

Report of the Chief Executive

**18/00268/FUL
CONSTRUCT 75 BED CARE FACILITY; 30 SUPPORTED LIVING
APARTMENTS (CLASS C2); BISTRO; GYM/SPA; HAIRDRESSERS; BIN,
CYCLE AND SCOOTER STORES; EMERGENCY GENERATOR;
SUBSTATION, CAR PARKING AND LANDSCAPING
MYFORD LTD, WILMOT LANE, BEESTON**1. Background

1.1 At Planning Committee on 5 December 2018, members deferred the application to allow further consideration to be given to parking provision and the establishment of a point of contact for residents during construction works.

1.2 The applicant has submitted further information to address these two issues, including amended plans showing two additional parking spaces so 44 spaces will be provided in total. The additional information provided is summarised below:

- None of residents in the 75 bed care facility require a car. Typically, the average age of household residents is greater than 86.
- A review of other Belong Care Villages reveals that the average age of apartment residents is greater than 83. The analysis shows that typically there would be a demand for three parking spaces for the proposed 30 apartments.
- In the region of 140 staff will be employed at the site. At any one time, there would typically be 30-33 staff on site during the day but significantly less at night. There is 24 hour/7 day a week cover.
- As set out in the application supporting documents, it is anticipated that the majority of staff will live locally, with many walking or cycling to work or using the tram/bus.
- The tram runs from approximately 6am until midnight and typical shift patterns are:
 - 08:00 - 15:00
 - 15:00 - 22:00
 - 22:00 - 08:00

Hence no shifts end or start between midnight and 6am so all staff will be in a position to use the tram should they desire.

- An assessment of other Belong Villages shows a range of parking/accommodation ratios. The average car parking provision across the Belong portfolio is 1 space per 2.7 housing units (an average of 35.3 spaces), compared to Beeston with 1 space per 2.4 units i.e. Beeston has an average of 19% more spaces than a typical Belong village.
- No other site in the Belong Portfolio is served by a tram system. The site is unique in terms of its connectivity and access to a range of public transport.
- Belong is committed to promoting sustainable development. It will encourage employees to use public transport. Condition 18 requires the submission of a Travel Plan Statement.

- The Highway Authority has no objections in respect of all highway matters, including on-site parking provision.
 - The proposed car parking provision, the nature/age profile of Belong's customers and the site's excellent location with regard to public transport will ensure that the use will not create parking difficulties.
 - During the construction phase, the community contact will be Belong's Property Manager. Once work commences, a telephone number will be made available to the Local Authority.
- 1.3 The original report to the Planning Committee on 5 December 2018 is attached as an appendix to this report. A correction is needed to paragraph 5.10 – 22 responses have been received of which 18 are objections.
- 1.4 Following publication of the December committee report, a viability assessment was submitted (received 27.11.18) which concludes that the scheme is not viable with any affordable housing contribution. The Council's Estates Manager has advised that the assessment appears to be reasonable.
- 1.5 Since the December committee meeting, a resident has requested clarification about the extent of the proposed Ellis Grove Traffic Regulation Order (TRO). County Highways have advised that they are unable to confirm the extent of the TRO as it will be subject to consultation.
2. Appraisal
- 2.1 It is considered that the provision of the additional information and the two additional parking spaces addresses the concerns raised by members at the December committee meeting. Sufficient parking has been proposed for this building given the site is located in a highly sustainable location beside the tram line and several frequent bus routes. As discussed at the December committee, the trams do not run between approximately midnight and 6am but no shift will end or start during such times. In addition, car ownership of residents is highly likely to be very low and a proportion of the employees are likely to use public transport, walk or cycle. These assumptions are supported by the additional information provided by the applicant. Based on the figures provided by the applicant, if every staff member on shift drives (maximum of 33) and the estimated number of apartment owners have a car (three), that would mean a total of 36 parking spaces being used. Eight spaces would therefore remain for visitors which is considered to be more than sufficient.
- 2.2 Based on the submitted viability assessment, no affordable housing contribution is considered to be required.
- 2.3 Conditions 2, 15, 19 and 20 have been amended following concerns being raised about the wording by the applicant and clarification that the windows in the north east elevation (see paragraph 6.3.3 of the December report). These are not windows but Automatic Opening Vents (AOVs) which only open in the event of a fire. An additional condition requiring the construction of the access has been included at the request of the County Council as Highway Authority. It is therefore recommended that the application be approved subject to these revised/additional conditions.

- 2.4 In summary, two additional parking spaces are proposed and further information has been submitted to demonstrate why the proposed car park is of sufficient size for the development. A community contact will be established so that residents have a point of liaison with the applicant during construction. Subject to the conditions as detailed below, the proposed development is considered to accord with national and local planning policy.

Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawing numbers P4693_111 Planning – Proposed Façade Details received by the Local Planning Authority on 18 April 2018; P4693_001 Location Plan, P4693_121 Rev A Planning – External Bin and Generator Store, P4693_122 Rev A Planning – External Cycle and Buggy Store and P4693_123 Planning – Substation Drawing received by the Local Planning Authority on 18 May 2018; P4693_106 Planning – Proposed GA Elevations – Sheet 1, P4693_108 Planning – Proposed GA Elevations – Sheet 3, P4693_109 Planning – Proposed GA Elevations – Sheet 4, 1072_003 Rev A Landscape Strategy and P4693_112 Planning – Proposed Household Façade Details received by the Local Planning Authority on 21 May 2018; M2715(69)001 Rev P1 received by the Local Planning Authority on 2 July 2018; P4693_SK112 Barrydale Avenue Boundary Sections received by the Local Planning Authority on 25 July 2018; P4693_110 Rev A Planning – Proposed GA Elevations – Sheet 5 and P4693_124 Rev A Planning – Car Park Sections received by the Local Planning Authority on 3 August 2018; P4693_113 Rev B Planning – GA Sections received by the Local Planning Authority on 13 November 2018; P4693_102 Rev B Planning – Proposed First Floor, P4693_103 Rev B Planning – Proposed Second Floor, P4693_104 Rev A Planning – Proposed Third Floor, P4693_105 Rev A Planning – Proposed Roof Plan, P4693_114 Rev C Planning – Proposed Street Elevations and P4693_107 Rev A Planning – Proposed GA Elevations – Sheet 2 received by the Local Planning Authority on 4 December 2018 and P4693_101 Rev B Planning – Proposed Ground Floor and P4693_100 Rev D Planning – Proposed Site Plan received by the Local Planning Authority on 11 December 2018.**
- 3. No development shall commence until:**
 - (i) All necessary groundwater remedial measures have been completed in accordance with Remediation Method Statement (Ref 12292A June 2018) and;**
 - (ii) It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.**

4. No development shall commence until a plan to show the location of protective fencing for the trees shown to be retained on drawing number P4693_100 Rev B has been submitted to and agreed in writing by the Local Planning Authority. The erection of fencing for the protection of these retained trees shall be undertaken in accordance with the agreed details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
5. No development shall commence until details of the construction site access and parking arrangements for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. Construction access and parking shall take place in accordance with the agreed details.
6. No development above slab level shall be carried out until samples of the materials to be used in the facing walls (including windows and doors) and rainwater goods have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.
7. No development above slab level 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:

 - (a) numbers, types, sizes and positions of proposed trees and shrubs,
 - (b) proposed hard surfacing treatment,
 - (c) planting, seeding/turfing of other soft landscape areas,
 - (d) proposed boundary treatments including details of the gate access to the British Legion social club
 - (e) a timetable for implementation.

The approved scheme shall be carried out strictly in accordance with the approved details.
8. The approved landscaping shall be carried out not later than the first planting season following the practical completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.
9. No building to be erected pursuant to this permission shall be occupied or brought into use until:

- (i) All necessary gas and vapour barrier and clean cover remediation measures have been completed in accordance with Remediation Method Statement (Ref 12292A June 2018) and;
- (ii) It has been certified to the satisfaction of the Local Planning Authority that the remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.
10. No deliveries or collections by commercial vehicles (excluding the delivery of urgent medical supplies) shall be made to/from the site except between the hours of 07:00 - 22:00 on any day.
 11. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. For areas where penetrative foundations are permitted, a methodology for reducing noise and vibration impact on neighbouring buildings and residents shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the piling activity. The activity shall be carried out in accordance with the approved details.
 12. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.
 13. The total rating level resulting from the use of any plant, machinery or equipment hereby installed pursuant to this permission, shall not exceed the existing background sound level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive premises.
 14. The building shall be constructed and the glazing and ventilation installed in accordance with the specification details in the Azymuth Acoustics UK report Ref AA0050, dated February 2018.
 15. No part of the development hereby permitted shall be brought into use until an application for a Traffic Regulation Order to remove on-street parking along Ellis Grove has been made.
 16. The development shall not be occupied until the redundant vehicular crossings on Ellis Grove have been removed and replaced with full kerbs and the footpath reinstated to the Highway Authority specification.
 17. The building shall not be first occupied until the parking, turning and servicing facilities have been provided in accordance with the approved plans and constructed so as to prevent the unregulated discharge of surface water therefrom onto the public highway. These facilities shall

thereafter be retained in the agreed form for the lifetime of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

18. The building shall not be first occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority.
19. The Automatic Opening Vents in the north east elevation of the apartments shall only be opened in the event of a fire and 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.
20. The hereby approved apartments shall not be occupied other than by persons who have attained the age of 55 years, together with the spouse or partner of such persons, including a widow or widower who may be under 55 years of age.
21. The building hereby approved shall be first occupied by Belong Limited.
22. The site access shall be provided in accordance with the approved drawings before the development is first occupied.

Reasons:

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. The development cannot proceed satisfactorily without the remedial measures being undertaken in advance of development commencing, in the interests of protecting groundwater and in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004).
4. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of retaining the trees on the site boundary with Barrydale Avenue and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
5. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of highway safety, to avoid conflict with the tram and to protect residential amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).

6. Full details were not submitted, in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy.
7. No such/insufficient details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area, to ensure a satisfactory standard of amenity and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
8. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
9. In the interests of public health and safety and in accordance with the aims of Policy E29 of the Broxtowe Local Plan (2004).
10. To protect nearby residents from excessive noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
11. To protect groundwater from contamination and nearby buildings and residents from noise and vibration in accordance with the aims of Policies E29 and H7 of the Broxtowe Local Plan (2004).
12. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
13. To protect residents from excessive plant noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
14. To protect future occupiers from excessive environmental, commercial and industrial noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
15. In the interests of highway safety to ensure access and egress to and from the site by larger vehicles is not hindered by parked vehicles beside the access.
16. In the interest of pedestrian safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
17. In the interests of highway safety to ensure satisfactory access, servicing and parking arrangements are provided and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
18. To promote sustainable travel and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).
19. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

20. In accordance with the terms of the application and in relation to S106 contribution requirements.
21. In accordance with the terms of the application and in relation to S106 contribution requirements.
22. In the interests of highway safety to ensure a satisfactory access is provided and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).

Notes to Applicant:

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. It is not permitted for any vehicles to obstruct the tramway at any time and consideration should be given to erecting a warning sign at the construction site exit point to warn of overhead lines. Please contact the Nottingham Express Transit (NET) Project Office for further information (0115 876 4095).
3. In order to carry out the off-site works required, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under section 278 of the Act. Please contact hdc.south@nottsc.gov.uk for details.
4. The proposed off-site works require a Traffic Regulation Order before the development is brought into use to provide a safer highway environment. The developer should note the Order can be made on behalf of the developer by Via (in partnership with Nottinghamshire County Council) at the expense of the developer. This is a separate legal process and the applicant should contact the Highway Improvements Team on 0300 500 8080 for details.
5. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
6. In relation to condition 15, you are advised that the Traffic Regulation Order process cannot commence until payment of the TRO fees are received.

Appendix

Report to Planning Committee 5 December 2018.

Background papers

Application case file