



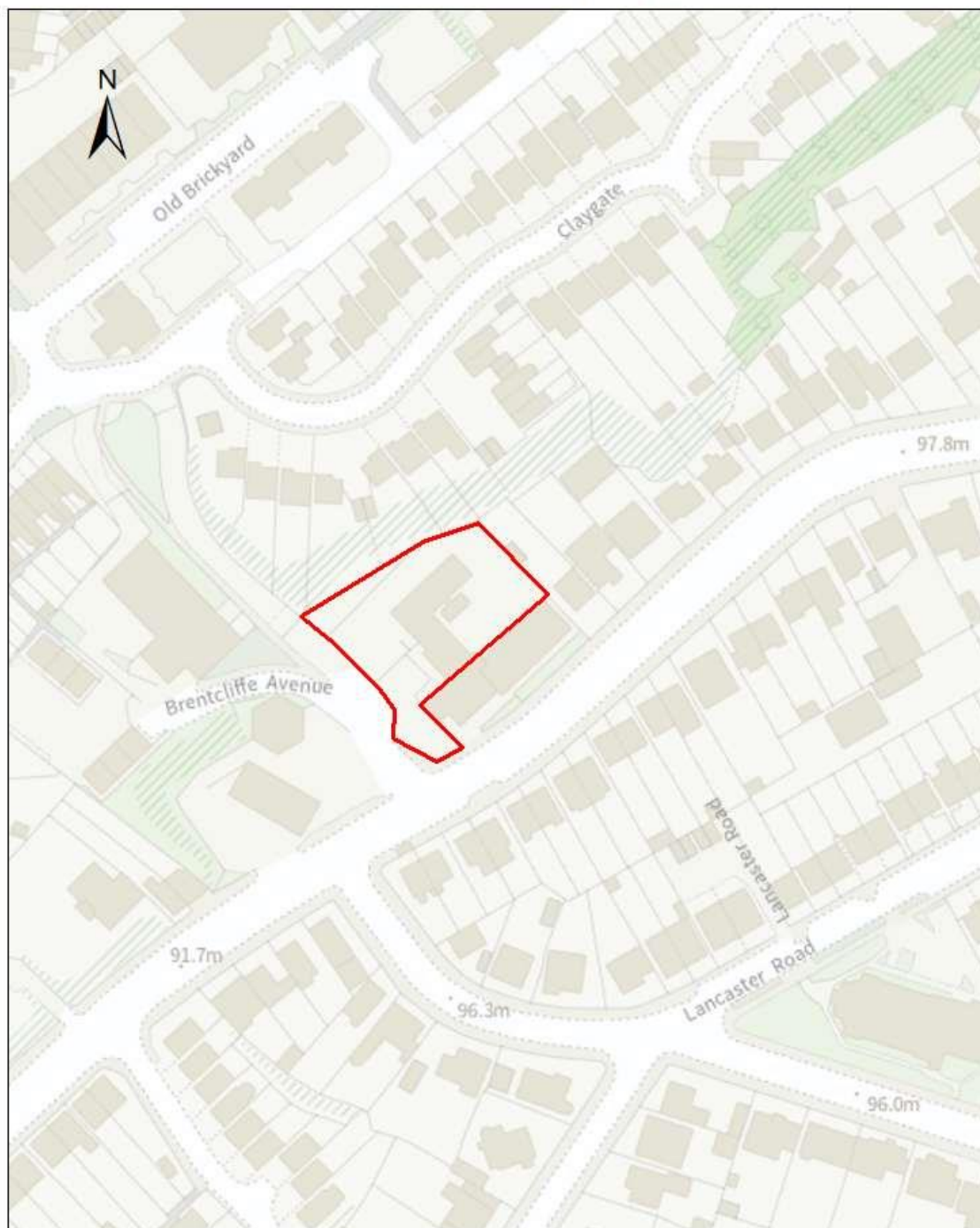
Planning Report for 2025/0567

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Planning Reference

2025/0567

Midland Academy of Drama & Dance
428 Carlton Hill, Carlton



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Report to Planning Committee

Application Number:	2025/0567
Location:	428 Carlton Hill, Carlton NG4 1JA
Proposal:	Change of use from dance school and offices to 11 flats including external alterations
Applicant:	Mr Chris Pycroft
Agent:	Mr Simon Chan
Case Officer:	Joe Davis

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

1.0 Site Description

This application relates to Block B at 428 Carlton Hill. The site lies adjacent to the boundary between Gedling Borough Council and Nottingham City Council. To the south-east of the site is a health centre, which is attached to the application building. The site was used as a dance school at ground floor level, with office space at first floor level; however, it is currently vacant.

- 1.1 There are dwellings to the north and east of the site, a car wash and industrial units to the west in Nottingham City's boundary, and to the south is the public highway, with dwellings opposite.
- 1.2 The site is not located within a designated Conservation Area, or close to any Listed Buildings 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 a change of use of the building to 11 flats. External alterations include the removal of a single storey flat roof aspect in the courtyard area, installation of an external staircase, the replacement of all windows and doors and addition of some new windows and doors. Rendering of the building originally proposed has been removed from the scheme.
- 2.2 The lower ground floor would accommodate 3 flats, one of which would have a floor area of 39 square metres, whilst the other 2 would have a floor area of 45 square metres. Each of these flats would have 1 bedroom, an open plan kitchen/living area and a bathroom. The upper ground floor area would accommodate 4 flats, 2 of these would be 45 square metres in floor space and the other 2 would be 47 square metres. These flats would also accommodate

1 bedroom, an open plan kitchen/living area and a bathroom. The first floor would accommodate 4 flats, 2 of these would have a floor area of 47 square metres, 1 would be 45 square metres and the final flat would have a floor space of 61 square metres. All flats on the first floor would also accommodate an open plan living area and bathroom with the larger flat (Flat 11) accommodating 2-bedrooms and the other flats on the first floor accommodating 1-bedroom.

- 2.3 14 car parking spaces and a cycle store are proposed at the site; these would be accessed from Brentcliffe Avenue.

3.0 Relevant Planning History

- 3.1 - 83/1503 - Office extension – Conditional permission – (04.01.1984)
- 84/1144 - Office Extension – Conditional permission (10.10.1984)
- 89/1511 - Proposed office extension– Conditional permission (20.09.1990)
- 89/2248 - Extension to offices – Unconditional permission (10.01.1990)
- 90/1045 - Variation of condition 2C of planning permission reference 7/21/89/1511 to not require boundary planting – Unconditional Permission (15.08.1990)
- 95/0374 - Erect 2.4m high Galvanised Finish Steel Palisade Security Fence & Gates – Conditional permission (22.05.1995)
- 2023/1667 – Private Professional Musical Theatre College for 16 years to 20 years – Conditional Permission (19.09.2003)
- 2003/1910 - Change of use to Primary Healthcare Clinic – Conditional permission (13.10.2003)

4.0 Consultations

- 4.1 **Environmental Health (Gedling Borough Council)** – No objection
- 4.2 **Scientific Officer (Gedling Borough Council)** – No objection subject to conditions regarding EV Charging and the submission of a Construction Emissions Management Plan.
- 4.3 **Nottinghamshire County Council Planning Policy** – No objection regarding public transport, archaeology or Minerals and Waste, advised that flooding and highways would respond separately. They make no request for financial contributions toward education, transport or libraries.
- 4.4 **Nottinghamshire County Council Highways** – Referred to standing advice
- 4.5 **Ward Councillor – Councillor Feeney** – Object to the application on the grounds of the development being inappropriate next to the doctor's practice, with the practice holding medication, restricted drugs and medical equipment. The shared access would also create problems and potential dangers on dark evenings for staff working alone. It would also apply to residents attending medical services.
- 4.6 **Ward Councillor – Jim Creamer** – object to the application on the grounds of the development sharing an access with a doctor's surgery, with this being unsafe and undesirable. The light from the streetlamp does not reach the actual access. Asked for a deferral.

- 4.6 **Gedling Borough Council Housing** – No comment received.
- 4.7 **Gedling Borough Council Waste Services** - No comment received.
- 4.8 **Nottinghamshire Police** – No comment received.
- 4.9 **NHS England** – Make no comment on the application.
- 4.10 **Nottingham City Council** – No comments received.
- 4.11 – **Lead Flood Authority** – request additional information in respect of a Flood Risk Assessment and further information with regard to drainage for the site.
- 4.12 **Environment agency** – No comments received.
- 4.13 **Ecology Officer** – notes that the roof has the potential for bats; however, if the building is not proposed to be rendered, with the greater likelihood of bats being in the soffits, then no bat survey would be required. There is no requirement for BNG given the site is built on or hardstanding.
- 4.14 **Neighbours** – Neighbours were consulted on the application, a site notice was placed at the site and a press advert was also placed. Objections were received from 3 neighbours

- The proposal includes land outside of the applicant's ownership and notice has not been served, these areas include the access to flats 10 and 11 and the cycle parking area, there is also no right of access for these areas;
- The proposed external alterations would materially change the external appearance of the building, these works aren't included in the description of the development and have not been assessed in the application against local planning policies.
- The north-east and south-east elevations are labelled incorrectly and are therefore inaccurate.
- There has been no assessment of the proposal against the relevant development plan policies included in the application.
- No clarification has been provided regarding who the intended occupiers of the proposed flats would be. This could be a significant consideration, if people with drug and alcohol dependency are located next to a medical facility.
- No detail has been provided regarding the colour of the proposed render.
- No assessment has been provided regarding the impact of the character and appearance of the proposed external works and their compliance with policy.
- Insufficient amenity space has been provided.
- There is insufficient means of escape from the building in a fire.
- Insufficient information has been submitted to assess the transport impact of the proposed development and it is unclear whether the parking spaces would meet the required dimensions.
- The level of detail provided to meet the requirements to provide a Low Carbon SPD Statement is limited and largely meaningless.
- The proposed PV panels are not shown on any drawings, the number of PVs, the array and energy they would generate is not details.
- No sustainable drainage measure are proposed.

- There are no existing or proposed U values to help understand how much insulation would improve by.
- No details regarding water consumption have been provided.
- The works are nearly complete
- Some neighbours not notified.
- The Council were asked months ago what was going on at the site, but no clarification was provided.
- The use as a dance school is usually only in use in daytimes and early evenings.
- The flats would directly overlook neighbouring gardens and into children's bedrooms. This is not safe or appropriate for local families.
- A barrier previously welded shut has been re-opened which has led to a car entering a neighbour's garden and causing damage. It is unacceptable that this has happened without neighbour consultation.
- The proposal would negatively impact on local property prices.
- There is little to indicate that the proposal is for 11 framework units, rather than market units.
- The adjoining unit houses loan workers and controlled substances, with access provided across the site, providing concern for staff and patients.
- There would be no access for the application of render or installation of UPVC units as proposed.

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 February 2025 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

Development Plan Policies

- 5.3 The following policies are relevant to the determination of the application. National Planning Policy Framework (February 2025) - 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.

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.

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

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 For the avoidance of doubt, policy LPD 56 is not considered to be relevant, as a private dance studio would not be classed as a wider community use under this policy.
- 6.4 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

- 6.5 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.

- 6.6 In this case only minor external alterations such as the replacement of windows are proposed. These are considered to represent an improvement and would modernise the existing building. Whilst an objector has raised concerns about the colour of the render, this has now been removed from the scheme. The external staircase is considered to be of a small enough scale in relation to the wider site, that they would have no significant impact. The impact of the proposed development on design and visual amenity is therefore considered to be acceptable and in accordance with Policy LPD 32 and LPD 40.
- 6.7 The density of development would be high given the modest site area; however, this is reflective of the built form to be converted and would comply with policy LPD33, which requires a density of development not less than 30 dwellings per

hectare. The housing mix provided would add to the mix within the Borough and is reflective of its urban location and is deemed to comply with policies LPD35 and LPD37.

Impact on residential amenity

- 6.8 In terms of the impact on neighbour amenity, there would be no significant increase in built footprint that would be overbearing to neighbouring properties or result in loss of light. All new windows would also be roughly in an area with existing openings and the impact on overlooking to neighbouring residential properties would therefore also be acceptable. The proposed external staircases would also be sited so that they would not result in significant overlooking.
- 6.9 In relation to separation distances, the back to back distance with the closest dwellings on Claygate would be 23 metres, which exceeds the 21 metre minimum required by the Gedling Design Code 2024. Although there are dwellings closer on Carlton Hill, to the north-east of the site, these are angled in such a way that there would be no direct views into these properties from the proposed dwellings. The impact in relation to overlooking from the change of use is therefore considered to be acceptable.
- 6.10 In terms of noise and disturbance, it is considered that the residential use of the building would result in less noise than the use as a dance studio. Furthermore, no objections to the proposal have been raised by the Council's Environmental Health Team. It is therefore considered that the impact of the proposed development on neighbour amenity would be acceptable.
- 6.11 In terms of the impact on the amenity of future occupiers. The proposed units are considered to be of a sufficient size to provide an adequate level of amenity for future occupiers and there would be sufficient natural light to all habitable rooms. The floor areas of each unit would comply the nationally described space standards for single one-bed properties, which, whilst not adopted by the Council, gives an indication as to the amenity occupiers are likely to receive. Whilst there is limited outdoor amenity space, this is considered to be typical of residential conversions in urban locations such as this and would not be justification for a refusal of planning permission. The impact on the amenity of future occupiers is therefore also considered to be acceptable.
- 6.12 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

- 6.13 The Local Highway Authority have raised no objection to the application on grounds of access or visibility and the access is already in use. In relation to car parking, 14 parking spaces would be provided. This is easily within the adopted standards set out in the Council's Parking Provision SPD which requires 0.8 unallocated spaces per flat. Furthermore, cycle parking spaces are provided and

the site is located in a highly sustainable location close to the centre of Carlton and public transport links.

- 6.14 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

- 6.15 The site is located within Flood Risk Zone 1, and not at a high risk of fluvial flooding. The Lead Flood Authority has raised concern about the lack of a flood risk assessment and possible drainage impacts. However, the application does not meet the threshold for Flood Risk Assessment, being less than 1 hectares in size. Foul water would connect to the existing system that would be managed by Severn Trent and given there would be no built form, save for an external set of stairs, there would be no alteration to the surface water discharge. As a result impacts on flooding and drainage are considered to be acceptable and comply with policy LPD4.

Air Quality and Land Contamination

- 6.16 The Council's Scientific Officer has raised no objection on the grounds of air quality and contamination, subject to conditions regarding the provision of EV charging and the submission of a Construction Emissions Management Plan.
- 6.17 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.

Planning Obligations

- 6.18 The application site is larger than 10 residential units and therefore liable for planning obligations. The threshold for affordable housing identified within policy LPD36 is 15 dwellings; however, within the NPPF and planning practice guidance set out a lower threshold of 10 units. Given the NPPF is more up to date the threshold for affordable housing is considered to be 10 dwellings, therefore, the threshold for supplying affordable housing contributions has been met. However, to encourage development on brownfield sites containing vacant buildings, Planning Practice Guidance sets out that developers can be offered a financial credit equivalent to the existing gross floor space of the building being brought back into use with the affordable housing requirement being calculated against any additional floorspace being proposed. In this case, the building is vacant with the previous use now operating outside of the Borough. No built form, save for an external staircase, is proposed to be provided. Therefore, the application is considered to be exempt from the affordable housing requirement having regard to Planning Practice Guidance.
- 6.19 The NHS make no comment on the application, save they are not seeking any contributions on the application.

- 6.20 Nottinghamshire County Council have responded and not requested any financial contributions with regard to education, libraries or public transport.
- 6.21 The threshold to provide a local labour agreement has been met, as outlined in policy LP48. Typically this would be secured via a legal agreement; however, as this would not be required for other matters as previously detailed, it is proposed to secure this by the imposition of a condition.
- 6.22 The application site is less than 0.4 hectares and therefore does not meet the threshold for contributions toward public open space under policy LPD21.
- 6.23 Having regard to the above, and despite the application being a major development, there is no requirement for planning obligations to make the development accept in planning terms. As a result, the application is deemed to comply with policy ACS19, the NPPF and National Planning Practice Guidance.

Ecology

- 6.24 There would be no significant increase in built footprint as a result of the proposed works. The proposal would therefore fall under the de-minimis exemption for Biodiversity Net Gain and this would therefore not be required. The applicants have confirmed that they do not intend to render the building which would reduce the likelihood of bats being impacted, which have the potential to be in the soffit of the building. However, a note to the applicant is proposed to be added to any decision notice indicating the need to ensure that protected species are protected. As a result, the application is deemed to comply with policies ASC17, LPD18 and guidance contained within the NPPF.

Other matters

- 6.25 In relation to other matters raised by consultees, the impact on property values is not a material consideration that can be taken into account in the determination of a planning application.
- 6.26 In terms of the comment made regarding insufficient consultation, the neighbour does not clarify whether they received a neighbour letter. However, all neighbours adjoining the site were sent a letter, a site notice was placed outside of the site and a press advert was also placed. As a result, the application has been advertised in accordance with the Statement of Community Involvement and The Town and Country Planning (Development Management Procedure) (England) Order 2015. In relation to comments from the same neighbour about not being consulted much earlier, a Local Planning Authority can only consult neighbours on an application, once an application has been received. Prior to this, unless the applicant has gone through the pre-application advice process, which is confidential, the Council would be unaware of any proposed works they intend to carry out.
- 6.27 In terms of the comments regarding a barrier being re-opened, it is unlikely that this would require planning permission in itself and any damage to neighbouring properties would be a civil matter between the relevant parties.

- 6.28 In relation to works taking place at the site, it is unclear whether the works that have been undertaken would have required planning permission, or whether only the parts that don't require planning permission have been undertaken. If the applicant has carried works requiring planning permission out without consent, this would be at their own risk and were an application for these works to be refused, they may have to revert the site back to its previous state.
- 6.29 In terms of the comments regarding the development not being assessed against planning policies in the submitted documents, whilst applicant may include this to assist their case there is no obligation or requirement to include this, as this is ultimately for the Local Planning Authority to assess in the determination of the application.
- 6.30 In relation to the issues regarding land ownership, this was raised with the applicant, who submitted a revised Location Plan to address this, whilst the neighbour still states that the revised plan includes land outside of the applicant's ownership, the land registry data received by the Council would indicate that the updated plan is correct. Land Ownership is a civil matter and not a material planning consideration in any case.
- 6.31 The issues regarding fire safety would be dealt with at the building control stage of the development, were planning permission to be granted and are not material planning considerations in the determination of this application due to the scale of the building.
- 6.32 Once the issue of the external works not being included in the description was raised, the description was amended to refer to these, which are clearly identifiable on the submitted plans. The application was re-consulted on following this change to the description.
- 6.33 The proposed occupiers of the flats are also not a material planning consideration, save they are identified as being for open market occupation. Should issues arise from specific occupiers through anti-social behaviour, this would be a matter for the police and the Council's Environmental Health Team. Both of which have been consulted on the application and neither have raised any objections.
- 6.34 Limited information has been submitted in respect of how the application would comply with the Low Carbon Planning Guidance. However, the built form is in situ and the building would be thermally upgraded through replacement windows being installed. PV panels are not shown on the roof but guidance will be offered in an informative about permitted development for such installations.
- 6.35 Regarding the comments in relation to incorrectly labelled plans, the plans have now been corrected for clarity. As the plans remain unchanged and only the annotation has changed, it was not considered necessary to re-consult on this.

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 11 flats could 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 and 61, '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 conditions listed for the reasons set out in the report

Conditions

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 This permission shall be undertaken in accordance with the submitted application form and following list of approved drawings:

2504(08)003 Rev.B – proposed plans and elevations
2504(08)004 Rev.A – proposed block site plan
- 3 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.
- 4 Prior to the occupation of the development hereby permitted, the parking shown on plan: 2504(08)004 Rev.A shall be provided and shall be retained thereafter in perpetuity.
- 5 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.
- 6 Prior to the commencement of development a Local Labour Agreement (LLA) shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be completed in accordance with the approved LLA.

- 7 Prior to the change of use occurring, details of the cycle and bin storage shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter commence in accordance with the details as approved.

Reasons

- 1 To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 For the avoidance of doubt.
- 3 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Council's Local Plan.
- 4 To ensure that there is sufficient parking provision for the development, in accordance with Policy LPD 57 of the Gedling Local Planning Document 2018.
- 5 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough and takes into consideration the National Planning Policy Framework and policy LPD11 of the Council's Local Plan.
- 6 To comply with policy LPD48.

Notes to Applicant

The Borough Council has worked positively and proactively with the applicant in accordance with the National Planning Policy Framework.

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 at www.gedling.gov.uk. 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 gross internal area of new build is less than 100 square metres.

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.

Biodiversity Net Gain The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of

determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Gedling Borough Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is considered to apply. The development impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;

- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat. If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits. The effect of section 73D of the Town and Country Planning Act 1990If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted. Those circumstances are that the conditions subject to which the section 73 permission is granted: i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

The grant of planning permission does not override other legislation, including the Wildlife and Countryside Act. Therefore, should protected species be impacted during the development hereby approved, including bats, there would be a need to cease work and receive guidance from a suitably qualified ecologist on mitigation that may be required.

Please note that there are certain permitted development rights in respect of installing solar panels as outlined in Section 2, part 14, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).