

Report of the Chief Executive

APPLICATION NUMBER:	22/00593/FUL
LOCATION:	Central College Nottingham, High Road, Chilwell, Nottinghamshire, NG9 4AH
PROPOSAL:	Conversion of part of existing college to residential accommodation to provide 65 apartments. Construction of a 2/3 storey apartment building to provide 15 apartments. Construction of 6 semi-detached houses and one dormer bungalow.

This application is brought to the Committee because it is a major application.

1 Purpose of the Report

1.1 This a major planning application seeking permission to convert part of the existing college building into residential accommodation to provide 65 apartments, the construction of a two/three storey apartment block for 15 apartments and the construction of six semi-detached houses and one dormer bungalow.

1.2 Recommendation

The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

1.3 An almost identical scheme was submitted under reference number 21/00862/FUL. This was in the process of being determined; however, the agent submitted a non-determination appeal due to the Council's failure to determine this within an appropriate timescale. Currently, this application has been referred to the Planning Inspector therefore, as part of the appeal the Inspector will request the Council's stance on this application. This means, the determination of the new application (this scheme), and the response on the 21/00862/FUL application should be the same.

1.4 The only difference between the plans submitted under 21/00862/FUL and this application are as follows:

- Window blocked up on elevation 1-1 of Y-Block at third floor level

1.5 An application (20/00891/FUL) to convert the main college building into a 162-bedroom student accommodation fronting High Road was refused at Planning Committee on 1 September 2021. The decision was subsequently appealed and allowed.

1.6 The main issues relate to whether the part conversion of the existing college building into residential accommodation would be acceptable, the principle of the apartment block and houses/bungalow, if there is an acceptable level of design, sufficient parking, an acceptable level of amenity with existing neighbours and for new occupants, sufficient parking is provided and if the development is acceptable

in flood risk terms. These matters alongside others will be explained in more detail below.

- 1.7 The benefits of the proposal would mean this brownfield site, which is currently vacant, would be brought back into use for the purposes of residential accommodation which is outside of the Green Belt and in an existing urban area. The site is in a sustainable location with close access to public transport and to facilities such as retail, leisure, health and education, reducing reliance on private vehicles. Furthermore, the layout would provide an acceptable standard of living for the future occupiers. The development would be in accordance with the policies contained within the development plan which is given significant weight. There would be some impact on neighbour amenity but this is outweighed by the benefits of the scheme.

1.8 Financial Implications

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets.

1.9 Legal Implications

The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

1.10 Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

1.11 Background Papers

As part of the application a Design and Access Statement, Planning Statement, Heritage Statement, Statement of Community Involvement, Building for Life Assessment, Health Impact Assessment, Energy Statement, Air Quality Assessment, Noise Assessment, Arboricultural Impact Assessment, Geo-Environmental Survey, Viability Assessment, Travel Plan, Transport Assessment, Preliminary Bat Survey/Ecology Survey were submitted.

APPENDIX

1 Details of the Application

- 1.1 This a major planning application seeking permission to convert part of the existing college building into residential accommodation to provide 65 apartments, the construction of a two/three storey apartments block for 15 apartments and the construction of six semi-detached houses and one dormer bungalow, resulting in 87 residential units. The breakdown of residential accommodation is as follows:
- 43 x 1 bedroom apartments
 - 37 x 2 bedroom apartments
 - 6 x 3 bedroom semi-detached houses
 - 1 x 3 bedroom bungalow.
- 1.2 The conversion of the existing college building and extension will serve 65 apartments and form a horseshoe shape which will be central to the wider site. The building will range from two to four storeys; however, the fourth floor will only serve five apartments to the south west of the building. The maximum height of the building will be approximately 15m but the majority of the building will be approximately 10.2m in height. The building will be mixture between flat and pitched roofs and will be a mixture of bricks, white render and metal roofing.
- 1.3 The proposed apartment block will serve 15 apartments and form a L-shape which will be positioned to the north west of the site. The building will range from two to three storeys; however, the third floor will serve one apartment with a roof terrace. The maximum height of the building will be approximately 8.5m but the majority of the building will be approximately between 5.7m – 6.4m in height. The building will be constructed from dark bricks and finished with white render and aluminum capping.
- 1.4 Three pairs of semi-detached houses and a bungalow will be positioned towards the north west of the site. The houses will be three storeys (with a bedroom in the roof). The houses will have a height to eaves of 6.5m and height to ridge of 9.3m. Each house will have two car parking spaces to the front and a private rear garden. The proposed bungalow will have two bedrooms in the roof. It will have a height to eaves of 2.7m and height to ridge of 6.7m. The bungalow will have two car parking spaces to the front and a private rear garden. The houses/bungalow will be constructed from red/dark bricks, white render and slate roof tiles.
- 1.5 The existing access from High Road which will serve the conversion of the college under the 20/00891/FUL application will also be the sole access to rest of the application site. The redundant access from Dale Lane is not proposed to be reinstated to serve the site. The parking arrangement for the site will consist of 82 spaces, 14 of which will serve the proposed houses and bungalow. The remaining spaces will be allocated spaces to the proposed apartments and will include two disabled spaces and three visitor spaces. In addition, there will be eight motorcycle spaces. The overall parking ratio equates to 0.85 spaces per dwelling. In regards to parking, the Transport

Technical Note states the following:

“Parking spaces will be allocated to apartments as part of the sale/leasing of apartments and occupants who are not allocated a parking space will be advised that they will not be eligible for a parking permit to park on neighbouring residential streets. Parking onsite will be managed by the development’s management company.

All the houses/bungalow will have an Electric Vehicle (EV) charging point, and there will be 14 spaces with EV charging points within the parking provision for the apartments. In addition, 14 of the bays within the apartment parking areas will be cable enabled to enable additional EV charging points to be provided as required.”

- 1.6 This application is the second submission to redevelop the whole site for a mixture of student accommodation, residential apartments and houses. The first application that received permission under 20/00891/FUL for the conversion of the college into student accommodation was Phase 1, this application is referred to as Phase 3. Although yet to be submitted, there is an intention to extend the existing college which would form Phase 2 of the development. Below shows the existing site to the left and the proposed Phases 1-3 to the right.



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- 2 Site and surroundings
 - 2.1 The site comprises former college buildings and hardscaping. The site is enclosed by residential properties to the north west, north east and south west. The properties to the south west are separated by the tram line.
 - 2.2 The site is enclosed by hedging, fencing and vegetation.

2.3 The site is relatively flat and is partially located in Flood Zones 2 and 3 which is land with a high probability (1 in 100 or greater) of river flooding.

2.4 The wider site is located within a commercial/ residential area and is located just outside of the Centre of Neighbourhood Importance for Chilwell Road/ High Road and Chilwell Cottage Grove Conservation Area.

3 Relevant Planning History

3.1 Planning permission (93/00628/FUL) was granted in December 1993 to construct a link block with a disabled ramp between the existing library and office accommodation.

3.2 Planning permission (03/00291/FUL) was granted in August 2003 to demolish temporary classrooms and construct extensions forming new classrooms, staff rooms, ancillary areas, entrance foyer, reception, cafeteria, media centre, lecture theatre/auditorium, library and resource centre and re-siting of vehicular access from High Road.

3.3 Planning permission (05/00248/FUL) was granted in May 2005 to construct extensions forming new classrooms, staff rooms, ancillary area, entrance foyer, reception, cafeteria, media centre, lecture theatre/auditorium, library and resource centre (amendments to the siting, layout, design and external appearance approved under planning permission ref: 03/00291/FUL).

3.4 Planning permission (07/01013/FUL) was granted in January 2008 for amendments to approved elevations, a single storey ground floor extension, an extension parapet of an approved roof plant room and installation of ventilation units.

3.5 Planning permission (13/00325/FUL) was granted in July 2013 to construct an external facade to G-Block tower and kitchen buildings.

3.6 Planning permission (20/00891/FUL) was granted at appeal in April 2022 to convert the existing college building to student accommodation comprising 162 bedrooms including external alterations. An award of costs was also granted against the Council.

3.7 Application 21/00862/FUL for the conversion of part of existing college to residential accommodation to provide 65 apartments, construction of a 2/3 storey apartment building to provide 15 apartments, construction of 6 semi-detached houses and one dormer bungalow, reconfiguring of site to include access roads and hard/soft landscaping has been referred to the Planning Inspectorate under the non-determination appeal process. A start date has not been received.

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 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment
- Policy 14: Managing Travel Demand
- Policy 17: Biodiversity
- Policy 18: Infrastructure
- Policy 19: Developer Contributions.

4.2 Part 2 Local Plan

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

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road)
- Policy 17: Place-making, Design and Amenity
- Policy 20: Air Quality
- Policy 23: Proposals affecting Designated and Non-Designated Heritage Assets
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

4.3 National Planning Policy Framework (NPPF) 2021:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 12 – Achieving Well-designed Places

5 Consultations

5.1 Council’s Environmental Health Officer:

Contamination: The reports were previously reviewed for application 21/00862/FUL and comments remain the same although it is noted that subsequent to the memo, the applicant’s consultant HSP provided the following comments:

“At this stage there is no further requirement for any additional works. However, the client should make the contractor / site workers aware that should any visual (black staining / asbestos containing material etc..) or odours (hydrocarbons / solvents) evidence of potential contamination be identified on the site during the construction phase, works should cease and a geo-environmental engineer from HSP be consulted to come and investigate further.”

As such, the requested planning condition, at the conclusion of this memo would still be advised.

Phase I Report

The report generally characterises the site and its former uses and potential for land contamination. However, it was unfortunate that demolition works had already begun before site walkover so comments below would be difficult to ascertain without research via discussions with Central College estates.

There is little in the report covering the sites uses as a college.

- What courses were taught at the college and could they have led to a legacy of contamination; for example, vehicle repair (waste oil storage), sciences (laboratory chemical storage, drainage runs etc.)
- How were the buildings heated? Was there a boiler room, was it heated in the past via conventional gas or heating oil or coal; where was this stored?
- Were the buildings assessed for asbestos containing materials before demolition?

Unfortunately, these comments have not fed into the Phase II report which was submitted at the same time as the Phase I.

Phase II Report

The Phase II report, without the benefit of any particular evidence as outlined above, has sampled using a broad spread of locations across the site. The results of the sampling found no levels of contamination nor ground gas that are of concern.

Therefore, it is proposed that no further works are required other than the importation of topsoil for landscaping purposes.

Whilst this is acceptable, it is considered it would be proportionate, to recommend that the following condition be attached to any approval, to ensure that any missed sources of contamination are correctly dealt with and therefore the site is suitable for use.

- **In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.**
- **An assessment must be undertaken in accordance with good practice and where remediation is necessary, a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.**

Noise: Having reviewed the Spire Environmental Noise report ref R21.1437-N-1-AG dated 7 October 2021, the report's findings and conclusions are accepted provided the mitigation measures contained in section 7 are implemented in any permission hereby granted.

Construction Noise: Due to the proximity to residential properties a condition in respect of working hours is advised along with a Construction/Demolition Method Statement.

Lighting: To limit light pollution on immediate residents, a condition in respect of an external/artificial lighting assessment should be submitted.

Advisories: In respect of prohibiting burning waste on site, an asbestos survey documenting safe removal being submitted to the Council if any is uncovered and notifying the Council's Environmental Health Pollution team being informed of the Mobile Crushing plant in order to carry out an inspection of crushing equipment.

- 5.2 **Council's Business and Projects Manager (Environment):** There is currently a green area to the south west corner of the site which was planted to benefit wildlife during the tram works. Future development will cover most of this, removing an important refuge for biodiversity in the town centre.

Proposal is for 87 dwellings with no on site open space provision. There will be a financial requirement for section 106 off-site contribution of both revenue and capital, these sums are agreed and subject to annual inflationary increases.

Nearby are Hetley Pearson, Dovecote Lane and Cator Lane recreation grounds, all of which would benefit from funding to improve facilities. Cator Lane would benefit from improved path surfacing, an extended play area and accessible surface to the existing play area. Dovecote Lane would benefit from improved perimeter fencing and path surfacing. In addition, there has long been an identified need for a skate facility in the Beeston/Chilwell area and Dovecote Lane would be the ideal location. Hetley Pearson would benefit from improved path surfacing.

All three sites also have potential for habitat improvement to help offset losses on the development.

- 5.3 **Council's Private Housing Officer:** no comments provided as no HMO's identified.

- 5.4 **Council's Waste and Recycling Officer:** advise bin requirements and acknowledge the development will be serviced by a private road meaning refuse vehicles will not enter the site.

- 5.5 **Council's Conservation Officer:** no objection to the proposal. There are no identified designated or non-designated heritage assets that will be affected by the proposal. Furthermore, the scale, form and massing of the new residential blocks will not be unduly prominent when viewed from the street scene of the conservation area. They are consistent with the existing campus architecture

of Beeston College. The Heritage Impact Assessment is detailed and demonstrates the overall neutral impact of the proposal. As stated above, where there will be marginal changes to the fringes of the Chilwell Cottage Grove Conservation Area through the increased massing of the new residential blocks, this is counterbalanced by introducing an improved, finer urban grain with a more ordered and cohesive sense of building alignment.

As such there are no objections to the proposal. It is recommended that conditions are placed which require submission of all facing materials prior to commencement of works.

- 5.6 **Nottinghamshire County Council as Highways Authority:** The proposed development will generate 18 and 23 two-way trips in the AM and PM peak hours respectively. These values are similar to NCC own research undertaken within the TRICS database, and do not trigger the requirement for any junction capacity assessment.

The proposed semi-detached houses and bungalow will each have two parking spaces which complies with our Highway Design Guide. The Technical Note advises off-street parking provision for the apartments will be provided at a rate of 0.85 spaces per unit which accords with Census data across the wider Broxtowe area. The proposed number of spaces for electric vehicles (28) has been derived on the basis of parking across the site being unallocated. Therefore, recommend parking is provided in this manner. Should this not be the case, then each space should be fitted with a fast charge socket.

A Management Company should be secured by a Section 106 Agreement if the roads will remain private and not adopted.

- 5.7 **Nottinghamshire County Council as Lead Local Flood Authority (LLFA):** no objection.

- 5.8 **Nottinghamshire County Council Planning Policy:** Request a secondary education contribution of £183,778.00 (7 places x £26,254.00 per place).

Request a post 16 education contribution of £26,254.00 (1 place x £26,254.00 per place).

- 5.9 **Environment Agency:** The Flood Map for Planning indicates that the south/western extent of the site is located within Flood Zone 3a at high risk of flooding. However, the site-specific Flood Risk Assessment undertaken by HSP Consulting, dated September 2021 and topographical survey for the site (appendix 2), demonstrate that the proposals are significantly elevated above the 1 in 1000-year flood height from the River Trent. Therefore, have no objection to the application.

- 5.10 **Cadent Gas:** no objection, advise informative in respect of proximity to Cadent Gas assets in private land.

- 5.11 **NHS Nottingham City Clinical Commissioning Group (CCG):** has made a health contribution request for £46,601.25 for primary and community care services.
- 5.12 **Nottingham NHS Trust:** request a financial contribution of £35,898.00 to provide additional health care services to meet an increase of patient demand as a result of this development.
- 5.13 **Nottinghamshire Wildlife Trust:** Welcome the addition of native hedgerows, trees, and wildlife-friendly planting. Recommend that a LEMP (Landscape Ecological Management Plan) is secured to ensure that the newly created habitats are managed for biodiversity wherever possible.

Understandably, regular pruning will likely be required alongside the parking spaces, therefore it is recommended that provisions are made within the maintenance plan to reduce management of the habitats along the southern aspects to enable the hedgerows to establish a more natural structure and to counteract any hard pruning that may be required on the opposite side of the hedgerows. Lighting should be aimed away from the trees, hedgerows, and grassland, wherever possible.

Shrubs such as cherry laurel, leylandii, palms and ornamental grasses should be avoided, and instead species with known benefits to wildlife should be used for the low shrub / herbaceous planting. Ideally, wildflower areas should contain perennial species, rather than showy annuals, to gain long lasting benefits. Recommend that the amenity grassland areas are seeded with a flowering lawn mix as opposed to a species-poor amenity mix.

Bird boxes (for example integrated swift boxes) and bat boxes should be installed on appropriate aspects of the buildings.

Recommendations laid down with the preliminary bat report (FPCR, 2021) should be followed in full.

- 5.14 **Nottingham Police Crime Prevention Design Advisor:** no objection but seek clarity on safe storage for cycles and advise supporting information in respect of this.
- 5.15 **Council's Housing Strategy and Development Officer:** site is within Beeston sub-market area under Class C3 and therefore 30% affordable/social housing is required on site. There is an identified need of 137 affordable units per annum required in the Beeston area. This should be broken down as follows:
- affordable/social rented housing - 20%
 - other low cost ownership – 2.5%
 - first homes – 7.5%

The Council's preference for affordable home ownership schemes is to provide these as shared ownership units.

- 5.16 **Cadent Gas:** no objection. Advisory in respect of the applicant contacting Cadent before works commence due to gas infrastructure within area of development.
- 5.17 **NET:** comments not received.
- 5.18 **Severn Trent Water:** comments not received.
- 5.19 131 neighbours were consulted on the application; 10 objections, one observation and one petition with 204 signatures objecting to the development were received which can be summarised as follows:
- Noise and disturbance
 - Overlooking
 - Loss of privacy
 - Loss of daylight/sunlight
 - Out of character/keeping/unsympathetic with surrounding area in regards to design, materials and scale
 - Detrimental impact from design and scale on conservation area
 - Roof terrace on apartment blocks is out of keeping
 - Some plans are deceptive and show the roof lines of the multi-story block of flats as being the same as surrounding bungalows
 - Inappropriate that the development encroaches upon the existing pattern of housing with insufficient space between the development and existing housing
 - Proposed heights of buildings do not reflect previous building heights that were one to two storeys and set back from site perimeter
 - Density is too high
 - Concerns with parking issues as witnessed at Dagfa House
 - Shortfall of 252 car parking spaces across all three phases of site
 - Insufficient parking in line with Nottinghamshire County Council Highways Design Guide
 - Grove Street is narrow and with additional cars, this issue will be exacerbated
 - Restricted parking should be enforced 24 hours a day on Dale Lane and Grove Street
 - Increase in traffic in area
 - Travel Plan is incorrect and estimated numbers and impact on traffic when operating as a college are likely incorrect
 - Footway from High Road to Dale Lane to reduce foot traffic along Grove Avenue and provide access to the tram stop from whole site
 - Number of trees to be removed is unacceptable
 - Two landscaping reports conflict with one another and information on tree removal is misleading
 - 46 trees are proposed for removal across Phase 2 and 3 which is unacceptable
 - Trees to be removed on Phase 2 were planted in 2013 when the tram works were completed
 - 22 of the trees to be removed are in good/fair condition
 - Root protection areas of some trees will be encroached on
 - A 'no-dig' construction method should be included

- Concerns in relation to who will monitor trees and potential damage
- A Construction Method Statement was not included in the application despite this being recommended in the Arboricultural Statement
- Landscaping will take too long to establish
- Marginal amendments put forward by developer
- Intention is to sell dwellings to landlords to allow more students to occupy site to bypass HMO licencing
- Any new owners of properties must comply with planning conditions and development description
- Site has been split into three phases so the developer can show the lowest impact possible
- Conservation area will be ruined
- Devaluing of homes and unable to sell them
- Many issues are repeated from Phase 1
- People will not want to live in properties if they can't own cars to park, live next door to students
- Concerns with impact on physical and mental health of residents
- Percentage of student in Beeston is at 15% and heading for 20%
- Insufficient surgeries in area with expanding population
- Concerns for vulnerable residents living at Richmond Court
- No improvements shown to existing footway access from High Road
- Confusion over non-determination appeal and allowing this application to be submitted
- The whole site should be considered as one application and not in phases
- White render is deceptive to how many floors there are in the buildings
- New development should reflect design of surrounding properties
- Layout of apartments reflects those designed for students and unlikely a family would inhabit
- Residents have had to object five time to multiple applications
- There should be laws to protect neighbours against developers
- Neighbours should be allowed more than three minutes to speak at committee
- Development is weighted in favour of developers
- Former buildings were lower in height and more set back from site boundaries
- Both extended parts of the Y-block should only have two levels
- No site management plan for this phase
- Restriction put within Section 106 to limit number of students
- Neighbours should be able to contribute to wording of conditions for student occupancy
- College name is incorrect.

6 Assessment

- 6.1 The main issues for consideration include the part conversion of the existing college building into residential accommodation, the principle of the apartment block and houses/bungalow, if there is an acceptable level of design, sufficient parking, an acceptable level of amenity with existing neighbours and for new occupants and if the development is acceptable in flood risk terms. These matters alongside others will be explained in more detail below.

6.2 Principle

- 6.2.1 It is evident from the objections received that the development of the site is opposed by the majority of neighbouring residents. However, it is considered that the redevelopment of this site for residential accommodation in an existing residential/part commercial area that is well served by regular bus and tram services is acceptable and an efficient use of a brownfield site.
- 6.2.2 Phase 1 of the redevelopment of the main college building received permission at appeal under reference number 20/00891/FUL to convert the college into a 162 student bedroom. Whilst this is a sole conversion of a building into student accommodation, it sets a precedent that residential accommodation on this site, as assessed by a Planning Inspector is acceptable.
- 6.2.3 The site itself, although it is within reasonable proximity to Chilwell Cottage Grove Conservation Area, appears as a self-contained site in its own right that the continuation of contemporary design from the existing college building is considered to be an accepted design concept that this will not impose significantly onto the conservation area. Furthermore, the Conservation Officer has not objected to the scheme. It is considered the layout of the scheme is acceptable and the density is adequate in that it makes an efficient use of a brownfield site that is within close proximity to local services and Beeston town centre.
- 6.2.4 Whilst parking has been raised as a significant concern by neighbours, the Highways Authority are in support of the number of spaces proposed. It is considered the parking ratio which equates to 0.85 spaces per dwelling is acceptable given that the site is located within close proximity to regular bus/tram services on High Road and its proximity to services on High Road and Beeston town centre.
- 6.2.5 The application site is considered to be an appropriate location for residential accommodation, being close to a wide range of amenities within the Centre of Neighbourhood Importance for Chilwell Road / High Road and centre of Beeston. It is within close proximity to sustainable transport options such as the tram route immediately outside the site on High Road (and regular bus services). For these reasons, it is considered that the principle of residential accommodation on this brownfield site is acceptable.
- 6.2.6 To conclude, it is considered the principle of the development is acceptable and matters in relation to design; amenity; and impact on highway safety, flood risk and parking will be addressed below.

6.3 Flood Risk

- 6.3.1 The site is partially located within Flood Zone's 2 and 3 which is land with a high probability (1 in 100 or greater) of river flooding. A Flood Risk Assessment has been submitted with the application. Paragraph 159 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere.

- 6.3.2 Within Beeston there are substantial areas which are within Flood Zones 2 and 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. Sequentially, it is considered the site is acceptable and it is considered a positive that this location minimises additional development in the Green Belt in Broxtowe. Furthermore, this application makes good use of a brownfield site in an existing residential area. Therefore, when assessing whether other sites are 'reasonably available', this site can be viewed as a 'sustainability benefit' and the Green Belt must be treated as a major constraint.
- 6.3.3 In relation to access and egress, the FRA states the following: *"As the Flood Zone 3 extents appear to encroach into the development site from the western boundary, safe access and egress may be achievable from the existing site access off High Road and also the existing retained building entrance (which are located with Flood Zone 1)."*
- 6.3.4 The Environment Agency (EA) stated the following in respect of the application: *"The Flood Map for Planning indicates that the south/western extent of the site is located within Flood Zone 3a at high risk of flooding. However, the site-specific Flood Risk Assessment undertaken by HSP Consulting, dated September 2021 and topographical survey for the site (Appendix 2), demonstrate that the proposals are significantly elevated above the 1 in 1000-year flood height from the River Trent. Therefore, have no objection to the application."*
- 6.3.5 The Lead Local Flood Authority did not raise any objection or make any bespoke comments in relation to the application.
- 6.3.6 Taking these factors into account, it is considered that a sufficient assessment of alternative sites has been made given that a failure to permit the change of use of an existing building which is protected by good quality flood defences, and has a site specific FRA demonstrating the development is acceptable on flood risk grounds, will lead to alternative locations being required in less sustainable locations including the Green Belt.
- 6.4 **Design**
- 6.4.1 The existing college building approved for conversion under 20/00891/FUL is of a contemporary, striking appearance with a strong visual presence in the street scene of High Road. Phase 3 continues this contemporary theme throughout the site which is considered to be an acceptable design concept and provide continuity for the wider site.
- 6.4.2 In respect of the proposed semi-detached houses and bungalow, it is considered these all reflect an acceptable level of design and suitable height, massing and scale. The proposed houses will have gable roofs, small front square dormer windows and will be constructed from slate tiles, bricks and finished with render. Whilst the houses reflect a contemporary design it is considered they take visual cues from surrounding properties by including gable roofs and red brick features. The proposed bungalow incorporates a

gable roof and the same style contemporary material pallet and square roof dormer windows. It is considered these proposed dwellings all reflect an acceptable standard of design that will tie in with the contemporary theme of the wider site. In addition, it is considered the proposed layout relates well to the north west boundary of the site and it is considered the rear gardens are of an adequate size that they provide sufficient separation distance from properties along Richmond Drive but are not out of keeping with garden sizes in the surrounding areas.

- 6.4.3 The new apartment block positioned to the north west of the site will be two/three storeys in height with a flat roof. Whilst it is considered that houses could be more appropriate in this location, it is considered the proposal of apartments are acceptable, would not warrant a refusal and make an efficient use of space. The proposed apartments will form a L-shape and have variation in height, stepping down from three to two storey to add variation and visual interest to the building. The proposed materials will be a mixture of white render, dark bricks and aluminium capping. It is considered the fenestration is appropriately balanced to the massing of the building and reflects an element of symmetry. The third storey is considered to be relatively subservient in relation to the rest of the building. Overall, it is considered the proposed apartment block will reflect an acceptable level of design.
- 6.4.4 The south west element of the Y-block will be retained and extended to form a horseshoe shape with a central landscaped courtyard area. The existing part of the building already reflects a contemporary appearance which will continue into the proposed extensions. It is considered the massing, scale and height of the building is acceptable and appropriate to the site that will not appear domineering. This part of the development will be finished in white render, red/dark bricks and a metal profile roof.
- 6.4.5 Whilst it is acknowledged that concerns have been raised in respect of the height of the buildings, the existing Y-block is already at its tallest point, approximately 15m in height. Whilst this height does not continue through the proposed development, a precedent has already accepted for buildings of this height. However, as previously stated, whilst the site does adjoin residential properties, the site has a character of being 'self-contained' and being a sufficient distance from residential properties to not appear overbearing. It is considered this is reflected in the layout of the site in that the tallest building (existing Y-block) will be central to the scheme and therefore the furthest from existing surrounding properties. The proposed semi-detached houses will adjoin houses on Richmond Drive and the proposed apartments will be positioned opposite Richmond Court Flats.
- 6.4.6 Whilst the materials are stated on the plans, a condition will be included to ensure samples and details are provided in advance of above ground building works commencing.
- 6.4.7 To conclude, it is considered the proposed design, height, scale and massing of the development is acceptable and is respectful of the separation distances with nearby residential properties that it will not appear overbearing or dominant in its appearance.

6.5 Amenity

- 6.5.1 A number of concerns have been received in relation to the proposed development causing a sense of enclosure, loss of amenity, overlooking and excessive noise and disturbance.
- 6.5.2 Whilst it is accepted there will be an increase in noise and disturbance, Environmental Health has not raised any concerns in regards to this matter. Furthermore, it is accepted that an increase in noise and disturbance with any development will have some impact on existing neighbouring properties. It is recognised that noise and disturbance is already experienced by existing residents which was highlighted by the Inspector in the APP/J3015/W/21/3285668 appeal *“The appellant points to the noise assessment undertaken for the application, which indicated high background noise levels already exist in the area.”* Whilst it is acknowledged this application is for 87 additional dwellings which will increase noise and disturbance, it is considered this would not be significant enough or to the detriment of the living conditions of surrounding neighbours to warrant a refusal of the application. Furthermore, it is likely that adjoining neighbours will only experience increased noise and disturbance from the element of the site they adjoin and not the site in its entirety.
- 6.5.3 In regards to loss of privacy from overlooking, the proposed semi-detached houses are considered to be a sufficient distance existing properties on Richmond Drive. The average separation distance from the proposed semi-detached houses and nos. 1, 3 and 5 Richmond Drive will be approximately 30m which is considered to be a sizeable distance. The proposed bungalow will be positioned closer to no. 3 Dale Lane than the proposed semi-detached houses with existing houses on Richmond Drive. No. 3 Dale Lane is orientated that the rear aspect extends to the south west, therefore, although the proposed bungalow will be approximately 4m in separation distance, due to no. 3’s positioning, its rear garden will be separated by gardens belonging to the bungalow and semi-detached houses that it is considered this relationship between no. 3 and the new development will be acceptable.
- 6.5.4 The apartment block to the north west of the site will face no. 5 Richmond Drive. The building will form an L-shape with the part extending to the south east being 12m in separation distance from the south west boundary of no. 5. The element closest to no. 5 (apartments 1 and 2) will be approximately 6m in separation distance from the side elevation of no. 5 but will be relatively in line with its rear elevation. First floor side facing windows in the north east elevation will be oriel windows positioned away from directly overlooking no. 5’s garden. Apartment 15 will have two windows, one serving a shower room which will be obscurely glazed and a corner window serving a bedroom. It is considered these windows will not present a significant amount of overlooking to no. 15.
- 6.5.5 Concerns have been raised in regards to the impact the development will have on residents of Richmond Court. Richmond Court, extends to the north west away from the site and does not extend in any significance across the site boundary. Richmond Court does not have any first floor side facing windows

in its south west elevation which faces the site, therefore it is considered the level of overlooking between the apartment block and this property will not be detrimental. In addition, there will be no footpath, road or through traffic with this part of the site that the levels of noise and disturbance are likely to be relatively low.

- 6.5.6 It is acknowledged that apartment 15 on the second floor will have a roof terrace. However, two 1.8m high screens will be constructed (one to the north west and one to the north east) to reduce the level of overlooking to no. 5 Richmond Drive and a garden area belonging to Richmond Court. The screens will be conditioned to ensure a suitable level of obscurity is incorporated into the glazing. This will mean the main level of sight from the roof terrace will face the tram line. It is considered the separation of the tram line to neighbours on Gwenbrook Avenue and Lime Grove Avenue will mean the level of overlooking will not be detrimental.
- 6.5.7 The Y-block and its extension will be central to the site and therefore will be closest to no. 1 Dale Lane. The building will be approximately 12m at its closest point to no. 1 Dale Lane; however, the majority of the massing of the building will be positioned centrally to the site. The proposed first and second floor windows in apartments 37 and 58 will be conditioned to be obscurely glazed to prevent any excessive overlooking to the rear garden of no. 1 Dale Lane and no. 23 Grove Street. Soft landscaping will extend for the majority of the south west boundary of no. 1 Dale Lane as opposed to the building itself. Whilst it is accepted there will be an impact on no. 1 Dale Lane in regards to their amenity, it is considered this will not be detrimental due to the positioning, layout and separation distance of the building.
- 6.5.8 It is considered the future occupants of the houses, bungalows and apartments will all have a satisfactory standard of living. Primary rooms will have outward facing windows and it is considered the internal living arrangement is acceptable. Whilst it is acknowledged that there are some elements of the scheme that are high density living, it is considered the site is sufficient in size to provide adequate amenity space.
- 6.5.9 In regards to the overall impact of the development on the amenity of surrounding neighbours, it is acknowledged that there will be an inevitable increase in activity with additional cars and residents in the area; however, there is nothing to suggest that this would be excessive in line with any other development in an existing urban area. It is considered the site is a good use of a brownfield site and the additional dwellings contributing to the housing stock of the borough are welcomed. Environmental Health has not raised any objection in relation to the development and has stated that any incidents of excessive noise should be reported to the Council and would be dealt with via relevant legislation.

6.6 Highways and Access

- 6.6.1 The Highways Authority has not objected to the application and have confirmed that the number of car parking spaces at a ratio of 0.85 spaces per dwelling is acceptable. Eight motorcycle spaces, 117 cycle parking spaces for the

apartments and three cycle spaces for each semi-detached house and bungalow are proposed. All the houses/bungalow will have an Electric Vehicle (EV) charging point, and there will be 14 spaces with EV charging points within the parking provision for the apartments. In addition, 14 of the bays within the apartment parking areas will be cable enabled to enable additional EV charging points to be provided as required.

- 6.6.2 The Highways Authority has requested that a Section 106 Agreement is secured to ensure the private maintenance of the site due to the roads not being adopted and being privately managed by the developer. The Section 106 is currently being drafted and this will be referred to in the recommendation.
- 6.6.3 There are two accesses into the site, one via High Road and one via Dale Lane; however, the access via Dale Lane is not in use and is not proposed to be reinstated for the use of this application or any other applications. The proposed access for pedestrians and vehicles will remain from High Road which has already been established through the approval of the 20/00891/FUL application.
- 6.6.4 As previously mentioned, the site is well served by public transport and although it is considered there is sufficient parking, it can be assumed that not all residents living on this site will own cars due to the connectivity of the site to local services and the wider city. The retention of the only existing access into the site onto High Road will ensure that traffic will be displaced onto what is already a relatively busy road and not via Dale Lane.
- 6.6.5 The Transport Technical Note states the following in relation to how parking spaces will be allocated *“Parking spaces will be allocated to apartments as part of the sale/leasing of apartments and occupants who are not allocated a parking space will be advised that they will not be eligible for a parking permit to park on neighbouring residential streets. Parking onsite will be managed by the development’s management company.”*
- 6.6.6 It is evident within the consultation responses that there is concern that the development does not include sufficient parking provision and that this will lead to increased demand for on-street parking which would be detrimental to the area. In relation to assessing the highway impacts of a proposal, paragraph 111 of the National Planning Policy Framework states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Whilst paragraph 107 refers to the setting of local parking standards rather than the determination of planning applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development. Policy 10 of the Aligned Core Strategy states that development should be designed to reduce the dominance of motor vehicles.
- 6.6.7 To conclude, the site lies within a sustainable location with access to regular bus services along High Road (with a bus and tram stop positioned on High Road). The site is within close proximity to the Centre of Neighbourhood Importance for Chilwell Road/High Road and within walking distance of Beeston town centre. It is considered that car ownership associated with the

site will be low but for the reasons stated above, it is considered that the proposed change of use would not have a detrimental impact on traffic, parking or highway safety. In addition to this, the Highways Authority has not objected to the scheme on highway safety grounds or for any other matter. Therefore, it is considered that a pragmatic approach needs to be taken in respect of reusing a brownfield site in an existing urban area.

6.7 Ecology

- 6.7.1 A Preliminary Ecological Appraisal (PEA) was undertaken to determine the presence of any important habitats or species on site which would need to be considered through the redevelopment of this part of the site.
- 6.7.2 The PEA concluded that the site was considered to be of low value to wildlife. Only a small range of floral species were present and three species of birds were observed, all of which were species of low conservation concern. No old or active bird nests were observed but hedgerows and trees were considered potential nesting grounds. It was considered that the potential for roosting bats on site would be low considering the suitability of existing trees. No evidence of badgers, otters or water voles were found on site and the site was unsuitable for amphibians and reptiles. The site was unsuitable for amphibians and reptiles as there were no still water wetland features. The site is dominated by buildings and hardstanding, with only a small area of grassland and scrub and as such it was concluded that there was low potential for significant invertebrate assemblages.
- 6.7.3 The survey highlights the possible impacts of the proposed works and recommendations to overcome these. Some of these include removal of trees and shrubs outside of the bird nesting season, escape routes from open trenches for potential wildlife. Bird and bat boxes are also recommended.
- 6.7.4 The Nottinghamshire Wildlife Trust (NWT) has recommend a (Landscape Ecological Management Plan) LEMP to be secured by condition to ensure that the newly created habitats are managed for biodiversity wherever possible. Within the LEMP it has been recommended by NWT that hedgerows are allowed to be established and that lighting is aimed away from trees, hedgerows and grasslands. Recommendations have been put forward for specific species of landscaping to encourage wildlife. However, native species of landscaping will be managed by the Landscape Officer when discharging the landscaping condition. NWT recommend bird and bat boxes on appropriate aspects of the building which will be conditioned.
- 6.7.5 NWT has recommended that the recommendations within the Preliminary Bat Report are followed which is considered to be appropriate. An advisory will be included within the recommendation for these to be considered as bats are protected by their own separate legislation.
- 6.7.6 Concerns have been received in regards to the number of trees being removed and a discrepancy between landscaping plans. The landscaping plans, although different in appearance, are only indicative of the future landscaping of the site. However, it is noted from the landscaping plans that there is

insufficient detail for this to be agreed at this stage that a landscaping condition will be included within the recommendation to ensure this detail is agreed prior to works commencing.

6.7.7 No objection has been raised by the Landscape Officer in regards to the removal of 23 trees. Whilst it is acknowledged there will be a loss of trees, this should not deny development of the site. A landscaping condition will ensure that sufficient soft landscaping and replacement trees are incorporated into the site. The Landscape Officer and NWT will both be provided with the opportunity to comment to ensure the correct species and sizes of trees are used and that the scheme is appropriate.

6.7.8 Whilst it is acknowledged some of the information provided by the agent refers to trees being removed next to the existing college building, this is subject to Phase 2 of the development and will be assessed under a different application.

6.8 Heritage

6.8.1 The site is located just outside of the Chilwell Cottage Grove Conservation Area and therefore the Conservation Officer was consulted on the application. The Conservation Officer stated the following in respect of the application: *“There are no identified designated or non-designated heritage assets that will be affected by the proposal. Furthermore, the scale, form and massing of the new residential blocks will not be unduly prominent when viewed from the street scene of the conservation area. They are consistent with the existing campus architecture of Beeston College. The Heritage Impact Assessment is detailed and demonstrates the overall neutral impact of the proposal. As stated above, where there will be marginal changes to the fringes of the Chillwell Conservation Area through the increased massing of the new residential blocks, this is counterbalanced by introducing an improved, finer urban grain with a more ordered and cohesive sense of building alignment.*

As such there are no objections to the proposal. It is recommended that conditions are placed which require submission of all facing materials prior to commencement of works.”

6.8.2 To conclude, it is considered the proposal is acceptable in relation to its impact on Chilwell Cottage Grove Conservation Area.

6.9 Financial Contributions and Section 106 Agreement

6.9.1 In accordance with paragraph 57 of the NPPF and the Community Infrastructure Levy (CIL) Regulations 2010, planning obligations can only be used if they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

6.9.2 NHS Nottingham City Clinical Commissioning Group (CCG) has made a health contribution request for £46,601.25 for primary health care.

6.9.3 The NHS Trust has requested a financial contribution of £35,898.00 to provide additional health care services to meet an increase of patient demand as a

result of this development. There is no requirement within Broxtowe's adopted planning policy to a contribution of this nature to be requested.

- 6.9.4 Nottinghamshire County Council has requested a secondary education contribution of £183,778.00 (7 places x £26,254.00 per place) and requested a post 16 education contribution of £26,254.00 (1 place x £26,254.00 per place).
- 6.9.5 Financial contributions in response to open space will be included as a late item.
- 6.9.6 The Council's Housing Strategy and Development Officer has requested 30% affordable/social housing on site and to be broken down as the following:
- affordable/social rented housing - 20%
 - other low cost ownership – 2.5%
 - first homes – 7.5%
- 6.9.7 A viability assessment was submitted and independently verified which demonstrated that the site should be free from paying any financial contributions. This is due to the large build costs involved with the scheme, the current market conditions in the building sector, and other site specific factors. This scheme, with the exception of 6 houses, is another apartment scheme and the viability position is now worse than it was when Phase 1 was being considered. Considering the global situation with regard to material prices, particularly the cost of steel, and the 'high amount of circulation space' with apartment schemes, this is not a surprise.
- 6.9.8 Various viability scenarios were assessed for development of this phase, 30% affordable housing, 100% affordable housing, and finally the reduction of development profit to 17.5% including removing construction contingency allowance. All of these scenarios create a negative viability position ranging from minus -£732k to -£3.8million. Indeed, the scheme is only developable by the company partially funding the project by existing internal resources and with no developer contributions.
- 6.9.9 During the course of the application the planning department queried this information, in so much as could the profit from the first scheme cross fund Phase 3. This is due to the fact that the site is in the same ownership and all interlinked. The applicants responded with a sensitivity analysis covering this point and referring to phase 1. The assessment reduces developer profit to the lower end of the recommended range in Viability Planning Practice Guidance at 15% (it is usually 20%). It assumes a 0% construction contingency and further assumes the development could be funded from internal resources with no finance cost. Whilst adopting a very optimistic position, this does produce a small positive margin of £43,000, demonstrating that the scheme could be viably delivered but there remains no margin for developer contributions. In conclusion it is considered that the initial student accommodation phase (Phase I) of the Beeston College project does not generate any additional super-profit that could cross subsidise developer contributions in the Housing Phase (Phase III) which has already been acknowledged to generate a viability deficit.

6.9.10 Therefore, based on this assessment, and its verification, the Council will not ask for any financial contributions for this site. To that end, if permission is granted, the accompanying legal agreement will cover the issue of the management of the internal roads only. However, there will be a clause within the S106 that outlines if the development is not built within an acceptable time frame, a further viability assessment (or assessments) will be required to assess if the market situation has altered. This is akin to other schemes approved elsewhere where the viability is an issue. Whilst in the current market this appears very unlikely, and the developer has expressed a desire to build this scheme out quickly. This clause would ensure that if there is a delay in the scheme being built out, and the market situation improves, the LPA still has an opportunity to acquire some S106 payments from the site, if the market allows.

6.10 Other Matters

6.10.1 The below considers neighbour's comments and other matters that have not already been addressed in the report.

6.10.2 Whilst there is a preference for the site to be considered as one application, it is considered reasonable for the development to be considered by phased applications. 20/00891/FUL for the conversion of the college has now received planning permission via the appeals process. Whilst it is accepted that the application will increase the density on site and inevitably the noise and disturbance to surrounding neighbours, there is no evidence to suggest that this would be to the detriment of living conditions of existing neighbours. Environmental Health has not raised any concerns in respect of the density of occupants living on this site and it is considered the layout, height and scale of the building have an acceptable relationship with neighbouring properties. It is considered the impact of the two schemes on the surrounding neighbours and wider area will still be acceptable.

6.10.3 There is no requirement for buildings on site to be only two storeys in height so long as the relationship with surrounding existing residents and the design/layout has been considered as being acceptable which has been assessed accordingly above.

6.10.4 Whilst the design of the buildings is contemporary in appearance, there is no requirement to replicate the design of surrounding residential properties. The buildings are considered to reflect an acceptable level of design that will continue the contemporary design approach as presented by the existing college building.

6.10.5 The proposed roof terrace on the apartment block is considered to be acceptable and whilst surrounding properties do not have roof terraces, it is considered acceptable due to its location being contained within the corner of the site and it being a typical feature of an apartment block.

- 6.10.6 The scaled plans are considered to be accurate to understand the design, scale, height and massing and impact on surrounding area. The CGI visuals are not to scale and depict a visual representation to indicate what the site could look like. It is considered the information provided is sufficient.
- 6.10.7 Whilst it is accepted this is higher density living than the adjoining residential area, apartments are still considered to be acceptable and are not uncommon in this area of Beeston. It is considered the development has an acceptable layout and level of space surrounding it that it doesn't appear overdeveloped.
- 6.10.8 Parking permits/parking restrictions are managed/issued via Nottinghamshire County Council as Highways Authority.
- 6.10.9 A Construction Method Statement will be included in the recommendation but only in respect of the buildings and not landscaping. The landscaping condition will include a five-year restriction to ensure any trees that are removed or die are replaced.
- 6.10.10 Whilst there is a preference from comments received for the site to be considered as one application, it is considered reasonable for the development to be considered by phased applications.
- 6.10.11 A number of concerns have been received in respect of the intention for future apartments and houses to be sold for student housing. In addition, that a Section 106 should control future housing being sold for the occupancy of students. The application has stated that the proposed houses are for private residential purposes only and not students. However, it is considered unreasonable to prevent any students living in the apartments or houses. Should students occupy these apartments or houses, it would be considered reasonable, especially given the Inspectors comments in respect of the principle of students on this site and in this location for the 20/00891/FUL application. Furthermore, restricting the types of people that would live in these apartments and houses would be extremely difficult to monitor and take enforcement action on. Should Phase 3 be occupied by a mix of private residents and students, it is considered this would still be acceptable that it wouldn't have a detrimental impact on the living conditions of surrounding neighbours.
- 6.10.12 The depreciation of house values and impact on physical and mental health are not material planning consideration. Amenity is not assessed based on mental health or physical health.
- 6.10.13 Future residents purchasing or renting properties on this site will be aware of the relationship with surrounding buildings and parking.
- 6.10.14 Whilst it is acknowledged there is a mix of demographics in the area, some of which include older residents, this would not be a reason to refuse the application. Furthermore, any potential excessive noise and disturbance should be reported the Council's Environmental Health department.

- 6.10.15 Whilst it is acknowledged there will be some impact on local services, this is considered to not be detrimental. There are a number of developments in the area (Technology Drive, Barton Quarter and the Myford site) that cumulatively will impact on local services but will also provide opportunity for services to expand and increase which will add to the local economy of Beeston and Chilwell.
- 6.10.16 Each application should be assessed on its own merits but in this case, Phase 1 has been considered alongside this development and it is considered the cumulative impact of both schemes will be acceptable. Whilst there is a concern in respect of the number of students in Beeston, it is considered the wide site will be occupied by a mix of students and private residents that the mix will contribute to the surrounding area and no detract from it.
- 6.10.17 The Highways Authority has not suggested that any improvements to surrounding footways are required to mitigate the impact of the development.
- 6.10.18 The developer is entitled to submit a non-determination appeal for an application which runs concurrently alongside a new application for the same site. The Council has an obligation to respond to both the appeal and application.
- 6.10.19 Three minutes to speak at committee is considered a fair and reasonable length of time for neighbours to speak which is consistent across all applications presented at planning committee. Neighbours are entitled to submit as many objections as they would like which are all considered as part of the application.
- 6.10.20 A condition for a management plan is not considered necessary for private residential properties. The 20/00891/FUL application included a management plan as this was exclusively for students.
- 6.10.21 There is no statutory obligation to allow the intervention of neighbours in the wording of conditions.
- 6.10.22 There is no accurate data at present to confirm the percentage of students living in Beeston.
- 6.10.23 Whilst the college may be identified by different names, the application is clear in identifying the site.
- 6.10.24 It is considered the Transport Assessment provides sufficient information in relation to parking provision and the accessibility of the site in relation to the surrounding area. The number of parking spaces provided is considered to be sufficient and the Highways Authority has raised no objection to the application.

7 Planning Balance

- 7.1 The benefits of the proposal are that it would provide 87 new homes in the borough, on a brownfield site in an existing urban location that is well served by public transport. Whilst it is accepted there will be an impact on the amenity of surrounding neighbours and an increase in traffic in the area, it is considered

this would not be detrimental that it would warrant refusal, especially with a lack of objection from the Highways Authority or Environmental Health. Furthermore, the scheme is considered to be in accordance with the policies contained within the development plan which is given significant weight.

8 Conclusion

8.1 It is recommended that planning permission be granted, subject to the conditions set out below.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that the Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:</p> <p>(i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the maintenance of private roads</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 drawings:</p> <p>Received by the Local Planning Authority on 19 July 2022:</p> <ul style="list-style-type: none"> • Proposed Ground Floor Plan ref: CBP Z3 GF DR A 3001 S4 P03 • Y Block Proposed First Floor Plan ref: CBP Z3 01 DR A 3101 S4 P03 • Y Block Proposed Second Floor Plan ref: CBP Z3 02 DR A 3201 S4 P04 • Y Block Proposed Third Floor Plan ref: CBP Z3 03 DR A 3300 S4 P04 • Y Block Roof Plan ref: CBP Z3 RL DR A 3401 S4 P02 • Y Block Proposed Elevations 2 ref: CBP Z3 XX DR A 4006 S4 P03 • Site Plan ref: CBP Z3 SI DR A 1100 FP P11 • Site Sections ref: CBP Z3 SI DR A 6101 FP P03 • House Elevations ref: CBP Z3 XX DR A 3020 S4 P05 • Apartments Ground Floor Plan ref: CBP Z3 GF DR A 3010 S4 P04

	<ul style="list-style-type: none"> • Apartments First Floor Plan ref: CBP Z3 01 DR A 3110 S4 P04 <p>Received by the Local Planning Authority on 11 August 2022:</p> <ul style="list-style-type: none"> • Y Block Proposed Elevations 1 ref: CBP Z3 XX DR A 4005 S4 P05 <p>Received by the Local Planning Authority on 12 September 2022:</p> <ul style="list-style-type: none"> • Bungalow Plans ref: CBP Z3 XX DR A 3021 S4 P02 <p>Received by the Local Planning Authority on 14 September 2022:</p> <ul style="list-style-type: none"> • Apartments Second Floor Plan ref: CBP Z3 02 DR A 3210 S4 P05 • Apartments Roof Plan ref: CBP Z3 RP DR A 3310 S4 P05 • Apartments Proposed Elevations ref: CBP Z3 XX DR A 4010 S4 P06 <p><i>Reason: For the avoidance of doubt.</i></p>
<p>3.</p>	<p>No development shall commence until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition and Construction Method Statement shall be adhered to throughout the construction period. The Demolition and Construction Method Statement shall provide for:</p> <ol style="list-style-type: none"> a) The means of access for construction traffic; b) access and egress arrangements with specific regard to preventing any damage or disruption to the operating procedures of the adjacent Nottingham Express Transit route. c) parking provision for site operatives and visitors; d) the loading and unloading of plant and materials; e) the storage of plant and materials used in construction/ demolition the development; f) a scheme for the recycling/disposal of waste resulting from construction/ demolition works; and g) details of dust and noise suppression to be used during the construction phase. h) a report identifying any asbestos and documenting its safe removal. <p><i>Reason: No such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of highway safety, to minimise disturbance to neighbour amenity and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>

<p>4.</p>	<p>No development shall commence until a Landscape and Ecological Management Plan (LEMP) mapping the ecological enhancements on site has been submitted to and approved in writing by the Local Planning Authority. Enhancements must include the provision of bird and bat boxes. The enhancements shall be constructed only in accordance with the approved details and prior to the first occupation of the first dwelling.</p> <p><i>Reason: To ensure the impact on ecology is minimised during construction and in accordance with the aims of Policy 31 of the Part 2 Local Plan (2019).</i></p>
<p>5.</p>	<p>No above ground works shall commence until samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.</p> <p><i>Reason: No such details were submitted with the application and in the interests of the appearance of the development and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>No above ground works shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> a) numbers, types, sizes and positions of existing/proposed trees, shrubs and hedgerows and measure for their protection during construction. No development shall commence until the agreed protection measures are in place b) details of boundary treatments; c) proposed bin and cycle stores; d) proposed hard surfacing treatment; e) planting, seeding/turfing of other soft landscape areas; and f) timetable for implementation of the scheme. <p>The approved scheme shall be carried out strictly in accordance with the approved details and shall be carried out not later than the first planting season following the substantial 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, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: No such details were submitted with the application and to ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims</i></p>

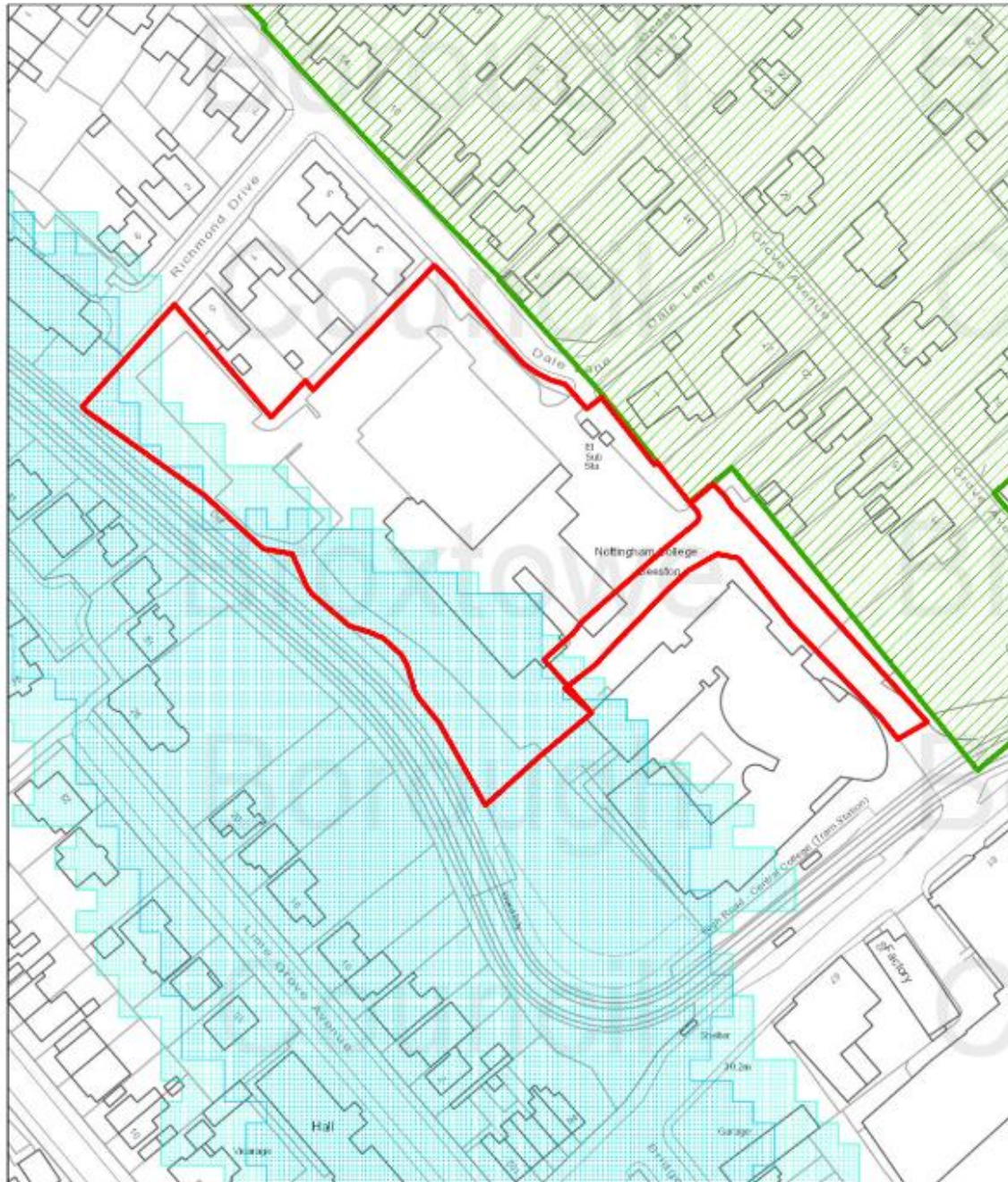
	<p><i>of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 the Broxtowe Aligned Core Strategy (2014).</i></p>
7.	<p>Prior to the first occupation of the development hereby approved, a detailed lighting strategy shall be submitted and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details and maintained for the lifetime of the development.</p> <p><i>Reason: To minimise light pollution to Chilwell Cottage Grove Conservation Area and in accordance with the aims of Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
8.	<p>Prior to the first occupation of the first dwelling hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment by HSP Consulting Engineers Ltd ref: HSP2021-C3450-C&S-FRAS1-318 dated September 2021 received by the Local Planning authority on 19 July 2022.</p> <p><i>Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
9.	<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 immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.</p> <p>An assessment must be undertaken in accordance with good practice and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure contamination is managed appropriately and safely on site and in accordance with Policy 19 of the Part 2 Local Plan (2019).</i></p>
10.	<p>The recommendations as stated on page 9 of the Bat Building Review document by RammSanderson ref: RSE_:4979L1_V1 dated 19 April 2021 received by the Local Planning Authority on 19 July 2022 shall be implemented in full.</p> <p><i>Reason: To ensure the impact on bats is minimised during construction and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>

11.	<p>The windows in the north east elevation serving apartments 37 and 58 on drawings shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.</p> <p><i>Reason: In the interests of neighbour amenity and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
12.	<p>The 1.8m high roof terrace screens serving apartment 15 on drawing ref: CBP Z3 XX DR A 4010 S4 P06 shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.</p> <p><i>Reason: In the interests of neighbour amenity and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
13.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.</p> <p><i>Reason: To minimise disturbance to neighbours and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	<p><u>NOTE TO APPLICANT</u></p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the 13 week determination timescale.</p>
3.	<p>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.</p>
4.	<p>Burning waste on site is prohibited.</p>
5.	<p>The future owners/occupiers of the proposed dwelling should sign up to the Environment Agency's Flood Warning Direct Service.</p>
6.	<p>The deposit of mud or other items on the public highway, and/or</p>

	<p>the discharge of water onto the public highway are offences under Sections 149 and 151 of the Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the <u>applicant / contractors / the owner or occupier of the land.</u></p>
7.	<p>Due to the presence of gas apparatus on site, you are required to contact Cadent's Plant Protection Team for approval before carrying out any works, plantprotection@cadentgas.com or tel: 0800 688 588.</p>
8.	<p><u>Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.</u></p>
9.	<p>All workers / contractors should be made aware of the potential of protected species being found on site and care should be taken during works to avoid harm. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.</p>
10.	<p>The recommendations are stated on page 9 of the RammSanderson Bat Building Review document should be carried out in full.</p>
11.	<p>The Councils Environmental Health Pollution team will need to be notified of the arrival on site of the Mobile Crushing plant for them to carry out inspection of the crushing equipment in line with the operational permit issued under the Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2010 (as amended).</p>
12.	<p>As this permission relates to the creation of a new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure an addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>
13.	<p>The proposed access and layout does not meet adoptable highway standards and therefore, all roads, paths, street lighting, footways and waste management must be maintained at the expense of the applicant/land owner.</p>
14.	<p>Cadent Gas Ltd own and operate the gas infrastructure within the area of the development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to</p>

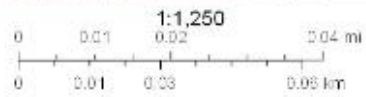
	<p>Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk</p>
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Map



9/14/2022, 11:06:16 AM

- Conservation Area
- Flood Zone 3
- Flood Zone 2
- Site



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Photos



Facing south west (Y-block)



Facing north west (Y-block to left)



Facing north east, Y-block to right



Facing north west (facing no. 3 Dale Lane)



No. 5 Richmond Drive



Facing south west (tram line to right)



Facing south west (Y block to left)



Facing south west (from Richmond Drive)

Plans (not to scale)



Site Plan



Proposed Elevation 1-1
scale 1:100 @ A1



Proposed Elevation 3-3
scale 1:100 @ A1



Proposed Elevation 2-2
scale 1:100 @ A1



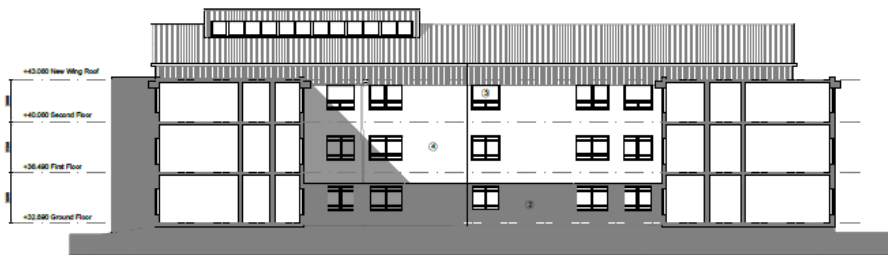
Proposed Elevation 4-4
scale 1:100 @ A1

Proposed Elevations (apartment block)

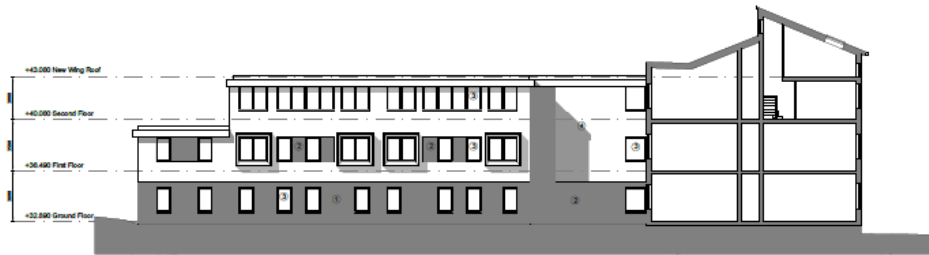
Plans (not to scale)



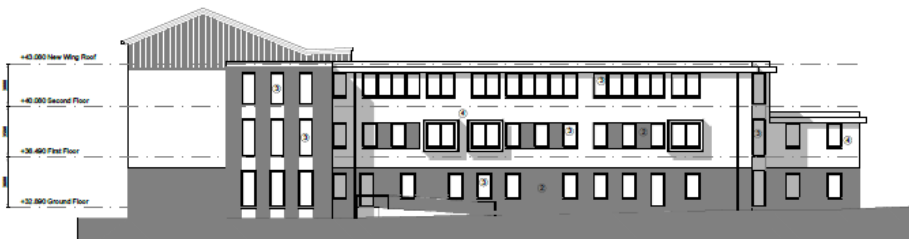
Apartments (ground floor plan)



Proposed Elevation 5-5
scale 1:100 @ A3



Proposed Elevation 6-6
scale 1:100 @ A3



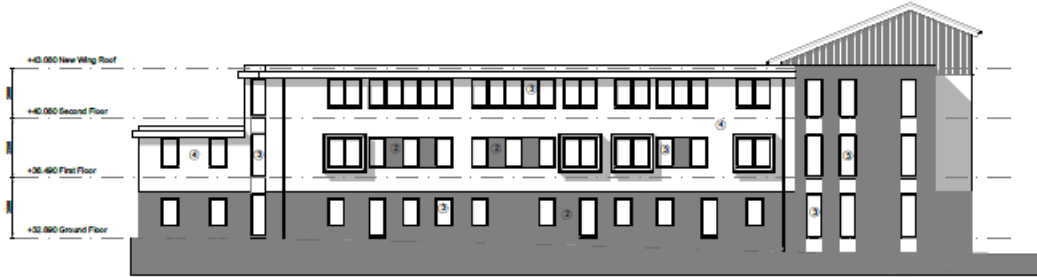
Proposed Elevation 7-7
scale 1:100 @ A3

Y Block (proposed elevations 1)

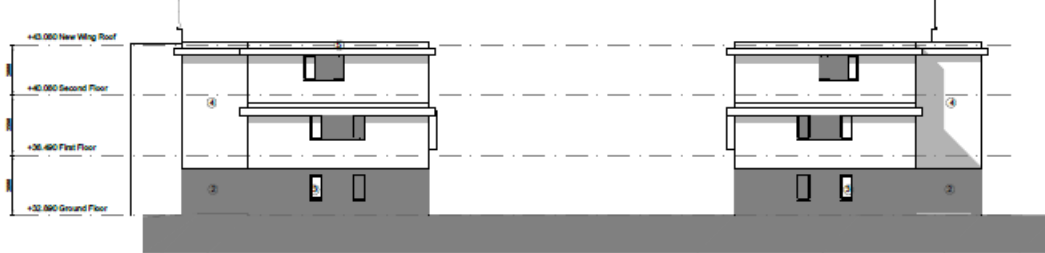
Plans (not to scale)



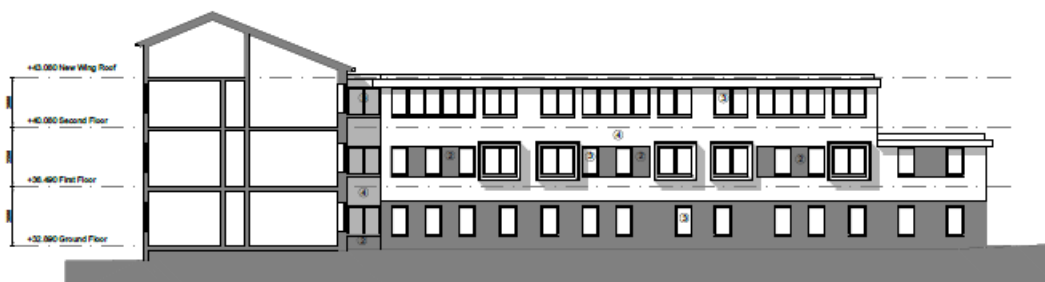
Proposed Elevation 1-1
scale 1:100 @ A0



Proposed Elevation 2-2
scale 1:100 @ A0

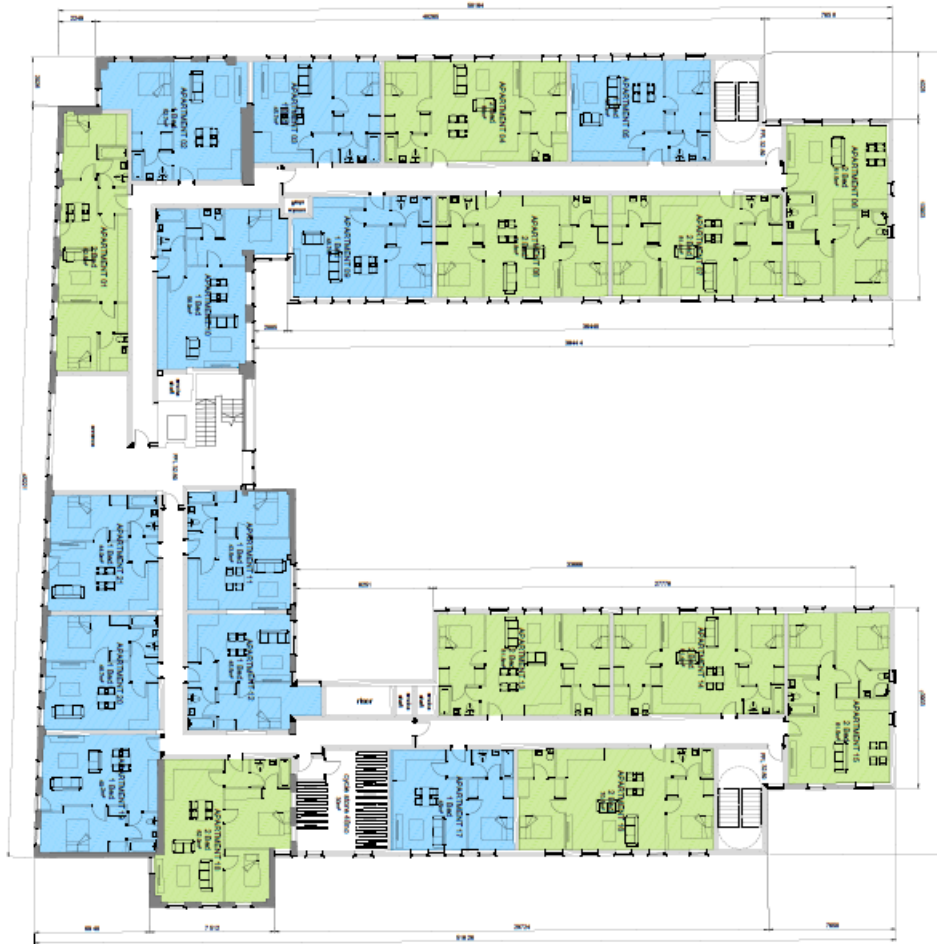


Proposed Elevation 3-3
scale 1:100 @ A0



Y Block (proposed elevations 2)

Plans (not to scale)



Y Block (proposed ground floor plan)