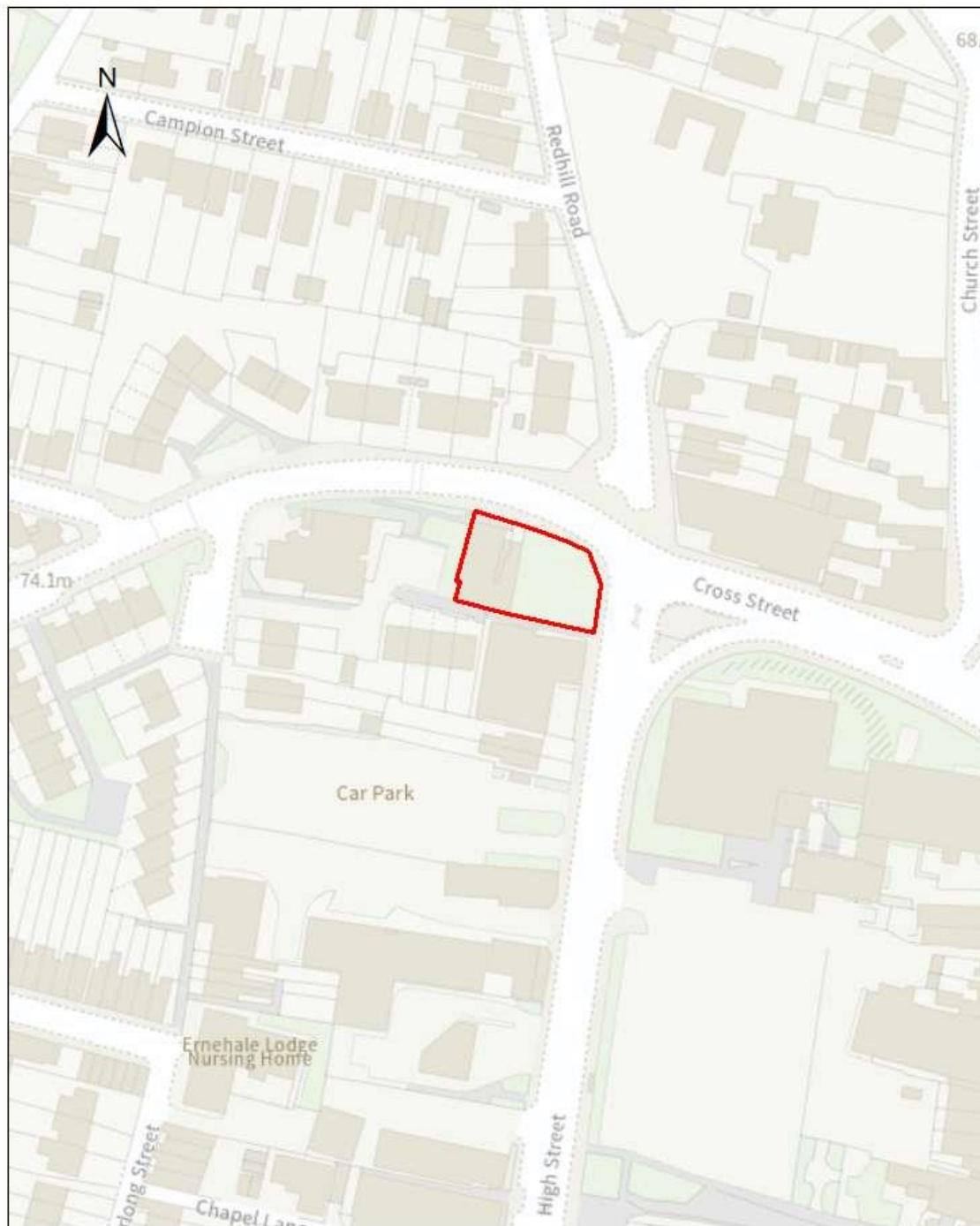
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Planning Reference

2024/0404

Baptist Church

Cross Street Arnold



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## Report to Planning Committee

<b>Application Number:</b>	<b>2024/0404</b>
<b>Location:</b>	<b>Baptist Church, Cross Street Arnold</b>
<b>Proposal:</b>	<b>Conversion of church building to 9 no. residential apartments and erection of 14 apartments, including ancillary bin stores, cycle stores and landscaping</b>
<b>Applicant:</b>	<b>Mr T Ubhi</b>
<b>Agent:</b>	
<b>Case Officer:</b>	<b>Claire Turton</b>

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

### **1.0 Site Description**

- 1.1 This application site relates to a redundant church building and grounds. The church building was last used as a place of worship in September 2020 and has been redundant since this time. The site itself currently comprises the existing church building with more modern extensions and outbuildings. To the east of the site lies an area of overgrown vegetation.
- 1.2 The site is located within the boundary of Arnold Town Centre Secondary Shopping Area, as defined by the Gedling Local Planning Document. The site occupies a corner location between Cross Street and Front Street. The site is slightly elevated from Front Street.
- 1.3 Pedestrian access is currently gained from Cross Street to the north. There is no vehicular access to the site.
- 1.4 Immediately to the south of the site lies Balfour Conservative Club. To the west lies York Mews, a residential development, including supported living. The highway of Cross Street lies to the north of the site with established residential development beyond. To the east lies High Street with the Arnold Leisure Centre beyond.
- 1.5 The site is located in Flood Zone 1. The site is not in close proximity to any Listed Buildings or Scheduled Ancient Monuments, nor is it within a Conservation Area. However, it is considered that the original church building meets the criteria for a non-designated heritage asset.

## **2.0 Proposed Development**

2.1 Full planning permission is sought for;-

*“Conversion of church building to 9 no. residential apartments and erection of 14 apartments, including ancillary bin stores, cycle stores and landscaping.”*

2.2 The scheme proposes the retention of the existing church building and the attached Victorian school room and their conversion to residential apartment accommodation. The accommodation will consist of 9 units in total, comprising 6 no. 1 bedroom units and 3 no. 2 bedroom units arranged across 2.5 storeys.

2.3 The northern primary elevation and the western elevation of the original church building will be retained as far as possible. The windows in these elevations will be refurbished and secondary glazing provided internally. The eastern elevation will be altered to accommodate the entrances to the apartments, with the gothic style windows removed and rectangular openings inserted to provide access and natural light to the apartments. The existing modern extensions will be removed, with a new extension added to the south east corner of the building. Additionally, rooflights are to be inserted on both sides of the roof.

2.4 Communal amenity space is provided to serve this building.

2.5 The new building proposed to be erected on the land in the eastern portion of the site comprises a four-storey structure providing 14 no. 1 bedroom apartment units. Enclosed communal bin storage will be provided within a pedestal feature supporting the western portion of the building.

2.6 The proposed building will be 4-storeys in height and modern in appearance, featuring large openings to provide natural light with brick cladding matched to the church. The top floor of the building will be clad with black / anthracite metal and will be set back from the edge of the building to reduce the massing and visual impact of the building.

2.7 Community amenity space is also provided to serve this building. Additionally, the top floor apartment will have access to a roof terrace area, whilst two of the lower ground floor apartments will each have access to a small balcony.

2.8 Amended plans were received part way through the planning application at the request of the Planning Officer. These included the re-location of windows and other windows being obscure glazed in order to overcome issues of overlooking. This is discussed in more detail in section 9 of this Committee Report.

## **3.0 Relevant Planning History**

3.1 None

## **4.0 Consultations**

4.1 Gedling Borough Council Environmental Health Officer – The site has caused a number of issues in the past with regards to youths accessing and vandalising

the site, so although the applicant will be fully aware of this, should their application for development be successful, they will need to put measures in place to reduce the likelihood of trespassing during the construction phase.

In addition to this, a Construction Emissions management plan would be very useful due to its proximity to other residential flats and a high street that receives a lot of foot traffic, especially during peak school times. This should address how they intend to conduct dust suppression and their times of operation on site.

- 4.2 Gedling Borough Council Scientific Officer – No objection, subject to conditions regarding a land contamination assessment and a Construction Emissions Management Plan.
- 4.3 Gedling Borough Council Tree Officer – No objection. The trees identified to be removed are of low quality. And therefore the loss of these trees will not be detrimental to the street scene or visual amenity. No other trees are likely to be impacted. A condition should be attached that further landscaping, planting and aftercare is provided.
- 4.4 Gedling Borough Council Strategic Housing – Based on 20% affordable housing for the area, there will be a requirement to provide the following:  
First Homes x 3  
Affordable Rent x 2
- 4.5 Gedling Borough Council Waste Services – Requested further information regarding the bin collection point but has raised no objection.
- 4.6 Gedling Borough Council Ecology Officer – Initially asked for further information regarding potential bat roosting and hibernation areas. Now these have been assessed and clarified, no objection to the scheme.
- 4.7 Gedling Borough Council Conservation Officer – No objection. The church building is considered to be a Non-Designated Heritage Asset and its retention and re-use is welcome. The overall form of the church building and many of its details are being preserved as well as the removal of inappropriate additions. The proposed new apartment block will create a more formal setting around the church. A number of conditions are suggested relating to precise design details.
- 4.8 Nottinghamshire County Council Lead Local Flood Risk Authority - No objection subject to a condition regarding drainage.
- 4.9 Nottinghamshire County Council Highways – *“I have looked at the area surrounding the site and it is covered by Traffic Regulation Orders surrounding the site, which protects indiscriminate parking on the junctions.*

*With the position of the site being on a corner with traffic signals at the side of the site, I don't know where they can get a safe access point if they were to install a car parking area.*

*Given that the site is in a sustainable location and the parking policy is a Gedling Borough Council parking policy, the Highways Authority would not therefore raise any highway safety concerns.”*

4.10 Nottinghamshire County Council Planning Policy –

**Built Heritage** - The retention and reuse of the Baptist Church is welcomed. The impacts of the removal of all interior features and the complete re-fenestration could be harmful to the building. However, the retention of the building along with the sensitivity of the proposed extension and new building provides considerable mitigation and balance.

**Education** - The development is below the threshold for seeking education contributions.

**Transport and Travel** – The location of the site provides adequate access to local bus routes. Contributions towards local bus service provision will not be sought.

**Bus Stop Infrastructure** – A bus stop infrastructure contribution of £7,200 is requested to provide improvements to the two local bus stops.

**Transport Strategy** - It is noted that the existing footway on High Street that abuts the site is fairly narrow at the corner, near the pedestrian crossing. Whilst not essential, it would be desirable for that footway to be widened in keeping with its width outside the Conservative Club.

4.11 Nottinghamshire County Council Archaeology – The revised proposal to retain the Baptist Church building is welcomed.

It is understood that the burial ground has been largely cleared, however groundworks in 2017 identified additional human remains that had been missed in the original clearance. It is likely that other burials remain within the site boundary. Disturbance and removal of human remains without the necessary licences in place and in line with an approved scheme of works is a criminal offence and it will be essential that the developer accounts for this in their plans.

The proposal to construct a new building within the former burial ground will have a significant impact on any surviving archaeological remains present, resulting in total or partial loss of any assets. Given the above, further archaeological work is recommended to mitigate the impact of the development. As such conditions are recommended regarding an Archaeological Mitigation Strategy.

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4.12 NHS (Integrated Care Board) – State that the number of dwellings for this proposed development is below the threshold for requesting a Section 106 contribution.

4.13 The Environment Agency – State that they have no comments to make. The site is in Flood Zone 1 and there are no other constraints.

4.14 Severn Trent Water – No response received.

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- 4.15 Neighbouring properties were consulted via letter, a site notice was placed at the site and a notice published in the local press. 2 letters of objection have been received from members of the public. Concerns are;-

Lack of on-site car parking

There is no on-street parking available in the nearby area

There is no vehicle access to the site so delivery vehicles during construction will have to park on the public highway

Oversubscribed local services (GP, dentist, drains)

Will affect residents' quality of life

The type and size of units reflects an attempt to change the demographic of the area from a family based one to single and small occupancy spaces. This will damage community cohesion and poses a potential risk to children

There are gravestones on site. How will these be dealt with?

York Mews is assisted living accommodation and the development will cause disruption and upset to the residents.

## **5.0 Relevant Planning Policy**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework (NPPF) (2023) and the National Planning Practice Guidance (NPPG). The NPPF sets out the national objectives for delivering sustainable development. Sections 2 (Achieving Sustainable Development), 4 (Decision making), 5 (Delivering a sufficient supply of homes), 7 (Ensuring the Vitality of Town Centres), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well-designed and beautiful places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment), 16 (Conserving and enhancing the historic environment) are particularly relevant in this instance.
- 5.3 The Environment Act (2021) – Biodiversity Net Gain. In England, BNG is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development.
- 5.4 The Gedling Borough Council Aligned Core Strategy (GBACS) (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:
- Policy A (Presumption in Favour of Sustainable Development) sets out that a positive approach will be taken when considering development proposals.

- Policy 1 (Climate Change) sets out sustainability criteria for new dwellings.
- Policy 2 (The Spatial Strategy) identifies the settlement hierarchy to accommodate growth and the distribution of new homes.
- Policy 6 (Role of Town and Local Centres) identifies Arnold as a Town Centre. The vitality and viability of all centres will be maintained and enhanced, including widening the range of uses (whilst maintaining a strong retail character), environmental enhancements and improvements to access, which should all take account of equality issues.
- Policy 8 (Housing Size, Mix and Choice) requires that all development should contain adequate internal living space
- Policy 10 (Design and Enhancing Local Identity) sets out that “development will be assessed in terms of its ‘massing, scale and proportion; materials, architectural style and detailing and impact on the amenity of nearby residents and occupiers’.”
- Policy 14 – (Managing Travel Demand). The need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations. The priority for new development is in firstly selecting sites already accessible by walking, cycling and public transport.
- Policy 17 (Biodiversity) sets out how the biodiversity will be increased over the plan period.
- Policy 19 (Developer Contributions) contributions may be required towards local services.

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

- Policy LPD 4 (Surface Water Management) all development proposals should, wherever possible, include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.
- Policy LPD11 (Air Quality) Planning permission will not be granted for development proposals that have the potential to adversely impact on air quality, unless measures to mitigate or offset their emissions and impacts have been incorporated
- Policy LPD 18 (Protecting and Enhancing Biodiversity) development proposals will be expected to take opportunities to incorporate biodiversity in and around development and contribute to the establishment and maintenance of green infrastructure.
- Policy LPD 26 (Heritage Assets). All development proposals that may affect any designated or non-designated heritage asset will be required to provide a

heritage impact assessment of the significance of the heritage asset and identify the impact of the proposals on the special character of the asset and / or its setting.

- Policy LPD 30 (Archaeology). Where development is likely to affect an area of high archaeological potential or an area which is likely to contain archaeological remains, the presumption is that appropriate measures shall be taken to protect remains by preservation in situ. Where this is not justifiable or practical, applicants shall provide for excavation, recording and archiving of the remains by a suitably qualified person in accordance with the Chartered Institute for Archaeologists standards.
- Policy LPD 31 (Locally Important Heritage Assets). The retention of Locally Important heritage Assets is encouraged. Where planning permission is required for development proposals affecting a Locally Important heritage Asset, permission will only be granted where its significance is preserved or, where relevant, enhanced.
- Policy LPD 32 (Amenity) requires that development proposals do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures.”
- Policy LPD 33 (Residential Density) residential developments with higher densities will be supported provided that this reflects local characteristics and does not harm the character of the area.
- LPD 35 (Safe Accessible and Inclusive Development) sets out that the massing, scale and proportion of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and the sites the location within the townscape.
- LPD 36 (Affordable Housing). 20% of the houses should be affordable homes.
- LPD37 (Housing type, size and Tenure) identifies that an appropriate housing mix for the demand in the local area should be sought
- LPD 40 – (Housing Development on Unallocated Sites), part B allows for the conversion and change of use to residential provided they have their own access arrangements, that it would not cause a significant adverse impact on the amenity of nearby residents and appropriate parking provision is made.
- LPD 48 – (Local Labour Agreements). The Borough Council will seek to negotiate planning agreements to secure local labour agreements for development of 10 or more dwellings, on 0.5 hectares of land or development that will create more than 15 jobs.
- LPD 49 – (Retail Hierarchy and Town Centre Boundaries). Identified Arnold as a Town Centre.
- LPD 50 – (Development within Town and Local Centres) states that planning permission will be granted for development proposals (including new build, redevelopment and changes of use) within the Town and Local Centres as



defined on the Policies Map provided that certain criteria can be met. This includes not resulting in a significant proportion of Arnold Secondary Area being for non-main town centre uses, being of a high standard of design, not resulting in the loss of buildings which make an important contribution to the appearance of the Town Centre, not impacting on neighbouring amenity and providing appropriate car parking provision.

- LPD 56 – (Protection of Community Facilities). Planning permission for development proposals that would result in the loss of existing community facilities will not be granted unless certain criteria can be met, including alternative provision existing nearby or demonstrating that it is not feasible to retain the existing community use.
- LPD 57 (Parking Standards) provides that permission for residential development will be granted where the development proposal meets the Council's requirement for parking provision, or otherwise agreed by the local planning authority.
- LPD 61 (Highway Safety) sets out that permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.
- LPD 63 (Housing Distribution) - A minimum of 7,250 homes will be provided for during the plan period (2011-2028), distributed as follows ... Windfall allowance - 240 homes.

## 5.6 Supplementary Planning Documents/Guidance

- Parking Provision for Residential Development SPD (2022) sets out the parking provision requirements for new developments.
- Affordable Housing SPD (2009) sets out the requirements for affordable housing.
- Interim Planning Policy Statement: First Homes (2022) sets out the requirements for first homes.
- Low Carbon Planning Guidance for Gedling Borough (2021) sets out sustainability guidance.
- Biodiversity Net Gain Interim Planning Policy Statement January 2024
- Design Code Framework

## **Appraisal**

### 6.0 Loss of a Community Use

- 6.1 The previous use of the site was as a place of worship. The supporting text to Policy LPD 56 (Protection of Community Facilities), at paragraph 13.9.2 of the Local Plan defines community facilities and places of worship are included in this definition.
- 6.2 Policy LPD56 states that planning permission for development proposals that would result in the loss of existing community facilities will not be granted unless [certain criteria can be met, including];-

“i. alternative provision exists with sufficient capacity which can be reasonably accessed by walking, cycling or public transport and would not result in a significant increase in car journeys; or ...

iv. it has been satisfactorily demonstrated that it is no longer economically viable, feasible or practicable to retain the existing community use and its continued use has been fully explored.

And ...

Where it is demonstrated that an existing community use is not viable, feasible or practicable, preference will be given to the change of use or redevelopment for alternative community uses before other uses are considered.”

6.3 The current use of the site as a church ceased in September 2020 when the church using the building stopped meeting at this site. The applicant has stated that the congregation of the church have since attended other churches in the vicinity, such that the building is no longer required for use as a church.

6.4 The applicant states that whilst the building has been subject to extensive marketing by Rapleys but that no formal offers have been made to occupy the premises for their continued use or an alternative community use.

6.5 The applicant continues to state that since the premises have been vacant, the building has fallen into a state of significant disrepair and the costs of refurbishing the building for any purpose have become significant and that any potential landlord is unlikely to want to undertake the required upgrades for a community use as the rental levels would not support the required investments.

6.6 Additionally, the marketing report provided with this application demonstrates that there is a range of alternative accommodation currently available on the market which has not come forward for community use, despite much of this being in significantly better condition than the building subject to this application.

6.7 For the reasons stated above, it is considered that the loss of a community facility has been justified in this specific instance and that the proposal complies with Policy LPD56.

7.0 Principle of residential development and impact on vitality of Arnold Town Centre

7.1 The site is located within the boundary of Arnold Town Centre Secondary Shopping Area, as defined by the Gedling Local Plan.

7.2 Policy LPD50 (Development within Town and Local Centres) states that;-

Planning permission will be granted for development proposals (including new build, redevelopment and changes of use) within the Town and Local Centres as defined on the Policies Map provided [certain criteria can be met, including];-

*“a. it does not result in the amount of frontage for different uses within Arnold Primary Area or the Local Centres exceeding the following percentages;*

*1. A2 - 15%*

*2. A3 - 10%*

*3. A4 - 10%*

*4. A5 - 10% (except in Arnold Primary Area, Calverton and Netherfield where the figure will be 5%)*

*5. Other - 10%*

*b. it does not result in an unacceptable grouping of non-A1 uses within Town or Local Centres;*

*c. it does not result in a significant proportion of Arnold Secondary Area being for non-main town centre uses”*

7.3 With regards to criterion a of LPD50 both a place of worship and a residential use would fall under point 5 (other use). As such, this proposal would not alter percentages listed in criterion a. With regards to criterion b of LPD50, an A1 use when the Local Plan was adopted was a retail use. Both residential uses and a place of worship are non-A1 uses. With regards to criterion c of LPD50, the glossary to the NPPF defines Main Town Centre Uses and it is important to note that neither residential uses or places of worship are defined as a Main Town Centre Use in the NPPF.

7.4 Criteria a, b and c of LPD50 all relate to the principle of the use. The remainder of the criteria relate to other considerations such as design, loss of buildings or features which make an important contribution to the appearance of the Town Centre, residential amenity and parking. These are all considerations that are explored later in this report. However, for the reasons stated in paragraph 7.3 of this report, it is considered that the principle of residential development at this site is acceptable.

7.5 In addition, it is considered that the proposal will provide additional footfall to Arnold Town Centre which would help the vitality of the Town Centre. This is a material consideration.

## 8.0 Design, Appearance and Heritage

8.1 The Council's Conservation Officer has assessed the proposal and has raised no objections. The existing Baptist Church building is considered a non-designated heritage asset (NDHA). That is, it is a building with a degree of heritage significance meriting consideration in planning decisions but it does not meet the criteria for designated heritage assets (it is not listed, it is not located within a conservation area).

8.2 Cross Street Baptist Church was first built in 1825 and enlarged with a school room in the later half of the Victorian era. In 1909 the chapel was pulled down and rebuilt. Today it is an imposing former chapel, built of red brick and slate, with brick and stone dressings, Flemish bond brick pattern and attractive tracery windows. The building has pilaster strips that divide the building up into architectural bays and is well articulated with grouped lancet windows and an impressive central window with four cusped lancets and tracery work forming a trefoil and two quatrefoils. The building retains attractive, early C20 stained glass leaded lights in the Art Nouveaux style. On the roof is a decorative metal

cupola that adds interest and signals the former ecclesiastical use of the building. To the rear is the attached later Victorian school room, which is a nice part of the grouping, illustrating the importance of the church in the delivery of education at this date. A number of memorial plaques survive on the external walls of the building. There is internal significance to the building in its fixtures and fittings, decorative roof trusses and gallery layout. There are also various later C20 flat roofed additions to the building which are of no obvious architectural or historic interest and which detract from the appearance of the building. Retention of the chapel and attached schoolhouse and is welcome sees its overall form and many of its details well preserved, helping secure the long-term survival and conservation of the building.

- 8.3 The removal of the inappropriate modern additions to the building are also supported and create opportunities to facilitate new interventions to help re-use the building. The front elevation and west elevation will also remain largely unchanged, reflecting the good state of preservation of these elevations at present. The east elevation will see the most change, and while there are elements of the design here which cause loss and harm to the host building, this is the most altered existing elevation and so is the most able to sustain new interventions.
- 8.4 A number of conditions should be attached to the grant of any planning permission to ensure that the detailing for design features on the Baptist Church building are sympathetic to the NDHA. These include details of window replacement or window retention with inner casements, conservation type rooflights, porch hoods and door design.
- 8.5 There is clearly also going to be large scale loss of internal layout and fixtures and fittings. As a non-listed building it is accepted that this falls outside of planning control. In any case, this is considered necessary to bring the building back into use.
- 8.6 Overall, it is considered that the new alterations and additions to the chapel building itself are sensitively conceived and recessive to the host building's special architecture. Generally, this is a well-balanced scheme in terms of alterations to the chapel and allows for its re-use.
- 8.7 With regards to the proposed new-build apartment building, historic map evidence demonstrates that this corner plot of Cross Street and High Street was historically built on and it is not necessarily out of character to see a new infill of this area. The proposed new apartment block has the potential to affect the setting of the chapel but the overall scheme will create a more formal setting around the church which suits its special form and former function.
- 8.8 The proposed new block is notably taller than most other structures in this area at present. The applicant was asked to consider reducing the height of the building to 3-storeys or reducing the part of the building next to the chapel to 3-storeys or softening the height of the part of the building next to the chapel with a set-back at the fourth-storey. The applicant has not amended the proposed drawings in this respect but has submitted street-scene plans showing how the building will sit within its surroundings.

- 8.9 On balance, it is considered that as a corner block, this site can sustain a relatively prominent structure. In addition, the proposed new-build apartment block will not be taller than the chapel for height. There are also other tall buildings nearby, including York Mews and Arnold Leisure Centre.
- 8.10 Generally, there is no objection to the design of the new build, which with its use of red brick and anthracite upper storey could blend well with the local area and with the colour palette of the chapel itself. The articulation of the windows also crosses over well between the more typical domestic architecture seen in the area generally and the more ecclesiastical architecture of the chapel. The top storey, being articulated with a set back and in black/anthracite, emulates the more typical articulation of a pitched slate roof, but in a contemporary form, and works well here. The curve of the structure relates well to this important junction and the set back behind a walled enclosure also reflects a similar setting to the church, which helps with the street scene generally.
- 8.11 The site currently contains an area of planting along its corner boundary with both High Street and Cross Street. This includes some trees. The current planting is overgrown but, nonetheless, is prominent and does provide some greenery within the streetscene.
- 8.12 A full tree report has been submitted in support of the application which the Council's Arboricultural Officer has assessed and raised no objections to. The Arboricultural Officer has stated that he is satisfied that the trees identified to be removed are either Category U – Ungraded or Category C – Trees of low quality. As such, he would not expect the loss of these trees to be detrimental to the street scene or visual amenity.
- 8.13 An area of landscaping, including some trees, is proposed around the new-build apartment block. Precise details of this should be subject to a condition, should planning permission be granted.
- 8.14 To conclude this section of the report, the design, layout and scale of the proposal is considered to be acceptable. It is therefore considered that the proposal accords with Section 12 of the NPPF (2019), Policy 10 of the GBACS (2014), Policies LPD 26, 31, 35 and 40 of the LPD (2018) and the Council's Design Code Framework.

## 9.0 Residential Amenity

- 9.1 The proposed conversion of the chapel building will cause no issues of massing / overshadowing or overbearing onto neighbouring occupiers. This is because it is an existing building with the new side extension being significantly smaller than the extension that is to be demolished.
- 9.2 It is considered that the proposed new-build apartment block will not cause significant issues of massing / overshadowing. This is primarily due to separation distances to neighbouring properties and the orientation of neighbouring properties. It is approx. 4.5 metres to the Balfour Conservative Club, however, it is the side elevation of the Balfour Conservative Club which faces the site. It is approx. 16 metres to the side elevation of the chapel building (once proposed demolition and conversion works have taken place).

- 9.3 Concerns were raised by the Planning Officer regarding potential overlooking issues from windows along the rear elevation of the proposed conversion as well as a proposed balcony area and the residential properties to the rear, particularly no. 7 York Mews Terrace. This was due to the location of the windows as well as separation distances (approx. 7.5 metres). As there were other windows lighting these rooms, the applicant was asked to make these windows obscure glazed and to also add an obscure glazed screen to the proposed balcony area. The applicant has amended the proposed plans accordingly.
- 9.4 Concerns were also raised by the Planning Officer regarding potential overlooking issues from windows along the western elevation of the proposed new-build apartment block and the proposed converted chapel. This was also due to the location of the windows as well as separation distances between the side elevations of the converted and new-build building (approx. 5.5 metres). Where there were other windows lighting these rooms, the applicant was asked to make these windows obscure glazed and for the one example where there was not another window lighting the room, the applicant was asked to re-locate this window to the rear elevation, away from neighbouring windows. The applicant has amended the proposed plans accordingly.
- 9.5 It is considered that, due to the location of windows and separation distances, the amended proposal does not cause issues of overlooking onto neighbouring occupiers.
- 9.6 With regards to the internal layout, part 1 of Policy 8 – Housing Size, Mix and Choice requires that all new development should contain adequate internal living space. The 1-bedroom units are between 37 sqm and 41.6 sqm and the 2-bedroom units are between 49.4 sqm and 80.2 sqm which is considered adequate internal space. All units are self-contained with their own facilities and primary rooms have natural lighting. Some units have private balconies and all units have access to a communal garden area.
- 9.7 The Council's Environmental Health Officers have requested a Construction Emissions Management Plan. This is due to the proximity of the site to other residential properties as well as public highways which receive a lot of foot traffic, especially during peak school times. This should address how the developers intend to conduct dust suppression as well as their proposed times of operation on site. This should be controlled through a planning condition, should planning permission be granted.
- 9.8 Neighbour concerns include that the proposal will affect residents' quality of life and will cause disruption and upset to the residents of York Mews which is an assisted living establishment. However, there is no reason as to why noise from the development once occupied would be any different to noise from any other residential buildings nearby. Any noise during construction is for a temporary period only.
- 9.9 A member of the public has raised concerns that the type and size of units reflects an attempt to change the demographic of the area from a family based one to single and small occupancy spaces and that this will damage community

cohesion and poses a potential risk to children. However, policies ACS8 and LPD37 encourage a mix of housing types within an area. It is not considered that having a mix of housing types within an area provides a risk to children.

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

#### 10.0 Highway Matters

- 10.1 There is no vehicular access to the site and no car parking spaces at the site that served the previous church use.

- 10.2 No new vehicular access is proposed to serve the site and no on-site car parking spaces are proposed. Secure on-site cycle parking is proposed.

- 10.3 The adopted Gedling Borough Council’s Supplementary Planning Document ‘Parking Provision for Residential Development’ (2022) sets out the parking provision requirements for new development. For 1 and 2-bedroom apartments in an urban area, there is a requirement for 0.8 unallocated spaces per unit. The proposal is for 23-units and therefore, according to the SPD, there should be a total of 19 car parking spaces provided.

- 10.4 The Highway Authority was consulted on the application and were specifically asked to comment on whether a safe vehicular access to serve an on-site car park could be achieved. They commented that;-

*“I have looked at the area surrounding the site and it is covered by Traffic Regulation Orders, which protects indiscriminate parking. With the position of the site being on a corner with traffic signals at the side of the site, I don’t know where they can get a safe access point if they were to install a car parking area. Given that the site is in a sustainable location and the parking policy is a Gedling Borough Council parking policy, the Highway Authority would not therefore raise any highway safety concerns.”*

- 10.5 Given the comments of the Highway Authority above, it is difficult to see how this site can be brought back into re-use with any on-site car parking provision. On balance, it is considered that the proposal is acceptable with no on-site car parking spaces. The site is located in a highly sustainable location within Arnold Town centre itself which contains a number of local amenities, local transport links and public car parks. Furthermore, a secure bicycle storage area is also proposed to serve the development. This is supported by local planning policies.

Paragraph 11.6.2 of Gedling Borough Council’s Local Plan states that;-

*“The .. change of use of non-residential buildings to residential use can help to provide a range and variety of new homes ... in recognition of its importance and so as to encourage this type of development, the Borough Council may*

*allow lower parking standards in certain circumstances where it is considered appropriate (for example near public transport corridors or near to shopping centres)."*

Paragraph 4.12. of the parking standards SPD states that;-

*"The expectation is that parking standards will be met, however if the development is served by one or more regular public transport service, this may be a material consideration justifying a reduced parking provision requirement, especially if a site is located within; or close to a central area."*

- 10.6 A neighbour has raised concerns regarding deliveries during the construction period as there is no vehicular access to the site and the highway immediately surrounding the site has double yellow lines. This concern was relayed to the Highway Authority who commented that they have no objection to this as the developer will have a banksman on site controlling deliveries and these can be made further along the Highway which does not have double yellow lines.
- 10.7 Nottinghamshire County Council Planning Policy have also commented that the existing footway on High Street that abuts the site is fairly narrow at the corner, near the pedestrian crossing. Whilst not essential, it would be desirable for that footway to be widened in keeping with its width outside the Conservative Club. This comment was relayed to the applicant who responded that there is not sufficient space within the site to accommodate this widening as the existing boundary wall to High Street is to be retained. As this request was only desirable, and not essential, then it could not warrant a reason for refusal.
- 10.8 For the reasons stated above, it is considered that the proposals would not have an unacceptable adverse impact on highway safety contrary to Section 9 of the NPPF (2023), Policies LPD 57 and LPD 61 of the LPD (2018) and the Council's Parking Standards SPD.

#### Planning Obligations and Viability

- 11.1 With the application being a major planning application, there is a requirement to seek contributions to make the development acceptable in planning terms. As previously outlined, The NHS and Nottinghamshire County Council states that this development falls below their threshold for requesting financial contributions towards health care and education. The County Council are also not seeking contributions towards library stock.
- 11.2 The County Council are seeking a contribution of £7,200 towards improvements to nearby bus stop infrastructure at James Street, Arnold which the applicant has agreed to pay.
- 11.3 The Strategic Housing team has commented that for a development of this size, 3 no. First Homes and 2 no. Affordable Rent units are required. Paragraph 66 of the NPPF does allow for exemptions to on-site affordable home ownership in certain circumstances, one of which is development providing solely build to rent homes (which this site is). As such, in this specific case, it is considered that a commuted sum in lieu of the on-site provision of affordable housing is acceptable. Using the calculations set out in



the Council's "Affordable Housing Supplementary Planning Document" the Council's independent valuation officer has calculated that an off-site contribution of £146,311 should be provided and the applicant has agreed to this. The Section 106 agreement also ensures that the site will be developed and used as a build-to-rent scheme in perpetuity.

11.4 The S106 agreement also secures a local labour agreement and a monitoring fee.

## 12.0 Flood Risk and Drainage

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

12.2 The LLFRA raises no objection to the proposal subject to a condition regarding a detailed surface water drainage scheme based on the principles set forward by the submitted Flood Risk Assessment and Drainage Strategy to be submitted to and approved by the LPA prior to development commencing. It is considered that there is no reason to disagree with the professional advice of the LLFRA.

12.3 The Environment Agency has been consulted on the application and has raised no objections. Residential units are compatible use in Flood Zone 1

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

## 13.0 Ecology

13.1 A bat survey has been submitted in support of the planning application as well as a further bat emergence survey. These concluded that, whilst the chapel building has the potential for roosting bats, bats were in fact not present within the buildings. This includes no hibernating bats within the basement area. The 6 no. existing trees on-site which are proposed to be felled were also assessed for roosting bats. 4 no. trees had no roosting bats and 2 no. trees were covered in ivy making it difficult to assess for certain that there was no potential for individual roosting bats. A condition ensuring that these trees are "soft felled" should be attached to the grant of any planning permission.

13.2 The Council's Ecology Officer has assessed the surveys and has raised no objections to the proposal. A condition ensuring that the 2 no. ivy covered trees are "soft felled" should be attached to the grant of any planning permission. A condition regarding an ecological construction method statement should also be attached to the grant of any planning permission, this should include reasonable avoidance measures in relation to protected species, such as bats and nesting birds (to include wildlife sensitive lighting, works to be carried out outside the bird nesting season or be preceded by a nesting bird check, workers being informed as to what to do if a protected species is found during construction works, roof liners conforming to bat

conservation trust guidelines, pollution prevention best practice to be followed as well as measures to prevent the entrapment of animals in pipes or trenches). Conditions regarding the installation of swift, bat and bird boxes and precise landscaping details should also be attached to the grant of any planning permission so that the proposal complies with policy ACS17 of the Aligned Core Strategy and Policy LPD18

13.3 For the reasons stated above, subject to conditions, the proposal is considered to comply with part 15 of the NPPF as well as policies ACS17 and LPD18.

#### 14.0 Biodiversity Net Gain (BNG)

14.1 From 12<sup>th</sup> February 2024 Biodiversity Net Gain (BNG) is mandatory for major development that does not meet the required exemptions. This means that developers must deliver a BNG of 10%. This results in a development with more or better quality natural habitat than there was before development.

14.2 In support of this planning application, the applicant has submitted existing and proposed on-site BNG calculations in the form of the BNG metric. As much BNG as possible will be delivered on-site through the remaining landscaping areas and communal garden areas. Precise details will be controlled through standard BNG planning conditions, but indicative plans show proposed new trees, hedgerow, boundary planting and grass. Due to site constraints, the full 10% BNG cannot all be achieved on-site. The applicant has explored off-site registered sites but, as yet, there are none registered locally (within the Borough or North Nottinghamshire). As such, the remainder of the BNG will be secured through the applicant purchasing off-site Statutory Credits from the Secretary of State. This is all in accordance with the BNG regulations.

14.3 No further BNG details are required at the planning application determination stage. However, should planning permission be granted for this development then this should be subject to the inclusion of a condition requiring a Biodiversity Gains Plan to be submitted to and agreed in writing. It is at this stage that precise details of BNG are assessed. A condition requiring a Habitat Management and Monitoring Plan is also required to ensure that the BNG remains for a period of at least 30 years. Subject to the above, the application is deemed to comply with the Biodiversity Net Gain Interim Planning Policy Statement and BNG legislation.

#### 15.0 Other Matters

15.1 Nottinghamshire County Council Archaeology officer raises no objection to the proposal. She has, however, advised that the site lies in an area of archaeological potential associated within the medieval settlement of Arnold. The former church did have an associated burial ground which has been largely cleared, however groundworks in 2017 identified additional human remains that had been missed in the original clearance. It is likely that other burials remain within the site boundary. Disturbance and removal of human remains without the necessary licences in place and is a criminal offence. Whilst this lies outside

of the planning system, it is considered that the applicant should be made aware of this through an informative attached to the grant of any planning permission.

- 15.2 The Archaeology Officer has also advised that the proposal to construct a new building within the former burial ground will have a significant impact on any surviving archaeological remains present, resulting in total or partial loss of any assets. Given the above, she has recommended further archaeological work to mitigate the impact of the development and has suggested conditions relating to an archaeological mitigation strategy which the applicant has agreed to.
- 15.3 A Geo-Environmental Report has been submitted in support of the application concluding that there is moderate potential risk from contamination to future site users and to controlled waters. The Council's Scientific Officer has suggested a condition regarding a contamination assessment and potential remediation scheme. It is considered that there is no reason to disagree with the professional advice of the Scientific Officer.
- 15.4 With regards to neighbour objections, these have been answered throughout the body of this report.
- 15.5 The applicant has confirmed that the proposal will comply with the Council's Low Carbon Planning Guidance by being in a sustainable location, encouraging cycling as a mode of transport, upgrading the energy efficiency of the church building, providing high levels of insulation to the buildings, using water saving devices, SuDS, and using low energy lighting,
- 16.0 Conclusion
- 16.1 The proposed development is consistent with local and national planning policies. The loss of a community facility has been justified and the proposal does not result in the percentage of "other" uses within Arnold Town Centre altering. The design, scale and layout of the proposal is acceptable and does not have an unacceptable impact on the character or visual amenity of the area or on the non-designated heritage asset. The proposal will not have an unacceptable impact on the residential amenity of occupiers of neighbouring properties in terms of noise, overlooking or massing / overshadowing. The proposal will not impact on highway safety in the area. The proposal will not increase flood risk in the area. The proposal achieves a Biodiversity Net Gain. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Parts 4, 5, 7, 8, 9, 11, 12, 14, 15 and 16), Policies A, 1, 2, 6, 8, 10, 14, 17 and 19 of the ACS, Policies LPD 4, 11, 18, 26, 30, 31, 32, 33, 35, 36, 37, 40, 48, 49, 50, 56, 57, 61 and 63 of the LPD, Gedling Borough Council's, Parking Provision SPD, Affordable Housing SPD, Interim Planning Statement SPD Low Carbon Planning Guidance for Gedling Borough and Design Code Framework.
- 17.0 Recommendation: GRANT PLANNING PERMISSION: Subject to the owner(s) entering into a planning obligation secured through a s106 legal agreement with the Borough Council as the Local Planning Authority and the County Council to secure an affordable housing financial contribution; the provision of build to rent flat units in perpetuity; bus stop**

**infrastructure; monitoring and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.**

- 1 The development must be begun not later than three years beginning with the date of this permission.
  
- 2 The development hereby permitted shall be completed in accordance with the submitted documents;-  
  
Drawing no. 0164 S2 Rev P04, Conversion Proposed Elevations, received 7<sup>th</sup> October 2024  
Drawing no. 0121 S2 Rev P03, Conversion Proposed Floorplans, received 7<sup>th</sup> October 2024  
Drawing no. 01 S2 Rev P05, Conversion New Apartments Floorplans, received 7<sup>th</sup> October 2024  
Drawing no. 0165 S2 Rev P04, New Build Proposed Elevations received 7<sup>th</sup> October 2024  
Drawing no. 0170 S2 Rev P03, Proposed Site Street Elevations, received 24<sup>th</sup> September 2024  
Drawing no. 0102 S2 Rev P05, Proposed Site Plan, received 11<sup>th</sup> June 2024  
Drawing no. 0161 S2 P03, Conversion Demolition Elevations, received 11<sup>th</sup> June 2024  
Drawing no. 0168 S2 P03, Cycle Store Details – Church Conversion, received 11<sup>th</sup> June 2024  
Drawing no. 0169 S2 P03, Cycle Store Details – New Apartments, received 11<sup>th</sup> June 2024  
Drawing no. 0120 S2 P04, Conversion – Existing + Demolition Floor Plans, received 11<sup>th</sup> June 2024  
Drawing no. 0101 S2 P04 Existing Site Plan, received 11<sup>th</sup> June 2024  
Drawing no. 0100, Site Location Plan, received 11<sup>th</sup> June 2024  
Application forms, received 11<sup>th</sup> June 2024
  
- 3 No above ground construction works shall commence until samples of the proposed external facing materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
  
- 4 No unit shall be occupied as a C3 residential use until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries, cycle storage area and bin storage area, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the buildings is first occupied as a C3 residential use.
  
- 5 No development shall be commenced until full details of hard landscape works have been submitted to and approved in writing by the local planning authority. The scheme as approved shall be carried prior to the first occupation of the development.

6 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy CSBC-DCE-XX-XX-RP-C-0001, April 2024, Dice., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

- No surcharge shown in a 1 in 1 year.
- No flooding shown in a 1 in 30 year.
- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

- 7 Construction works shall only take place within the following hours;-  
0800-1800 Monday-Friday, 0800-1300 Saturdays, No Sunday or Bank Holiday working.
- 8 No part of the development hereby permitted shall be brought into use until the cycle parking stores as indicated on drawing AR-AL-002, has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
- 9 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.
- 10 Development may not be begun unless:
- (a) a biodiversity gain plan has been submitted to the planning authority; and
  - (b) The planning authority has approved the plan.

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

- 11 The Biodiversity Gain Plan shall be prepared in accordance with the Proposed Landscape Plan, received by the Local Planning Authority 11<sup>th</sup> June 2024, the Baseline and Proposed Habitat Plans, received 11<sup>th</sup> June 2024, and the BNG Metric, received by the Local Planning Authority 12<sup>th</sup> July 2024.
- 12 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
- (a) a non-technical summary;
  - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

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

13 Notice in writing shall be given to the Council when the:

- (a) HMMJ has been implemented; and
- (b) habitat creation and enhancement works as set out in the HMMP have been completed.

14 Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

15 1. Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:

#### Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

#### Submission of Remediation Scheme

Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

2. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the

remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

16 No development or demolition shall take place until an Archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The mitigation strategy will include appropriate Written Schemes of Investigation for archaeological mitigation. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).

2. A methodology and timetable of site investigation and recording

3. Provision for site analysis

4. Provision for publication and dissemination of analysis and records

5. Provision for archive deposition

6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

17 The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in Condition 16. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

18 A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

19 No development shall be commenced in respect of the features identified below on the church conversion building, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the



local planning authority. Development shall thereafter be undertaken in accordance with the approved details

New and replacement windows, including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

20 No development shall be commenced in respect of the “look alike insulated panels” on the church conversion building where the new internal floor crosses the tall lancet windows.

21 Development shall not commence until the following has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details;-

An ecological construction method statement including reasonable avoidance measures in relation to protected species, such as bats and nesting birds should be provided, including reasonable avoidance measures (RAMS) provided below.

A wildlife sensitive lighting scheme should be employed, both during and post-construction, in compliance with the following guidance: Bats and Artificial Lighting in the UK (Bat Conservation Trust and Institute of Lighting Professionals, 2018), to avoid impacts to foraging and commuting bats and other nocturnal and crepuscular species.

Works to the church, and scrub and tree clearance should be conducted outside bird nesting season (beginning of March to end of August inclusive) or be preceded by a nesting bird check within the 24 hours period before the works commence. If an active nest is identified, works should be halted until a suitably qualified ecologist has been consulted.

A toolbox talk should be delivered to workers prior to the commencement of works to inform them of the potential for protected species and what to do if protected species are found during works. This should include halting work until a suitably qualified ecologist has been consulted.

Any roof liner used should conform to bat conservation trust guidelines regarding Non-Bitumen Coated Roofing Membranes: Non-Bitumen Coated Roofing Membranes - Buildings, planning and development - Bat Conservation Trust ([bats.org.uk](http://bats.org.uk))

Pollution prevention best practice should be followed.

Appropriate RAMS should be followed to prevent entrapment of animals in pipes or trenches, such as provision of egress boards for any trenches left open overnight and capping of pipes over 200 mm in diameter.

22 No building on site shall be occupied until details of bat, bird and swift boxes have been submitted to and approved in writing by the local planning authority. The nest boxes shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development.

- 23 As identified in the submitted Bat Building Assessment Report, trees T3 and T4 should be subject to soft felling under the supervision of a bat licenced ecologist, preferably over winter months when bats are considered less likely to be utilising any potential features opportunistically.

### Reasons

- 1 Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Reason: For the avoidance of doubt.
- 3 Reason: In the interests of visual amenity.
- 4 Reason: In the interests of visual amenity.
- 5 Reason: In the interests of visual amenity.
- 6 Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
- 7 Reason: In the interests of residential amenity.
- 8 Reason: To ensure that adequate cycle provision has been provided.
- 9 Reason: To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 10 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 11 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 12 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 13 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 14 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 15 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 16 To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.
- 17 In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.
- 18 In order to ensure that satisfactory arrangements are made for the reporting, archiving and dissemination of the results of the investigation in accordance with the National Planning Policy Framework.
- 19 In the interests of visual amenity and to conserve the architectural and historical interest of the building.
- 20 In the interests of visual amenity and to conserve the architectural and historical interest of the building.
- 21 In the interests of biodiversity and in order to comply with Policies ACS17 LPD18.
- 22 In the interests of biodiversity and in order to comply with Policies ACS17 LPD18.
- 23 In the interests of biodiversity and in order to comply with Policies ACS17 LPD18.

### Informatives

- 1 The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website.

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards.  
If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk).

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

- 3 The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2023). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.
- 4 With regards to condition 10, the biodiversity gain plan must include :
  - (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
  - (b) the pre-development biodiversity value of the onsite habitat;
  - (c) the post-development biodiversity value of the onsite habitat;
  - (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
  - (e) any biodiversity credits purchased for the development; and
  - (f) any such other matters as the Secretary of State may by regulations specify.
  - (g) timings for implementation
- 5 The applicant is advised that there is evidence that human remains and gravestones may be buried at the site. The applicant will need to explore what licences are required to legally remove these, if this is an option that they wish to pursue.
- 6 With respect to the attached archaeological conditions, please contact the Archaeology Planning Advice Team at Nottinghamshire County Council, County Hall, West Bridgford, Nottingham, NG2 7QP, email [planning.archaeology@nottscc.gov.uk](mailto:planning.archaeology@nottscc.gov.uk) to discuss the requirements. It is recommended the resulting Archaeological Mitigation Strategy and written schemes of investigation are approved by the NCC Planning Archaeologist prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.
- 7 The site has caused a number of issues in the past with regards to people accessing and vandalising the site. As such, the developer will need to put measures in place to reduce the likelihood of trespassing during the construction phase.
- 8 New trees and shrubs should be native, locally sourced and include fruit bearing species, where possible. Planting should include night flowering plant species to encourage bats (as recommended within the BNG metric comments).