

Report of the Chief Executive

APPLICATION NUMBER:	21/00575/FUL
LOCATION:	Land Between Ellis Grove and Wilmot Lane, Ellis Grove, Beeston, Nottinghamshire
PROPOSAL:	Construct four storey building to accommodate retirement apartments including communal facilities, access, car parking and landscaping

The application is brought to the Committee due to the viability of the development in respect of developer contributions and as such would not be policy compliant.

1 Executive Summary

- 1.1 The application seeks full planning permission to construct a four storey building to accommodate retirement apartments including communal facilities, means of access, car parking and landscaping.
- 1.2 The site was formerly part of the Myfords site and has been cleared of all buildings. There is no current access to this part of the site, however it is understood that as part of the larger Myfords site access would have been from Wilmot Lane, to the south west of the site.
- 1.3 The main issues relate to whether the principle of residential development would be acceptable, whether the development would be acceptable without payment of any developer contributions, whether there would be an unacceptable impact on neighbour amenity, and whether there would be harm to highway safety.
- 1.4 The benefits of the proposal are that it would provide specialist accommodation with communal facilities, which would have the potential to free family sized accommodation elsewhere in the borough and surrounds, to the benefit of the wider population. The scheme would be located in a highly sustainable location, close to shops along the Chilwell High Road local centre, and close to Beeston Town Centre, which gives convenient access to facilities such as health provision. The site is on a well-served public transport route, having both the tram stop immediately adjacent to the site and with bus stops close by. The site would also see the development of previously developed land. The principle of development would be in accordance with the policies contained within the development plan, with the exception of the developer contributions. There would be an increase in vehicular activity as a result of the development of the site, but this would be outweighed by the benefits of the scheme.
- 1.5 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

1 Details of the Application

- 1.1 The application seeks planning permission for the construction of a four storey building to accommodate retirement apartments including communal facilities, means of access, car parking and landscaping. The four storey building would be built close to the north west boundary (to Chilwell Road) and would have a flat roof, with the fourth floor being inset from the lower storeys, and being of a contrasting grey brick. The lower floors would be of red brick with panels of a darker brick added for interest, with a main entrance area on the front elevation framed by render.
- 1.2 Vehicular access to the site would be via Wilmot Lane, to the south west, and would lead to a 19 space parking area. A landscaped amenity area and mobility scooter outbuilding would also be provided to the rear of the building.
- 1.3 Internally, the building would provide a communal lounge and coffee bar to the ground floor along with a reception area and associated offices. An internal bin store area is also provided on this floor. 10 apartments are shown on the ground floor plan, with 14 to the first and second floors, and 13 to the third floor (51 apartments shown in total). These are to be a mix of one and two bedroom apartments. The third floor also accommodates one studio apartment for the use of guests. All floors would be served by both stairs and lifts. All apartments are proposed to be for market housing.
- 1.4 Part of the site falls within the Chilwell High Road Centre of Neighbourhood Importance boundary.

2 Site and surroundings

- 2.1 The site is a piece of previously developed land (formerly part of Myfords) which fronts Chilwell Road, to the north west, having the tram stop immediately to the front. Ellis Grove is to the north east and this section of Ellis Grove, where it is adjacent to the site, has the rear gardens of 8 to 14 (evens) backing on to Ellis Grove. To the south west of the site is Wilmot Lane. This road has been widened and improved as it now serves the development to the south west of Wilmot Lane, which is a retail shop to the ground floor with apartments above, and parking associated with that development, which is to the rear of that building. Wilmot Lane also gives pedestrian access via a right of way to newly built dwellings along the south east section of Wilmot Lane. There is no direct vehicular access through to that section from Chilwell Road.
- 2.2 To the north west of the site, on the opposite side of Chilwell Road, there are a number of shops and other commercial uses such as the Hop Pole PH, which fall within the Chilwell High Road Centre of Neighbourhood Importance. To the south east of the site is a separate piece of land, which also formerly part of the Myfords site, which has recently been granted conditional planning permission for a residential care home which would be a three storey flat roofed brick building. Reference 21/00184/FUL.

3 Relevant Planning History

- 3.1 In 2013, outline planning permission was granted for the re-development of the entire Myfords site, which encompassed the current application site, as well as land to the south east and south west, extending south towards Robinet Road. The application proposed a mix of uses including retail, leisure and residential, the latter including both C3 and C2 uses. Reference 13/00003/OUT.
- 3.2 In 2018, planning permission was granted for the development of the application site and included the site to the south east for the construction of a 75 bed care facility; 30 supported living apartments; bistro; gym/spa; hairdressers and associated infrastructure. Reference 18/00268/FUL. This permission was later amended to remove a condition relating to occupancy. Reference 20/00299/ROC.
- 3.3 In June of this year, planning permission was granted for the development of the area to the south of this application site for the construction of 66 bed care home and associated external works. This effectively split the site area approved under 18/00268/FUL and 20/00299/ROC into two parts. Access to this development would be via Ellis Grove. Reference 21/00184/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 6: Role of Town and Local Centres
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

- 4.2.1 The Council adopted the Part 2 Local Plan (P2LP) 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

4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes.
- Section 7 – ensuring the vitality of town centres.
- Section 12 – Achieving well-designed places.

5 Consultations

- 5.1 **County Council as Highway Authority:** Recognises that the site is in a very sustainable location given its proximity to bus and tram facilities and adjacent to a convenience store and easy walking / cycling distance to Beeston Town Centre. Vehicular access arrangements to the site are considered acceptable. Parking is adequate as comparable to similar establishments throughout the country. Additionally, parking is controlled within the vicinity and there are pay to park car parks in the area. Recommend a condition to require the parking and turning areas to be provided prior to occupation and thereafter maintained and for no other use for the lifetime of the development. Note to Applicant in respect of access to the development being a dropped and tapered kerb.
- 5.2 **Council's Waste and Recycling Officer:** Sets out requirements for amount / size of communal bins, and that a safe route be provided for the collection of the bins.
- 5.3 **Council's Environmental Health Officer:** No objections to conclusion of noise report; recommend condition in regard to piling / penetrative foundation design and to a condition in respect of construction hours; condition requiring details of Construction / demolition Method Statement; details of external lighting scheme; details of a remediation scheme (contamination) and a Note to Applicant in respect of burning of waste.
- 5.4 **Council's Housing Services Officer:** Would look to achieve 30% affordable housing in sites in Beeston, however as this is a retirement housing scheme, the 'first homes' element of the affordable housing would not be expected, and as such, for this site, the requirement would be 20% affordable / social rented housing. This would normally be expected on site, however given the history of the site and the high density scheme proposed, an off-site contribution would be considered in lieu of on-site provision. This would equate to £45,000 per unit, which, based on the proposal providing 51 apartments, would be 20% of 51, therefore 10 units x £45,000 equalling £450,000.
- 5.5 **Council's Private Sector Housing Officer:** No comments
- 5.6 **Council's Parks and Green Spaces Officer:** Landscaping proposal and design philosophy is sound. Would like to see a detailed landscaping scheme. This would be secured by condition. A financial contribution for off-site provision or enhancement of public open space would be required, which based on current figures would be £79,612.89, comprising £45,083.92 for capital provision and £34,528.97 for Maintenance and which would be used for footpath, access, and infrastructure works at Dovecote Lane, Hetley Pearson and Cator Lane recreation grounds.
- 5.7 33 properties either adjoining or opposite the site were consulted and a site notice was displayed. A site notice was posted and a press notice published. Five responses were received, with the following comments:
One letter of objection – properties on Ellis Grove (8, 10, 12 and 14) would be overlooked resulting in loss of privacy, and will also be a loss of light and sunlight especially during winter months. Height of building would create sense of enclosure.

Two letters of support – Schemes like this are essential given that we are all living longer. Older people still want independence but find large family homes too much to look after. They can live in a community of likeminded people and the location could not be better suited, being close to public transport, shops and town centre. The site is brown-field and has the potential to support local businesses as the residents have more disposable income. The site is currently an eyesore and would be enhanced by both the building and landscaped gardens, which in turn would help biodiversity. The application would be beneficial to the local area. The development would create a sense of community, and would provide accommodation suitable for the aging population, addressing the imbalance of other developments which are aimed at students and family homes.

One letter with observations – 19 parking spaces seems too few. There is a need for a pelican crossing on Chilwell Road to assist all residents including care home residents. Lack of clarity on respect of pedestrian access from Wilmot Lane to Lacemaker Road. Can the development share access with the care home off Ellis Grove as Wilmot Lane is used by pedestrians and there may be a conflict. Good to see the inclusion of PV panels to the roof, can green walls be considered too so as to break up the brick work.

One letter of no objection – although requests that a condition is imposed in regard to limiting hours of construction so as to safeguard residential amenity.

6 Assessment

- 6.1 The main issues for consideration relate to whether the principle of residential development would be acceptable, whether the development would be acceptable without payment of any developer contributions, whether there would be an unacceptable impact on neighbour amenity, and whether there would be harm to highway safety.

6.2 **Principle**

- 6.2.1 Given the planning history of the site, where permission has formerly been granted for a similar scheme under 18/00268/FUL and 20/00299/ROC, the principle of residential development for retirement apartments is acceptable and whilst the site is located within the Chilwell Road CONI, would not result in a detriment to the vitality and viability of the centre given that the site was formerly in use as industrial therefore no loss of town centre uses, and that the residential development would contribute to the viability of the centre by virtue of the tenancy, where residents would be more likely to shop local.

6.3 **Developer Contributions**

- 6.3.1 As the proposed scheme would be classed as a major development, developer contributions would be sought and secured through a Section 106 Agreement. The following financial contributions were requested: £28,719.38 from Nottingham and Nottinghamshire CCG to go towards enhancing capacity / infrastructure within existing local practices (The Manor Surgery, The Oaks Medical Centre, The Valley Surgery); and £79,612.89 toward off site provision or enhancement of public open space (specifically footpath, access and infrastructure works) at Dovecote Lane, Hetley Pearson and Cator Lane recreation grounds. It would also be expected that the development contributes the equivalent of 20% affordable housing in lieu of

provision within the site, which would be £450,000. In total, the financial contributions sought would overall equate to £558,332.27

- 6.3.2 The developer submitted a Financial Viability Assessment as part of the planning application. This assessment concluded that there is no financial headroom available for any planning obligations, including on-site affordable housing provision, after accounting for the anticipated gross sales receipts and all reasonable aspects of the outlay necessary. It was stated that this is due to the difference in the Benchmark Land Value and the Residual Land Value resulting in a deficit, given that the sales receipt would only be for the apartments, with all other communal areas and facilities on site not producing a receipt. The Financial Viability Assessment has been independently reviewed by an external assessor and concludes that the development can provide a contribution of £230,000 to be allocated as developer contributions, however whilst the developer initially contested this and states that a maximum of £164,928 is the figure that the developer's viability adviser feels is the actual amount as they are unable to agree with the independent assessors' findings, for expediency, they have agreed to pay the £230,000 that the independent advisor suggests but does advise that if the Council refuses the application on that basis, then an appeal would be submitted which would include an application for costs. As such, the committee are asked to consider whether planning permission be granted subject to the receipt of £230,000 to be paid toward off-site provision or enhancement of public open space, Nottingham and Notts CCG toward enhancing capacity / infrastructure at nearby local practices, and for an off-site contribution toward affordable housing, or to one or a combination of these.

6.4 Design and Layout

- 6.4.1 The design of the building in terms of elevational treatment is acceptable as the contrasting brick panels and the fenestration has resulted in an attractive frontage to both Chilwell Road, the principal elevation, which is repeated to the other three elevations. The scale and massing of the building, at four storeys, reflects that of both the newly completed building to the west (co-op and apartments above) and the recently granted permission for the care home to the rear of the site. The height of the building also acts as a transition between the building to the west and to the more domestic properties to the east. Details of materials would be secured by condition.
- 6.4.2 The layout of the site, which sees the building position to the front of Chilwell Road and parking area (accessed from Wilmot Lane) and landscaped gardens to the rear, makes good use of the constraints of the site by presenting a strong frontage to the road, and a quieter area for the benefit of residents to the rear.
- 6.4.3 The layout also ensures adequate gaps can be maintained between the proposed building and neighbouring buildings in order to avoid a cramped development and create a sense of space.
- 6.4.4 Waste and recycling storage would be provided internally with access served from Wilmot Lane.

6.5 Amenity

- 6.5.1 Whilst there are windows in the east elevation of the 'co-op' building, these are understood to serve a communal area (stairwell) and as such it is considered that this, along with the presence of Wilmot Lane between, would not result in a significant impact on neighbour amenity for the residents of the apartments on the upper floors.
- 6.5.2 There is a good separation distance from the shops and upper floors of the properties to the north west, on the opposite side of Chilwell Road, and as such it is considered that the proposal would not result in a significant impact on neighbour amenity for the occupiers of these properties.
- 6.5.3 There would be a minimum distance of 27m between the rear elevation of the properties to the north east, on Ellis Grove, and the proposed north east elevation of the proposed building. Whilst the building would be four storey in height, the fourth floor is set back from the levels below and there is a road between which separates the site from the properties on Ellis Grove. It is considered that the proposal would not result in a significant impact on neighbour amenity for the occupiers of these properties.
- 6.5.4 In respect of the recently approved care home to the south east of the site, there would be a separation distance of a minimum of 15.5m between the two closest points. These facing elevations would not have main windows facing each other and as such it is considered that this distance would not result in a loss of amenity for either set of residents. The maximum distance between the buildings principal elevations would be 35m.

6.6 Access

- 6.6.1 With access being proposed to be served from Wilmot Road, this would ensure minimal impact in terms of conflict with traffic arising from the apartments to the west and the retail store under. The care home to the south east would be served and accessed from Ellis Grove. A shared access onto Ellis Grove would result in an unacceptable level of traffic onto Ellis Grove, which is a small narrow side road. The level of off-street parking (19 spaces) is considered to be acceptable given the site's location close to a well-served public transport route and proximity to a wide range of local facilities such as shopping, retail, health and leisure, and as such reliance on a private motor vehicle would be minimal. Aside from providing a dropped kerb access to the development, there are no proposals to alter the pavement to the side of Wilmot Lane, which gives pedestrian access down to Lacemaker Road.

6.7 Other Matters

- 6.7.1 The Highway Authority have not identified a need for a pelican crossing or similar on Chilwell Road. The LPA would need to demonstrate that a crossing would need to be provided and need to be directly relevant to the proposal. As the crossing is suggested to be able to serve the wider community including the residents of the care home, it would be unreasonable to expect the developer to deliver any improvements to the road network.

- 6.7.2 A Health Impact Assessment has been submitted and this concludes that the development would generally have a positive impact on health.
- 6.7.3 A Building for Life Assessment has also been submitted. This concludes that the development would make a positive contribution to the area and street scene, would be of good design and layout, provide adequate space for storage and for waste, be accessible to all users and be in a sustainable location.
- 6.7.4 The building would have photo-voltaic panels to the roof, hidden from view, and would also incorporate water reduction measures, low energy lighting, fabric first approach to the build, mobility scooter charging points and an ecologically friendly landscaped garden. These measures satisfactorily contribute to the overall sustainability of the development.

7 Planning Balance

- 7.1 The benefits of the proposal are the provision of targeted accommodation in a highly sustainable location, the provision of jobs (short term during construction and long terms once the building has been constructed and occupied) and the re-use of a currently vacant brownfield site.
- 7.2 The negative impacts are the potential harm to amenity through noise and disturbance during construction phase however it is considered to be limited by the use of planning conditions.
- 7.3 On balance, the harm to amenity is considered to be outweighed by the benefits of the scheme.

8 Conclusion

- 8.1 The proposed development will provide targeted 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. Potential harm to neighbour amenity is considered to be significantly and demonstrably outweighed by the benefits of the scheme in terms of provision of targeted accommodation, the sustainable location of the site and the re-use of a previously developed site.

Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions and to the prior signing of a Section 106 Agreement, based on a contribution figure of £230,000:

- | | |
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| 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> |
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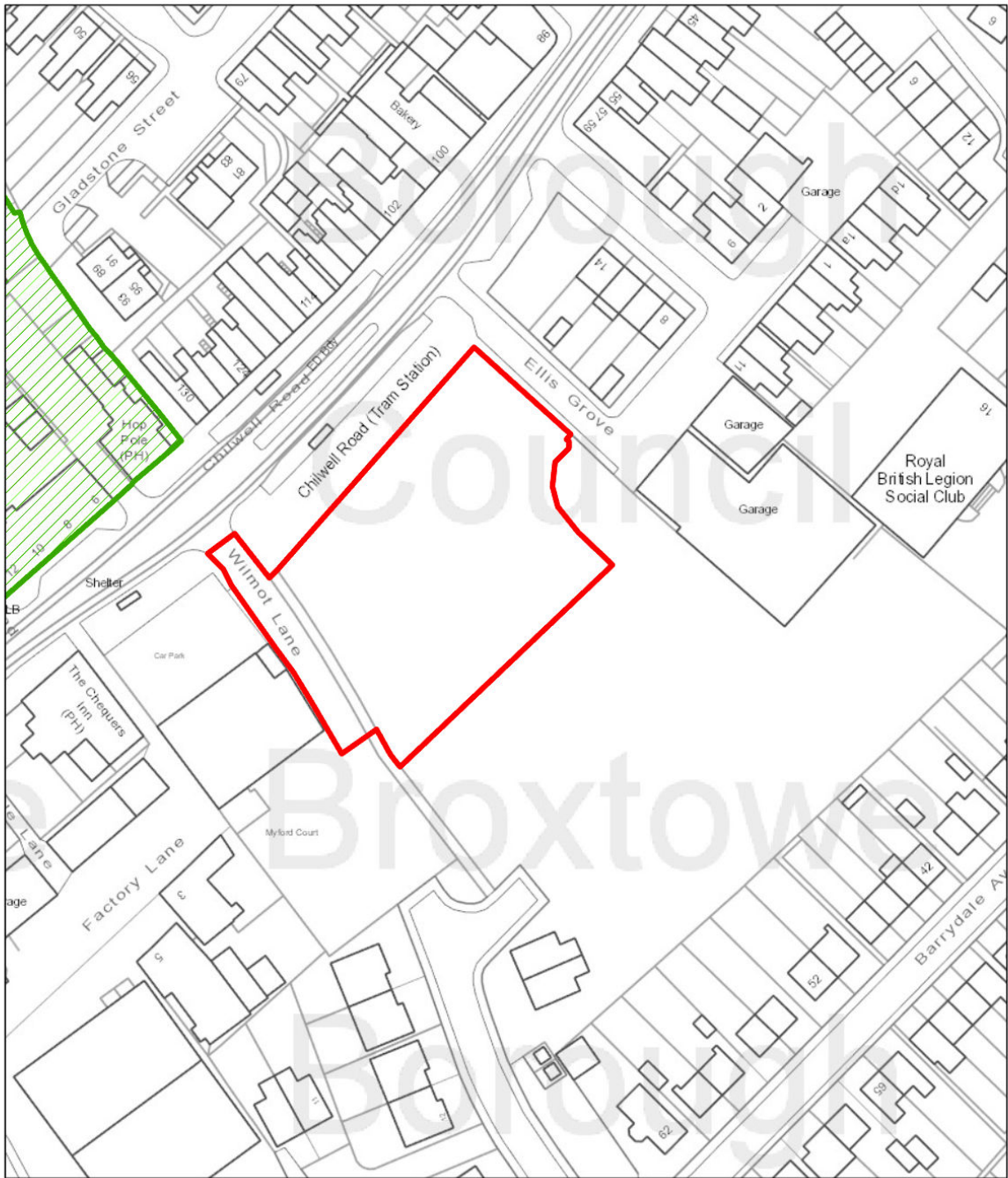
2.	<p>The development hereby permitted shall be carried out in accordance with the Site Location Plan and drawings numbered JBA 21-164 SK02, 30047BS PL003 and 30047BS PL012 received by the Local Planning Authority on 01.07.21, and drawings numbered 30047BS PL002, PL004 rev A, PL005 rev A, PL006 rev A, PL007 rev A, PL008 rev A, PL009 rev A, PL010 rev A, PL011 rev A, PL016 and PL017, received by the Local Planning Authority on 27.07.21.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No development hereby approved shall take place until a Construction / Demolition 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 construction / demolition of the development; e) A scheme for the recycling / disposal of waste resulting from construction / demolition 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: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
4.	<p>No development hereby approved shall take place until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning Authority, and shall include details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
5.	<p>No development hereby approved shall take place until a detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposals of the preferred options, and a timetable of works and site management</p>

	<p>procedures. The agreed remediation scheme shall be implemented in accordance with the approved timetable of works.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
6.	<p>No (part of the building hereby approved shall be first occupied or otherwise brought into use) above ground works shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development (b) numbers, types, sizes and positions of proposed trees and shrubs (c) proposed boundary treatments (d) proposed hard surfacing treatment (e) proposed lighting details (f) planting, seeding/turfing of other soft landscape areas <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>
7.	<p>No part of the building hereby approved shall be first occupied or otherwise brought into use until:</p> <ul style="list-style-type: none"> a) All necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and b) 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>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>

8.	<p>No part of the building hereby approved shall be first occupied or otherwise brought into use until the mobility scooter store has been provided in accordance with the approved details.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance 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>
9.	<p>No part of the development hereby permitted shall be brought into use until parking and turning areas as shown for indicative purposes on drawing 30047BS - PL 002 have been provided. The parking and turning areas shall be maintained in accordance with the approved details and shall not be used for any purpose other than the parking and turning of vehicles.</p> <p><i>Reason: In the interest of highway safety in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
10.	<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>
11.	<p>No construction or site preparation work in association with the development hereby approved shall be undertaken outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturdays and at no time on Sundays or Bank / Public holidays.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This

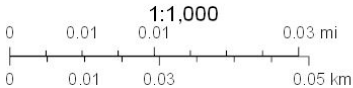
	can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.
3.	The development makes it necessary to undertake vehicular access works within Wilmot Lane which is unadopted highway. As suggested the access to the development should be a dropped and tapered kerb arrangement measuring 5 metres wide and the existing pedestrian crossing is to be removed in this location.
4.	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.

Land Between Wilmot Lane and Ellis Grove Beeston



11/9/2021, 11:32:05 AM

-  Conservation Area
-  Site



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Photographs



View across the site from Wilmot Lane to Ellis Grove



Wilmot Lane – view toward Lacemaker Road, convenience store to the right



Shops and tram stop to the north west of the site

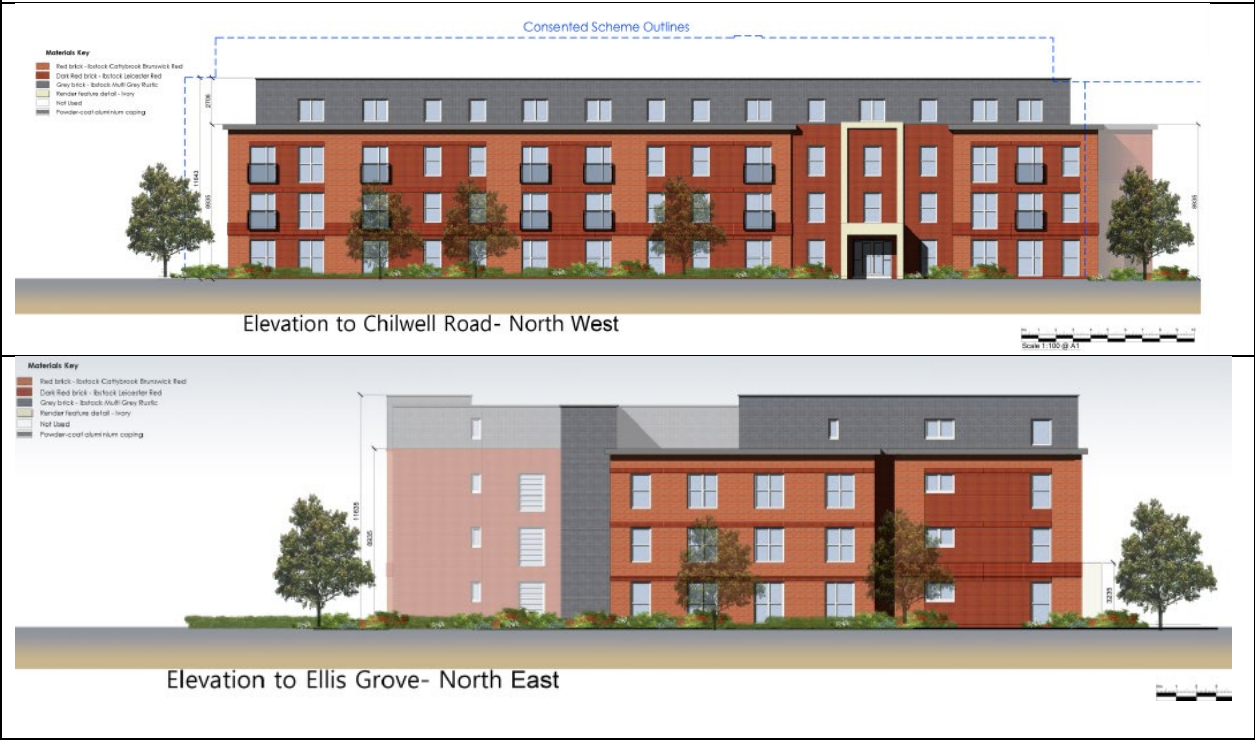


Ellis Grove

Plans (not to scale)



Proposed site plan





Elevation to Landscaped Garden- South East



Elevation to Wilmot Lane- South West

