

Report to Planning Committee

Application Number: 2023/0851

Location: Leivers Court, Douro Drive, Arnold, Nottinghamshire

Proposal: Demolition of existing care home and construction of a 3-storey building to incorporate 22 flats providing supported accommodation, staff office, and communal hub, and the erection of 8 semi-detached dwellings including access, parking and turning.

Applicant: Nottingham Community Housing Association

Agent: Pelham Architects

Case Officer: Joe Baldwin

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 relates to Leivers Court, a 0.47ha site which accommodates a former care home which has been vacant since 2019. The site is located off the southern side of Douro Drive toward the northeastern edge of Arnold.
- 1.2 The site remains occupied by the vacant care home building of buff brickwork and concrete roof tile construction, which is surrounded by existing trees and areas of informal planting. The topography surrounding the site slopes from the north west down toward the properties along Kilnbrook Avenue to the south east of the site. The site itself; however, is relatively flat.
- 1.3 The site is surrounded by existing residential dwellings to all sides, with the exception of Pinewood Infant School which immediately adjoins the south western boundary of the site.
- 1.4 The site is not located within a designated conservation area, is some 600m away from the nearest listed building and is located entirely within Flood Zone 1 – an area which is at low risk of flooding from rivers and the sea.

2.0 Proposed Development

- 2.1 Full planning permission is sought for the demolition of the existing care home building and the erection of 30 new dwellings with associated access and parking.

- 2.2 The 30 dwellings would comprise:- 22 one-bedroom apartments (supported living for young persons) in a 3 storey block toward the north east of the site; 6 two-bedroom semi-detached dwellings and 2 three-bedroom semi-detached dwellings. All flats will provide supported living accommodation and all semi-detached dwellings will be affordable rent properties managed by Nottingham Community Housing Association.
- 2.3 Access to the site would be gained via the existing access off Douro Drive with a new shared access road created into the site terminating at a turning square. 27 parking spaces will be created within the site which would be allocated as follows: 8 spaces for the supported living flats (to be used by support staff and visitors); 16 spaces serving the 8 semi-detached dwellings and 3 visitor spaces. All of the above spaces would be provided with EV charging points.
- 2.4 A communal courtyard would be created to the north east of the new supported living building and each of the semi-detached dwellings would be provided with a private garden.

3.0 Relevant Planning History

82/1063 Home for the elderly and day care centre Granted 24/11/1982

3.1

4.0 Consultations

- 4.1 **Strategic Housing Officer (Gedling Borough Council):** – Note that the 8 semi-detached houses are for affordable rent and that the Council would receive nomination rights from the Council's housing register. No objections to the proposed Scheme.
- 4.2 **Tree Officer (Gedling Borough Council):** – The submitted tree survey schedule is adequate to identify the trees on site but more details are required to show retained trees to be protected during all phases of construction. Moving forwards with the protection of any retained trees that may be impacted upon the development, the applicant should provide a tree protection plan (TPP) and arboricultural method statement (AMS) detailing:
- a) Location and installation of services/ utilities/ drainage.
 - b) Details of construction within the RPA or anything that may impact on the retained trees
 - c) A full specification for the installation of boundary treatment works
 - d) A full specification for the construction of any new roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - g) A specification for scaffolding and ground protection within tree protection zones.

- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- j) Boundary treatments within the RPA
- k) Methodology and detailed assessment of root pruning
- l) Arboricultural supervision and inspection by a suitably qualified tree specialist
- m) Reporting of inspection and supervision
- n) Methods to improve the rooting environment for retained and proposed trees and landscaping

4.3 **Lead Local Flood Authority (Nottinghamshire County Council)** – Based on the information submitted, no objections subject to a condition securing a detailed surface water drainage scheme based on the principles within the submitted Flood Risk Assessment.

4.4 **Nottinghamshire County Council Strategic Policy:** -

Minerals - The County Council does not, therefore, wish to raise any objections to the proposal from a minerals perspective.

Waste - In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). 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.

Bus Service Support - The closest existing bus stops are located on Killisick Road and located approximately 300 metres from the site. At this time, it is not envisaged that contributions towards local bus service provision will be sought.

Bus Stop Infrastructure - The Council request that a Planning Obligation be added to state: A bus stop infrastructure contribution of £14,100 is paid to provide improvements to the two bus stops on Killisick Road denoted GE0362 and GE0369 Spinningdale.

School Transport - The closest/catchment schools to the site include Pinewood Infant and Nursery School, Killisick Junior School and Redhill Academy. At this time, it is not envisaged that contributions towards school transport provision will be sought.

Sustainable Travel - Transport and Travel Services expect free introductory bus travel should be made available to residents and employees of the development to encourage usage of public transport.

4.5 **Conservation Officer (Gedling Borough Council):** - The care home was erected post 1970's and is of no special interest in heritage terms. The site of the development was, prior to the 1970's, open fields as was the area surrounding the school and care home. Housing close by is of the latter part of the C20th. There are no heritage assets within the setting of the proposed development and there are no heritage concerns.

4.6 **Scientific Officer (Gedling Borough Council):** – Suggested conditions to ensure land contamination is addressed and the development does not result

in a significant reduction in air quality. Also request that EV charging is secured by condition and that a Construction Emission Management Plan be submitted.

- 4.7 **Parks and Street Care (Gedling Borough Council):** - There is sufficient land on site to meet the overall requirement for 10% Public Open Space (POS). However, there are no details of how the developer intends to supply required play element of the POS, which would require a Local Area for Play (LAP). There is not room or suitable topography on site on to provide this, but we would accept an off-site contribution in lieu of play provision. In this instance it would be £53,377.20 toward provision and £22,560.00 for its on-going maintenance.
- 4.8 **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 Highcroft Surgery, Stenhouse Medical Centre and Daybrook Medical Centre. The financial contribution requested is £16,256.25
- 4.9 **Local Highway Authority (Nottinghamshire County Council):** – The proposal is to construct 8 dwellings and 22 apartments on the redundant land of a previous care home.

The comments regarding the proposed layout of the site are made on the revised plan entitled 'Proposed Site Plan', drawing no. 2759/P 102 -D.

The access to the site from Douro Drive will remain as existing which is not to adoptable standards in terms of width and gradient into the site, therefore will remain private with a maintenance agreement to maintain the private roads and associated drainage. The access complies with a private development showing 5.8m in width, with suitable swept paths showing cars/refuse vehicles can enter the site.

The parking within the site is on the low side; however, it would be for Gedling Borough Council to confirm whether or not the level is acceptable and complies with their parking policy. Together with the agreement that GBC Refuse team will also enter the Private development to collect the refuse.

In view of the above, the Highway Authority considers that the proposal is now satisfactory, and now has no objections subject to conditions.

- 4.10 **Ecology Officer (Gedling Borough Council):** - I am satisfied that a suitable survey to determine the hibernation potential of the building has been conducted by suitably qualified ecologists. I note that the building was determined to have negligible/low hibernation potential. Not all roof voids could be inspected during the survey and Figure 4.1 in the Bat Survey for Professional Ecologists Good Practice Guidelines, 4th Edition recommends that where there is a known roost outside winter within a non-classic hibernation site, consideration should be given to increasing the assessment level for the building. I would therefore recommend that a precautionary approach should be taken and the building should be treated as low potential and demolished outside of the hibernation season (November – March inclusive). The applicant may wish to consult their ecologist on this recommendation and either confirm that they are happy to comply with this precaution or provide justification as to why it is not appropriate/necessary.

The mitigation recommendations provided in section 6.1 of the Emergence Survey Report should also be conditioned.

- 4.11 **Members of the Public:** - A press notice was published; a site notice was displayed, and neighbour notification letters were posted.

One letter of representations has been received and raises the below points:

- Concerns regarding the impact of the development on local wildlife and levels of noise, violence and crime generated by the development

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 2024 (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 2024) - Sets out the national objectives for delivering sustainable development. The following sections are particularly relevant:

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 5 - Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

- 5.4 Greater Nottingham Aligned Core Strategy Part 1 Local Plan (2014)

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

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

Policy 2: The Spatial Strategy – 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) (2018):

LPD4: Surface Water Management – sets out the approach to surface water management.

LPD11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

LPD18 - Protecting and Enhancing Biodiversity - Wherever possible, 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.

LPD19: Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a significant adverse visual impact or a significant adverse impact on the character of the landscape.

LPD21: Provision of New Open Space – sets out that there will be a requirement for public open space on sites of 0.4 hectares in area and above, which could be on-site or off-site.

LPD32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD33: Residential Density – 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.

LPD35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD36: Affordable Housing – sets out 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.

LPD37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.

LPD39 - Specialist Accommodation - Planning permission will be granted for specialist accommodation provided it meets the criteria set out in a) to c):

- a) the proposal is located in an existing residential area, close to good public transport routes, shops, community facilities and open space appropriate to the needs of the occupiers; and
- b) the proposal would not result in an over concentration of similar uses in any one area, leading to a significant adverse impact on the character of the area; and
- c) a satisfactory residential environment can be achieved for the benefit of the intended occupants without detriment to the amenity of adjoining dwellings.

LPD40: Housing Development on Unallocated Sites – states that planning permission will be granted for residential development on unallocated sites which are not located in the greenbelt subject to impact on amenity of neighbouring properties, appropriate design, scale and massing and appropriate parking provision.

LPD48 - Local Labour Agreements - The Borough Council will seek to negotiate planning agreements to secure local labour agreements for developments of 10 or more dwellings, on 0.5 hectares of land or development that will create more than 15 jobs.

LPD57: Parking Standards – sets out the requirements for parking.

LPD61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

LPD63 - Housing Distribution - A minimum of 7,250 homes will be provided for during the plan period (2011-2028), distributed as follows: 5. Windfall allowance - 240 homes.

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 (2021)
- Environment Act (2021)
- Design Code Framework (2024)

6.0 Planning Considerations

Principle of Development

- 6.1 The application site is not an allocated housing site identified under Policy LPD 64 of the Local Planning Document (2018). The site is however identified as being within the Main Built-Up Area of Nottingham within the Aligned Core Strategies Part 1 Local Plan (ACS) (2014). Policy 2 (The Spatial Strategy) of the ACS identifies the main built-up area of Nottingham as the primary area for growth and development to be located.
- 6.2 Policy LPD 40 of the Local Planning Document (2018) relates specifically to Housing Development on Unallocated Sites and states that the principle of such development, on land which is not within the Green Belt is acceptable and planning permission will be granted provided that:
1. the proposal is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials; and
 2. the proposal would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area; and
 3. the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and
 4. appropriate provision for parking is made.
- 6.3 Subject to the assessment of each of the above issues within this report, the principle of residential development on this site is supported by both National and Local Planning Policies.

Design and Layout

- 6.4 Policy ACS 10 relates specifically to the design of new development and states that all development should be designed to:
- a) make a positive contribution to the public realm and sense of place;
 - b) create an attractive, safe, inclusive and healthy environment;
 - c) reinforce valued local characteristics;
 - d) be adaptable to meet changing needs of occupiers and the effects of climate change; and
 - e) reflect the need to reduce the dominance of motor vehicles.

The policy then sets out a number of elements of a proposal which should be assessed in terms of design.

- 6.5 In this case the development comprises a large, 3 storey flat building, 8 semi-detached dwellings and associated access and parking. The position of the proposed three storey flat building is toward the raised north western portion of the site with the proposed 2-storey semi-detached units being located toward the lower eastern and southern boundaries of the site. The 3 storey building has been designed to match the height of the dwellings to the north west along Douro Drive, which helps to retain the drop in scale of buildings that currently follows the drop in land levels from North West to South East.
- 6.6 All buildings proposed within the development would be fairly traditional in appearance incorporating traditional pitched roofs and construction materials

including Nottingham red bricks and grey roof tiles which are the prominent materials in the vicinity of the site. The windows are proposed to be a grey upvc.

- 6.7 The mass of the larger flat building would be broken up with a modest central gable to the front (north east) elevation. The south eastern elevation would be set back slightly between the large gables at either end and the north western elevation would surround a central communal garden area. It is also proposed to use a secondary brick colour and Juliette balconies to further break up the mass of the building and add architectural interest.
- 6.8 The scheme has also been submitted along a landscaping scheme which will be commented on below.
- 6.9 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

- 6.10 The application site is occupied by a former, currently vacant care home building and has immediate neighbouring residential properties to the north west, north east and south east with Pinewood Infant School and its associated playing field by adjacent to the south western and southern boundaries.
- 6.11 Policy LPD 32 requires new development proposals to not result in a significant adverse impact on existing neighbouring residents and occupiers. The existing care home building on site is single storey therefore the addition of a new 3 storey flat building and 8, two storey semi-detached dwellings would represent an increase in the scale of buildings and number of occupants on the site.
- 6.12 As part of the application, the applicant has submitted a sectional drawing which demonstrates the falling levels from the properties along Douro Drive to the north west down toward the properties along Kilnbrook Avenue to the south east with the relatively flat site located between. The sectional drawing demonstrates that despite the new flat building being 3 storeys in height with a traditional pitched roof, the overall height of the ridge line would match the existing ridgeline of the properties on Douro Drive. The second-floor windows of the new building would therefore be approximately the same levels as the first floor windows of the Douro Drive properties. There would also be a significant 30 metre distance between these buildings. Despite the increased scale of the flat building compared to the former care home, there is not considered to be any significant overshadowing caused to the existing dwellings to the north west. Also, due to the northern western elevation windows of the new flat building being restricted to the main corridor rather than any habitable rooms, in addition to the significant separation distance, there is not likely to be any significant loss of privacy to existing occupants.
- 6.13 Regarding the existing properties along Kilnbrook Avenue, to the south east of the site, these would likely be most impacted by the proposed semi-detached dwellings identified as plots 1-4. The height of plots 1-4, as shown on the

submitted sectional drawings would be comparable to the existing dwellings to the north of the site, which share a similar relationship with properties along Kilnbrook Avenue. There is a separation distance of over 24m which includes a proposed landscape buffer. This is considered to be sufficient in providing a satisfactory relationship between the new development and existing properties, which would not result in significant harm to the amenity of existing occupants in accordance with policy LPD 32.

- 6.14 Whilst there is likely to be an increase in activity at the site as a result of the proposed development, the residential nature of the proposed development is not likely to result in any significant additional noise or nuisance over and above the existing and would be appropriate in an existing residential area. There is nothing to suggest the development would bring about an increase in violence or crime.
- 6.15 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

- 6.16 It is proposed to access the application site from the existing (modified) access into the site from Doruo Drive. A shared access drive would then terminate at a turning head within the centre of the site. A total of 27 total parking spaces will be created within the site serving the dwellings, flats, staff and visitors. The submitted design and access statement states that “Electric car charging points will be provided for parking bays in accordance with Building Regulations”.
- 6.17 The adopted Parking Provision for Residential and Non-Residential Developments SPD – (2022) states that the 2 and 3 bedroom semi-detached dwellings would require 2 allocated parking spaces, which is met by the proposed development. The additional 1.8 unallocated/visitor spaces required could also be accommodated within the additional 2 visitor spaces located to the north east of plots 7 and 8 of the submitted site plan. With regard to the flats, the Design and Access Statement states that 8 spaces will be provided which would serve staff and visitors. This would fall below the required 17.6 spaces required (calculated using the 0.8 spaces per flat as set out in the SPD).
- 6.18 Whilst the above demonstrates the development provides a lack of parking spaces to serve the flats, paragraph 4.13 of the 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.”*
- 6.19 In this case, the application site is located within approximately 300m of an existing bus stop which serves both Arnold Centre and Nottingham City Centre. The submitted Design and Access Statement also outlines that “It is understood that the service user tenants do not own cars, so there is no parking provided for

them". The applicants state that this reflects the parking provision at a similar scheme nearby.

- 6.20 In this scenario, it is considered a reduced parking requirement can be justified given the nature of the development as supported living flats and the level of accessibility to local services via public transport.
- 6.21 Whilst not to adoptable standards, due to the width and gradient into the site, the Local Highway Authority have raised no highway safety concerns with the access and internal roads being constructed as private with a maintenance agreement to maintain the roads and associated drainage.
- 6.22 Overall, on the basis of the above, 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.

Flooding and Drainage

- 6.23 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.
- 6.24 With regard to surface water, a 121m³ attenuation tank is proposed to be installed below the access road which would hold water before allowing controlled discharge into the existing sewer network. The submitted drainage strategy which forms part of this application indicates that this would result in a surface water discharge rate of 2.3l/s which represents an 85% decrease from the 15.5l/s existing run off rate.
- 6.25 Foul water from the development would be collected through a series of soil vent pipes, sewers and manhole chambers. This will then be discharged via a new connection into the existing Severn Trent Water Sewer on Kilbrook Avenue.
- 6.26 Based on the information provided alongside this application and subject to a condition securing a detailed scheme which follows the proposed strategy, the Lead Local Flood Authority, have raised no objections to the proposed development. 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.

Trees and Landscaping

- 6.27 A tree survey prepared by Paul Hicking Associates which identifies the majority of existing trees on site could be retained. There are concerns that the works to the entrance to the site could harm trees T1 – T4 due to changes to the ground conditions and accidental harm. These comprise of 1no Cat B, 2no, Cat C2 and 1no Cat U trees. Three further trees T25, T26 and T27 will also be removed in

order to accommodate the private gardens to plots 5 and 6 however the report states that these will be replaced on a 2:1 basis within the site.

- 6.28 In terms of further planting, as set out above, a detailed finalised hard and soft landscaping plan is to be required by condition. This will seek to ensure the replanting of trees to be removed and provide further details on additional planting throughout the development.
- 6.29 The council's tree officer does not object in principle to the loss of the trees on the site but has requested additional details regarding the measures used to protect existing trees throughout all phases of the development. This can be secured by condition.
- 6.30 Subject to conditions, 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 and Land Contamination

- 6.31 The application is accompanied by a Geo-Environmental Desk carried out by Ground Investigation Associates. This report concludes that further survey work is required in order to further refine the Conceptual Site Model (CSM) for the site. The report has been considered by the Borough Council's Scientific Officer who has suggested the attachment of a Contaminated Land condition.
- 6.32 The proposed development constitutes a small development for the purpose of the *Air Quality and Emissions Mitigation - Guidance for Developers* document, which relates to Policy LPD11 of the Local Development Plan 2018. The Borough Council's Scientific Officer has suggested that subject to a number of conditions in relation to Electric Vehicle charging points and a Construction Emission Management Plan, the development would not result in any significant adverse impacts on air quality.
- 6.33 Taking into account the above matters and subject to conditions it is considered that the scheme would comply with policy LPD 11 and with Policy 1 of the ACS.

Heritage Impacts

- 6.34 The development site is not located within any defined Conservation Area and would not harm the setting of any Listed Buildings. The Borough Council's Conservation Officer has been consulted on the application and raises no objections.

Planning Obligations

- 6.35 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 contribution of £16,256.25 to NHS Primary Healthcare for additional infrastructure at affected practices – Highcroft Surgery, Stenhouse Medical Centre and Daybrook Medical Centre

- A Parks and Open Space contribution of £53,377.20 toward off-site provision and £22,560.00 for its future maintenance.
- A bus stop infrastructure contribution of £14,100 is paid to provide improvements to the two bus stops on Killisick Road denoted GE0362 and GE0369 Spinningdale.
- Local Labour Agreement

6.36 In addition to the above, in respect of affordable housing, as set out in policy LPD36 of the Local Planning Document, the Council would seek to ensure that a development of this scale located in Arnold provided a total of 20% of the development as affordable units. In this case, the development is being carried out by a Community Housing Association as a 100% affordable scheme. Whilst securing 100% affordable housing, over and above the 20% identified in the policy, isn't generally required, it is considered that there are material considerations making it acceptable in this instance. Notably, the parking provision is less than would be agreeable for an open market housing scheme, with it considered likely that car ownership would be lower for affordable dwellings. The application has been submitted by a Housing Association who have identified that all of the dwellings would be affordable; there is a recognised shortfall of such houses and the additional provision would accord with current Government objectives and Section 5 of the NPPF. As a result, it is considered acceptable to secure all units as affordable housing through the legal agreement.

6.37 Subject to the above being secured by a s106 agreement, the development is deemed to comply with guidance in the National Planning Policy Framework (2024) and ACS19 of the Aligned Core Strategy (2014).

Ecology

6.38 The application was initially submitted alongside an ecological appraisal that concluded that a total of 5 bird species were seen on site including 2 red listed (Swift and House Sparrow) and 2 amber listed (Wood Pigeon and Wren) species. The existing building was deemed to have no external feature which would allow birds to access the interior of the building. The ecological appraisal also identified that the existing trees on site offered negligible potential to support roosting bats however the existing building offered moderate potential and further dusk surveys were recommended to be undertaken.

6.39 Further surveys have since been carried out which the Borough Council's Ecology Officer deem to be sufficient in determining the hibernation potential of the building. The Ecology Officer is satisfied that if the building was to be demolished outside of the hibernation period, that the development would not result in any harm to protected species.

6.40 Due to the application being submitted prior to 12th February 2024, there is no mandatory requirement under the Environment Act (2021) to provide a measurable 10% net gain in biodiversity. Nevertheless, the proposed site plan indicates areas of soft landscaping within the development site which offers the opportunity for modest enhancements. The applicants state in the submitted

Design and Access Statement that a condition securing final details of the soft landscaped areas would be acceptable.

6.41 Subject to the above conditions it is considered that the proposals meet the requirements set out in LDP - Policy 18.

7.0 Conclusion

7.1 The site is a previously developed site within the Main Built-Up Area of Nottingham as identified within the Aligned Core Strategies Part 1 Local Plan (ACS) (2014). It is considered that the proposed block of 22 supported living flats and 8 semi-detached dwellings would be accommodated on the site in a manner that would not cause undue harm to the character and visual appearance of the area; residential amenity or highway safety.

7.2 It is therefore considered that the proposals would fully accord with the guidance contained in the National Planning Policy Framework (2024), policies A, 1, 2, 8, 10, 17 and 19 of the Aligned Core Strategy, policies 4, 11, 18, 19, 21, 32, 33, 35, 36, 37, 39, 40, 48, 57, 61 and 63 of the Local Planning Document and 'Interim Planning Policy Statement: First Homes', 'Parking Provision for residential developments Supplementary Planning Document' and the 'Low Carbon Planning Guidance'. A recommendation of approval is made accordingly.

Recommendation: Grant Planning Permission: Subject to the owner(s) entering into a planning obligation secured through a Section 106 legal agreement with the Borough Council as the Local Planning Authority and the County Council to secure an affordable housing, parks and public open space enhancements, bus stop infrastructure, a healthcare contribution and a local labour agreement; and the conditions listed for the reasons set out within 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:

Design and Access Statement
Phase 1 Geo-Environmental Desk Study (GI Associates)
Existing Tree Survey Report (Paul Hicking Associates)
Drainage Strategy (BSP Consulting)
Flood Risk Statement (BSP Consulting)
Levels Strategy (BSP Consulting)
Swept Path Analysis (BSP Consulting)
Protected Species Survey (Paul Hicking Associates)
Emergence Survey (Thompson Ecology)
Technical Note (Thompson Ecology)
47492_T – Topographical Survey
2339-01 – Tree Survey and Root Protection Areas
2759/P 100 – Site Location Plan
2759/P 102D – Proposed Site Plan

2759/P 103 – Proposed Site Section
2759/P 200A – Plots 1-4
2759/P 201A – Plots 5-6
2759/P 202A – Plots 7-8
2759/P 203C GF Plans – Flats
2759/P 204C FF Plans – Flats
2759/P 205C SF Plans – Flats
2759/P 206B Elevations – Flats

3. Prior to occupation, details of the proposed arrangements and plan for future management and maintenance of the private road including associated drainage should be submitted to and approved in writing by the Local Planning Authority. The private road and drainage shall thereafter be maintained in accordance with the approved management and maintenance details, until such time that a private Management and Maintenance Company has been established.
4. The access into the site shall remain hard surfaced in a bound material. The surfaced drive shall then be maintained in such hard-bound material for the life of the development.
5. 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 LCDD-BSP-XX-XX-T-W-0001-P01_Drainage_Strategy, 25th October 2023, BSP Consulting., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
 - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
 - Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
 - Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
 - Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
 - No surcharge shown in a 1 in 1 year.

- No flooding shown in a 1 in 30 year.
 - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
 - Evidence of approval for drainage infrastructure crossing third party land where applicable.
 - Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
 - Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.
6. From the date of first occupation every property built on the site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
 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.
 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. Prior to commencement of development, a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
10. Samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.
11. Prior to the commencement of development, a scheme of landscaping showing the location, species and size of specimens to be planted shall be submitted to and approved in writing by the Local Planning Authority.
12. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.
13. Prior to the commencement of development, the following shall be complied with:

A) 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.

B) 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.

14. 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.

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 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.

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) To ensure that the road infrastructure is maintained to an appropriate standard in accordance with policy LPD61 of the Local Planning Document (2018).
- 4) To reduce the possibility of deleterious material being deposited on the public highway in the interest of highway safety in accordance with policy LPD61 of the Local Planning Document (2018).

- 5) 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.
- 6) 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.
- 7) 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.
- 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 protect the retained trees throughout the development in accordance with policy LPD19 of the Local Planning Document (2018).
- 10) To ensure that the character of the area is respected and to comply with policies ACS10 and LPD40.
- 11) To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policy 10 of the Aligned Core Strategy LPD19 of the Local Planning Document (2018)
- 12) To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policy 10 of the Aligned Core Strategy LPD19 of the Local Planning Document (2018)
- 13) To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 196 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 196 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 196 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.

Informatives

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2024, 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

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.

The submitted Tree Protection Plan and Arboricultural Impact Assessment required by condition 10 shall detail include the following:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the RPA or anything that may impact on the retained trees.
- c) A full specification for the installation of boundary treatment works.
- d) A full specification for the construction of any new roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) A specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- j) Boundary treatments within the RPA
- k) Methodology and detailed assessment of root pruning
- l) Arboricultural supervision and inspection by a suitably qualified tree specialist
- m) Reporting of inspection and supervision
- n) Methods to improve the rooting environment for retained and proposed trees and landscaping