

Report of the Chief Executive

APPLICATION NUMBER:	21/00184/FUL
LOCATION:	Land Between Ellis Grove And Wilmot Lane, Ellis Grove, Beeston, Nottinghamshire
PROPOSAL:	Construct 66 bedroom residential care home and associated external works

The application is brought to the Committee at the request of Councillor J C Patrick.

1 Executive Summary

- 1.1 This major planning application proposes the construction of a 66-bedroom residential care home, bin and cycle stores, landscaping and 26 space car park. Access would be from Ellis Grove. The flat roofed, U shaped building would be single/two storey in height to the south east and three-storey to the north east and north west. It would have a central courtyard garden for the residents and landscaping beside the boundary with the Barrydale Avenue houses which includes a visitor's garden area. Two terraces are proposed at first floor; one to the north east (front) associated with a bar and one to the south west (rear) associated with the tea room.
- 1.2 The benefits of the proposal are the provision of specialist accommodation for the elderly in a purpose built building on a brownfield site in a highly sustainable location. The negative impact of the proposal is some harm would be caused to the amenity of existing residents, particularly those on Barrydale Avenue. However, this harm is considered to be outweighed by the benefits of the scheme and to be mitigated by the lower height of the south eastern wing of the building, the use of obscure glazing (including for the tea room terrace) and the landscaping proposed on the boundary with these houses.
- 1.3 The Committee is asked to resolve that the application be approved subject to the conditions outlined in the appendix and to the prior signing of a Section 106 Agreement (to secure a contribution to healthcare facilities).

APPENDIX

1 Details of the Application

- 1.1 This major planning application proposes a 66-bedroom care home and associated works. The building would be red brick with areas of black brick and it would be predominantly three-storey, with a single and two storey section to the rear of the houses on Barrydale Avenue. It would have a flat roof and be U-shaped with a central courtyard garden. All bedrooms would have an en-suite bathroom and communal facilities would be provided for residents including lounges, dining rooms, cinema, activity room and spa. Two balconies are proposed adjacent to the internal courtyard facing lounges at first and second floor. A kitchen, laundry room, staff room and plant room would be provided within the south eastern wing of the building. Two outside terraces are proposed at first floor; one to the north east (front) associated with a bar and one to the south west (rear) associated with a tea room. The tea room terrace would have 2m high obscure glazed screens on its external perimeter (the terrace would have a clear glazed screen beside the internal courtyard - north west) and the bar terrace would have a 1.6m clear glazed balustrade. There would also be a visitor's garden area to the north east of the building adjacent to the 26 space car park. There would be landscaping to the north west and north east of the building and along the south east site boundary adjoining Barrydale Avenue, the existing trees would be largely retained, with additional planting proposed. There would be a cycle store within this landscaping and there would be a bin store adjoining the car park, opposite the proposed north eastern entrance to the care home. To the rear of the building, there would be a pitched roof garden/maintenance store.
- 1.2 The following documents form part of the application submission:
- Design and Access Statement
 - Noise Assessment
 - Planning Statement
 - Arboricultural assessment
 - Transport Statement
 - Travel Plan.
- 1.3 During the course of the application, the plans were amended with the main changes being the re-location of the bin store away from the Barrydale Avenue boundary, revisions to the proposed tea room terrace screening to 2m high and to confirm which windows would be obscurely glazed and/or non-opening.

2 Site and surroundings

- 2.1 The site has an area of 0.48 hectare and was previously part of the larger Myfords (engineering) site. It is an area of land that slopes down approximately 2m from Ellis Grove towards the south eastern boundary. The site is vacant land but has recently been used as part of a compound for the construction of the development to the north west and south west of the site. The site currently has vehicular access from Lacemaker Road (formerly known as Wilmot Lane) to the south west.
- 2.2 To the immediate north west of the site lies a vacant site beside the Chilwell Road tram stop. A public footpath runs beside part of the south western site boundary

connecting Vincent Avenue with High Road/Chilwell Road. The site also adjoins a pair of newly constructed three storey semi-detached houses on Lacemaker Road to the south west, with 1.8m close boarded fencing on their northern and north eastern boundaries (forming part of the development approved under 17/00723/FUL as referenced above). Other newly constructed dwellings are located on the western side of Lacemaker Road. Ellis Grove adjoins part of the north eastern site boundary, and the south western wall of the commercial property known as the Raven Group directly adjoins this boundary. The Royal British Legion Social Club is located to the north east, beside the Raven Group.

- 2.3 Semi-detached and terraced properties on Barrydale Avenue adjoin the south eastern site boundary. These houses have various rear boundary treatments and there is a row of mature deciduous trees on the site side of the south eastern boundary. The houses on Barrydale Avenue are at a lower level than the site.
- 2.4 Beyond the land to the north west of the site, there are various shops/commercial units on the north western side of Chilwell Road opposite the tram stop. There is a car park associated with the newly constructed retail unit with apartments above directly beyond the footpath to the west of the site and a Council owned car park fronting Chilwell Road to the north west (front) of this four storey, flat roofed building.

3 Relevant Planning History

- 3.1 Outline planning permission (13/00003/OUT) was granted on 12 December 2014 for the redevelopment and change of use of the larger former Myfords site for residential/commercial uses (to include Classes A1, A2, A3, A4, A5, B1(a), C2, C3 and D1 uses). This permission has expired but was granted contemporaneously with a S106 Agreement requiring 25 per cent of the housing on site to be affordable and financial contributions towards education, transport and open space.
- 3.2 A prior notification application for the demolition of the buildings on the larger former Myfords site was approved on 30 June 2017 (reference 17/00370/DEM). Demolition has been completed.
- 3.3 Planning permission to construct a 75 bed care facility; 30 supported living apartments (Class C2); bistro; gym/spa; hairdressers; bin, cycle and scooter stores; emergency generator; substation, car parking and landscaping was granted permission by Planning Committee in January 2019 (18/00268/FUL). This development is not being pursued. The site of this approved building included additional land to the north west of the current application site and excluded land to the south east (now included in the current application site):



- 3.4 A planning application to vary condition 21 (relating to first occupation of the building by Belong) of planning permission 18/00268/FUL was approved by committee on 22 July 2020).
- 3.5 Planning permission (17/00723/FUL) for 47 dwellings and a retail unit on the southern and western parts of the larger former Myfords site was granted on 24 May 2018, following the grant of planning permission (reference 17/00511/FUL) for a road to serve the southern part of this site on 29 September 2017, to enable its early implementation. Construction of this road, the retail unit and most of the dwellings has been completed. However, plots 29-32 (3 storey houses) in the north eastern corner of the site have not been constructed and this part of the 17/00723/FUL site forms part of the current planning application site.

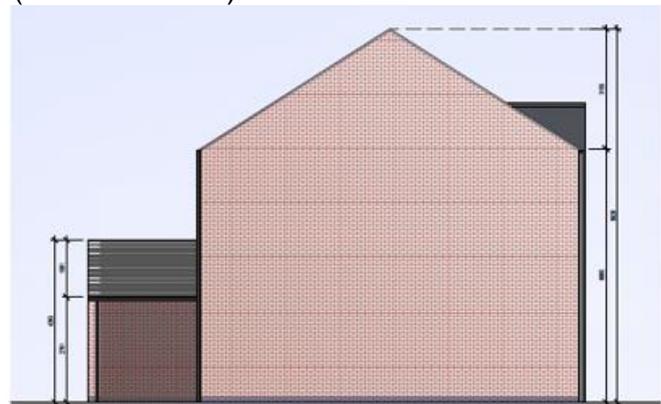
Masterplan for 17/00723/FUL:



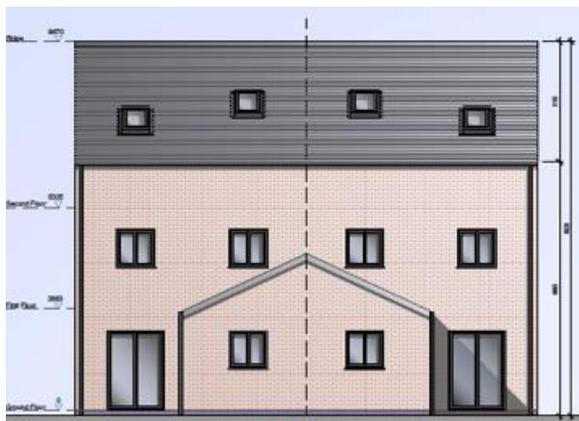
House Type B as proposed on plots 29-32 (17/00723/FUL):



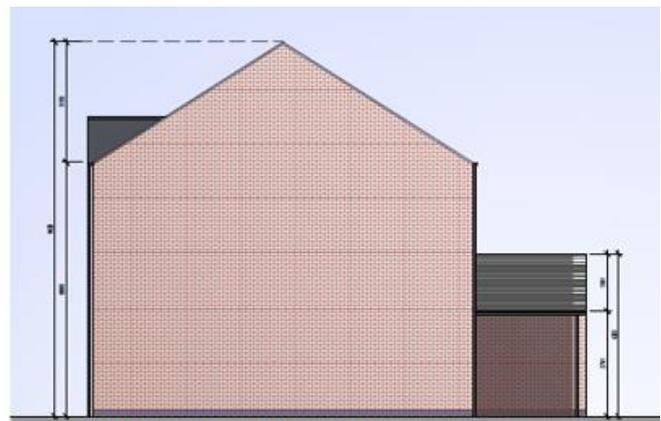
House Type B, Front Elevation



House Type B, Side Elevation 1



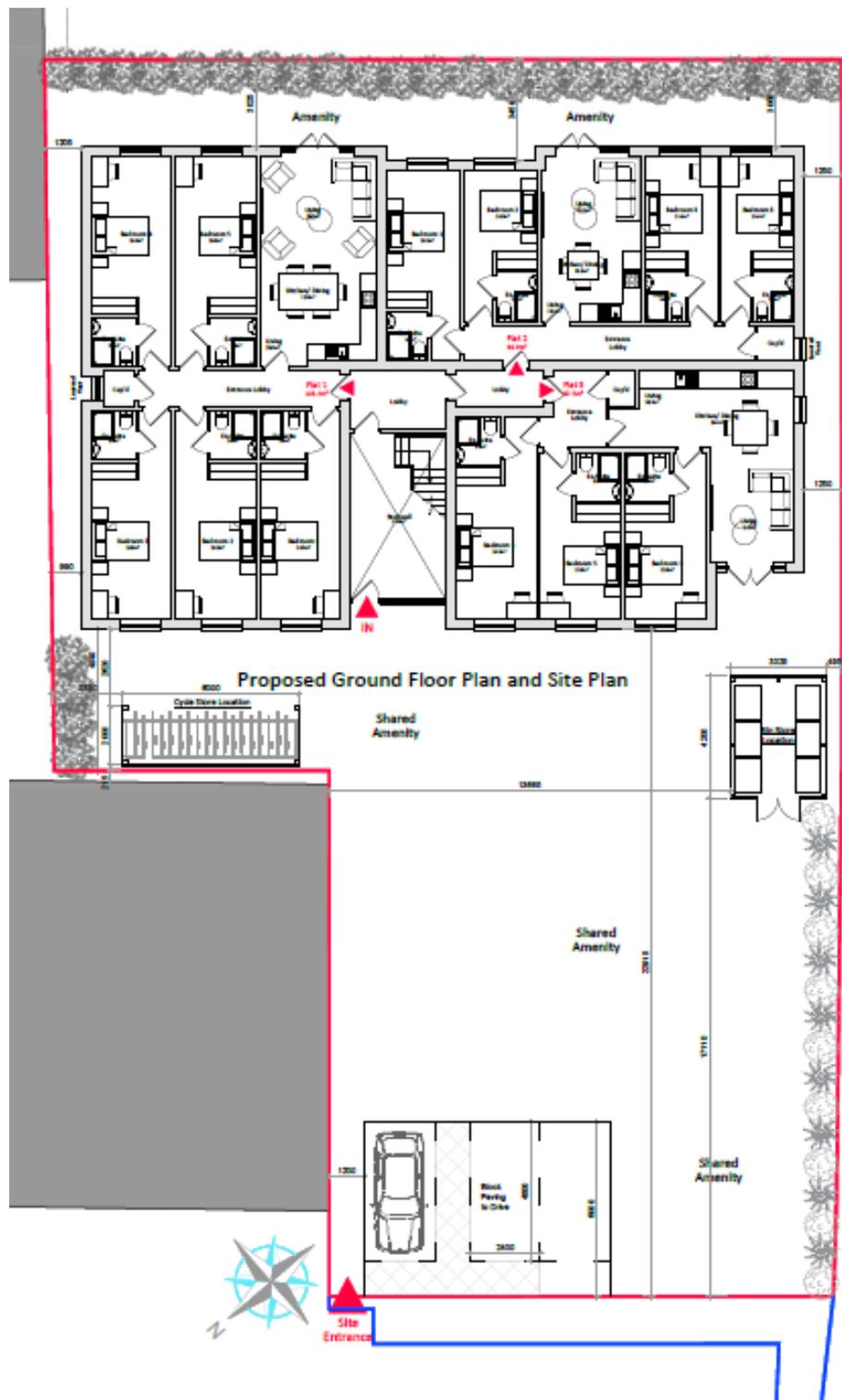
House Type B, Rear Elevation



House Type B, Side Elevation 2

3.6 Planning permission for 15 apartments on the adjacent site to the north east (18/00538/FUL) currently occupied by the Raven Group (warehouse to be demolished) was granted on 16 October 2019. A current application for a 3 storey building comprising 9 student apartments (Use Class C4) on the Raven Group site is pending consideration (21/00349/FUL). The proposed site location plan and ground floor plan/site layout for 21/00349/FUL are shown below:





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 4: Employment Provision and Economic Development
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Space
- 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 14 - Centre of Neighbourhood Importance (Chilwell Road/High Road)
- 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 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 9 – Promoting sustainable transport.
- Section 11 – Making effective use of land.
- Section 12 – Achieving well-designed places.
- Section 15 – Conserving and enhancing the natural environment.

5 Consultations

5.1 **Nottinghamshire County Council as Highway Authority (11.5.21):** requests amendments in relation to the access and additional information regarding swept path analysis. Advises measures should be put in place to prevent rat run between Wilmot Lane and Ellis Grove. Confirms a new application for a Traffic Regulation Order on Ellis Grove will be required to remove on-street parking. Parking provision on site is sufficient.

21.5.21 & 24.5.21 Double yellow lines and tracking acceptable. Further information regarding how access works will tie into existing highway requested. Parking on site should remain available for intended end users through use of signage. Link to Wilmot Lane should be closed to through traffic by continuing full height footway across central aisle.

4.6.21: Requests further details of site access construction. Following revisions to Travel Plan, confirms this is acceptable.

11.6.21 comprehensive drawing to show how both frontages tie in would have been useful to prevent any abortive works. Nevertheless, recommends conditions relating to provision of parking/turning/servicing areas, site access and the making

- of an application for a Traffic Regulation Order (TRO) to remove on-street parking on Ellis Grove.
- 5.2 **Nottinghamshire County Council as Lead Local Flood Authority** has no objection.
- 5.3 **Nottinghamshire County Council Rights of Way (Via East Midlands Ltd):** advise that Beeston Footpath No. 55 runs to the west of the site and make advisory comments regarding not obstructing this path.
- 5.4 **Nottinghamshire County Council Policy:** suggest waste audit is submitted. No contributions sought.
- 5.5 **NHS Nottingham West Clinical Commissioning Group:** request a contribution of £14,305.50 towards provision of additional primary care facilities in the area (reconfiguration or extension of existing GP premises or a new build).
- 5.6 **Nottingham University Hospitals NHS Trust:** advises the Trust is operating at full capacity and request a contribution of £29,616 towards the cost of providing additional health care services for the occupants of the development.
- 5.7 **Nottingham Express Transit:** encourages developer to provide strong pedestrian links between the site and tram stop and to discuss with Tramlink Nottingham the potential to offer discounted ticket scheme for employees. Advise operation of Chilwell Road should not be compromised by additional development traffic and vehicles should not obstruct tramway at any time. Working methods would need to be agreed with NTL prior to construction commencing.
- 5.8 **Force Designing out Crime Officer, Nottinghamshire Police:** no objections
- 5.9 **Council's Environmental Health Officer:** no objections subject to conditions relating to contamination, delivery hours, glazing and ventilation specification, rating level of plant and equipment, piling/penetrative foundation design, construction hours, Construction Method Statement, ventilation/filtration and external lighting details. Notes to applicant regarding burning of commercial waste, food registration and food safety and health and safety requirements.
- 5.10 **Council's Parks and Green Spaces Manager:** no objections - landscaping is good and detailed scheme.
- 5.11 **Council's Waste and Abandoned Vehicle Officer:** no objection - can provide trade waste agreement for site. Bin store location acceptable. Access road should be built to adoptable standards with a minimum 5m width and foundations to withstand the weight of a refuse vehicle.

5.12 **Council's Tree Officer:** development appears to have accommodated the trees on site and they are to be retained apart from T3 (Norway Maple) which is a class C tree and its removal would not be a major loss to the site. T4 will require some minor pruning to give clearance and this would be acceptable. There will be some incursion into the RPA of T5 (Beech) by the siting of the cycle store but this will be minor and the arboricultural report deals with how this can be accomplished with no major detriment to the tree. Subject to the implementation of the report's recommendations, no objections.

5.13 49 properties either adjoining or opposite the site were consulted and three site notices were displayed. 10 representations were received to the initial consultation, summarised as follows:

1 observation:

- fence on boundary with Raven Group should be 2m not 3m high to side of this existing building (3m height to rear is acceptable)

9 objections:

- Scale of building will dwarf Barrydale Avenue houses and be taller than new three storey houses on Lacemaker Road
- Building will be overbearing
- Loss of light as building is too high
- Myfords only operated during day and buildings provided barrier to any noise generated by external activity
- Loss of view
- Terrace should only be used between 8:00-22:00 and no playing of music etc should be allowed
- No detail of proposed plant or hours of operation – proper noise assessment required
- Ventilation condition required to prevent odour nuisance
- No provision for smokers – condition for smoking area required so residents on Barrydale Avenue are not affected by smoke
- Large tree to rear 34 Barrydale Avenue previously shown to be removed should be as roots damaging path
- Concerns regarding noise, activity and odours - servicing area of home (including plant room, staff rooms, kitchen and bin store) is located too close to rear of Barrydale Avenue houses which have peaceful gardens – should be re-located away from residents
- Noise and light from traffic using car park
- Alarms will cause dogs to bark
- Adverse impact on mental health
- Plans should be revised as unfair on existing residents
- Original plans for site showed two pairs of semi-detached houses – previous plans better for neighbours
- No community areas as offered in previous proposal
- Proposal for 66 bedrooms is financially greedy
- Consider proposed residents would prefer to live on main road as previous proposal
- Dense vegetation and boundary fence of sufficient height to maintain privacy should be provided on Barrydale Avenue boundary

- Screening provided by existing trees overstated in application documents
- CCTV cameras should be placed to not affect existing residents' privacy and condition used accordingly
- Residents have endured over 10 years of disturbance due to construction of tram then construction of housing. Negative effect on health and well-being.
- Loss of privacy – from proposed roof terraces (materials of enclosure unclear) and building. Windows in south west elevation to rear of 20 & 21 Lacemaker Road houses should be obscure
- Unclear how proposed and existing boundary treatments will co-exist
- Noise assessment contains wrong site layout and refers to care home in Lincoln which is not comparable to proposed development
- Site and properties on Barrydale Avenue flooded last year – surface water flooding mitigation measures for site queried
- Support landscaping proposals but request vinca major and vinca minor are omitted as invasive
- More wildlife friendly aspects should be incorporated into building e.g. bee bricks, bat bricks
- Conditions on previous permission relating to piling, delivery hours, construction hours and noise levels should be repeated
- Sufficient care homes in the area

5.14 In relation to the re-consultation on the amended plans, 9 representations were received, summarised as follows:

3 observations:

- vast flat roof suitable for solar panels or green sedum roof
- living panels could green up the brick walls which look industrial/prison like
- tree to rear of 34 Barrydale Avenue should be removed as previously classed as dangerous
- request thick, tall hedge is planted on Barrydale Avenue boundary to minimise noise and disturbance.

6 objections:

- loss of privacy from laundry room window
- bedrooms and resident's day areas too small – too dense
- 'green screen' queried
- Disappointing lack of changes in response to concerns raised
- No amplified or live music should be allowed on terrace areas
- Bin store too close to windows of building with planning permission on Raven Group site – request for it to be moved to opposite side of car park
- No objection to building but object to painting of yellow lines by entrance and removal of two parking spaces on Ellis Grove due to parking problems on road and given Hive and Raven developments will add circa 45 people with only 3 parking spaces
- Bar terrace needs north east obscurely glazed screen
- Terrace screens appear to be less than 2m high
- Queried whether the noise condition just relates to plant or noise from the tea room and bar too
- Remain concerned about lack of information about levels in car park and whether 2m high boundary fence is sufficient to maintain privacy for Barrydale

Avenue residents. Requests condition regarding levels in this area to be no higher than ground level at base of boundary fence

- Confused by agent's statement that the boundary fence 'will be inside the residents' fence' as the existing boundary fence was erected by Myfords some years ago. If a new fence is erected away from the existing fence, queried who would be responsible for land inbetween.

6 Assessment

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

6.2 **Principle**

6.2.1 The site has previously been granted permission for residential use and is a committed housing site in the Part 2 Local Plan. Although a care home is not a Class C3 use, it is a residential use. Such a use is therefore considered to be acceptable subject to consideration of the matters below.

6.3 **Design**

6.3.1 The proposed building would be U-shaped, located in the south western and central part of the site and predominantly three storey, with a single/two storey wing parallel to the boundary with the Barrydale Avenue houses to the south east. This step down in height respects the lower height of the houses on Barrydale Avenue. It will be flat roofed with a maximum height of 10.3m (three storey part of the building). The building will have projecting and recessed elements which adds interest to the elevations. It will be faced in red bricks, with black brick used on the single/two storey south eastern element. The ground floor of the building will have vertical black brickwork detailing which adds visual interest at eye level. Use of brick will link the building to the predominant use of brick in the immediate surroundings. Material samples will be conditioned to secure suitable bricks.

6.3.2 Windows will generally be large and tall and have been located in symmetrical positions, achieving a rhythm to the design. The communal lounge and dining room areas will have glazed walls with balconies at first and second floor facing the internal courtyard garden. There will be an outside bar terrace to the front of the building and a tea room terrace to the rear of the building. A cycle store will be located to the south east of the building, a bin store to the north east and a garden/maintenance store to the south west. These buildings will be predominantly constructed using timber. The garden store will have a pitched roof, with the bin and cycle stores having a flat roof with a gap for ventilation between the roof and top of the timber surround. These buildings are considered to be of an acceptable design, fit for purpose.

6.3.3 Due to the location of the building away from the public highway, it will not be prominent in the street scene of Ellis Grove. The rear of the building will be visible from the footpath to the rear of the site, Lacemaker Road and Wilmot Lane but it is considered the height and design of the building will be in keeping with the newly constructed retail unit with flats above (four storeys) fronting Chilwell Road.

- 6.3.4 The car park will be located to the north east of the building, and beside the boundary with the Raven Group site, the British Legion site and the Barrydale Avenue houses. A 12m wide visitors garden and small play area will be provided to the north west of the site boundary with Barrydale Avenue. A courtyard garden and garden to the north west of the building are proposed with planting at the site entrance and to the immediate front of the building. Existing deciduous trees (maple beech, lime, poplar and sycamore) will be retained beside the Barrydale Avenue boundary (one to be removed) and additional tree planting is proposed beside this boundary and across the site (47 trees proposed). The landscaping proposed will provide an attractive setting for the building and a pleasant outlook for residents and staff.
- 6.3.5 To conclude on the design of the proposed development, it is considered a good quality of design has been achieved which will not have an adverse impact on the character or appearance of the street scene, particularly given the location of the development away from the public highway.

6.4 **Amenity**

- The houses on Barrydale Avenue are located at a lower level than the site (approximately 1.5m lower) and the height of the building has been designed to respect this by being single/two storey (approximately 4.5m/8m high) beside the south eastern site boundary. It is acknowledged the building will be approximately 6m away from this boundary at its closest point but there is in excess of 24m between the proposed building and the rear elevation of the Barrydale Avenue houses and comprehensive planting is proposed to take place beside this boundary. Although the building will change the outlook for the rear of the Barrydale Avenue houses, it is considered this is sufficient distance to ensure the proposed building will not be overbearing, will not cause harm to mental health or cause any significant loss of light or visual amenity for the occupants of Barrydale Avenue. In relation to the previous scheme approved for part of the application site, plots 29-32 were three storey semi-detached houses, 9.8m high (planning permission reference 17/00723/FUL). Although this building has a larger footprint, the height beside Barrydale Avenue is lower than that of the approved houses.
- 6.4.2 In terms of privacy, all of the windows in the closest south eastern elevation will be obscurely glazed and the first floor window will be non-opening. A 2m high close boarded fence will be installed on the boundary which is considered to be sufficient to maintain privacy, particularly given the proposed obscure glazing. Some concern has been expressed about the impact of the proposed car park on the occupants of Barrydale Avenue. The proposed car park will be separated from the rear boundary of the Barrydale Avenue houses by a garden area (includes play area) with a minimum width of 12m which comprises existing mature trees and proposed planting of trees, shrubs and hedging. A 2m high fence is proposed on the south east car park boundary. It is considered this will be sufficient to protect the privacy of the occupants of Barrydale Avenue, taking into account the level difference.
- 6.4.3 Some concern has been raised about the proposed terraces in relation to noise and privacy. The tea room terrace screen has been amended so as to be a 2m high obscurely glazed screen on the south east and south west elevations. It is considered this will be sufficient to maintain privacy. The bar terrace is located to

the front of the building and faces the car park. It will be approximately 16m away from the south east boundary with the plant room immediately beside it so it is considered no loss of privacy will occur from this terrace which will have a 1.6m high clear glazed balustrade. Use of the terraces will be controlled by condition to between 8:00 and 22:00. No restriction on the use of music etc is considered to be necessary for the terraces given the nature of the proposed use.

- 6.4.4 In terms of noise generated by the proposed development, a noise assessment was submitted with the application. The plant room will contain condensers to enable the drug rooms to be kept cool for medicines. The noise assessment concludes the plant noise would have a low impact as a noise receptor. The Environmental Health Officer has raised no objection to this report subject to conditioning the noise level of plant, machinery and equipment. Subject to this condition, the potential for noise disturbance from the development is considered to be acceptable. The hours that deliveries/collections by commercial vehicles can occur will be restricted by condition, with the exception of urgent medical items, to protect residents from undue noise at unsocial hours.
- 6.4.5 It is recognised that the servicing parts of the site will be within the section of building closest to the houses on Barrydale Avenue and Lackmaker Road. In response to neighbours' concerns about this, the applicant has advised that the servicing areas cannot be moved as due to Covid, the building has been designed so as to ensure staff do not have to travel through a bedroom unit to get to another bedroom unit (staff use lifts). All bedrooms are therefore located together in 18 or 24 bedroom units and the servicing areas of the building cannot be swapped with some of the bedrooms. The three storey bedroom part of the building has been located away from residents to minimise overlooking. The last use of the site was generally unrestricted industrial use. Accordingly, it is considered that the proposed residential institution use will have less impact on neighbour amenity, particularly given the nature of the use – managed care facility. Environmental Health are satisfied with the findings of the noise report and conditions will be imposed relating to plant noise and requiring the submission of details of ventilation, odour arrestment and filtration equipment. Subject to these conditions, it is considered there will be no significant impact on neighbour amenity from noise or odour.
- 6.4.6 The bin store has been relocated from beside the Barrydale Avenue boundary to within the car park beside the Raven Group site. The owners of the Raven Group site have objected to this as the bin store will be close to the windows of the building proposed on this site. However, the building is yet to be built on the Raven Group site, the proposed bin store will have a roof, be regularly emptied/cleaned and the plans for the Raven Group site include a bin store which is closer to the building than the proposed bin store. It is therefore considered the bin store will have no significant adverse impact on the residents of the as yet to be built building.
- 6.4.7 The approved apartment building on the Raven Group site (reference 18/00538/FUL) would be located to the north east and north west of the proposed car park. This apartment building would be three storeys (9.3m high), with kitchen and bathroom windows in the south west (side) elevation and located 20m from the proposed care home which will have bedroom windows in the north east facing elevation. As planning permission has been granted for the application on this neighbouring site, some weight can be attached to this proposal. Limited weight

can be attached to the revised proposal (21/00349/FUL) submitted for this site as it is still pending consideration. Nonetheless, it is considered the proposed development will not have an adverse impact on the amenity of the future occupants of the Raven Group site and vice versa given the separation distance.

- 6.4.8 As access to the site will be taken from Ellis Grove, there is the potential for increased vehicular movements/activity to have an impact on the amenity of other occupants on Ellis Grove given the dwellings front directly onto the pavement. However, given the previous use of the site, which would have generated activity/traffic, this is considered to not be a significant concern.
- 6.4.9 To the rear of the proposed building, the site adjoins the rear gardens of a pair of recently constructed three storey houses (Lacemaker Road). These houses are at a similar ground level to the proposed building and the closest part of the building to these houses is single storey with a laundry and kitchen window in the south west elevation. There will be a 2.5m high garden/maintenance store building with planting either side to the rear of the gardens of these two houses and a 2m high close boarded fence on the boundary. The store will largely obscure the kitchen window and the laundry window will be obscurely glazed (and conditioned as such). The tea room terrace will be over 24m away from the rear elevation of these houses and will be screened to the south west by a 2m high obscurely glazed screen. It is therefore considered the impact on these neighbours will not be significant.
- 6.4.10 Concern has been expressed about the impact of construction works on existing residents. Although some disruption is an inevitable part of construction, given the proximity of this development site to neighbours, it is proposed to restrict the hours that construction can take place in order to minimise disturbance to residents. For the same reason, a condition is recommended in relation to piling or other penetrative foundation methods. In relation to concern expressed about the length of build, the applicant has advised that they anticipate a construction programme of approximately 12 months.
- 6.4.11 Odour from the bin store and smokers are considered to have little weight as planning considerations.
- 6.4.12 Given the previous use of the site, some contamination is present on site so a condition requiring a contamination survey and remediation methods will be recommended accordingly. This condition will ensure the building is safe for occupation in terms of public health considerations.
- 6.4.13 The Council's Environmental Health Officer has recommended that the glazing and ventilation specification of the building accords with the recommendations of the noise report. This will be conditioned. Accordingly, it is considered the proposed residents will not be subject to undue noise.
- 6.4.14 The proposed landscaped/garden areas will provide attractive outlooks from most bedrooms. It is considered the proposed residents will have a satisfactory standard of amenity and the room sizes far exceed the minimum standards of 12 sqm bedrooms and day space of 4.1 sqm per resident. The site is in a sustainable location, close to shops and local amenities which will be of benefit to the proposed residents and staff.

6.4.15 It is considered that the proposed residents will have a satisfactory standard of amenity but that some harm will be caused to the amenity of the residents on Barrydale Avenue. It is considered this harm would be addressed through the use of conditions relating to noise, ventilation and filtration equipment, boundary treatment, obscure glazing and the hours of use of the terraces.

6.5 Highway safety

6.5.1 Vehicular access to the site will be from Ellis Grove which is a one way street with double yellow lines on the north east side of the carriageway, opposite the proposed site access. As part of the approved outline reference (13/00003/OUT), access was to be taken from Ellis Grove for part of the development. County Highways have no objection to the proposed access position. It is considered that the proposed vehicular access to the site is acceptable.

6.5.2 A 26 space car park (2 spaces with EVCs and 6 spaces with electric infrastructure) is proposed. A total of 60 staff will be employed at the care home and a maximum of 23 staff would be on site per shift; shift change will be based on two patterns changing at 8am and 8pm. The site is located in close proximity to a tram stop and several frequent bus routes. A cycle store with provision for eight bicycles is proposed. Staff and visitors cannot be forced to use these more sustainable modes of transport but it is considered reasonable to expect that some will. It is considered sufficient parking is proposed for the development and the provision of this car park prior to first use of the building will be conditioned.

6.5.3 To ensure use of the car park by the end users only, the applicant will utilise signage to state that parking is for staff and visitors of residents only. The site plan also shows a shared surface on the road layout, forming the main entrance into the care home car park which will help to define the space as private.

6.5.4 To enable a refuse vehicle to safely exit the site, an additional section of double yellow lines will be required to be secured through a Traffic Regulation Order (TRO) to restrict on-street parking to the west of the access on Ellis Grove and ensure that sufficient carriageway widths are maintained. A condition will be imposed accordingly. The concerns regarding loss of two on-street parking spaces on Ellis Grove are recognised but are not considered sufficient reason to warrant refusal of this application which provides sufficient on-site parking.

6.6 S106

6.6.1 The NPPF requires planning contributions to be necessary, directly related and fairly and reasonably related in scale and kind to the development. Given the previous use of the site and its very sustainable location, a contribution towards sustainable transport measures is not required. No open space contribution has been requested as open space is to be provided on site and no education contribution is required for this proposed use.

6.6.2 NHS CCG have requested a contribution of £14,305.50 towards provision of additional primary care facilities in the area. The applicant has agreed to pay this contribution and a s106 will secure this amount. A contribution of £29,616 is sought for NHS NUH Trust. However, as the site is a committed site in the adopted local plan, and therefore was subject to consultation with relevant healthcare providers

at the time of production, this request cannot be justified and as such is not considered necessary in order to make the development otherwise S106 compliant.

6.7 Other matters

- 6.7.1 No planning application has been made for the section of the former Myfords site to the north west of the application site. An indicative layout for a development on this adjacent site has been shown on the proposed site layout but this can be given no significant weight.
- 6.7.2 The County Council as Lead Local Flood Authority have no objection to the application. As the site is not located in a flood zone and does not exceed 1 ha in area, there is no requirement to consult the Environment Agency. The site does slope down towards the south east boundary but there will be a landscaped area between the car park and Barrydale Avenue so it is considered this will act as a soakaway for any surface water run-off. Discharge rates are proposed to be significantly reduced as part of the proposal through use of on-site storage methods (attenuation tank) and flow control.
- 6.7.3 Environmental Health are satisfied with the methodology of the submitted noise assessment.
- 6.7.4 The fencing surrounding the Raven Group site will be a mesh fence with climbing plants growing up the fence (2m high to the south east (rear) of this adjacent site and 3m high to the south west side). There will be no gap between the proposed and existing boundary treatments to the rear of Barrydale Avenue.
- 6.7.5 The landscaping plans were amended in response to a resident's concerns about the use of Vinca Major and Minor. The Parks and Green Spaces Manager has confirmed that the landscaping is a good and detailed scheme. The applicant proposes the following wildlife benefits:
- Retention of the majority of existing trees, supplemented with additional tree planting
 - Establishment of a network of planting, offering corridors for wildlife within the scheme and the wider landscape
 - A range of planting structure is proposed, with a varied planting palette, including a high proportion of native plants and species of known ecological interest
 - Log piles for hedgehogs could be provided to the northern garden within the planting, also small holes within the eastern boundary fence (13x13cm) to allow them to move from the adjoining gardens through the site.
- 6.7.6 Tree T7 to the rear of 34 Barrydale Avenue is considered to be in an acceptable condition and is not currently proposed to be removed but its condition will be monitored by the applicant. It is accepted that the existing trees are deciduous and will not provide a screen all year round but they will provide a good screen for several months. The proposed planting will create a significant buffer beside the south eastern site boundary.
- 6.7.7 No condition will be imposed regarding CCTV as it is considered the potential use of CCTV will cause no significant loss of neighbour privacy and will provide security

for users of both the proposed and existing development. In any case the applicant has advised CCTV will only be used inside the building.

6.7.8 There is no legal requirement to provide a smoking shelter and the applicants have advised the care home will be a smoke free environment.

6.7.9 Alarms causing dogs to bark is not considered to be a significant issue and it is unlikely any alarms will be heard beyond the site boundaries.

6.7.10 The applicant has advised solar panels are not cost effective and sedum roofs/green walls pose a fire risk. The building will be highly sustainable in terms of insulation. EVCs are proposed in the car park and the planting proposed includes many native species.

6.7.11 The motives of the applicant and need for the development are not material planning considerations.

6.7.12 There is no requirement for the applicant to provide community areas which a previous applicant did (18/00268/FUL).

7 Planning Balance

7.1 The benefits of the proposal are the provision of specialist residential accommodation in a highly sustainable location, the provision of jobs (short term during construction and long term once the building has been constructed) and the re-use of a brownfield site.

7.2 The negative impact is the loss of some amenity for residents on Barrydale Avenue and Lacemaker Road by virtue of the location of the building in proximity to their rear boundaries. Other potential harm to amenity through noise and potential disturbance is considered to be limited by the use of planning conditions.

7.3 On balance, the harm to neighbour amenity is considered to be outweighed by the benefits of the scheme.

8 Conclusion

8.1 The proposed development will provide specialist accommodation in a sustainable location and the design of the development is considered to be acceptable. There are no highway safety concerns subject to conditions. Some harm is considered to be caused to the amenity of residents on Barrydale Avenue and Lacemaker Road. However, this is considered to be significantly and demonstrably outweighed by the benefits of the scheme in terms of provision of specialist accommodation, the sustainable location of the site and the re-use of a previously developed land.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to:</p> <p>i) the prior signing of a Section 106 Agreement to secure a health contribution for the CCG and</p> <p>ii) the following conditions:</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</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>
2.	<p>The development hereby permitted shall be carried out in accordance with the following drawings (dates in brackets as to when received by the Local Planning Authority):</p> <ul style="list-style-type: none"> • Proposed site plan 105E (8.6.21) • Proposed colour site plan 106D (28.5.21) • Proposed ground floor plan 110C (28.5.21) • Proposed first floor plan 111B (28.5.21) • Proposed second floor plan 112B (8.3.21) • Proposed elevations sheet 1 120D (28.5.21) • Proposed elevations sheet 2 121B (28.5.21) • Proposed elevations in context 122D (28.5.21) • Proposed elevations sheet 1 – Landscape removed 125C (28.5.21) • Proposed elevations sheet 2 – Landscape removed 126B (28.5.21) • External stores as proposed sheet 1 108C (19.5.21) • External stores as proposed sheet 2 109B (28.4.21) • Planting plan 383-P-002 Rev B (11.6.21) • Proposed terrace sections 155A (28.5.21) • Hard Works Plan 002A (11.6.21) • Site location plan 100A (8.3.21). <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>a) No development shall commence 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 any contamination or other identified problems.</p>

	<p>b) No building to be erected pursuant to this permission shall be occupied or brought into use until:-</p> <ul style="list-style-type: none"> (i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and (ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified. <p><i>Reason: No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests public health and safety and groundwater protection and in accordance with the aims of Policy 19 of the Broxtowe Local Plan (2019).</i></p>
<p>4.</p>	<p>No development shall commence until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the local planning authority, including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented on accordance with the approved details.</p> <p><i>Reason: No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, to ensure nearby occupiers are protected from excessive construction noise and vibration and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policies 17 and 19 of the Broxtowe Local Plan (2019).</i></p>
<p>5.</p>	<p>No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall include:</p> <ul style="list-style-type: none"> a) the means of access for construction traffic; b) parking provision for site operatives and visitors; c) the loading and unloading of plant and materials; d) the storage of plant and materials used in constructing the development; e) a scheme for the recycling/disposal of waste resulting from construction works; and f) details of dust and noise suppression to be used during the construction phase.

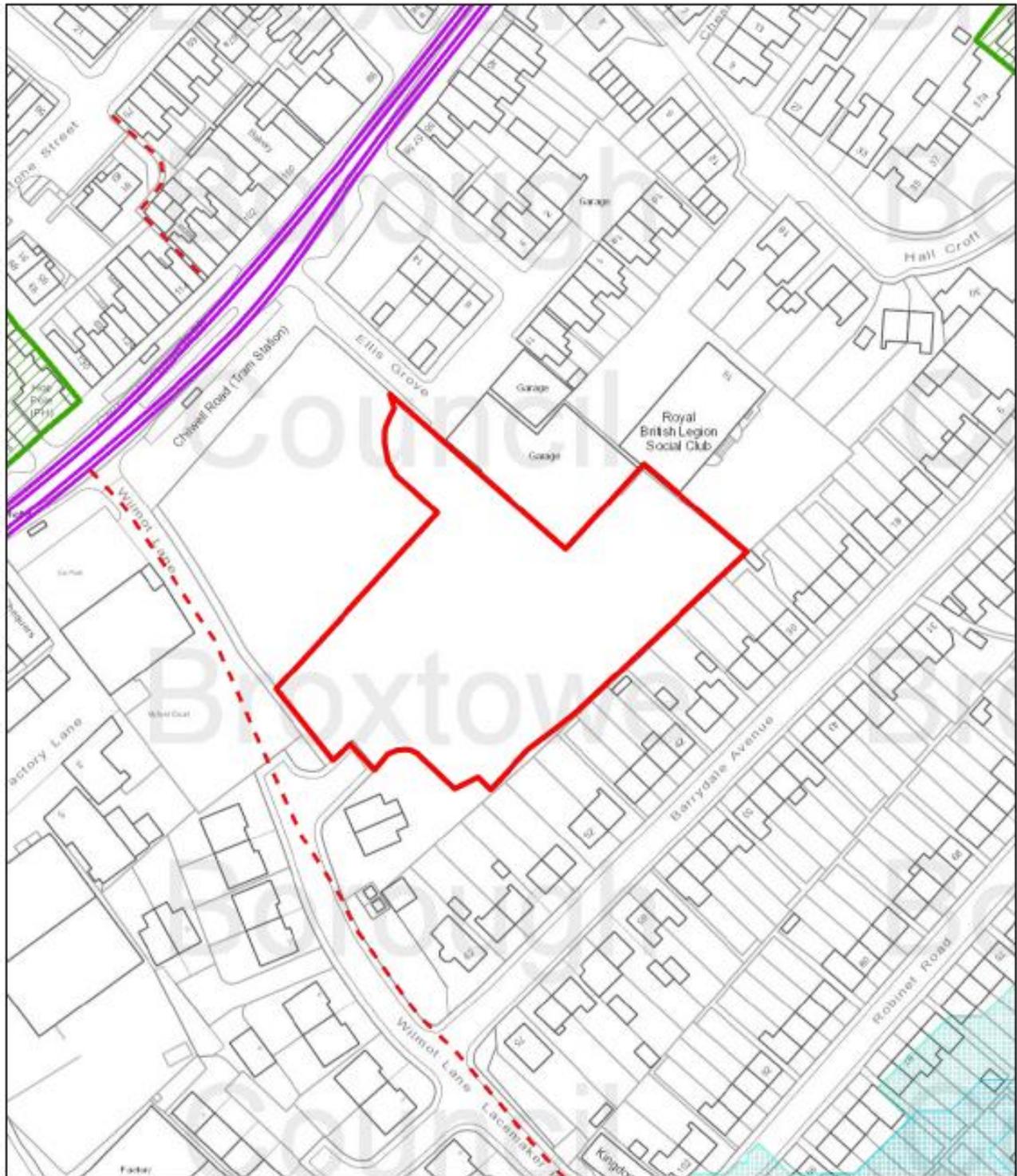
	<p>The approved statement shall be adhered to throughout the construction period.</p> <p><i>Reason: No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of highway safety, to avoid conflict with the tram and to protect residential amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>6.</p>	<p>Suitable ventilation, odour arrestment and filtration equipment shall be installed to suppress and disperse odour created from food preparation operations on the premises. The equipment shall be effectively operated and maintained in accordance with manufacturer’s instructions for as long as the proposed use continues. Details of the equipment shall be submitted to and approved by the local planning authority prior to the commencement of the development. Equipment shall be installed and in full working order to the satisfaction of the local planning authority prior to the commencement of use.</p> <p><i>Reason: No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, to ensure nearby occupiers are protected from excessive odour and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policies 17 and 19 of the Broxtowe Local Plan (2019).</i></p>
<p>7.</p>	<p>No development shall be commenced until the retained trees have been protected in accordance with the tree protection measures as detailed in section 3.3 and on the Tree Protection Plan of the Indigo Surveys Tree Survey, Arboricultural Implications Assessment & Method Statement. The development shall be carried out in accordance with the recommendations included in paragraphs 3.3.2, 4.3 and 4.6 and section 5 of this method statement.</p> <p><i>Reason: In the interests of retaining the trees on the site boundary with Barrydale Avenue and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Local Plan (2019).</i></p>
<p>8.</p>	<p>No development above slab level shall be carried out until samples of the materials to be used in the facing walls (including windows and doors) and rainwater goods have been submitted to and approved in writing by the Local Planning Authority, and the</p>

	<p>development shall be constructed only in accordance with those details.</p> <p><i>Reason: Full details were not submitted, in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
9.	<p>Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment (including design, size and illuminance) scheme in line with the current guidance from the Institute of Lighting Professionals Lighting Guide ref 01/20 guidance note for the reduction of intrusive light, shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be installed in accordance with the agreed details.</p> <p><i>Reason: To protect the nearby residents from potential light nuisance and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policies 17 and 19 of the Broxtowe Local Plan (2019).</i></p>
10.	<p>The landscaping as shown on the approved drawings shall be carried out not later than the first planting season following the practical completion of the development 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.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
11.	<p>The building shall be constructed and the glazing and ventilation installed in accordance with the specification details in the BSP noise report ref: TWBN-BSP-ZZ-RP-C-001-P01_Environmental_Noise_Assessment dated 7 December 2020.</p> <p><i>Reason: To protect future occupiers from excessive environmental, commercial and industrial noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
12.	<p>The building shall not be first occupied until the boundary treatments and the tea room terrace screen (Pilkington level 4 or 5 obscurity or equivalent) have been provided in accordance with the approved boundary treatments plan and first floor plan and</p>

	<p>proposed elevations respectively. These boundary treatments and terrace screen shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interests of the amenities of nearby residents and proposed residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>13.</p>	<p>The building shall not be first occupied until the parking, turning and servicing facilities have been provided in accordance with the approved plans (including the provision of the EVCs) and constructed so as to prevent the unregulated discharge of surface water therefrom onto the public highway. These facilities shall thereafter be retained in the agreed form for the lifetime of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.</p> <p><i>Reason: In the interests of highway safety to ensure satisfactory access, servicing and parking arrangements are provided, in the interests of sustainability and in accordance with the aims of Policies 17 and 20 of the Part 2 Local Plan (2019).</i></p>
<p>14.</p>	<p>The hereby approved development shall not be brought into use until the site access has been provided in accordance with the approved drawings and constructed with provision to prevent the discharge of surface water from the access road to the public highway. The provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to ensure a satisfactory access is provided and in accordance with aims of Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>15.</p>	<p>No part of the development hereby permitted shall be brought into use until an application for a Traffic Regulation Order to remove on-street parking from the site entrance along the south western side of Ellis Grove has been made.</p> <p><i>Reason: In the interests of highway safety to ensure egress from the site by larger vehicles is not hindered by parked vehicles beside the access and in accordance with aims of Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>16.</p>	<p>No deliveries or collections by commercial vehicles (excluding the delivery of urgent medical supplies) shall be made to/from the site except between the hours of 07:00 - 22:00 on any day.</p> <p><i>Reason: To protect nearby residents from excessive noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>

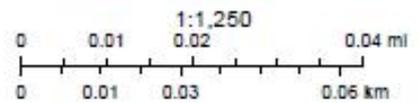
<p>17.</p>	<p>The total rating level resulting from the use of any plant, machinery or equipment hereby installed pursuant this permission, shall not exceed the existing background sound level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive premises.</p> <p><i>Reason: To protect residents from excessive plant noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>18.</p>	<p>The windows shown on the approved plans as being obscurely glazed and the south eastern second floor landing window (beside bedroom 43), up to a height of 1.7m above second floor level, 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). The first floor activity room window in the south east elevation shall be non-opening. These windows shall be retained in this form for the lifetime of the development.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>19.</p>	<p>The outdoor terraces shall only be used between 08:00 and 22:00 on any day.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>20.</p>	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policies 17 and 19 of the Broxtowe Local Plan (2019).</i></p>
	<p>NOTES TO APPLICANT</p>
<p>1.</p>	<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.	This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3.	Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
4.	The applicant is advised that the proposed use will require a Food Registration. Please contact the Council's Environmental Health Department on Tel: 0115 9173485.
5.	The internal layout, design and construction of the premises must meet the current Food Safety and Health and Safety requirements. The applicant must therefore contact the Council's Food and Occupational Safety Section on Tel: 0115 9173485.
6.	It is not permitted for any vehicles to obstruct the tramway at any time and consideration should be given to erecting a warning sign at the construction site exit point to warn of overhead lines. Please contact the Nottingham Express Transit (NET) Project Office for further information (0115 876 4095).
7.	In order to carry out the off-site works required, 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. Please contact hdc.south@nottsc.gov.uk for details.
8.	It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
9.	The developer should note the Traffic Regulation Order referred to in condition 15 above can be made on behalf of the developer by Via East Midlands (in partnership with Nottinghamshire County Council) at the developer's own expense. Please contact the Highway Improvements Team on 0300 500 8080 for details.
10.	As this permission relates to the creation of a new unit, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure an address is 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.



11/06/2021 14:52:04

-  Conservation Area
-  Flood Zone 2
-  Flood Zone 3
-  Tram Route
-  Site
- Public Rights of Way**
-  Byway open to all traffic
-  Bridleway
-  Footpath



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Photographs



Site viewed from Wilmot Lane to west



North east part of site facing British Legion



20 & 21 Lacemaker Road



Looking towards Chilwell Road from site



Rear of 20 & 21 Lacemaker Road



SE boundary beside Barrydale Avenue



Ellis Grove access point from within site



SW elevation of Raven Group building



Looking SE towards Barrydale Avenue



Plans (not to scale)

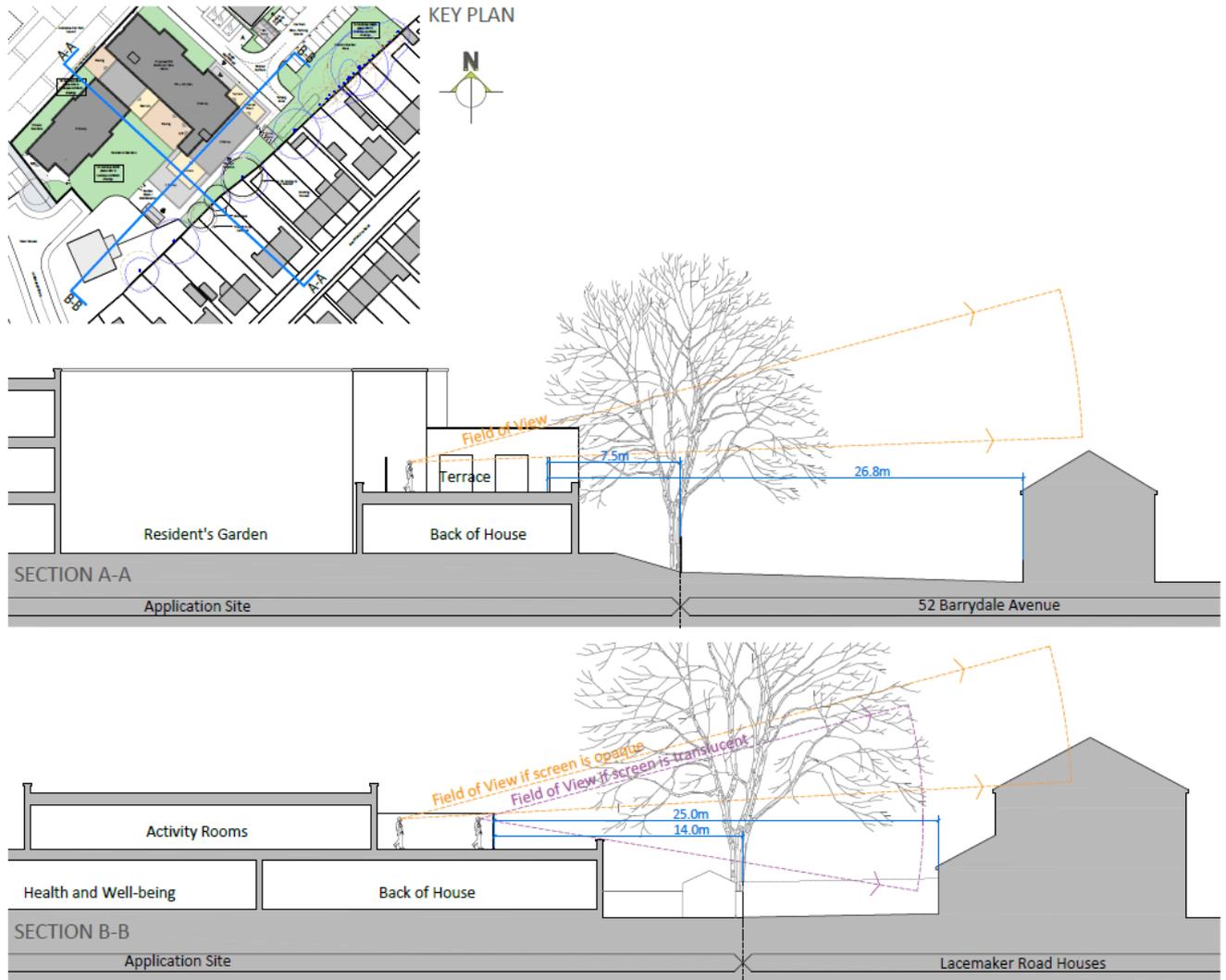
Proposed site plan



Visual from Ellis Grove entrance



Proposed terrace sections

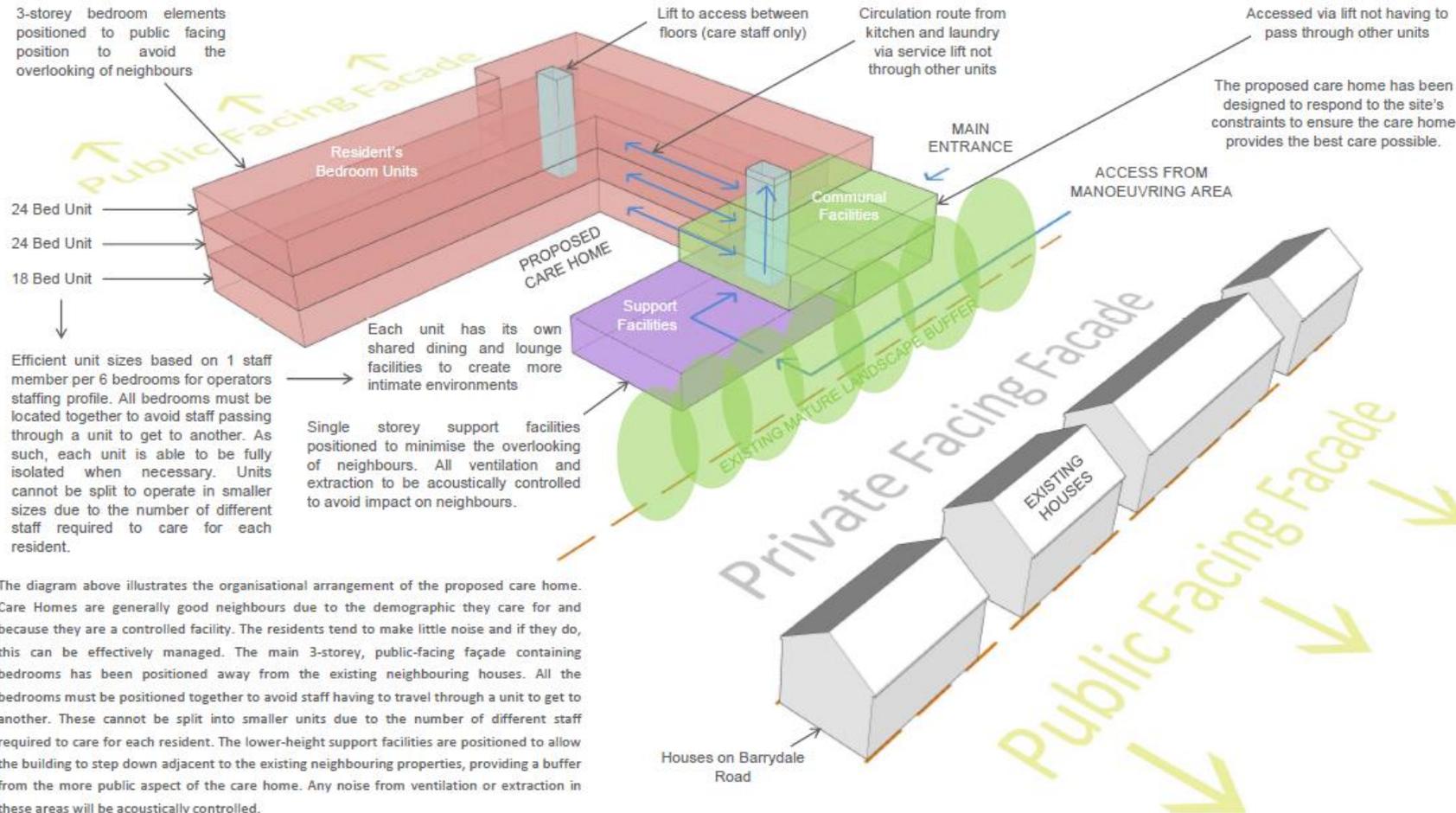


Entrance visual



Organisational diagram

Organisational Diagram



The diagram above illustrates the organisational arrangement of the proposed care home. Care Homes are generally good neighbours due to the demographic they care for and because they are a controlled facility. The residents tend to make little noise and if they do, this can be effectively managed. The main 3-storey, public-facing façade containing bedrooms has been positioned away from the existing neighbouring houses. All the bedrooms must be positioned together to avoid staff having to travel through a unit to get to another. These cannot be split into smaller units due to the number of different staff required to care for each resident. The lower-height support facilities are positioned to allow the building to step down adjacent to the existing neighbouring properties, providing a buffer from the more public aspect of the care home. Any noise from ventilation or extraction in these areas will be acoustically controlled.

Proposed ground floor plan

