



Monday, 2 November 2020

Dear Sir/Madam

An extraordinary meeting of the Planning Committee will be held on **Tuesday, 10 November 2020**\*\* via Microsoft Teams, commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

**\*\*Please note that this is a change to the usual day of the Committee**

Yours faithfully

Chief Executive

To Councillors: D Bagshaw  
L A Ball BEM  
T A Cullen  
D Grindell  
M Handley  
R I Jackson  
R D MacRae

J W McGrath (Vice-Chair)  
P J Owen  
D D Pringle  
D K Watts (Chair)  
R D Willimott  
G Marshall

## A G E N D A

1. APOLOGIES

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. NOTIFICATION OF LOBBYING

4. DEVELOPMENT CONTROL

4.1 Application Number 20/00058/REM (Pages 1 - 40)

Construct retirement and specialist care community comprising 31 x 2 bed bungalows, 33 assisted care units (1 and 2 bed) and 36 x 1 bed flats together with specialist care/ancillary communal facilities (reserved matters relating to planning permission reference 14/00677/OUT)  
Bramcote Hills Golf Club, Thoresby Road, Bramcote, NG9 3EP

4.2 Application Number 20/00478/FUL (Pages 41 - 58)

Construct 78 bed residential care home with associated parking  
Site of The Magpie, Toton Lane, Stapleford NG9 7JD

## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>20/00058/REM</b>
<b>LOCATION:</b>	<b>Bramcote Hills Golf Club, Thoresby Road, Bramcote, NG9 3EP</b>
<b>PROPOSAL:</b>	<b>Construct retirement and specialist care community comprising 31 x 2 bed bungalows, 33 assisted care units (1 and 2 bed) and 36 x 1 bed flats together with specialist care/ancillary communal facilities (reserved matters relating to planning permission reference 14/00677/OUT)</b>

The application is brought to the Committee at the request of Councillor D Watts.

### 1 Executive Summary

- 1.1 This major application contains the “reserved matters” relating to appearance, landscaping, layout and scale of the development of a retirement and specialist care community comprising 31 x 2 bed bungalows, 33 assisted care units (1 and 2 bed) and 36 x 1 bed flats, together with specialist care/ancillary communal facilities. The principle of the development and the position of the vehicular access (from Deddington Lane) was agreed by the grant of outline permission which was allowed on appeal (14/00677/OUT).
- 1.2 The proposed development will comprise two main buildings (extra care and independent living) two-three storeys high, with the extra care building including communal facilities including a retail unit, three smaller two storey apartment blocks and 31 bungalows. 15m wide landscaped buffers will be located to the north and south of the site, with the northern buffer including an attenuation pond.
- 1.3 The main issues relate to the design of the development and its impact on neighbour amenity and visual amenity.
- 1.4 The design of the development is considered to be acceptable and will relate well to the contours of the site which slopes steeply up from the north to the south boundary. There will be some impact on neighbour amenity from the proposed extra care building. However, due to the separation distance between the extra care building and the nearest neighbours (37m), together with the existing boundary vegetation (and proposed planting) and the changes which have been made to the design of this building during the course of the application, it is considered that a refusal could not be justified. The development will have some impact on visual amenity but this impact will lessen as the landscaping on site matures.
- 1.5 The Committee is asked to resolve that the reserved matters be approved subject to the conditions outlined in the appendix.

1 Details of the Application

1.1 This major application contains the “reserved matters” relating to appearance, landscaping, layout and scale of the development of a retirement and specialist care community comprising 31 x 2 bed bungalows, 33 assisted care units (1 and 2 bed) and 36 x 1 bed flats together with specialist care/ancillary communal facilities. The principle of the development and the position of the vehicular access (from Deddington Lane) was agreed by the grant of outline permission which was allowed on appeal (14/00677/OUT) following refusal at committee (contrary to officer recommendation).

**Proposed site plan**



1.2 Two main buildings are proposed on site – an extra care building to the north of the site and an independent living building towards the east of the site, together with three x two storey blocks of flats (to the west of the extra care building) and bungalows beyond these to the west and towards the centre and the south of the site. 15m wide no build buffer zones are proposed adjacent both the northern and southern site boundaries (as required by condition 9 of the outline permission) with the northern buffer including an attenuation pond.

1.3 The extra care building will contain 28 x 1 bed (including 1 guest suite) and 6 x 2 bed units all with open plan kitchen/living areas, wet rooms and stores; the majority of the south facing units will have balconies. It would be located 37.2m away from the closest house on Wembley Gardens to the north. The north facing units have no balconies, with the lower ground floor served by full height windows and glazed French doors. Most of the ground floor north facing units will have oriel (angled) windows serving living areas (indicated by stars on plan below).

**Extract from extra care building ground floor plan**



- 1.4 The extra care building also includes a bin store, plant room, cycle and scooter store, two assisted bathrooms, reception area with lifts, communal lounges, staff room and associated facilities, general storage, retail space and village hub. Due to the site levels, it will be split level with two storeys of accommodation to the north of the building and three storeys to the south. It will have a central gable in the south (front) elevation containing the main entrance and four flat roofed brick elements (solar panels on their roof) with inset elements (including balconies) inbetween and a mansard roof element at the eastern and western ends. To the west, the building steps down to two storeys in height and to the east, to a single storey containing the village hub retail space; both these elements would have a flat roof with the retail space having a green roof. The north (rear) of the building would have a central full height glazed feature with either side, a total of four projecting gabled elements (containing bedrooms) with recessed flat roofed elements inbetween containing the oriel windows. The extra care building would be red multi brick with some fibre cement timber rainscreen cladding and zinc (anthracite) horizontal wall cladding and zinc mansard roof with fibre cement blue/black tiles on the main pitched roof elements.
  
- 1.5 The independent living building will be located on a north-south axis, with the respective north and south side elevations 65m from the nearest house on Gateford Close to the north and 57m from the nearest house on Balmoral Drive to the south. It is rectangular in footprint with a chamfered corner to the north east. This building will have a mansard roof (with solar panels), will be two storeys in height to the east and three storeys to the west with four dormer windows. It will have 20 x 1 bed units, all with an open plan living/kitchen area with French doors (with upper floors having Juliet balconies), wet room and store. Two of the units on the south eastern corner of the building will have a balcony and a communal balcony is proposed on the south western corner. Bin, cycle and scooter stores are proposed on the lower ground floor. The south elevation of the building will be a red multi brick with the same brick proposed on the other elevations which also include horizontal anthracite zinc clad sections. The mansard roof will be a vertical anthracite zinc cladding system.
  
- 1.6 There will be three x two storey buildings containing a total of 16 x 1 bed flats (all containing the same rooms as the independent living building detailed above), with a bungalow attached to the westernmost building. These buildings will have

mansard roofs including dormer Juliet balcony/oriel window features at first floor. They will be red multi brick with some zinc detailing and have anthracite zinc clad roofs.

- 1.7 The 31 bungalows will all have two bedrooms, open plan living/kitchen/dining area, bathroom and a rear patio enclosed by gabion retaining walls. They will have gabled roofs and the majority will have a mono pitched feature above the front door. The bungalows are grouped together in 2s, 3s and 4s. They will be buff and red multi brick with some grey cladding and blue/black fibre cement slate roofs.
- 1.8 There will be a gabion wall to the south of the proposed access road (wall to be planted and have a hedge along the top of it) which extends into the site from Deddington Lane, curving towards the centre of the site to the north west of the independent living building and then extending towards a mini roundabout, to the south west of the extra care building, where the road splits in two. One road serves the northern and western buildings and the other, the remaining bungalows to the south.

**Aerial photograph taken from D & AS to show site outlined in red and proposed open space outlined in blue**



- 1.9 Landscaped buffers are proposed to the north and south and these areas will contain footpaths (private open space) with a link provided to the bridleway to the west and to the proposed area of public open space to the east (outlined in blue above). The public open space to the east is required to be provided as part of the S106 Agreement relating to the outline permission and does not form part of the consideration of this reserved matters application. Existing TPO trees will be retained on site and additional planting is proposed.
- 1.10 Amended plans were submitted during the course of the application to reduce the height of the extra care and independent living buildings; to reduce the size of bedroom windows, omit French doors and omit the upper storey from the north elevation of the extra care building; to omit decking by the pond; to include the two storey buildings containing flats; to amend the materials of the proposed extra care and independent living buildings, including replacing light cream bricks with red bricks; to propose additional planting beside the northern boundary and to include solar panels on the roof of the larger buildings.

## 2 Site and surroundings

- 2.1 The site forms the western part of the former Bramcote Hills golf course and has an area of 3.3 hectares. According to information submitted with the application, the golf course closed in 2008 and the site has been unused since that date. There is no authorised public access to the site itself but there is a public right of way to the north of the northern site boundary and a bridleway to the west.
- 2.2 As the land slopes up from the north to the south across the site, the southern site boundary is in the region of 9m higher than the northern site boundary. There is also a slope down towards the east with the land then rising up towards the eastern boundary. The site is elevated above the bridleway to the west which is located in a cutting (and forms a Local Geological Site). There are trees and vegetation on the northern, western and southern site boundaries. The eastern site boundary with the remainder of the former golf course is not demarcated by any feature.
- 2.3 The site is largely comprised of grassland with sporadic trees across the site, some of which are protected by Tree Preservation Orders (TPOs).
- 2.4 The former golf course is designated as a Prominent Area for Special Protection by virtue of Policy 28 of the Broxtowe Local Plan (2019). By virtue of the Aligned Core Strategy (2014), the site forms part of a Green Infrastructure corridor. Land immediately beyond the western site boundary is designated as Green Belt, land to the north west is an allocated housing site (east of Coventry Lane) and to the south west is the Bramcote school and leisure centre redevelopment area. Residential development (predominantly detached housing) is located to the north and south of the site. The Deddington Plantation is located to the east of the site and is protected by a group TPO. Beyond the plantation, and beside Thoresby Road, is a car park and small building which were associated with the former golf course use. Alexandria Plantation is located on the eastern side of Thoresby Road and this area is designated as a Local Wildlife Site and Local Nature Reserve.

## 3 Relevant Planning History

- 3.1 The pitch and putt golf course with green keepers cabin, toilets and car park was granted permission in 1977 (77/00316/FUL).
- 3.2 In 1981 (81/00090/FUL), permission was refused for a car park accessed from Deddington Lane for the golf course as there was no proven need for additional parking, it would detract from the appearance of the open area and adversely affect neighbour amenity.
- 3.3 Planning permission for a 14 foot (4.2m) high screen fence was granted in 1988 (88/00088/FUL).
- 3.4 Permission was refused in 1995 (95/00172/FUL) for an 8m high fence due to the size and position detracting from the open character and appearance of the prominent ridge and thus being detrimental to visual amenity.
- 3.5 In relation to the car park beside Thoresby Road (not part of the application site), in August 2009, planning permission for residential development (09/00470/OUT)

was refused due to a reduction of the open character of the site and the wider area and a detracting from the visual amenity of the Bramcote Ridge and Bramcote Hill, lack of an ecological assessment and tree survey and loss of the only car park for the golf course leading to pressure on surrounding roads for parking.

3.6 An application (09/00588/FUL) for a car wash with canopy on the Thoresby Road car park site was refused permission in 2009 as it would reduce the open character of the site and wider area and would detract from the visual amenity of the Bramcote Ridge and Bramcote Hills and the loss of the only car park for the golf course leading to pressure on surrounding roads for on-street parking. This decision was upheld at appeal as the Inspector agreed with the reasons for refusal.

3.7 An outline application (all matters reserved except access) for a continuing care retirement and specialist care community comprising up to 38 x 2 bed bungalows, 4 x 1 bed bungalows, 40 x 1 bed assisted care units and 18 x 1 bed flats together with specialist care/ancillary communal facilities with access from Deddington Lane was allowed on appeal in March 2017 (14/00677/OUT) (officer recommendation approval, committee refused).

#### 4 Relevant Policies and Guidance

##### 4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 16: Green Infrastructure, Parks and Open Spaces
- Policy 17: Biodiversity
- Policy 18: Infrastructure
- Policy 19: Developer Contributions

##### 4.2 **Part 2 Local Plan 2019:**

4.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- Policy 28: Green Infrastructure Assets
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

##### 4.3 **National Planning Policy Framework (NPPF) 2019:**

- 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 11 – Making effective use of land.
- Section 12 – Achieving well-designed places.

## 5 Consultations

- 5.1 **County Council as Lead Local Flood Authority:** no objection (to both original and amended scheme). Note that any surface water management conditions on the outline approval will still need to be satisfied.
- 5.2 **County Council as Highway Authority 26.2.20:** gradient of access road needs revising so is minimum of 1:20m. As the site will be private, internal levels are a matter for the Local Planning Authority (LPA) but the site access must not exceed 1:30 for the first 10m behind the highway boundary so the internal road will need to provide a suitable transition to/from it. The proposed level of off-street parking has not been justified but expect any demand that cannot be accommodated within designated areas will be absorbed elsewhere on site. Central island appears tight for refuse wagon to manoeuvre and insufficient space in front of plots 37 and 38 for such a vehicle to turn – further details required.
- Highways 27.8.20:** site access road shown to have gradient of 1:30 for first 10m, rising to no steeper than 1:20 which is acceptable. Tracking details for refuse wagon are acceptable (over-run of part of roundabout so this should be conditioned to remain hard bound for life of development). Note that two highway related conditions on outline have not been satisfied: condition 8 which requiring details of site road layout, visibility splays, Deddington Lane re-located bus stop, parking and turning facilities and condition 13 which requires details of wheel washing facilities. Advise any alterations to public transport infrastructure require consent and will need to be funded by S106 which also includes provision of pedestrian crossing on Thoresby Road.
- Highways 7.10.20 (in relation to condition of Deddington Lane and bridleway to west of site):** County's roads are continually monitored for defects but scale of network means there may be some time between inspections. Inspectors will be informed about condition of Deddington Lane and remedial works undertaken if necessary. Condition of bridleway matter for Countryside Access Team.
- 5.3 **County Council Rights of Way Officer:** No objections as both rights of way (RoW) (Beeston Footpath 31 runs to the north and Beeston Bridleway 30 to the west) fall outside the site. Advisory comments regarding development near RoW, including that consideration should be given to the trees proposed as part of the landscaping scheme to ensure RoW are not obstructed as the trees mature.
- ROW 8.10.20 (in relation to bridleway to west of site):** Moor Lane from house number 86 is unadopted highway so is maintained to a very different standard one would expect of a road. From house number 86, the track carries the status of bridleway which means that it can be used by people on foot, whilst riding or leading a horse and on a bicycle, although the surface is not maintained specifically for bicycles. There will also be people such as the residents who have a private right to drive along the bridleway. The maintenance liability of the authority is to ensure that the surface is fit for legal users - those on foot and horseback. This liability does not extend to making the surface suitable for private vehicular use. Numerous site visits been carried out and on each occasion, the surface has been fit for legal users. As such, no improvements are planned or have been scheduled. Another site visit will be accrued out to check the surface has not deteriorated.

- ROW 12.10.20 in relation to land to north of site:** strip of land between northern site boundary and south of public footpath is unregistered which means the land is owned by somebody who purchased it before it became compulsory to register land ownership with the Land Registry.
- 5.4 **County Council Policy team:** no comments.
- 5.5 **NHS Nottingham West CCG:** request a S106 contribution of £54,187.50 to be used to enhance capacity/infrastructure at existing local GP practices.
- 5.6 **Severn Trent Water Ltd:** No objection subject to condition requiring submission of drainage plans for disposal of surface water and foul sewage. Advise that a sewer modelling study may be required.
- 5.7 **Highways England:** no comments to make (consulted in error).
- 5.8 **Council's Park and Green Spaces Manager:** overall landscape concept acceptable just lacks some detail: post and rail fence insufficient as northern boundary treatment, footpaths need to be resin bound tarmac to prevent washout, tree, hedge and shrub species and locations need specifying, more trees should be planted and hedge and marginal plants planting density required.  
**Park and Green Spaces Manager 8.10.20:** Amended landscaping plans acceptable.
- 5.9 **Council's Environmental Health Officer:** no objection subject to gas prevention measures condition as site within 250m of a historic landfill site. Recommend note to applicant regarding construction hours and no burning of waste on site.
- 5.10 **Council's Tree Officer:** no objection as all plots appear to be outside of root protection areas of protected trees.  
**Tree Officer 8.10.20:** all TPO, RPA and protective measures shown. Trees to north all advanced in years, swamped in ivy and majority are ash and sycamore. NCC maintain footpath as ROW and BBC undertake work on their behalf. Ash trees are under increasing threat from ash dieback disease with 80% of ash trees across Britain expected to be lost.
- 5.11 **Council's Housing Services & Strategy Manager:** Notes affordable housing contribution of £290,000 secured at outline. Proposal supports key strategic themes of housing strategy 'special and supported housing need'.
- 5.12 **Council's Environment Technician:** developer to purchase bins unless private refuse contractor to be used. Site access road must be to an adoptable standard and be built to accommodate refuse vehicles. Bin provision and bin stores shown for development are sufficient - dropped kerbs needed and bins should be not more than 10m from the collection point.
- 5.13 **Nottinghamshire Wildlife Trust (NWT): 24.2.20** recommend an updated Ecological Impact Assessment is submitted as those submitted to support the 2014 application are out of date. Welcome proposals for landscaping site and suggest additional features could be used e.g. built in bat and bird boxes, green roofs and walls etc, as well as use of all native species for areas outside gardens.

Recommend biodiversity impact of development is calculated. Proposals for future management of habitats created on site and within the land to the east should be submitted and a Biodiversity Management Plan condition is recommended to secure this. A Construction Environmental Management Plan (CEMP) condition is also recommended to ensure protection of nesting birds and other wildlife during the construction phase.

**NWT 15.5.20** reiterate request for updated ecological survey.

**NWT 22.6.20** welcome updated phase 1 habitat and preliminary protected species survey. Scrub clearance and felling work should be undertaken outside the bird breeding season. If this is not possible, suitable habitat for nesting birds should be checked by ecologist prior to works. Retained trees should be protected from damage and soil compaction during works. Given loss of 15m length of hedgerow to create access, recommend use of biodiversity metric. Reiterate comments re CEMP.

5.14 Bramcote Neighbourhood Forum discussed the application at a meeting on 26.2.20 attended by 31 members of the forum and made the following comments:

- Three storey buildings will block light into Wembley Gardens; visual intrusion during winter when tree leaves lost; night time lighting of upper storeys will cause nuisance for neighbours – to mitigate impact, existing trees should be maintained and gaps in hedgerow beside bridlepath should be infilled.
- Local drainage infrastructure already unable to cope with heavy rainfall and extreme weather events (EWEs) are increasingly likely due to climate change. Dedddinton Lane drains overwhelmed during heavy rainfall and clay soil not suitable for accommodating excess surface water. Sustainable Urban Drainage Strategy should be designed to accommodate EWEs.
- Long term management of eastern open space should be responsibility of freeholder or the Borough Council (acknowledge impact on funding).
- Development should be wildlife porous by ensuring fencing passable and existing TPOs should be honoured.
- Applicant should be required to ensure landscaping restores/replaces north and west boundary hawthorn hedge
- Flat roofed buildings should have green roofs to help manage rainfall and mitigate greenhouse gas emissions. Moss should be considered as surface vegetation.

5.15 Bramcote Hills Association object (18.2.20) to the application due to the impact on the character and appearance of the area, including Bramcote Ridge. When granting outline permission, the Inspector acknowledged some harm would be caused but that this could be minimised by ensuring the development height was kept very low. The illustrative outline plan featured bungalows – the submitted plans are not in the spirit of this and show two three storey buildings, with the extra care building having a significant roof profile which effectively creates a four storey block. This will impact on views of the ridge, is out of character with two storey properties and is significant invasion of privacy for Wembley Gardens residents.

5.16 144 residents/those who wrote in about the outline application were consulted, two site notices were displayed and a press advert was used. 81 responses were received to the initial consultation (carried out in February 2020) of which 61 were objections, 5 were in support, 1 was in support and had no objection, 12 made

observations and 2 were objections and observations. The comments made can be summarised as follows:

### **Amenity**

- Loss of open space in built-up area
- Sense of enclosure (given height and proximity of buildings, particularly extra care building)
- Extra care building overbearing due to proximity to neighbours to north
- Loss of privacy and light
- Noise, light pollution (from buildings and street lights – should be sensor operated), traffic pollution, odours and disturbance (currently peaceful area) – during construction and once complete (24/7 site)
- Adverse impact of dust on health
- Road and decking will be at same level as first floor bedrooms on Gateford Close causing loss of privacy
- Ground floor and path to rear of extra care building will be at same level as first floor windows on Wembley Gardens – trees will not provide sufficient screen for upper floors and lose leaves in winter
- More landscaping needed, closer to development than neighbouring properties to provide privacy and prevent overshadowing of neighbours from trees
- Extra care building too close to neighbours and windows in north elevation should be designed to avoid overlooking. Viewing platform/balcony should be omitted.
- Development shows no consideration for existing residents
- Open spaces needed for mental wellbeing

### **Design**

- Does not fit in with existing dwellings – blot on landscape, dominating skyline
- Buildings too large and too high and do not respect Inspector's decision which refers to keeping height of buildings 'very low'
- Only one building shown as two storeys high at outline
- Extra care building could be relocated (beside bridleway to west) to lessen impact on neighbours to north
- Only single storey buildings should be built
- Independent living building should be built on car park beside Thoresby Road
- Northern end of independent living building should have flat roof
- Site constraints and opportunities inadequately considered – design lacks thought
- No illustration to adequately demonstrate impact on properties to north
- Site should be secure to prevent neighbours being broken into, motorbikes accessing open space and anti-social behaviour occurring on open space
- Density too high
- Sustainability of development queried e.g. lack of solar panels, rainwater harvesting, insulation etc
- Drawings exaggerate extent of trees – tree cover intermittent and trees are old). Trees will take time to grow.
- Plans misleading and do not show extent of slope
- Materials not in keeping with area
- Gabion wall at entrance will be significant change to greenery

- Development fits well onto site

**Designations**

- Destruction protected green space – need preserve open space and natural habitats given climate change
- Open character of Bramcote Ridge will be significantly impacted by height of two three storey buildings.

**Ecology**

- Habitat impact assessment needed
- Detailed wildlife survey needed – bats and badgers observed on site
- Site become wildlife haven since appeal decision made
- Loss of wildlife
- Boundaries should be permeable e.g. hawthorn hedge, for wildlife passage
- Maintenance of existing trees to north queried as ivy growing on them
- Buffers inadequate as too narrow and open green pathways – should be wider with more planting
- Moss walls could be used
- Site part of wildlife corridor
- More trees should be planted and smaller trees retained
- Water features should be included
- Maintenance arrangements for landscaping (proposed and existing) queried
- Protection for flora and fauna queried
- Development should promote nature
- Inspector used muddled wording when referring to wildlife corridor - landscaped buffer will not be ‘wild’ and will restrict wildlife movement
- Trees beside Deddington Lane/Eastcote Avenue should be protected to maintain wildlife corridor

**Flooding/drainage**

- Development will cause additional surface water run-off which will flood properties to north as they are at the bottom of the hill and gardens already saturated during winter months
- Hard surfacing will mean less capacity to absorb rainfall, particularly given clay soil
- Deddington Lane drains unable to cope currently – site access road will cause additional flooding on Rivergreen Crescent where water currently collects
- High water table in area
- Future capacity of any Sustainable Urban Drainage scheme of concern given climate change
- No details of drainage proposals, including maintenance arrangements
- Effect on local roads needs consideration when drainage scheme considered
- Local authority should not accept threat of flooding to northern properties
- Already sewage and surface water flooding problems in area, including Eastcote Avenue. Severn Trent unable to find cause of flooding.
- Car parks/paths should have porous surface
- SUDs will cause health implications – increase in mosquitos
- Queried amount of rainfall pond has been designed to accommodate – concern about overtopping. Excavated material could be used to make bank on northern boundary

- Queried who is responsible if neighbouring properties flood due to inadequate drainage of development

**Highways**

- Additional traffic (during construction and once complete) cannot be accommodated on Deddington Lane and other nearby roads
- Deddington Lane very busy and will be difficult for elderly to cross safely  
Proposed access too close to Rivergreen Crescent
- Access point has insufficient visibility
- Deddington Lane needs to be resurfaced as buses cause potholes
- Queried how it will be ensured Deddington Lane fit for extra traffic
- Vehicles accessing site will cause safety issues for users of Deddington Lane
- Mud, rubbish and rubble falling from construction vehicles onto Deddington Lane
- Roads in area not built to take current levels of traffic
- Site should be accessed from Thoresby Road or Moor Lane
- Deddington Lane access should be shortened to leave more land as open space
- Access road should have hedge planted beside it to reduce pollution
- Access road too narrow
- Sustainable transport options for proposed residents queried
- Insufficient parking on site
- Parking on Deddington Lane will reduce visibility at junctions
- No pedestrian or vehicle access should be created from Moor Lane due to poor state of this road
- Proposed footpath link to Moor Lane will provide good access for pedestrians
- Moor Lane and Beeston Bridleway 30 are in poor state of repair (need repairing) and changes to street lighting have made Moor Lane darker. Council/ROW/applicant should fund proper re-surfacing of this bridleway and access for vehicles should be limited to 5 houses at northern end (concern cars and taxis will drop visitors off by proposed footpath access to west of site).
- Footpath should be on northern side of access road so shorter distance for elderly to walk to main complex

**Infrastructure**

- Extra demand on G.P. and dental services
- Developer should be made to have village hall, community centre or green space accessible to all
- Number of incidents already occur at existing shops due to inadequate parking – more customers will cause more problems

**Landscape**

- Loss of landmark (tree covered hill) viewable from M1
- Loss of open space for existing residents
- Semi-rural aspect to be lost

**Site characteristics**

- Isolated and steep site not suitable for retirement complex
- North facing slope will be icy and unsafe in winter

**Other issues**

- Plans to build on nearby school playing fields

- Application does not comply with Inspector's decision – 20m wildlife corridor should be around entire site
- Need for development questioned
- Asbestos should not be used on site
- More suitable locations for development
- Proposal for profit rather than community
- Loss of sunlight to solar panels on neighbouring houses to north
- Residents will be unable to use stairs so will be dependent on lifts, slowing down fire evacuation
- Proposals (including management arrangements and derelict building and car park on Thoresby Road) for open space to east queried
- No need for retail unit – will more retail units on site follow?
- Money making opportunity for the Council
- No development should occur within 15m of Moor Lane rock face due to its historical importance
- Site visit should be undertaken by committee before decision made
- Consultation inadequate as letters only sent to those in close proximity to site
- Since appeal decision, Broxtowe now has five year housing supply
- Labels on plans of lower ground floor, ground floor and first floor misleading – should be ground, first and second floor
- Commitment to development queried as site been for sale for several years
- Plans welcomed as many residents will be able to relocate within their area to more appropriate housing
- CCTV should be provided beside western boundary footpath link to monitor stray residents
- Land been derelict for many years and needs redeveloping
- Application generally well thought out
- Makes ideal and efficient use of unused land - shortfall in safe, energy efficient, easily maintained housing for elderly. Will potentially free up 100 3, 4 and 5 bedroom houses for younger people.
- Housing pressure has already eroded Green Belt – this proposal helps reduce pressure on such land.
- Remaining portion of former golf course is hilly and wooded and could be used by community as green space.

5.17 In relation to amended plans, re-consultation was carried out in August 2020, giving 21 days for comments and all those initially consulted were sent letters/emails, as were those who had commented on the application. Six site notices were posted around the site. 35 representations were received of which 30 were objections, 2 were in support, 1 was in support/no objection and 2 made observations. Additional comments to those above can be summarised as follows:

- Amendments have not gone far enough - very little has changed
- Previous objections remain
- Minor improvement due to reduction in height and number of rooms in north side of extra care building but no change to the ridge height
- Concerns made worse
- Buildings out of scale with residential properties and contrary to Policy 10 of the ACS (2014)

- Addition of two storey flats beside the northern boundary has increased the density of development and adds to sense of enclosure and loss of privacy for neighbours. Flat roof design at odds with local vernacular, as is lack of space between the flats (semi-detached houses with space to park two cars between houses).
- Three storey elements have not been removed from northern elevation of extra care building – effectively still 3/4 storey building
- Buildings will still cause loss of privacy and sense of enclosure
- Extra care building should be 4m lower with no northern windows
- Sections not true representation of neighbouring building heights
- Glass atrium in extra care building two storeys in height, will cause overlooking and light pollution and is not high quality design required by Local Plan
- Oriel windows will have limited impact in reducing overlooking and bedroom windows will still overlook
- Additional view from Wembley Gardens submitted not true representation of impact
- Reasons for not re-locating extra care building to beside western boundary are disputed: 1) agent stated most important building should be first one come to – first building see on site is independent living building 2) agent stated buildings follow contours of site to reduce earth moving/excavation – cost and time saving issue and should not be considered 3) agent stated building would cut across topography and compromise views from open countryside (from footpath off Moor Lane) – view from one specific location being more important than residential amenity is questionable and vegetation to west is denser.
- Planting up the gap to the rear of Gateford Close will block sunlight for residents
- Planting is needed to fill gap beside Gateford Close
- Approximately 120 residents and at least 30 staff will cause traffic problems, in addition to Coventry Lane development (300 houses)
- Flooding occurred on land to north of site in June 2020 (affecting 35 properties) – development will exacerbate problems. Severn Trent should ensure development does not impact on sewer system in any way.
- Councils and developers should be responsible for paying compensation if neighbours flood
- Request confirmation eastern land will not be developed and will be retained as parkland
- Will be an asset
- Encouraged by inclusion of solar panels which should be conditioned
- Development needs to proceed, trees provide suitable cover/can be strengthened with additional planting – site insecure and being used by teenagers for social gatherings
- No thought goes into using brownfield sites rather than green spaces
- Development contrary to local plan policies given impact on neighbours
- Flooding and wildlife surveys done on behalf of applicant so biased
- Owls and bats and other wildlife nest on site – not been properly assessed
- Vital area during pandemic for outdoor access
- Independent living building should be single storey only or located on lower part of site

- Not NIMBYism – development bad for environment
- Queried whether developer looked into building on Bramcote school site instead
- Queried whether applicant has researched need for development, how it will run and from where social care staff will be recruited
- Was advised in 1976 that golf course not suitable for building on
- No intention for specialist care facility to be built - if application approved, an application to build private housing on the site will be proposed
- Planning expert advises Inspector's comments about 'very low development' should be adhered to
- Location of construction access queried.

5.18 In relation to amended plans and additional information submitted in October 2020, a 7 day re-consultation occurred and six site notices were posted around the site. 11 representations were received, nine raising objections, one making observations about the lack of ownership of trees to the north of the site and one supporting the proposal, raising no objection and making an observation that there is a transformer not shown on the plans to the north west corner of the site. The objections raised can be summarised as follows:

- Previous concerns remain
- Increase in traffic on Deddington Lane unacceptable for existing residents – Council tax rebate needed and total resurfacing of road
- Queried what will happen to TPO trees/protection measures
- Damage to wildlife from construction workers and their vehicles
- Inappropriate development and will undermine vital green space
- Land beside northern boundary unregistered so dependent on goodwill of Councils to maintain trees. Not sufficient boundary as no-one is responsible for maintenance of trees which are old, many are ash and covered in ivy. Once they die, will leave development exposed.
- Extra care building not dug into landscape sufficiently and will dominate Wembley Gardens
- Location of extra care building driven by cost
- Sensor lighting a concern as will come on at all times of night when birds or animals set it off
- Drainage plans show no understanding of local geology – site is sandy soil over sandstone, changing to heavy clay outside site on boundary of Wembley Gardens and Gateford Close – this change is not recognised in drainage plans discussion
- Dispute that local storm water drainage adequate given recent flooding
- Photographs do not show real impact of elevated and dense development from Wembley Gardens and are misleading as trees in full leaf
- Gaps in tree cover on northern boundary will give clear views into properties to the north
- Submitted views from footpath to north of site not based on reality of design and contradict section E-E
- Sense of enclosure, loss of light and privacy for Wembley Gardens residents.

5.19 Bramcote Hills Community Association (29.10.20) - request that the proposed open space to the east of the site is implemented as part of the approval process for the

development. Paths which enable disabled access should be provided. The car park and kiosk on Thoresby Road should be removed and returned to 'nature' as they have been used for drug dealing. Finance should be included in the public open space arrangement to ensure the open space is maintained in the future. The suitability of the site for a retirement and specialist care community is questioned as it is hilly. The uphill access is long and winding, unsuitable for the elderly and will leave them feeling isolated. Public transport needs to be implemented.

6 Assessment

6.1 The main issues for consideration are the impact of the proposed development on neighbour amenity, flooding/drainage and ecology and whether the design is acceptable.

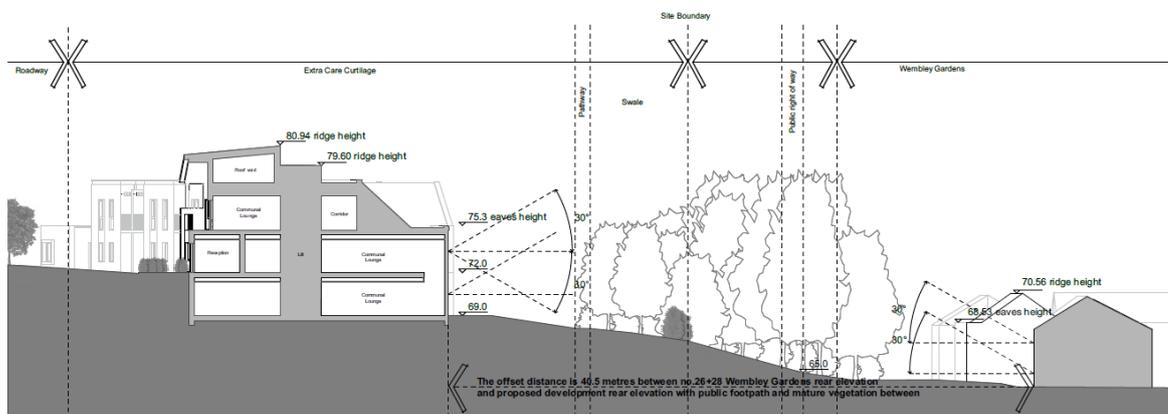
6.2 **Principle**

6.2.1 The principle of developing the site for a retirement and specialist care community, with ancillary facilities (including retail) and access from Deddington Lane, was established by the appeal being allowed for the outline permission (14/00677/OUT). Accordingly, the main considerations with this reserved matters application are the design of the scheme and the impact on residential amenity.

6.3 **Amenity**

6.3.1 The proposed site slopes significantly with the land rising up by 9m from the northern boundary (beside Wembley Gardens and Gateford Close) to the southern boundary (adjoining Balmoral Drive and Ranmore Close). Properties to the north are located at a lower level than the northern site boundary as the land continues to slope down in a northerly direction beyond the boundary and ROW. Residents to the north are concerned about loss of privacy and light and the development being overbearing/causing a sense of enclosure, particularly given the higher level of the site meaning the lower ground floor of the extra care building will be located above the eaves height of the Wembley Gardens properties (see section below). It is recognised that the trees on the northern boundary are deciduous so will be without leaf for a number of months (and are predominantly beyond the site boundary) and that the extra care building is of substantial size, being over 90m wide and two/three storeys high (split level).

**Section E-E through extra care building and Wembley Gardens**

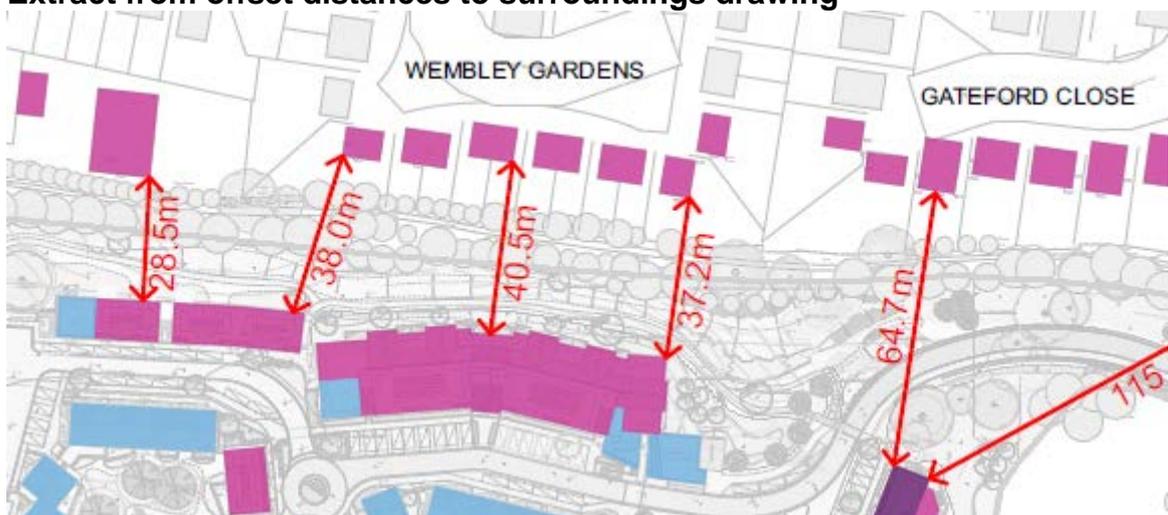


Section E-E

6.3.2 The extra care building is angled to the south east and south west from the central part of the building and is composed of various elements which create recesses and together, this helps to break up the mass of the building. During the course of the application, the height of the northern elevation of the extra care building has been reduced by 3.3m to 9.5m (a floor has been omitted from this part of the building) to create a two storey building to the north (lower ground and ground floor) and a three storey building (includes first floor) to the south. There has been a reduction in the size of bedroom windows in the ground floor of the north elevation (the lower ground floor openings remain as originally proposed), juliet balconies and a viewing platform have been omitted and oriel windows have been incorporated to serve living rooms.

6.3.3 There are some trees and hedging on the northern site boundary, a strip of unregistered land (owner unknown) beyond the site boundary containing more trees (mainly ash and sycamore with ivy growing around many trees), a public right of way beyond this, vegetation and then the rear fenced boundaries of the Wembley Gardens properties. The rear gardens of these dwellings are relatively short at between 10.4m and 13.9m.

**Extract from offset distances to surroundings drawing**



6.3.4 The lower ground floor level of the proposed building will be some 5m above the ground floor level of the Wembley Gardens dwellings. As shown above, the extra care building will be located over 37m away from the rear elevation of the closest property on Wembley Gardens (number 37). Some additional tree planting is shown beside the north boundary and also to the immediate north of the extra care building. The additional planting on the northern site boundary will be conditioned to occur in the first planting season following commencement of development to ensure this occurs as soon as possible. Given the separation distance, intervening footpath, the amendments made to the windows, the reduction in height of the building and the vegetated boundary, this relationship is considered to be acceptable.

6.3.5 Concern has been raised about the extra care building being illuminated at night, particularly from the central glazed atrium. The applicant has advised that the lighting will be controlled by PIR motion and daylight sensors so the lights will only be in operation when the space is in use. Automated blinds are proposed to the northern elevation of the atrium glazing, linked to daylight sensors, which will

- minimise light spill. Some level of lighting is to be expected given the nature of the development. It is considered this will not cause significant harm to neighbour amenity given the separation distances involved.
- 6.3.6 The access road will be at a higher level than Deddington Lane (approximately 3m) and Gateford Close/Eastcote Avenue (5-6m higher) but additional planting is proposed adjacent to it and given the separation distance (over 30m), it is considered the potential for overlooking and potential for pollution will not be so significant as to warrant refusal of the reserved matters. Decking originally proposed beside the pond has been omitted.
- 6.3.7 As a result of the amendments made to the extra care building, two storey buildings accommodating flats (with one attached bungalow to the west) are now proposed to the west of this building – bungalows were originally proposed in this location. These two buildings will have a total height of 6.5m and will have first floor oriel windows in their northern elevations and obscurely glazed roof lights (as well as first floor windows for the stairwell). The ground floor of these buildings will be located at a similar level to the eaves height of 92 Moor Lane and 20 Wembley Gardens and the buildings will be located 28.5m and 38m away from these houses respectively. Given these separation distances and the intervening footpath and vegetation, this relationship is considered to be acceptable, subject to conditioning the obscure glazing of the first floor windows.
- 6.3.8 The independent living building will have three storeys of accommodation and will include some balconies to the south. It will be located at a higher level than the properties beyond the northern site boundary but as it will be located over 64m from the nearest house on Gateford Close, it is considered this relationship is acceptable particularly as the gap in the northern boundary is proposed to be planted. This building will be visible from Balmoral Drive but there is a separation distance between its southern elevation and the rear elevation of the nearest house on Balmoral Drive of 57m. Given the site is at a lower level than the properties on Balmoral Drive and Ranmore Close to the south and as bungalows are predominantly located beside the southern boundary and are located a minimum of 28m away from the nearest house, it is considered the development will have no significant impact on the amenity of the residents to the south.
- 6.3.9 Some disruption during construction is an inevitable part of any development. No construction hours condition was imposed on the outline permission. However, the Inspector noted that the Council could request details about construction activity/work at the reserved matters stage (paragraph 32) and given the proximity of the site to dwellings, a Construction Method Statement will be conditioned, to include construction hours. If there are issues with odours, noise etc once the buildings are operational, that would be a matter for Environmental Health but given the separation distances involved, such matters are considered to not be significant.
- 6.3.10 The development will result in the loss of an open, undeveloped site. This has been agreed by the grant of outline permission. However, despite the fact it has been used as a such, the site is not a public open space – it is private land. Landscaped buffers will be provided to the north and south of the development so the development will have ‘green’ edges. In addition, the land to the east of the

application site will be opened up for public access. It is considered this is a significant benefit of the development as it will provide access to a significant area of currently private land.

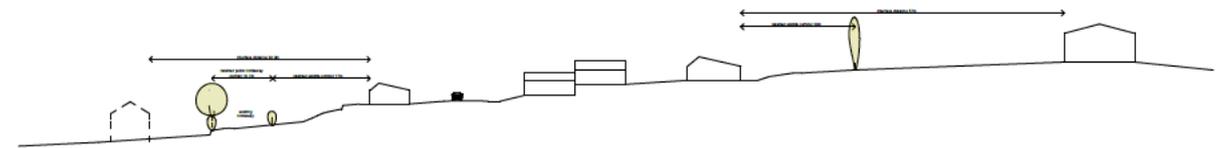
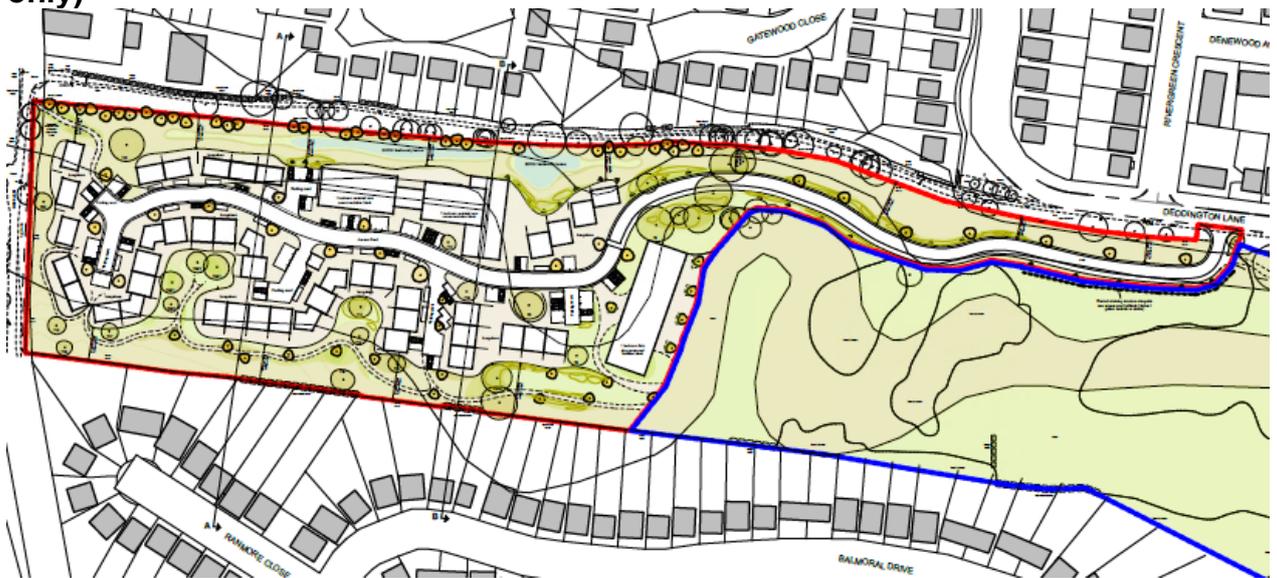
- 6.3.11 Rooms in the independent living and extra care buildings are considered to be of sufficient size and the landscaping proposed will provide an attractive outlook from these buildings. The bungalows are considered to be of sufficient internal size and all have a private rear patio with communal soft landscaping beyond.
- 6.3.12 Varying degrees of care would be provided (although some residents may need no care) and occupation is restricted to over 55's. Concern has been expressed that the site is not a suitable location for accommodation for the elderly due to the sloping nature of the site and the potential for ice to cause hazard, particularly on the path beside the northern access road. Also, concern has been expressed that there are three storey buildings on site and residents will be dependent on lift access. The development will have to comply with the Building Regulations in regards to levels of buildings/footpaths and it is considered the development will therefore be safe for the proposed occupants in terms of levels. The potential for ice exists but this is considered to carry no significant weight and can be managed by the on-site staff. The development will have to comply with the relevant fire and safety legislation.
- 6.3.13 To conclude on amenity, it is considered the proposed development will have no significant impact on neighbouring residential amenity and that the proposed residents will have a satisfactory standard of amenity.

#### 6.4 Design

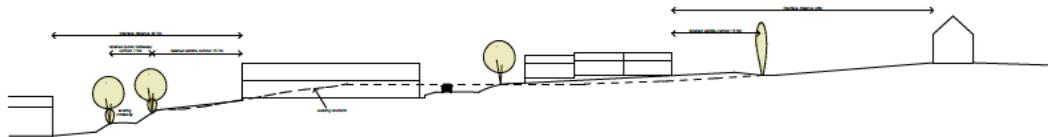
- 6.4.1 Section 12 of the NPPF advises that a fundamental aim of the planning process should be to create high quality buildings and places. Policy 17 of the Local Plan states that development should create a place with a locally inspired or otherwise distinctive character. Policy 10 of Aligned Core Strategy states that new development should make a positive contribution to sense of place and create an attractive environment.
- 6.4.2 The site is self-contained with mature vegetation on the northern, southern and western site boundaries so it is considered that a standalone design is acceptable. As detailed above the extra care and independent living buildings will be split level two/three storeys, three buildings containing flats will be two storey and the remainder of the buildings on site will be bungalows (single storey). The taller buildings will generally be located on the lower parts of the site. The extra care building is slightly angled to both sides and has various elements including gables and flat roofed elements, balconies to the south and a single storey element to the east which add interest and help to break up the mass of the building. The independent living building has a more uniform footprint shape (basically rectangular) with a mansard roof and the two storey flat buildings are reflective of this design. All the bungalows (except the one attached to the flats) will have a gable roof, with the majority having a mono pitched canopy over the front door. There will be several communal landscaped areas across the site. TPO trees have been retained which will help give the landscaping an instant maturity. The design of the buildings, together with the proposed landscaping, is considered to achieve a good standard of design.

- 6.4.3 All buildings will be mainly red brick (some bungalows will be buff brick) which will be in keeping with the materials of the locality. Fibre cement timber rainscreen cladding and zinc (anthracite) horizontal wall cladding will also be used and mansard roofs will be zinc with fibre cement blue/black tiles on the main pitched roof elements. Such materials are considered to reflect the contemporary design of the buildings and the use of dark fibre cement tiles will help lessen the visual prominence of the buildings and be reflective of other such roofing material used in the locality.
- 6.4.4 The development incorporates sustainable design. A 'fabric first' approach is proposed which means the buildings will be highly insulated. Eight Electric Vehicle Charging (EVC) points are proposed on site (four each beside the extra care and independent living buildings). Solar panels are proposed on the roofs of the three larger buildings on the site and a green roof is proposed above the retail unit, adjoining the eastern elevation of the extra care building. Such measures are supported and their provision will be conditioned.
- 6.4.5 A gabion wall is proposed at the entrance to the site in order to retain the land and facilitate the provision of the access to the development. This is proposed to form a slope and there will be planting at the base of the wall and the land above will be planted to include a hedge. Given vegetation removal, this will be quite a stark change to the appearance from Deddington Lane but overtime as the landscaping matures, the visual impact will diminish and the appearance of the access and gabion wall will be softened.
- 6.4.6 In terms of the adequacy/accuracy of the plans submitted, various sections have been provided and 'views' of the development. Such information is considered to be sufficient to enable an assessment of the proposal. The number of existing trees to the north of the proposed pond has been amended on the revised plans. The height/size of trees shown on the proposed sections gives an indication of possible height but it should be considered trees may die and also a significant number of the trees are beyond the northern site boundary so outside the applicant's control.
- 6.4.7 The density of the proposed development is 30 dwellings per hectare which is considered to be acceptable given the inclusion of 31 bungalows, the constraints of the TPO trees and the sloping nature of the site. 100 dwellings were agreed to be acceptable on site at the outline stage.
- 6.4.8 Only indicative plans were submitted at outline but they did show larger buildings in similar locations to the extra care and independent living buildings now proposed:

Site overview plan and site sections submitted with 14/00677/OUT (Indicative only)



Section A - A 1:500 @ A2



Section B - B 1:500 @ A2

THIS DRAWING SHOULD NOT BE  
**Halsall Lloyd**  
 ARCHITECTS 4  
 Liverpool D151 708 8844 Nottingham D1  
 Client  
 Champions Gate Ltd  
 Site  
 Bramcote Hills Golf Course  
 Retirement Village Concept  
 This drawing is protected by the copyright laws of the United Kingdom.

The Inspector had sight of this plan when making his decision and stated: *I have taken these plans into account in so far as forming a judgement as to whether or not in principle it would be possible to develop the site without causing significant harm in planning terms* (paragraph 11). He went on to state that *the development would cause some environmental harm to the open character and function of the appeal site. However, subject to careful consideration of the design issues at reserved matters stage (including low roof heights for the buildings) and the inclusion of significant landscape/biodiversity buffers around the boundaries of the site, I do not consider the overall harm to the green corridor would be significant* (paragraph 22).

6.4.9 The Inspector considered the impact on the character and appearance of the area/Bramcote Ridge at outline stage, particularly with regard to the Landscape and Visual Impact Assessment which the Council had commissioned. This LVIA concluded the effect on Bramcote Ridge would be moderate in the early years but after 15 years would reduce to a minor impact. It is considered the impact of the development as shown on the detailed building and landscaping plans now submitted would be no different. As the proposed landscaping matures, this will assist in screening and assimilating the development within the wider area. The visual impact of the development on the Prominent Area for Special Protection is therefore considered to be acceptable.

6.4.10 To conclude on design, the proposed development will have a standalone design of good quality which will have some short term impact on the character and appearance of the area but once landscaping on site matures, will have a negligible impact.

## 6.5 **Flooding/drainage**

6.5.1 The application site falls entirely within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding) so is at the lowest risk of flooding. A Flood Risk Assessment (FRA) was submitted with the outline application (dated November 2014) which identified and assessed the risks from all forms of flooding to and from the development and demonstrated how these flood risks would be managed. It identified that the site was at a medium to high risk of surface water flooding for small areas of the site.

6.5.2 As the site is greenfield, drainage of the site will have to mimic the greenfield run-off rates. The surface water drainage system is required to be designed to accommodate a 1 in 100 year event plus an allowance for climate change (30%) on site. It is proposed that surface water will be drained using a sustainable urban drainage system including attenuation tanks, swales and an attenuation pond (as shown to the north) which will store the water temporarily on site and release it slowly at the agreed discharge (greenfield) rate. Other than the pond, these features will be designed to fully empty over a period of time and to remain dry between major storm events. Prior to development commencing, ground conditions will be investigated to establish if infiltration drainage (e.g. soakaways) can be used.

6.5.3 A number of residents have raised concern about the impact of the development on flooding as there has been recent flooding in the area to the north of the site. The impact of flooding is understandably very distressing for those affected.

6.5.4 The Inspector imposed a condition (number 10) on the outline permission requiring the submission of a surface water drainage scheme (including future maintenance arrangements) prior to development commencing. It is considered this condition will secure an appropriate drainage scheme as the County Council as Lead Local Flood Authority would be consulted on any scheme submitted. Likewise, a condition (number 12) was imposed on the outline permission relating to foul drainage and Severn Trent Water Ltd would be consulted on any scheme submitted. The LLFA and Severn Trent Water Ltd have not objected to the reserved matters submission.

6.5.5 Concern has been raised that the access road will cause flooding. Condition 8 of the outline requires detailed drawings of the site access and these details will need the agreement of the County Council as highway authority and will include appropriate drainage measures.

6.5.6 Mosquitos associated with the pond have been raised as a concern. To survive, mosquitos need a relatively constant water level but as the proposed pond will be parts of the SUDs system, it is unlikely to contain stagnant water due to its constant use. Having a wet pond on site will also be beneficial to wildlife.

6.5.7 Given the drainage conditions on the outline permission, it is considered that the development would be compliant with the requirements of the NPPF and Policy 1 of the ACS and BLP in relation to flood risk.

## 6.6 Ecology

6.6.1 The site forms part of a Green Infrastructure corridor extending east and west. 15m wide landscaped buffers have been included to the north and south of the buildings on site. These are required to be provided by condition 9 of the outline permission and together with the existing boundary vegetation, will ensure a green corridor is maintained across the site. A significant number of trees will be planted on the site. All the TPO trees on the site are to be retained and the Tree Officer has no objection to the proposed development so it is considered the buildings are sufficient distance from the retained trees to ensure they are not adversely affected. Bat and bird boxes are proposed on the site, some to be located on retained trees and some on the buildings. Bat bricks will be incorporated within the buildings. The provision of bat boxes is conditioned on the outline (condition 14) and the bird boxes will be subject to a condition. No moss walls are proposed but a green roof is proposed above the retail unit within the extra care building.

6.6.2 Existing boundary vegetation will be retained and supplemented where necessary. A new hedgerow will be planted on the northern and part of the southern boundary (including hawthorn in the mix of plant species proposed). A weldmesh fence is also proposed on the northern and western site boundaries which will allow for some movement of wildlife. The trees on and beyond the northern boundary are predominantly a mixture of ash and sycamore, advanced in years and are significantly affected by ivy growth. The trees beyond the site boundary are growing on an unregistered strip of land (owner unknown). However, there is vegetation on the site and together with the additional planting proposed, it is considered an appropriate vegetated boundary can be maintained.

6.6.3 An updated Phase 1 habitat and preliminary protected species survey has been submitted with the reserved matters application (June 2020) which confirms the site is dominated by poor semi-improved grassland. The central area of scrub (bramble, gorse, broom, oak and silver birch saplings) had increased in extent since the June 2014 survey submitted with the outline application and more oak saplings were noted, predominantly to the west of the site. Potential habitats for protected species were noted to remain unchanged from 2014 although the increase in scrub provides some additional habitat for nesting birds. No evidence of protected species was observed; however, a mammal pathway was noted in the central part of the site, likely used by urban/suburban mammals including household pets. The updated report concludes that the recommendations of the 2014 report are considered to remain valid.

6.6.4 The development will result in the loss of some of the semi-improved grassland but this is considered to have low conservation value as it is species poor and the loss will be mitigated by the provision of gardens and hedge and tree planting. The updated report recommends that vegetation removal is undertaken so as to avoid the bird nesting season, boundary vegetation be retained and retained trees be protected during construction works.

- 6.6.5 NWT recommend the biodiversity impact of development is calculated. Policy 31 of the Part 2 Local Plan states that developments should seek to deliver a net gain in biodiversity and a number of different habitats will be created on site e.g. wildflower meadow, pond (with marginal planting), hedgerows (including hawthorn), and trees. NWT also advise that proposals for future management of habitats created on site and within the land to the east should be submitted and a Biodiversity Management Plan condition is recommended to secure this. The S106 agreement associated with the outline permission requires management plans for the open space on site (private) and the open space to the east of the site (public) to be submitted before practical completion of the first unit of accommodation on the site so such a condition is considered unnecessary. NWT recommend a Construction Environmental Management Plan condition to ensure protection of nesting birds and other wildlife during the construction phase. Condition 16 of the outline permission requires site clearance to be undertaken in the presence of an ecologist and if any reptiles or protected species are found, work has to cease until mitigation measures have been approved. It is considered this condition provides sufficient protection for wildlife on site during construction.
- 6.6.6 There has been no significant change to the site characteristics since the outline permission was granted by the Inspector as confirmed by the updated Phase 1 report. The 15m wide buffers to the north and south of the site will enable connectivity for fauna and flora along the Green Infrastructure corridor extending beyond the site to the east and west.
- 6.7 Highway matters**
- 6.7.1 Vehicular access to the site will be taken from Deddington Lane and this was agreed as part of the outline application (taking access from Thoresby Road or the bridleway to the west has therefore not been requested). County Highways have no objection to the proposed access, including the visibility splays. The amount of traffic likely to be generated by the development and the capacity of the local network was also considered at the outline stage and deemed to be acceptable. Condition 13 of the outline permission requires wheel washing facilities to be provided on site so this should help to minimise the potential for mud, dirt and other debris on the roads. A condition requiring the on-site mini roundabout to be retained as a hard bound surface will be used to ensure larger vehicles can manoeuvre this feature.
- 6.7.2 75 parking spaces are proposed across the site. The extra care and independent living buildings include cycle stores for those members of staff who may cycle to work. The site is within walking distance of bus stops on Deddington Lane and Thoresby Road. This level of parking provision is considered to be sufficient.
- 6.7.3 A footpath link to the west is proposed. The bridleway to the west of the site is not for County highways to maintain – it is maintained as bridleway by the Countryside Access team. No vehicular access is proposed from the west so it is unreasonable to expect the developer to contribute to maintenance of this bridleway. In terms of the condition of Deddington Lane, the County Council is the authority responsible and they continually monitor the network for defects.
- 6.7.4 To conclude on highway matters, the access position was agreed at outline and the level of parking proposed is considered to be sufficient.

**6.8 S106**

- 6.8.1 The capacity of existing infrastructure including roads, doctors etc. was taken into account when the outline permission was granted and S106 contributions sought where reasonable and necessary. A contribution of £290,000 towards off-site affordable housing and £99,000 towards the provision of two bus shelters on Deddington Lane and a pedestrian crossing on Thoresby Road were secured.
- 6.8.2 Land to the immediate east of the site, known as Deddington Plantation, is to be opened up for public access with various improvements e.g. provision of seating, bins, surfaced footpaths, tree planting etc proposed. It is intended to retain the Thoresby Road car park but to demolish the building located beside the car park. The details of these improvements and a long term management plan for the area are secured by the S106. A management plan for the on-site landscaping is also secured by the S106.
- 6.8.3 Occupation of the development is restricted through the S106 to those aged 55 or over who have entered into a care package (or a surviving partner of such an occupant).
- 6.8.4 A viability review is required to be carried out prior to the practical completion of the 40<sup>th</sup> unit on site to determine whether an additional affordable housing contribution would be payable.
- 6.8.5 The terms of the original S106 associated with the outline permission are not proposed to be varied by the applicant and it is not reasonable for the Council to seek additional contributions (requested by the CCG) at this reserved matters stage.

**6.9 Other issues**

- 6.9.1 The applicant provided additional site sections which are considered to provide sufficient information to assess how the proposed development will appear from a number of different points adjacent to the site. It would not be reasonable to expect exact heights of all neighbouring buildings to be provided but the information which has been submitted is considered to be sufficient to provide an accurate context for the proposed development. Alternative development scenarios do not need to be considered, particularly beyond the site boundary, as the Council has to consider the application as submitted. Nonetheless, the applicant did provide additional information as to why the extra care building was not located beside Moor Lane and they chose not to amend the proposal to locate the building in this location. In terms of technical reports being prepared on behalf of the applicant, this is standard practice for planning submissions. Consultees e.g. the LLFA, NWT etc, then provide expert advice on whether the submissions are acceptable or not.
- 6.9.2 Since the appeal decision on the outline application, the Council does now have a five-year land supply. However, the site forms part of this supply and is included as a committed housing site in the 2019 Local Plan so contributes 100 dwellings towards the overall housing figures.

- 6.9.3 The need for the development, parking incidents at the Bramcote Lane shops, recruitment of staff and motives of the applicant are not material planning considerations.
- 6.9.4 Consultation on the application complied with the national and local requirements.
- 6.9.5 The potential for the development to block light to solar panels on neighbouring properties is considered to carry little weight as a planning consideration.
- 6.9.6 It is considered the proposed buildings are sufficient distance from the Moor Lane rock face not to cause harm to this geological feature.
- 6.9.7 The applicant could sell the site but the new owner would need to comply with the terms of the application including the type of development and the conditions, unless a revised planning application is submitted.
- 6.9.8 A condition relating to gas prevention measures will be included on this approval.
- 6.9.9 The choice of refuse operator is yet to be determined but if it is the Council, arrangements would need to be made for on-site staff to pull the bins from the independent living building bin store as that exceeds the required 10m distance.
- 6.9.10 The development will generate some income for the Council but this carries limited weight in the planning balance.
- 6.9.11 It is unknown at present whether CCTV will be used on site. This will need to comply with the relevant legislation.
- 6.9.12 Committee members are always encouraged to carry out a site visit prior to the committee meeting.

## **7 Planning Balance**

- 7.1 The benefits of the proposal are the provision of housing for the elderly, the short term jobs created during construction and the long terms jobs once the development is operational. A significant additional benefit, secured with the S106 associated with the outline permission, is the provision of an area of public open space to the east of the site, opening up private land and providing a continuation of the network of open space to the east of Thoresby Road.
- 7.2 The negative impacts are the development of an open space and the resultant change to the aspect from residential dwellings, particularly to the north of the site which are located at a much lower level than the proposed development.
- 7.3 On balance it considered the positives outweigh the negatives, particularly given the need for housing for the elderly and the existence of the outline permission.

## **8 Conclusion**

- 8.1 It is considered the proposed development will have no significant impact on existing residential amenity and the proposed occupants will have an appropriate

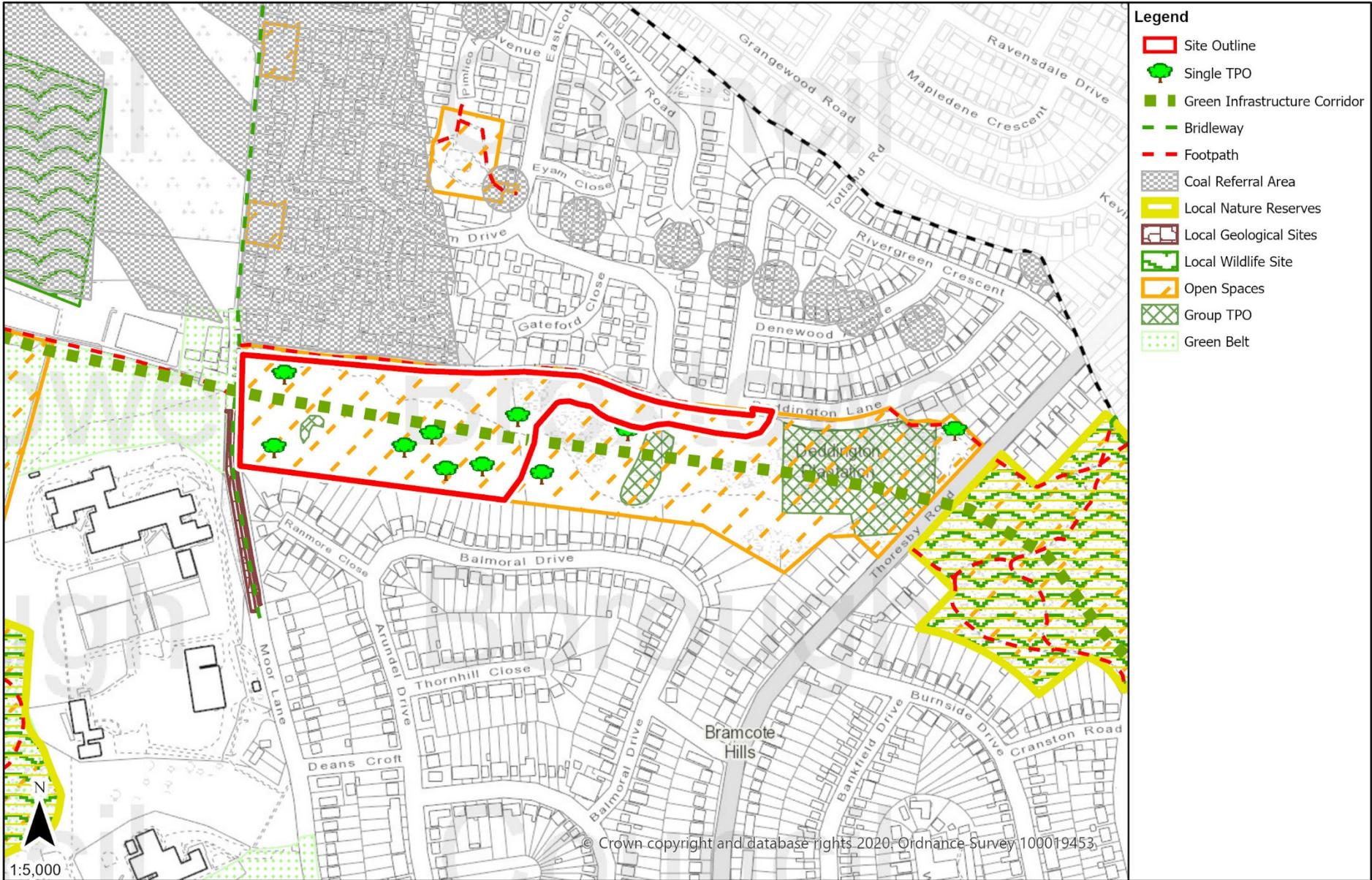
standard of amenity. The design of the development is considered to be acceptable. All other matters raised in representations have been considered and it is concluded that these matters do not lead to a change to the recommendation. The provision of 100 extra care/specialist care dwellings will provide much needed accommodation and make a significant contribution to the delivery of housing in the borough which complies with Policies 15, 17, 19, 20, 24, 26, 28, 31 and 32 of the 2019 Local Plan, Policies A, 1, 2, 8, 10, 16, 17, 18 and 19 of the Core Strategy and the NPPF.

<b><u>Recommendation</u></b>	
<p><b>The Committee is asked to RESOLVE that the reserved matters be approved subject to the following conditions:</b></p>	
<p><b>1.</b></p>	<p><b>The development hereby permitted shall be carried out in accordance with drawings referenced: HT_206D, HT_310E, HT_311E, HT_312A, HT_308B, HT_309C, HT_205A, 111C and 100 received by the local planning authority on 28.7.20; 104L, 105K, 116 and HT_313B received by the local planning authority on 13.8.20 and 101Q, 110M, GA_108E, GA_109E, HT_208D, HT_209D, HT_210C and HT_213C received by the local planning authority on 19.10.20.</b></p> <p><i>Reason: To ensure that the development hereby approved is carried out in accordance with the approved plans and details.</i></p>
<p><b>2.</b></p>	<p><b>No development, including site clearance, shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall be adhered to throughout the construction period. The CMS shall provide for:</b></p> <ul style="list-style-type: none"> <li><b>(a) site access for construction vehicles</b></li> <li><b>(b) the parking of vehicles of site operatives and visitors</b></li> <li><b>(c) loading and unloading of plant and materials</b></li> <li><b>(d) storage of plant and materials used in constructing the development</b></li> <li><b>(e) the erection and maintenance of security fencing/hoarding including decorative displays and facilities for public viewing, where appropriate</b></li> <li><b>(f) measures to control the emission of dust and dirt during construction</b></li> <li><b>(g) proposed construction/working hours.</b></li> </ul> <p><i>Reason: No such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of highway safety, to minimise disturbance to neighbour amenity and in accordance with the aims</i></p>

	<p><i>of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
3.	<p>No development shall commence until details of appropriate gas prevention measures have been submitted to and approved in writing by the local planning authority. No building to be completed pursuant to this permission shall be occupied or brought into use until:</p> <ul style="list-style-type: none"> <li>i) all appropriate measures have been completed in accordance with details approved in writing by the local planning authority.</li> <li>ii) It has been certified to the satisfaction of the local planning authority that the necessary remedial measures have been implemented in full.</li> </ul> <p><i>Reason: No such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>No above ground works shall commence until details of the numbers, types and locations of bird boxes have been submitted to and approved in writing by the local planning authority. The bird boxes shall be installed in accordance with the agreed details prior to first occupation of any building.</p> <p><i>Reason: To secure the provision of such features in the interests of biodiversity and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policies 17 and 31 of the Part 2 Local Plan (2019).</i></p>
5.	<p>The additional landscaping proposed beside the northern site boundary (as shown on drawings referenced GA_108E and GA_109E) shall be carried out in the first planting season following commencement of development. Any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased, shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the local planning authority, unless written consent has first been obtained from the local planning authority for a variation.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
6.	<p>The extra care and independent living buildings shall not be first occupied until the solar panels, green roof and Electric Vehicle charging points shown on/beside the respective buildings have</p>

	<p>been provided. These measures shall thereafter be retained for the lifetime of the development.</p> <p><i>Reason: To ensure environmental measures are incorporated within the scheme, in accordance with the aims of Policy 1 of the Aligned Core Strategy (2014).</i></p>
7.	<p>The stairwell and wetroom windows in the north elevation of plots 19-24 and 42-47 (inclusive) shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the local planning authority) and retained in this form for the lifetime of the development.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
8.	<p>Notwithstanding the submitted plans, the on-site roundabout shall be constructed with a hard bound surface and thereafter maintained in such form for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to ensure larger vehicles can manoeuvre the roundabout and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	<p><b>NOTES TO APPLICANT</b></p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>The conditions on 14/00677/OUT remain applicable to this development, as does the associated S106 agreement.</p>
3.	<p>In order to carry out off-site works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. The applicant is advised to contact the County Council Highways team for details on Tel: 0115 9772210.</p>
4.	<p>Site preparation and construction works in association with this permission should only be undertaken 08:00-18.00 Monday to Friday, 08:00-13:00 on Saturdays and at no time on Sundays or Bank Holidays.</p>
5.	<p>As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team:</p>

	<p><a href="mailto:3015snn@broxtowe.gov.uk">3015snn@broxtowe.gov.uk</a> to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>
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Photographs



Deddington Lane – access position



Looking south east across the site



ROW to north of site



Bridleway to west of site



Southern boundary



Northern boundary (towards Gateford Close)



Looking west across site



Southern site boundary



Western site boundary on LHS

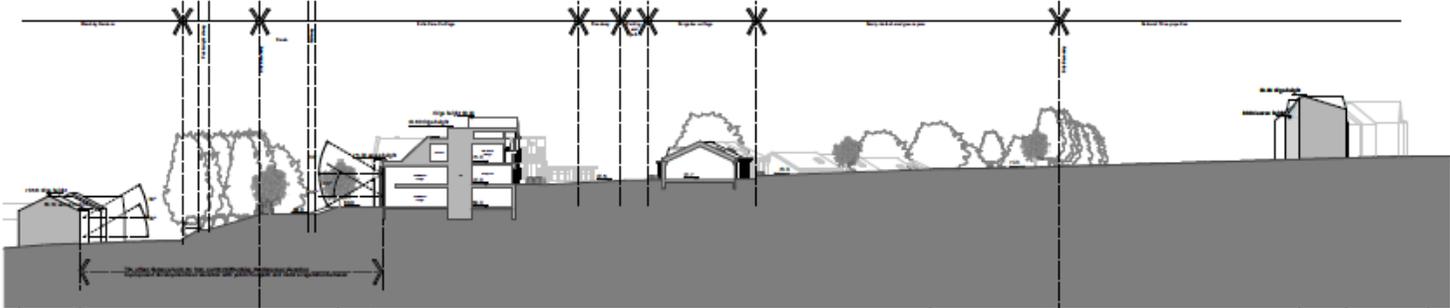
Plans (not to scale)

Proposed overall site plan

Page 34



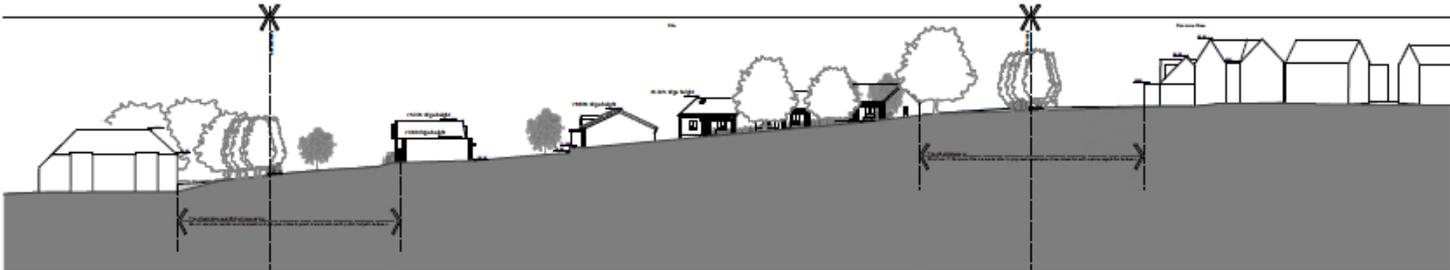
Proposed sections



Section A-A

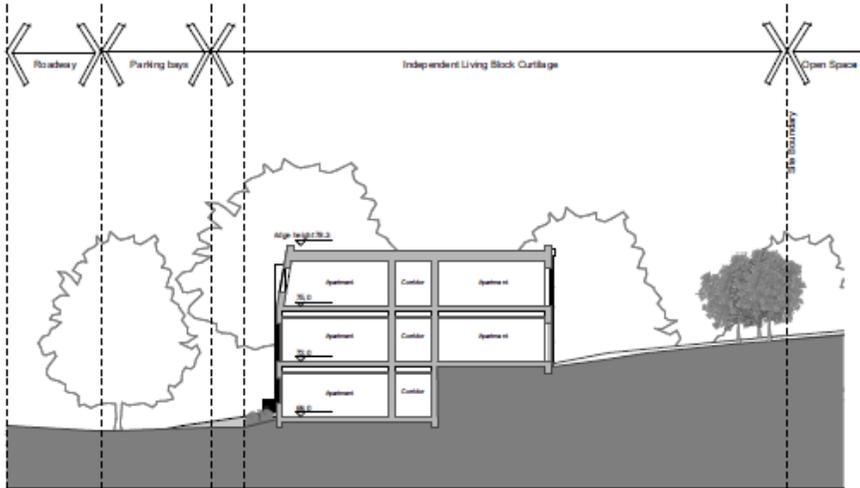


Section B-B

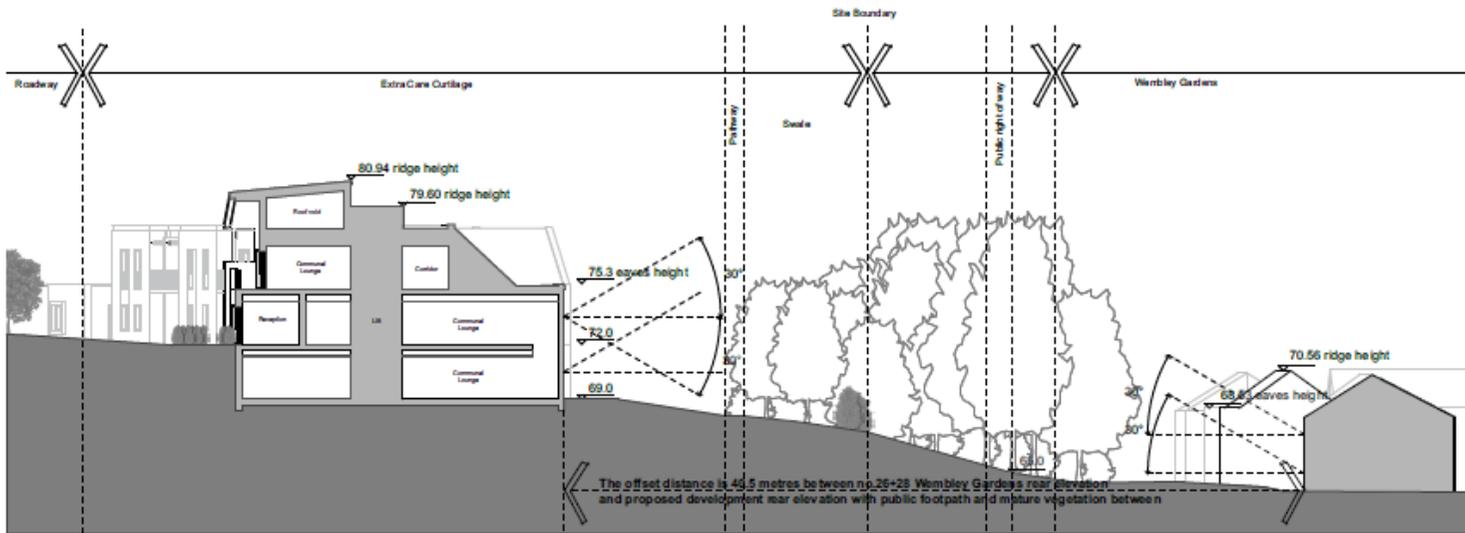


Section C-C

Proposed sections



Section D-D



Section E-E

Extra care building elevations

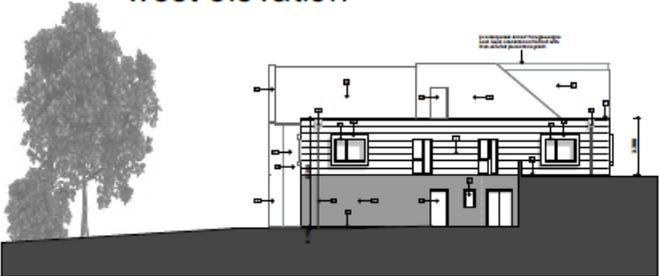
south elevation



east elevation



west elevation

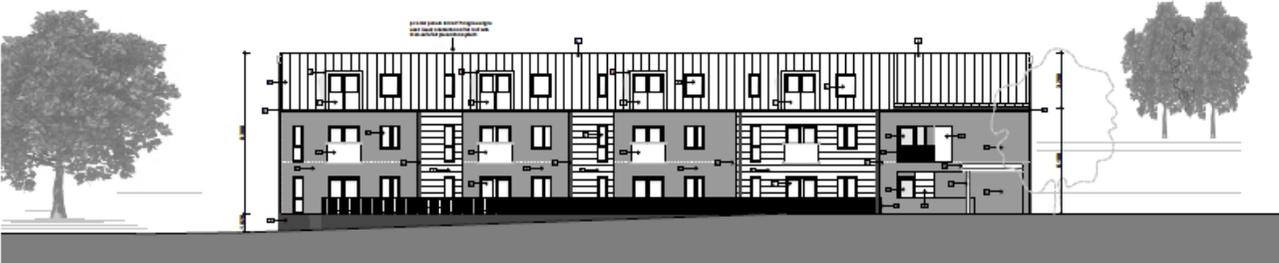


north elevation



Independent living building elevations

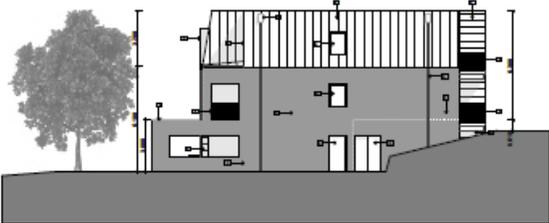
west elevation



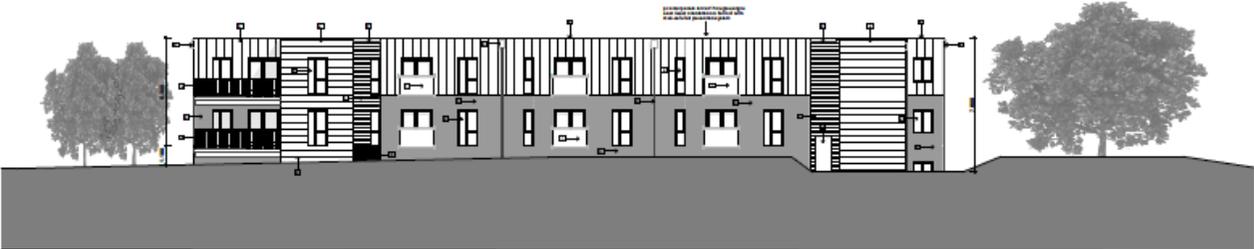
north elevation



south elevation

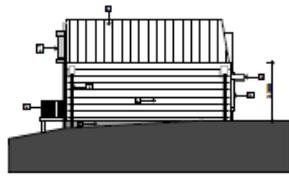


east elevation



Independent living flats elevations

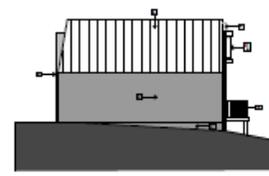
Plots 23,24,25+46+47



West elevation



South elevation

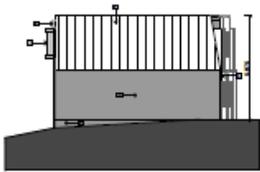


East elevation



North elevation

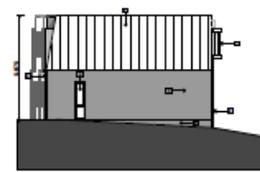
Plots 19,20,21,22,42,43,44+45



West elevation



South elevation

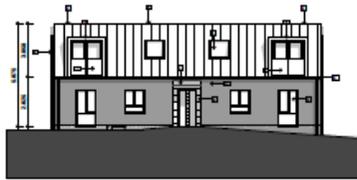


East elevation



North elevation

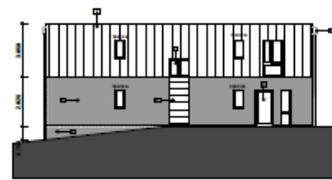
Plots 17,18,40+41



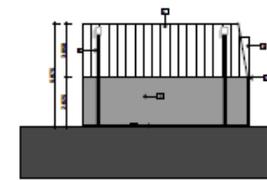
East elevation



North elevation



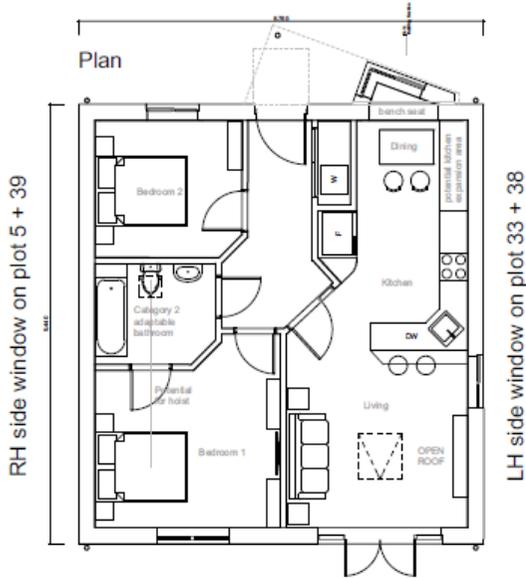
West elevation



South elevation

Bungalow elevations and floor plan

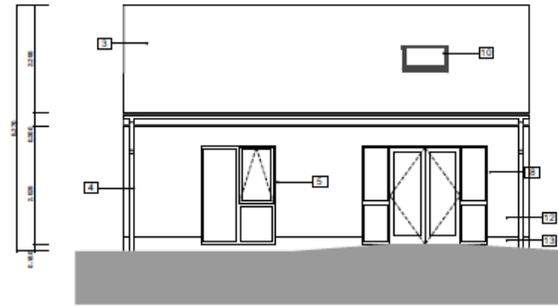
LOTS: 3 / 4 / 5 / 26 / 27 / 28 / 29 / 33 / 34 / 35 / 36 / 37 / 38 / 39



Front elevation

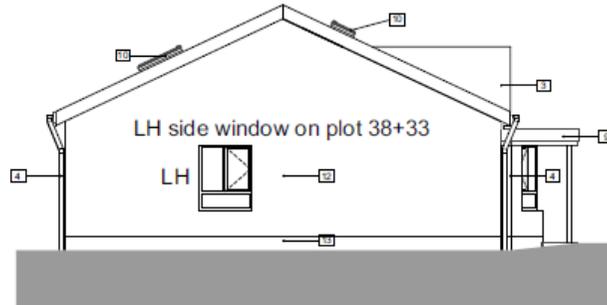


Rear elevation

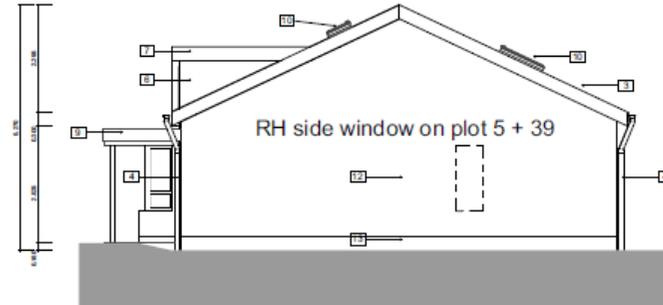


MATERIAL SCHEDULE

- 1 Red multi facing brick (stretcher bond)
- 2 Red engineering facing brick (stretcher bond)
- 3 Fibre cement slate blue / black roof tile
- 4 Black guttering and rainwater goods
- 5 Anthracite window frames RAL7016
- 6 Fibre cement smooth iron grey rainscreen cladding to manufacturer's recommendations
- 7 Anthracite polyester powder coated aluminium flashings and copings to roof edges RAL7016
- 8 Toughened glass patio doors
- 9 Treated timber flat roof canopy
- 10 Velux rooflight or similar approved (frame colour to be grey externally)
- 11 Composite door with central glazing (colour TBC)
- 12 Buff facing brick (stretcher bond)
- 13 Blue engineering facing brick (stretcher bond)
- 14 Through colour render to match cladding



Side elevation (1)



Side elevation (2)

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>20/00478/FUL</b>
<b>LOCATION:</b>	<b>Site of The Magpie, Toton Lane, Stapleford NG9 7JD</b>
<b>PROPOSAL:</b>	<b>Construct 78 bed residential care home with associated parking</b>

The application is brought to the Committee at the request of Councillor J W McGrath.

1 Executive Summary

- 1.1 The application seeks planning permission for the erection of a 78 bed residential care home on the site of the former Magpie Public House, now demolished, located to the east side of Toton Lane.
- 1.2 The main issues relate to whether the principle of the provision of the residential accommodation would be acceptable, whether the design and layout of the proposed development would be harmful to the character and appearance of the street scene, whether the use would result in an unacceptable impact on highway safety and whether there will be an unacceptable impact on neighbour amenity.
- 1.3 The benefits of the proposal are that it would return the site back into residential use, contributing to the provision of a mix of accommodation for the local community, would provide opportunities for employment in the local area, and would be in accordance with policies contained within the development plan. This is given significant weight. The building would be close to residential properties and thereby have an impact on the amenities of the occupiers of neighbouring properties, however for the reasons set out in the report, this is outweighed by the benefits of the scheme.
- 1.4 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix, and to the prior signing of a Section 106 Agreement.

## APPENDIX

1 Details of the Application

- 1.1 A three storey purpose built 78 bed residential care home facility (the third storey being accommodated in the roof, which is hipped in design) arranged around a central enclosed courtyard garden, providing private secure space for the intended residents is proposed. Soft landscaping is proposed around the building and to the area between the access and the common boundary with 193 Toton Lane. The building would have the main entrance to the south west corner, adjacent to the vehicle access. A path is proposed parallel to Darkey Lane, giving the residents access to the landscaped gardens. The ground floor layout shows a communal café, for use by visitors and a hairdressers and cinema, for the residents. The kitchen and communal dining space is also located on this floor. A lounge is located on each floor. All 78 bedrooms will have an en-suite.
- 1.2 The existing vehicular access, off Toton Lane, will be retained. 18 vehicle parking spaces are to be provided, as well as 6 covered and secure cycle spaces. A bin storage area is proposed to be located adjacent to the east boundary. The existing timber fences to Darkey Lane and to the common boundaries with neighbouring properties are proposed to be retained, as is the low Bulwell stone wall to the frontage.

2 Site and surroundings

- 2.1 The site is to the south east of the junction with Darkey Lane, and was formerly occupied by a two storey building used as a public house, which had single storey extensions to the front and side. A detached brick built coach house was to the rear. All buildings on the site have now been demolished, and the site left clear. Vehicular access is from Toton Lane, adjacent to no. 193. Part of the site extends to the rear of 193, 195 and 197 Toton Lane. The site is currently enclosed by close boarded timber fencing along Darkey Lane elevation, and between the site and neighbouring plots. There is a low Bulwell stone wall to the Toton Lane elevation, and there are areas of hedging, grass and small trees to this elevation. There are self-set trees and shrubbery along the boundaries to the car park areas.
- 2.2 Whilst Toton Lane at this point is a busy road linking the A52 with Stapleford town centre, the immediate area is predominantly residential in character, with the exception of a fuel filling station and convenience store, to the north side of the junction.
- 2.3 To the south of the site there are two storey dwellings, these being 193, 195, 197 and 199 Toton Lane. 193 is the dwelling immediately adjacent to the south boundary, and has its side elevation facing the site which contains a small window, serving a landing, at first floor level. The site boundary forms the common boundary to the rear gardens of 193, 195 and 197, and forms the common boundary with the side of the rear garden of 199.
- 2.4 The east boundary of the site shares the common boundary with rear gardens of 7, 9, 11 and 15 Brunswick Drive. 7 and 9 are two storey detached dwellings, and

11 and 15 are detached bungalows, the rear elevations of which face the site. 14 Darkey Lane, to the north east, is side on to the site. This is a detached bungalow.

2.5 To the north of the site, and on the opposite side of Darkey Lane, are nos. 1, 5, 7, 9 and 11. These are all two storey dwellings. To the west of no. 1 is the filling station/ shop, which is at an angle to the road, facing the junction. It has in and out accesses to Darkey Lane and to Toton Lane.

2.6 To the west of the site, and on the opposite side of Toton Lane, are 196, 198, 200, 202, and 204. These are all two storey and are set back from the highway.

### 3 Relevant Planning History

3.1 There have been several planning applications submitted and granted planning permission which relate to the use of the site as a public house. Demolition of the public house and associated outbuildings was granted in 2019, and these were demolished shortly after. Planning reference 19/00268/FUL.

### 4 Relevant Policies and Guidance

#### 4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 19: Developer Contributions

#### 4.2 **Part 2 Local Plan 2019:**

4.2.1 The Council adopted the Part 2 Local Plan (P2LP) on 16 October 2019.

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 32: Developer Contributions

#### 4.3 **National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes.
- Section 12 – Achieving well-designed places.

5 Consultations

- 5.1 **County Council as Local Lead Flooding Authority:** General recommendations in respect of: the development not to increase risk of flood to existing properties or put the development at risk; surface water discharge should consider infiltration as the priority; SUDS should be considered where feasible; and where a development proposes to alter an ordinary watercourse in a manner that would have a detrimental effect on the flow of water, this must first be discussed with the Flood Risk Management Team at NCC.
- 5.2 **County Council Planning Policy:** No objections, subject to a financial contribution of £5000 towards improvements to bus stop infrastructure, which can be secured by a Section 106 Agreement.
- 5.3 **County Council as Highway Authority:** Would require a visibility splay, confirmation of width of access and a swept path to demonstrate vehicles such as an ambulance can turn within the site, to be submitted and agreed. Considers the amount of car parking spaces to be on the low side and as such, details of staffing levels and a travel plan would be required in order to assess whether the ratio of parking spaces is acceptable. Details of the access, swept path and parking levels / travel plan have been submitted and additional comments from the Highway Authority received. There are still concerns in regard to the parking provision and whether this is sufficient, however as a compromise and in order to minimise any potential for vehicles to be dispersed onto the public highway, require the developer to apply for a Traffic Regulation Order in respect of restrictions on Darkey Lane. Also note that the bin store should be located within 15m of the public highway should the development be served by the Local Authority Waste and Recycling team.
- 5.4 **Council's Waste and Recycling Officer:** Developer to agree trade waste contract with the authority and a bin store constructed to enable communal trade bins to be accommodated, which should be within 10m of the collection point (adopted highway). The road would need to be wide enough to accommodate a refuse vehicle, assuming the road would be adopted, however access over private land can be agreed between the authority and the developer.
- 5.5 **Council's Environmental Health Officer:** No objections, subject to conditions in respect of: submission of a contaminated land report; installation of noise mitigation measures; details of ventilation and filtration equipment; and hours of work during construction. Notes to applicant in regard to burning of waste on site and to registration of premises in respect of food safety requirements.
- 5.6 **Council's Tree Officer:** No objections. None of the trees on site are the subject of or worthy of a Tree Preservation Order. Recommends removal of self-set trees on the Darkey Lane boundary as these are or have the potential to cause problems such as damage to existing telegraph pole, and removal of self-set trees to the east boundary. The hedges to the boundaries can be cut back to form a neat hedge but will require regular maintenance.
- 5.7 **Council's Parks and Environment Officer:** Given the nature of the proposal, there is no requirement for a financial contribution towards the provision of or

maintenance of off-site public open space. The landscaping as proposed is acceptable in principle subject to details in respect of species and plant sizes, to be agreed.

- 5.8 **Nottinghamshire Wildlife Trust:** Support the details as set out in the Ecology and Protected Species Report (IEL Inspired Ecology, 2019) in principle, however, it is recommended that the report be reviewed and updated should work have not taken place after 12 months. Recommend that the hedgerows and trees should be retained where possible as they provide the potential for nesting bird species. Any clearance of vegetation should take place outside of the active nesting season, and if taking place during breeding season, a search for nests should first be undertaken. Welcome enhancements in regard to nest boxes. Welcome the recommendation to install two bat roost units 'in the renovated buildings' (It should be noted that no buildings remain on site). Also welcome the plans for biodiversity enhancements on and around the development site.
- 5.9 **NHS Nottingham and Nottinghamshire CCG:** As the facility will have an impact on the resources for existing health care providers (GP surgeries) in the area, a financial contribution of £16,906.50 is requested, to be secured by way of a Section 106 Agreement.
- 5.10 **NHS University NHS Trust:** Consider that the development would generate the need for additional services at the NUH, for example, accident and emergency services, acute care etc. A financial contribution of £30,280.00 is requested, to be secured by way of a Section 106 Agreement.
- 5.11 **Cadent:** Identify that there is apparatus in the vicinity of the site, which may be affected by the development. The agent has been made aware.
- 5.12 **Stapleford Town Council:** Concerned in regard to the lack of parking on the site and potential impact on surrounding streets. Toton Lane is a busy road leading down to the A52 Bardills Island, and any parking on this road will cause significant hazards for other road users.
- 5.13 21 properties either adjoining or opposite the site were consulted by the applicant due to Coronavirus, three site notices were displayed and a press advert was published. Three responses were received, one with observations and two objections:

Observation:

- Reservations regarding traffic – with 78 beds / staff etc., consideration should be given to the installation of proper traffic lights at the junctions of New Eaton Road and Darkey Lane, as getting out of these junctions is difficult, with a lot of accidents there in the past 2 to 3 years, and to traffic calming measures, with traffic speeds at well over 30mph, it may only be a matter of time before there is a fatality.

Objections:

- Insufficient parking (only 16 spaces) for a 78 bed facility. Already a parking issue on the surrounding streets due to the secondary school nearby. Also, where will staff members park at shift change times, if spaces already occupied.

Whilst there is the potential to park at the Toton tram park and ride, it is unlikely to be utilised

- Construction traffic will have a detrimental impact on neighbouring properties and traffic flow for a considerable period
- Perhaps the size of the building can be reduced so as to increase the amount of parking available on site.

## 6 Assessment

6.1 The main issues for consideration are the principle, design and layout of the development, impact on neighbours, and impact on the public highway.

### 6.2 **Principle**

6.2.1 The predominant character of the area is residential, and the site has not been allocated for any specific purpose in the Part 2 Local Plan. As the proposed use as a care home, by its nature, is a residential use, then the principle of the development is acceptable, subject to the matters below.

### 6.3 **Design and Layout, including Bin Storage**

6.3.1 Whilst it is acknowledged that the proposed development would have a significantly larger footprint than the now demolished public house, the scale of the proposed building, at three storeys (the third storey within the hipped roof), is comparable with the height of the existing two storey dwellings adjacent to the site. The main elevations to Toton Lane and to Darkey Lane will provide an active frontage, with windows to all floors overlooking the street. The building is of a traditional design, having a hipped tiled roof and of brick to the elevations. Details of materials are to be agreed prior to the commencement of the development, and this will be secured by condition. It is considered that the scale and design of the development is acceptable.

6.3.2 The layout of the site, which sees the building positioned toward the northern boundary and utilisation of the existing access off Toton Lane, is considered to make best use of the site and allows for a separation of the development from the adjacent properties. The internal courtyard provides for a safe, private area of outdoor space for the residents, and other landscaped areas are to be provided to the north, east and west boundaries of the site. The layout plan indicates that the existing hedges and shrubs on these boundaries will be retained. Notwithstanding this, details of landscaping would be secured by condition, to ensure that the development presents an acceptable appearance within the street scene.

6.3.3 A parking area is proposed to the area to the rear of 193, 195 and 197 Toton Lane, and 7 and 9 Brunswick Drive. A bin storage area and a covered secure cycle shelter are proposed to the rear of 11 and 15 Brunswick Drive. Details of these will be secured by condition. The bin storage area would need to be able to accommodate the requirements set out by the Waste and Recycling Officer.

## 6.4 Amenity

- 6.4.1 The proposed building has been designed such that it is set off all common boundaries. The main entrance has been sited toward the front of the building, facing Toton Lane. The side elevation of 193 Toton Lane is, at the closest point, 9.9m away, with the vehicular access separating the building from the boundary. The rear elevations of 193, 195 and 197 Toton Lane and 7 and 9 Brunswick Drive would overlook the parking area, as would 199 Toton Lane. The rear elevations of 11 and 15 Brunswick Drive would look toward the bin and cycle store and the east elevation of the building. The building reduces in height on this elevation to a single storey. A distance of 22.5m is between the rear elevations of 11 and 15 to the two storey eastern elevation, with a minimum of 5.3m between the single storey element and the common boundary. 14 Darkey Lane is side on to the site, and is separated from the common boundary by a drive. It is considered that the design and layout of the development would not have a significant impact on the amenities of the occupiers of the properties directly adjacent to the site in respect of loss of light, outlook or privacy. The use, being residential, is considered to be compatible with the surrounding area.
- 6.4.2 Nos. 1, 5, 7, 9 and 11 Darkey Lane, which are to the north of and opposite the site, would be no closer than 21.9m to the proposed building, and due to the presence of the road between, it is considered that this relationship is acceptable and would not have a significant impact on the amenities of the occupiers of these properties.
- 6.4.3 Similarly, as there would be a minimum distance of 29m between the closest point of the west elevation and dwellings to the west on the opposite side of Toton Lane, and due to the presence of the road between, it is considered that the relationship between the proposed development and these dwellings is acceptable.
- 6.4.4 A condition in regard to hours of work during the construction phase, recommended by the Environmental Health team, would safeguard the amenities of the occupiers of nearby property.
- 6.4.5 In regard to the future occupants of the care home, each room is of an acceptable size and have access to natural light and to an outlook. The facility would provide communal areas such as lounges and dining areas, and a café which visitors would have access to. The occupiers would also have access to the private courtyard and other external areas. It is considered that the amenities provided for the occupiers of the facility are acceptable.
- 6.4.6 A condition requiring a contaminated land survey to be submitted, and for the implementation of the measures set out in the noise report, will be imposed and would safeguard the future health and wellbeing of the occupants.

## 6.5 Access and Impact on Highway Safety

- 6.5.1 The existing vehicular access off Toton Lane will be retained, and the principle of this is acceptable. 18 parking spaces, which include two accessible spaces, are to be provided for use by staff and visitors. A turning area / delivery space is also proposed between the bin store and the kitchen area. Information has been submitted which demonstrates that the turning area / delivery space is of a

satisfactory standard to enable larger vehicles such as refuse vehicles and ambulances to safely enter and exit the site in a forward gear. It is considered that the ratio of parking provision to staffing levels is acceptable, as outlined in the Travel Plan, as the location of the care home is accessible by a range of sustainable means of travel including by walking, cycling, and by public transport (the tram terminus is close by). The proposed care home would not have a significant impact on highway safety or result in an unacceptable increase in demand for on-street parking spaces. It is noted that the previous use of the site, as a public house, would have generated high levels of vehicle movements, throughout the day, and as such is considered to be comparable to the proposed use, in terms of traffic generation. The County Council as Highway Authority have not recommended any improvements or changes to the highway network, such as the provision of traffic calming measures or to the installation of new traffic lights at the Darkey Lane / New Eaton Road junctions, but have requested that the developer submit an application for a Traffic Regulation Order to control on-street parking along Darkey Lane. This will be secured by condition.

## 6.6 Developer Contributions

- 6.6.1 The NPPF requires planning obligations to be necessary, directly related and fairly and reasonably related in scale and kind to the development. There is no requirement for a financial contribution toward education or to open space.
- 6.6.2 A contribution of £19,906.50 has been requested by NHS CCG to go toward the finance of resources for local health services (GP surgeries etc), and a contribution of £30,280.00 toward the provision of additional services at NHS NUH Trust. Whilst the contribution toward local services is deemed to be a justifiable request which will be secured by the prior signing of a Section 106 Agreement, the contribution requested by the NHS NUH Trust is considered not to be justified, since the development is required in order to meet a housing need figure included in the Development Plan, which has been consulted upon with relevant health providers at the time of production, and which was subject to Public Examination.
- 6.6.3 £5,000 towards improvements to bus stop infrastructure is sought by the County Council and this contribution is considered to meet the tests of the NPPF.

## 6.7 Other Matters

- 6.7.1 A request was made to the applicant to consider the provision of a publically accessible defibrillator within the site, as there was previously one located outside the pub prior to its demolition. The applicant is amenable to this, and the provision of the defibrillator would be arranged outside of the planning process.
- 6.7.2 Air Quality – As the proposed building would be in excess of 1000 square metres in floorspace, there is a requirement for the development to provide Electric Vehicle charging points within the site. The Transport Technical Note, submitted as part of the application, states that a total of four parking spaces would be provided with Electric Vehicle charging points, and infrastructure be installed for a further four parking spaces to have EVC's installed at a later date, should demand arise.

6.7.3 A Health Impact Assessment has been submitted. Out of the 25 points on the checklist, 17 would result in a positive health impact and 8 are neutral. It is considered that the development would, overall, have a positive impact on health for the future users and occupants of the facility and the upon the local area.

**7 Planning Balance**

7.1 The benefits of the proposal are the re-use and development of a currently unsightly site and the provision of specialist residential accommodation for the wider community. The proposed development would also generate a number of employment opportunities.

7.2 The negative impacts are the potential impact on the amenities of neighbouring occupiers.

7.3 On balance, the proposal to develop the site for a residential use to the benefit of the community and the re-use of the site outweighs the potential impact on the amenities of the occupiers of nearby property.

**8 Conclusion**

8.1 For the reasons set out above, and subject to the conditions set out below, the proposed development accords with Broxtowe Aligned Core Strategy Policies 2, 8, 10 and 19, Broxtowe Part 2 Local Plan Policies 15, 17 and 32, and the relevant sections of the NPPF.

<b><u>Recommendation</u></b>	
<p><b>The Committee is asked to RESOLVE that the Interim Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:</b></p> <p><b>(i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure appropriate contributions and</b></p> <p><b>(ii) the following conditions:</b></p>	
<b>1.</b>	<p><b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b></p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<b>2.</b>	<p><b>The development hereby permitted shall be carried out in accordance with the site location plan and drawings numbered: 2621(08)201 rev C, 2621(08)301 rev B, 2621(08)901 rev A,</b></p>

	<p>2621(08)902, 2621(08)E02 rev A, 2621(08)S01 rev A and 2621(08)S02 rev A, received by the Local Planning Authority on 23.07.20, drawings numbered: 2621(08)101 rev C and 2621(08)E01 rev B received by the Local Planning Authority on 07.08.20, and drawing number 2621(08) G01 rev F, ADC2521-DR-001-P1, ADC2521-DR-051-P1, ADC2521-DR-052-P1, Technical note and Travel Plan Statement received by the Local Planning Authority on 15.10.20.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>3.</p>	<p>No above ground works shall be carried out until details of the manufacturer, type and colour of the bricks and tiles to be used in all elevations have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>4.</p>	<p>The development shall not be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and / or the environment. The report shall include details of any necessary remedial measures to be taken to address contamination or other identified problems. The building shall not be occupied or brought into use until all necessary measures have been implemented in accordance with the approved details.</p> <p><i>Reason: In the interests of public safety, in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>5.</p>	<p>No above ground works shall be commenced until details of the proposed bin storage area and cycle store have been submitted to and approved in writing by the Local Planning Authority. The stores shall be installed in accordance with the approved details, prior to the first use of the building, and retained for the lifetime of the development.</p> <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>

<p>6.</p>	<p>No development above slab level shall commence until an application for a Traffic Regulation Order to control on-street parking along Darkey Lane has been made.</p> <p><i>Reason: In the interests of highway safety to ensure access and egress at the junction of Darkey Lane and Toton Lane is not hindered by parked vehicles and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>7.</p>	<p>The residential care home shall not be brought into use until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>(a) numbers, types, sizes and positions of proposed trees and shrubs</li> <li>(b) proposed hard surfacing treatment</li> <li>(c) proposed lighting details</li> <li>(d) planting, seeding/turfing of other soft landscape areas</li> </ul> <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>8.</p>	<p>The building shall not be occupied until details of ventilation and filtration equipment, required to suppress and disperse odour created from food preparation on the premises, have been submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed prior to first use of the premises, and shall be effectively operated and maintained for the lifetime of the development.</p> <p><i>Reason: In the interest of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>9.</p>	<p>The building shall not be occupied or otherwise be brought into use until the noise mitigation measures as detailed in section 4 of the Noise Assessment report, reference 13016.01 v1 dated June 20, have been implemented. The measures shall thereafter be retained for the lifetime of the development.</p> <p><i>Reason: In the interests of the amenities of future residents and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>

10.	<p>The building shall not be occupied or otherwise brought into use until the parking and turning area, and the electric vehicle charging points have been installed / completed in accordance with the approved details.</p> <p><i>Reason: In the interests of highway safety and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
11.	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	<p><b>NOTES TO APPLICANT</b></p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>As this permission relates to the creation of a new unit(s), please contact the Council's Street Naming and Numbering team: <a href="mailto:3015snn@broxtowe.gov.uk">3015snn@broxtowe.gov.uk</a> to ensure an address(es) is(are) created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>
3.	<p>Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. There should also be no bonfires on site at any time.</p>
4.	<p>The applicant is advised to contact the Food and Occupational Safety Section of Broxtowe Borough Council on 0115 9173435 to ensure that the premises complies with current Food Safety requirements.</p>



**Legend**

 Site Outline

Photographs



The Magpie PH, following closure and prior to demolition



Existing access from Toton Lane, 193 can be seen to the right



Access onto the site



View along Darkey Lane, toward Toton Lane, with boundary to the site on the left



14 Darkey Lane, to the north of the site



View across the site from Darkey Lane



The rear elevations of 193, 195 and 197 Toton Lane



Rear boundary (east) to common boundary with dwellings on Brunswick Drive



Piece of land between 193 – 197 Toton Lane and 7 and 9 Brunswick Drive, which will be allocated for parking

**Plans (not to scale)**



Proposed elevations



Proposed ground floor and block plan



Proposed street scene elevations

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