

## 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 NG9 1EP**

Councillor J C Patrick requested this application be determined by the Committee.

1 Details of the Application

- 1.1 This is a major planning application for a 75 bed care facility, 30 supported living apartments, a bistro, gym/spa, hairdressers, bin, cycle and scooter stores, emergency generator, substation, 42 space car park and landscaping. The proposed building would be four storeys in height (14m) parallel to Chilwell Road, with a three storey link to a rectangular C-shaped wing to the south east. The ground floor of the building beside Chilwell Road will contain the communal facilities of gym/spa, hairdressers and bistro, with an external seating area to the south west. An 'Experience Day' activities room where events for residents and the local community are held is also located in this part of the building. All 30 apartments will be located on the upper three floors of this part of the building, arranged either side of a central corridor. 16 of the apartments will have one bedroom and 14 will have two bedrooms.
- 1.2 A three storey (11.5m high) connecting wing containing communal (including 'The Venue') and administrative space and service areas will link the four storey section of the building with the three storey 'household' wings (maximum 11.8m high) forming the 75 bedroom care facility to the south east of the site. Six households, each with 12 bedrooms (all with en-suite bathrooms) and communal kitchenette/dining areas and lounge, are proposed. There will be three guest bedrooms in this part of the building. The 72 care bedrooms would provide a high degree of specialist care, with the 30 apartments for the more active residents who need varying degrees of support.
- 1.3 The C-shaped south eastern three storey wing surrounds a courtyard which will be laid out as a dementia friendly garden area. An evergreen hedge will surround the majority of the perimeter of the building, interspersed with trees at the Ellis Grove entrance. The bistro will open out onto an outdoor seating area to the south west of the building with an adjoining small rainwater garden which will use roof water from disconnected downpipes. Beside the south east boundary, the existing mature trees will be retained and additional understorey planting will take place. Bird and bat boxes are proposed in this area. The car park will be located in the south eastern corner of the site and beside part of the north eastern site boundary. It will contain the buggy and cycle store (beside the south western boundary) and the substation, generator and bin store (beside the north eastern boundary).

- 1.4 Pedestrian access to the building will be from Chilwell Road and Ellis Grove; vehicular access will be from Ellis Grove only.
- 1.5 During the course of the application, the plans were amended to relocate some stairwell windows and to increase the height of the proposed fence by 0.7m to 2.5m on the boundary with Barrydale Avenue.
- 1.6 The following supporting documents were submitted with the application:
  - Design and Access Statement
  - Planning Statement
  - Arboricultural Report
  - Noise and Vibration Assessment
  - Statement of Community Involvement
  - Transport Statement
  - Geo-Environmental Desktop Report
  - Foul and Surface Water Drainage Strategy.

**2 Site and Surroundings**



Looking towards Chilwell Road across the site frontage



Looking towards rear of 8-14 Ellis Grove from beside south western site boundary



Looking across site towards Barrydale Avenue



8-14 Ellis Grove



Fence demarcates north west boundary of application site

- 2.1 The site has an area of 0.64 hectare and was previously part of the larger Myfords (engineering) site. It is an area of land that slopes down approximately 2m from Chilwell Road towards the south eastern boundary. Demolition of the buildings on site has been completed. The site has vehicular access from Ellis Grove and Wilmot Lane.
  
- 2.2 To the immediate north west of the site lies the Chilwell Road tram stop. A public footpath runs beside the south western site boundary connecting Vincent Avenue with High Road/Chilwell Road. Ellis Grove adjoins part of the north eastern site boundary, with the rear gardens of numbers 8-14 (terraced houses) being the closest residential properties on this road to the site and the south western wall of the commercial property known as the Raven Group directly adjoins this boundary. The Royal British Legion Social Club is located to the north east, beside the Raven Group.
  
- 2.3 Semi-detached and terraced properties on Barrydale Avenue adjoin part of the south eastern site boundary. These houses have various rear boundary treatments and there is a row of deciduous trees on the site side of the south eastern boundary, all of which bar one are proposed to be retained.

2.4 Various shops/commercial units are on the north western side of Chilwell Road. To the south west of the site is the Council owned car park and land in the ownership of two of the applicants (Peveril Securities Limited and Charterpoint Developments Limited), which forms part of the larger former Myfords site, is located to the south east and west and demolition/clearance of this site has been completed and a new road constructed adjoining the south western end of Barrydale Avenue.

3 Relevant Planning History

3.1 Outline planning permission was granted on 12 December 2014 for the redevelopment and change of use of the larger former Myfords site for residential/commercial uses (to include Classes A1, A2, A3, A4, A5, B1(a), C2, C3 and D1 uses). This permission has expired but was granted contemporaneously with a S106 Agreement requiring 25 per cent of the housing on site to be affordable and financial contributions towards education, transport and open space.

3.2 A prior notification application for the demolition of the buildings on the larger site was approved on 30 June 2017 (reference 17/00370/DEM). Demolition has been completed.

3.3 Planning permission (17/00723/FUL) for 47 dwellings and a retail unit on the southern and western parts of the Myfords site was granted on 24 May 2018, following the grant of planning permission (reference 17/00511/FUL) for a road to serve the southern part of this site on 29 September 2017, to enable its early implementation. Construction of this road has been completed.

3.4 At the November Planning Committee, members resolved to grant planning permission for 15 apartments on the adjacent site to the north east (18/00538/FUL) currently occupied by the Raven Group (subject to the completion of a s106 agreement).

4 Policy Context

4.1 **National policy**

4.1.1 The revised National Planning Policy Framework (NPPF) July 2018, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with an up-to-date development plan without delay.

4.1.2 Weight may be given to emerging plan policies according to the stage of plan preparation, the extent to which there are unresolved objections to the policies, and the degree of consistency of the emerging policies to the NPPF.

4.1.3 Planning conditions and obligations should only be used where they meet the requirements set out in paragraphs 54-56.

4.1.4 The document outlines that the government's key housing objective is to significantly boost the supply of homes and states that there should be a

sufficient number and range of homes within safe and well-designed environments. It advises that the needs of groups with specific housing requirements should be addressed.

- 4.1.5 Paragraph 64 deals with the requirement to provide affordable housing when major residential schemes are proposed and stipulates that at least 10 per cent of homes should be available for affordable home ownership. Exemptions to this 10 per cent requirement can be made if the proposed development provides specialist accommodation for the elderly.
- 4.1.6 To promote healthy and safe communities, social interaction should be promoted through active street frontages, places should be safe and accessible and enable and support healthy lifestyles (e.g. through the provision of safe and accessible green infrastructure).
- 4.1.7 In relation to assessing the highway impacts of a proposal, the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Development should be designed so as to give priority to pedestrians and cyclists, meet the needs of disabled people, avoid unnecessary street clutter, allow for efficient goods delivery and access by emergency vehicles and enable charging of electric/ultra-low emission vehicles.
- 4.1.8 Section 11 outlines the need to make effective use of land, particularly previously-developed land. To achieve appropriate development density, consideration should be given to the identified need for different housing types, local market conditions, viability, the availability and capacity of infrastructure and services, promotion of sustainable transport, desirability of maintaining an area's character and setting or promoting regeneration and change and the importance of securing well-designed, attractive and healthy places. Where there is an existing or anticipated shortage of housing land, low density housing schemes should be avoided.
- 4.1.9 A fundamental aim of the planning process should be to create high quality buildings and places and section 12 includes guidance on achieving this aim. Developments should function well and add to the quality of an area for the lifetime of the development; be visually attractive; be sympathetic to local character and history whilst not discouraging change; establish or maintain a strong sense of place; make efficient use of land and create safe, inclusive and accessible places with a high standard of amenity for existing and future users. Design should take into account the views of the community and where early, proactive and effective engagement with the community has occurred, such schemes should be looked on more favourably.
- 4.1.10 The need to take into account contaminated land when determining applications is detailed at paragraphs 178-179.

## **4.2 Broxtowe Aligned Core Strategy**

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

- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.3 'Policy 1: Climate Change' sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings. It states that development should demonstrate how carbon dioxide emissions have been minimised. The policy goes on to set out the approach to renewable energy, flood risk and sustainable drainage.
- 4.2.4 'Policy 2: The Spatial Strategy' sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6150 in the Broxtowe Borough part of GN, of which 3800 are in or adjoining the existing built up area of Nottingham) and outlines a settlement hierarchy.
- 4.2.5 'Policy 4: Employment Provision and Economic Development' refers to the need to appropriately manage existing employment sites to cater for the full range of employment uses by releasing sites no longer attractive to the market/those that are not good quality.
- 4.2.6 'Policy 8: Housing Mix and Choice' sets out the approach to ensuring that new housing development includes an appropriate mix of housing types, sizes, tenures and density. It states that consideration should be given to the needs and demands of the elderly as part of the overall housing mix and sets out the approach to affordable housing, establishing a 30 per cent target for Broxtowe Borough.
- 4.2.7 'Policy 10: Design and Enhancing Local Identity' sets design and layout principles to be applied to new development and looks to ensure that an attractive, safe, inclusive and healthy environment is created and that valued local characteristics are reinforced.
- 4.2.8 'Policy 14: Managing Travel Demand' makes it a priority to select sites which are accessible by the most sustainable means of transport. It sets out measures to encourage a switch to sustainable forms of transport first before major highway capacity improvements are considered.
- 4.2.9 'Policy 16: Green Infrastructure, Parks and Open Spaces' sets out a strategic approach to the provision of new Green Infrastructure.
- 4.2.10 'Policy 18: Infrastructure' seeks to ensure new development is provided with the necessary infrastructure.
- 4.2.11 'Policy 19: Developer Contributions' confirms the current use of section 106 agreements.

### 4.3 Saved Policies of the Broxtowe Local Plan

- 4.3.1 The Part 2 Local Plan is currently awaiting Examination hearing sessions. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy E27 'Protection of Groundwater' – development which would be liable to result in infiltration of contaminants into groundwater will not be permitted unless measures would be carried out as part of the development to prevent contamination taking place.
- 4.3.3 Policy E29 'Contaminated Land' – development of land which may be contaminated will not be permitted until a site investigation has been undertaken and any necessary remedial measures have been agreed.
- 4.3.4 Policy E34 'Control of Noise Nuisance' – planning permission will not be granted for housing and other noise sensitive development if the occupants would experience significant noise disturbance.
- 4.3.5 Policy H5 'Affordable Housing' - on housing sites of over 1 hectare or over 25 dwellings, the Council will seek to ensure that at least 25% of dwellings built will be affordable or, exceptionally, that a financial contribution is made to facilitate off-site provision.
- 4.3.6 Policy H6 'Density of Housing Development' - provides density requirements for new residential development: where development is within 400m walking distance of frequent public transport services, a minimum density of 40 dwellings per hectare is required (or 45 dwellings per hectare where there is a choice of public transport modes) and, if the distance is beyond 400m, 35 dwellings per hectare.
- 4.3.7 Policy H7 'Land Not Allocated for Housing Purposes' – residential development on sites within the existing built-up area will be permitted provided the amenity of existing and proposed occupiers is not adversely affected; the development would not result in an undesirable change in the character or appearance of the area; the development of a larger area is not prejudiced; satisfactory provision is made for access and parking; the site is not of significant nature conservation value and the site is not required to be retained for another purpose in the local plan.
- 4.3.8 Policy T1 'Developers' Contributions to Integrated Transport Measures' - planning permission for developments which generate a demand for travel will not be granted until a contribution towards transport infrastructure has been negotiated.
- 4.3.9 Policy T11 'Guidance for Parking Provision' and Appendix 4 require satisfactory provision of vehicle parking and servicing, in accordance with the latest standards.

- 4.3.10 Policy S6 'Food and drink retailing outside town centres' – such uses will not be permitted if their individual or cumulative effect would cause environmental or traffic problems or detriment to residential amenity.
- 4.3.11 Policy RC6 'Open space: requirements for New Developments' - provision should be made for public open space and children's play areas on residential development sites which exceed 0.5 hectares. The design of any open space provision should take into account the possible provision of features beneficial to wildlife.
- 4.3.12 Policy RC12 'Caring institutions' - proposals for the development of nursing homes and other caring institutions will be permitted provided that neighbouring residential amenity is not adversely affected; the character of the surrounding area would not be unacceptably altered; appropriate provision for servicing, access and parking is made; satisfactory outdoor amenity space is provided as well as attractive outlooks from bedrooms and living rooms.

**4.4 Part 2 Local Plan (Draft)**

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been submitted for Examination, with examination hearing sessions to take place toward the end of this year. The representations on the plan included 12 no. representations in relation to Policy 15, 11 no. representations in relation to Policies 17 and 32, four no. representations in relation to Policy 19, and seven no. representations in relation to Policies 24 and 26. Given that there remain outstanding objections to Policies 15, 17, 19, 24, 26 and 32 that will need to be considered through the Local Plan examination process, these policies can be afforded only limited weight. As there were no objections made to Policy 14, it is very likely that this Policy will be in the adopted version of the Plan and as such it can be afforded moderate weight at this stage.
- 4.4.2 Policy 14 - Centre of Neighbourhood Importance (Chilwell Road/High Road): within this area, permission will be granted for main town centre uses (as defined in the NPPF) or housing, providing such a use does not comprise over 500 sq m for an individual unit (applies to main town centre use only); erode the character of the Centre of Neighbourhood Importance in providing a complementary evening economy offer to Beeston Town Centre; result in less than 30% of ground floor units comprising residential units or result in inefficient use of upper floors.
- 4.4.3 Policy 15 – Housing size, mix and choice: proposals on unallocated sites for development of more than 10 units within Use Classes C2 or C3 should provide 30% or more affordable housing on site, unless there are exceptional circumstances. Where less affordable housing is proposed, such applications should be accompanied by a viability assessment. Developments of market and affordable housing should provide an appropriate mix of house size, type, tenure and density including the provision of a proportionate amount of accessible and adaptable dwellings and self-build plots.



- 4.4.4 Policy 17 – Place-making, design and amenity: permission will be granted for development which meets a number of criteria including: that it integrates into its surroundings; provides, or is close to, community facilities; has good access to public transport; creates a place with a locally inspired or otherwise distinctive character; takes advantage of existing topography and buildings; provides sufficient, well-integrated parking; ensures satisfactory standards of amenity for existing and proposed residents; enables convenient use by people with limited mobility; incorporates ecologically sensitive design, with a high standard of planting (makes use of native species) and features for biodiversity (including bat/bird boxes) and does not prejudice the development of a larger site. An assessment in relation to ‘Building for Life’ criteria will be required to be submitted within the Design and Access Statement.
- 4.4.5 Policy 19 - Pollution, Hazardous Substances and Ground Conditions: development of land which may be contaminated will not be permitted until a site investigation has been undertaken and any necessary remedial measures have been agreed.
- 4.4.6 Policy 24 - The health impacts of development: a completed health impact assessment checklist will be required to accompany any application for 50 dwellings or more.
- 4.4.7 Policy 26 - Travel Plans: a Travel Plan will be expected to be submitted for developments of 10 or more dwellings or 1000 sq m or more gross floorspace.
- 4.4.8 Policy 32 - Developer contributions: financial contributions may be sought from developments of 10 or more dwellings or 1000 sq m or more gross floorspace for provision, improvement or maintenance, where relevant, of: affordable housing; health; community facilities; green space; biodiversity; education and highways.

4.5 Beeston Town Centre Plan (2008)

- 4.5.1 The site is included within ‘Key Development Area 5 Chilwell Road’, an area identified as in need of regeneration. Potential uses include retail, employment and residential. A two or three storey block should front Chilwell High Road.

5 Consultations

- 5.1 **Nottinghamshire County Council as Highway Authority** advise that the development should generate less traffic than the consented scheme (13/0003/OUT). Concern is expressed that turning movements to enter/exit the site are quite tight and could result in some encroachment of the footway. A Traffic Regulation Order (TRO) will therefore be required to remove parking on part of Ellis Grove to aid drivers exiting the site. The numerous access points on Ellis Grove will need reinstating to footway and within the site, should be increased to 2m in width. No objections subject to conditions relating to a TRO, Ellis Grove footway reinstatement, provision and retention of parking/turning/servicing areas, Travel Plan statement, and surfacing and drainage of site access. Notes to applicant regarding works in the public highway, TRO and mud on the highway.

- 5.2 **Nottinghamshire County Council as Lead Local Flood Authority** has no comment to make on the application.
- 5.3 **Nottinghamshire County Council Rights of Way (Via East Midlands Ltd)** advise that Beeston Footpath No. 55 runs adjacent to the proposed development but appears unaffected. They advise the footpath should not be encroached upon or obstructed.
- 5.4 **NHS Nottingham West Clinical Commissioning Group (CCG)** note that the outline planning permission (13/00003/OUT) did not require a health contribution. The CCG state that recent developments in the area have impacted upon the ability to provide primary care services, particularly in the Beeston area and given the recent closure of the West End Surgery. A better way of working is required to ensure the CCG is aware of proposed care homes and retirement living facilities. It is advised that 65 per cent of the NHS budget is spent on the over 65s and the elderly are the predominant users of health and social care services. Due to recent care home developments, there is a very high volume of frail, complex and very dependent elderly patients in Beeston and GP practices are struggling to cope. This proposal will add to that strain. However, the need for dementia care is recognised. Request that a meeting is held with Belong and planners to discuss the proposal. Such a meeting has been held and the CCG were reassured about the timescales for the proposed development.
- 5.5 **Nottingham Express Transit** has no objections but requests a condition requiring 'goal posts' and wheel cleaning facilities for construction vehicles exiting the site onto Chilwell Road. Consideration should also be given to erecting a hazard sign to warn about the overhead lines. The applicant should be made aware it is not permitted to obstruct the tramway and to comply with the guidelines contained in the 'Working near NET' leaflet.
- 5.6 The **Business and Projects Manager (Environment)** provides comments on the landscape strategy and suggests amendments. Overall, he considers the scheme to be well thought out and to offer many positive landscape features.
- 5.7 The **Strategy and Development Officer (Housing)** advises that Beeston is an area of high demand for affordable housing, particularly for one and two bedroomed properties.
- 5.8 The **Environment and Business Development Manager** advises on the requirements for bin provision and collection for the development.
- 5.9 The **Environmental Health Technical Officer** has no objection subject to conditions relating to remediation of contamination, piling or other penetrative foundation methods, construction hours, noise levels from plant, machinery or equipment associated with the use, deliveries/collections by commercial vehicles (excluding urgent medical supplies), and glazing and ventilation specification.

5.10 Three site notices were posted to publicise the application and 57 surrounding neighbours were sent notification letters. 20 responses were received: 13 objections (one objection on behalf of five properties), three letters raising no objection and one making observations.

5.11 The objections raised can be summarised and categorised as follows:

**Amenity**

- Loss of light for 8-14 Ellis Grove
- Building will overshadow and enclose (in conjunction with the as yet to be built Hive development) rear of 8-14 Ellis Grove and have an adverse visual impact on Barrydale Avenue residents
- Right to light affected
- Increased noise at night from ambulances
- Need for strong and secure boundary of sufficient height to protect privacy and prevent crime adjacent Barrydale Avenue properties
- Glare/dazzle from proposed glazing and metal will affect residents and motorists
- Loss of privacy
- Disturbance from use of The Venue
- Noise from residents, workers, visitors, deliveries, plant room, generator, car park, alarms, use of bin store and British Legion gate
- Area adjacent Barrydale Avenue was not used by Myfords – will be a car park with associated increase in activity, including the public using the Venue and the Bistro
- Lighting will be intrusive
- Noise, vibrations and pollution during construction
- Rubbish e.g. cigarette ends
- Odour from bin storage area
- Air pollution from car park
- Contravention of Human Rights Act in terms of peaceful enjoyment of property
- Need identified spokesperson to liaise with once construction starts
- Should be compensated for disruption during construction
- Potential for anti-social behaviour in car park and as result of proposed gate to British Legion club
- Impact on neighbouring building from construction queried
- Noise from tram for proposed residents

**Highways**

- Insufficient parking provision will exacerbate parking problems on Ellis Grove
- Restricted access for ambulances due to parked cars and tight corner on Ellis Grove
- Lack of visibility when exiting Ellis Grove
- Ellis Grove not suitable to provide access to site
- Development should be handed so access is from Wilmot Lane with garden areas beside the British Legion and Barrydale Avenue

**Design**

- Four storey building is too high, higher than previous building on site and out of keeping with the scale, proportions, materials and character of Chilwell/High Road

- Need for build speed should not be at the expense of the appearance of the development
- Parapet and level threshold has resulted in the building being higher than it needs to be
- Over development and no space for landscaping
- Lack of detail about ground level differences between site and Barrydale Avenue

**Conditions**

- The Belong model may evolve and they could sell the site which could result in a new operator having different operation methods so conditions are required.
- Construction hours, access for construction vehicles and parking for construction workers should be restricted, particularly after disruption caused by tram works and demolition of buildings on Myfords site
- Conditions should be used to require maintenance of boundary fence, compliance with noise report, remove permitted development rights for CCTV, to limit the operating hours of the commercial facilities on site, to require high level car park lights to be turned off at night, to limit commercial delivery and commercial activity operational hours, to limit the accommodation to over 55s only and vegetation maintenance to preserve neighbour amenity.

**Other issues**

- No need for development – use could be made of Broxtowe College
- Risk of flooding of Barrydale Avenue due to slope of ground
- Site should be developed so as to bring prosperity and customers to area after disruption of tram works – development appears to be self-sufficient which will not be of benefit to local businesses and may lead to their decline
- Better locations for the proposed development
- Reservations are expressed about the representativeness of the noise survey and adequacy of attenuation storage for surface water
- Lack of response from applicant to questions raised at pre-application
- Lack of contact from councillors and the planners.

5.12 In support of the development, comments are made that the proposed landscaping is a positive feature which will be of benefit to biodiversity and residents; loss of tree is unfortunate but proposed landscaping should compensate for its removal and the developer should contact the adjacent residents before it is removed.

6 Appraisal

6.1 The main issues relating to this proposal are considered to be the impact on residential amenity and the highway network, the design of the scheme and the requirement for S106 contributions.

6.2 **Design**

6.2.1 The proposed building would be 14m in height (four storeys) beside Chilwell Road with 11.5m-11.8m high wings (three storeys) extending south east. To create a level threshold throughout the building, levels will be built up to the south east of the site as the land level falls in this direction so the south eastern

elevation has a height of 11.8m. It is recognised that the buildings on High Road/Chilwell Road are predominantly two or three storey and the proposed building will also be higher than the building which was located on the application site prior to demolition. However, planning permission was granted in July 2017 for a 12.5m high, four storey building ('The Hive') on the site of the former 63-73 Chilwell Road (16/00867/FUL) which is to the north east of the application site. Planning permission has also been granted for a 15.2m high, four storey building to the south west of the site, (17/00723/FUL), albeit this building is setback from Chilwell Road. Development on the Bartons site further along the High Road to the south west could include buildings of at least three storeys in height. Although none of these buildings have been built yet, they are an indication that a building of the height proposed could be acceptable. Historically, a five storey building occupied part of the application site.

- 6.2.2 No reduction in the height of the building can be achieved according to the applicant as internal ceiling heights are greater because of the need for a larger service void above the ground floor and because the parapet height needs to be at least 1.1m for safe access to the roof for maintenance. To visually reduce the impact of the building's height, the top storey of the four storey section will be a dark/black brick and this floor has been set in from the Chilwell Road frontage (north west) and both end elevations. This section of the building is wide but this has been broken up with recessed windows, use of brick panels and vertical brick columns to avoid an unrelieved expanse of wall. The elevation detailing reflects the banding courses, cill and lintel detailing of Chilwell Road buildings in a contemporary way. The large windows used at ground level will provide interest and an active frontage for the development. To give the entrance legibility, this section of the building projects forward.
- 6.2.3 To the north west of the site, Chilwell Road is wide due to the presence of the tram stop. The Design and Access Statement (D & AS) argues that a tall building will therefore provide enclosure and legibility to the street.
- 6.2.4 It is considered the site and surrounding development to the north west and south west and partly to the north east has an urban character, with existing development being of relatively high density. A taller building is considered to be appropriate in such a location. The proposed development will make efficient use of this previously developed site.
- 6.2.5 Vehicular access to the site will be from Ellis Grove and there will also be a pedestrian entrance in the link section of the building accessed from this road. Ellis Grove is characterised by two storey terraced housing and some commercial buildings, with one such building adjoining the site which is no taller than the terraced housing. The four storey section of the building will be located 2m from Ellis Grove, the three storey rear wing will be located 13.4m from this road and the section of building containing the pedestrian entrance is located over 30m from this road. Although the building will be significantly taller than the existing built form on Ellis Grove, given the building will not present a continuous form to this road due to the variation in setback, it is considered the proposal will not harm the Ellis Grove street scene.

- 6.2.6 In terms of the detailed design, according to the D & AS, the architects have used Barton House as inspiration for the proposed development as this art deco building has horizontal banding, simple detailing around the windows (which are large) and parapet and a legible entrance. Bricks will be laid predominantly in horizontal courses with panels of vertical bricks. The primary material will be brick in contrasting red tones with some white brick used to the south east of the building to lighten the appearance. Use of brick will link the building to the predominant use of brick in the immediate surroundings. Dark grey UPVC window frames and doors are proposed. Given the size of the building, it is imperative high quality materials are used so material samples will be conditioned. A dark/black brick top floor to replicate the Chilwell Road elevation will be used on the section of the building which links the apartments to the rear household wings. The treatment of the three storey rear wings is simpler than the four storey section of the building with limited use of recesses and the main detailing being a band of vertical bricks above the ground floor fenestration.
- 6.2.7 To conclude on the design of the proposed development, whilst the building will be prominent due to its height and footprint, it is considered a good quality of design has been achieved which will not have an adverse impact on the character or appearance of the street scene.
- 6.3 **Amenity**
- 6.3.1 As detailed above, the proposed building will be tall and, in conjunction with the building approved on the site to the north east of the application site, has the potential to have an overbearing impact upon the amenity of the occupants of 8-14 Ellis Grove, houses located to the north east of the site. These existing residents would have four storey development to the north west and south west of their rear gardens, if the approved and proposed developments are both constructed. Residents have raised concern about feeling enclosed as a result of the proposed and approved developments. The development to the north west of 8-14 Ellis Grove has not commenced but it could be without a further planning permission. Information in the SHLAA is that approximately 90 per cent of residential permissions are built, therefore moderate weight can be given to the impact of both buildings creating an enclosing feeling. It is considered that the combined impact of the approved and proposed schemes would not be so enclosing as to warrant refusal of this application.
- 6.3.2 The proposed four storey section of building will be located 10.7m from the rear boundaries and 25m from the rear elevations of these houses. Solar studies have been submitted with the application which show that at midday on the winter solstice, the rear gardens of these four houses will predominantly be in shade. Minor shading will occur to the rear garden of number 14 at midday on the spring and autumn equinoxes and no shading of any garden on the summer solstice.
- 6.3.3 The previous building on the site had an asymmetrical pitched roof which was lower than the height of a two storey house so to replace this with a four storey building will be a significant change. The proposal will cause some harm to the amenity of the occupants of 8-14 Ellis Grove in terms of loss of light and being overbearing. Only hallway windows are proposed in the upper floors of the north east elevation of the four storey part of the building and these can be

conditioned to be obscurely glazed and non-opening so it is considered no loss of privacy would occur for the Ellis Grove residents.

- 6.3.4 As access to the site will be taken from Ellis Grove, there is the potential for increased vehicular movements/activity to have an impact on the amenity of other occupants on Ellis Grove given the dwellings front directly onto the pavement. However, given the previous use of the site, which would have generated activity/traffic, this is considered to not be a significant concern. It is therefore considered to be unnecessary to require the development to have access from Wilmot Lane rather than Ellis Grove.
- 6.3.5 The houses on Barrydale Avenue are located at a lower level than the site (additional sections were submitted during the course of the application to address the concern about lack of levels information) but their rear elevations will be located over 50m from the rear elevation of the proposed building. It is considered this is sufficient distance to ensure the proposed building will not be overbearing or cause any significant loss of light or visual amenity for the occupants of Barrydale Avenue. Some concern has been expressed about the impact of the proposed car park on the occupants of Barrydale Avenue, particularly as this area was not used by Myfords and was grassed. The proposed car park will be separated from the rear boundary of the Barrydale Avenue houses by a strip of landscaping with a minimum width of 7m which comprises existing mature trees and proposed planting. A 2.5m high fence is proposed on the south east car park boundary. It is considered this will be sufficient to protect the privacy of the occupants of Barrydale Avenue, taking into account the level difference. Lighting columns will be used in the car park and it has been requested by residents that the night time use of these columns is restricted by condition. Given there is minimal light spill into the gardens of the properties on Barrydale Avenue from the proposed lighting columns and the car park needs to be safe for use, no condition restricting the hours of use of the lighting columns is proposed.
- 6.3.6 The last use of the site was generally unrestricted industrial use. Accordingly, it is considered that the proposed residential use will have less impact on neighbour amenity. The bistro and other facilities, including the Venue at first floor in the link section of the building, will be available for use by the public. It has been advised by the applicant that the bistro would be open to non-residents 8.30am to 6pm and to the Venue, 8.30am to 11pm. Given the nature of the use (care facility/supported living) and the difficulty of differentiating between use by residents and non-residents and the previous unrestricted use of the site, it is considered to be unnecessary to condition the hours that these facilities can be used by non-residents. In addition, a condition is proposed that restricts first occupation of the building to Belong.
- 6.3.7 Concern has been expressed about the impact of construction works on existing residents. Although some disruption is an inevitable part of construction, given the proximity of this development site to neighbours, it is proposed to restrict the hours that construction can take place in order to minimise disturbance to residents. For the same reason, a condition is recommended in relation to piling or other penetrative foundation methods. In terms of there being a contact for

residents to speak to about concerns during construction, this is a matter for the applicant.

- 6.3.8 A Geo-environmental report was submitted with the application. There is some contamination present on site so this will need remediation. A condition will be recommended accordingly. This condition will ensure the building is safe for occupation in terms of public health considerations.
- 6.3.9 In terms of noise generated by the proposed development, a noise and vibration assessment was submitted with the application. The Environmental Health Technical Officer has raised no objection to this report subject to conditioning the noise level of plant, machinery and equipment. Subject to this condition, the potential for noise disturbance from the development is considered to be acceptable. No external alarms are proposed; internal nurse call systems and telephones are proposed. The hours that deliveries/collections by commercial vehicles can occur will be restricted by condition, with the exception of urgent medical items, to protect residents from undue noise at unsocial hours.
- 6.3.10 Concern has been raised the development affects right to light, its construction will impact on the fabric of nearby buildings and that compensation should be paid for disturbance during construction but these are civil matters. Noise from ambulances has also been raised as a concern. It is understood that it is up to the discretion of the driver as to when the siren is turned on and this is not something that could reasonably be enforced by planning condition. Although more ambulances may visit the site due to the nature of the proposed use than the previous use, it is considered use of sirens will not be so significant as to warrant a refusal of the application, particularly given the urban location of the site. Concern has been expressed about ensuring the car park boundary is secure, particularly with regard to the type and maintenance of the fence proposed and the use of the pedestrian gate to access the Royal British Legion Social Club (potentially resulting in noise and anti-social behaviour in the car park). The precise details of the type of fence can be conditioned to ensure it is robust but it is considered to be unreasonable and unnecessary to condition long term maintenance of the fence. Likewise, the details of the gate to provide potential access to the British Legion Social Club can be conditioned to ensure arrangements are secure. The potential for the materials of the building to cause glare/dazzle motorists; rubbish (e.g. cigarette ends), odour from the bin store and air pollution from the car park are considered to have little weight as planning considerations.
- 6.3.11 A residential development has been granted permission (17/00723/FUL) on the site to the immediate south east of the proposed building. This has yet to be constructed. Plot 29 is a three storey semi-detached house (9.8m high) which has been approved to the south east of the courtyard garden, with one of the proposed household wings (three storey building - 11.8m high) being located adjacent to the rear garden, 1.4m higher than the level of the approved house. The proposed building would be located 3.1m away from the boundary with this approved house and 5.1m from the blank side gable wall of this proposed house. Only a door is proposed in the section of building closest to this approved house (two upper floor stairwell windows were re-located during the course of the application to the north east elevation) so loss of privacy is not



considered to be a significant issue. The applicant has advised that the building cannot be moved further away from this approved house as 12 bed households are the Belong model and removing a bedroom is therefore not an operational option. The proposed relationship is considered to be less than ideal but not significant enough to warrant refusal of the application, particularly as any potential purchasers of plot 29 should be aware of the proposed scheme.

- 6.3.12 The proposed apartment building on the Raven Group site (reference 18/00538/FUL) would be located to the north east and north west of the proposed car park. This apartment building would be three storeys (9.3m high), with kitchen and bathroom windows in the south west (side) elevation and located 20m from the proposed Belong building which will have bedroom windows in the north east facing elevation (in the household wing). As it has been resolved to grant permission for the application on this neighbouring site, some weight can be attached to this proposal. However, it is considered the proposed development will not have an adverse impact on the amenity of the occupants of the proposed 15 apartments and vice versa given the separation distance.
- 6.3.13 In terms of amenity for the proposed residents of the building given the proximity of the tramlines, a noise and vibration assessment was submitted with the application. The report concludes that the noise and vibration climate of the site is dominated by road traffic and the tram using Chilwell Road. Vibration is concluded to cause no adverse effect. Noise mitigation measures are recommended for the proposed development (good quality double glazing and trickle vents) and the Council's Environmental Health Technical Officer has recommended that the glazing and ventilation specification of the building accords with the recommendations of this report. This will be conditioned. Accordingly, it is considered the proposed residents will not be subject to undue noise/vibration disturbance from vehicles and trams on Chilwell Road.
- 6.3.14 The proposed garden areas will provide attractive outlooks from most bedrooms and living rooms. It is considered the proposed residents will have a satisfactory standard of amenity. The site is in a sustainable location, close to shops and local amenities which will be of benefit to the proposed residents. The building as a whole will provide a type of housing that will serve the needs of the elderly.
- 6.3.15 It is considered that the proposed residents will have a satisfactory standard of amenity but that some harm will be caused to the amenity of the residents on Ellis Grove. Accordingly, it needs to be considered as to whether this harm would significantly and demonstrably outweigh the benefits of the scheme.

#### **6.4 Benefits**

- 6.4.1 The proposal will provide specialist dementia friendly accommodation for which there is a growing need due to an ageing population. Flexible support packages will be available for residents which will provide choice and an alternative to the traditional care home model.
- 6.4.2 The site is brownfield land with the associated higher redevelopment costs. Given the desire for building housing on such sites (to prevent unnecessary loss of Green Belt land) and, in particular, the highly sustainable location of this

development (beside the tram route and frequent bus routes), the residential development proposed is a positive aspect of this proposal and the loss of employment land is seen to be acceptable (and has already been deemed to be acceptable through the grant of the outline planning permission).

- 6.4.3 The Council currently does not have a five year housing land supply and this can only be rectified with the allocation of sites currently in the Green Belt in the Broxtowe Part 2 Local Plan. The provision of 30 dwellings and the 75 bed care facility on this brownfield site is considered to be a significant benefit in terms of five year supply and provision of homes.
- 6.4.4 A public consultation event took place in February 2018. Pre-application engagement is encouraged in the NPPF. This is considered to be a positive element of the scheme.
- 6.4.5 The applicant states that 140 jobs will be created as a result of the proposed development (80 full time equivalent jobs).
- 6.4.6 Facilities on site will be open to the public, promoting integration with the local community and residents/staff will have the choice whether to stay on site or use local facilities, thus potentially benefitting local businesses.
- 6.5 **Highway safety**
- 6.5.1 The site can be accessed from both Wilmot Lane and Ellis Grove. It is proposed that access be taken from Ellis Grove which is a one way street with double yellow lines on the north east side of the carriageway, opposite the proposed site access. County Highways have no objection to the proposal but note that the tracking submitted shows larger vehicles may have difficulty exiting the site if vehicles are parked on Ellis Grove beside the proposed access (ambulances have no access difficulties with parked vehicles present). They therefore recommend a condition is imposed to require consultation to commence on a Traffic Regulation Order which would further restrict parking on a section of Ellis Grove beside the access. A condition is recommended accordingly.
- 6.5.2 In conjunction with the adjacent site (covered by planning permission reference 17/00723/FUL), the proposed development will generate less traffic than both the approved scheme (reference 13/00003/OUT) and the previous (industrial) use of the site. As part of the approved outline, access was to be taken from Ellis Grove for part of the development. The proposed access position accords with this agreed access position. It is considered that the proposed vehicular access to the site is acceptable.
- 6.5.3 A 42 space car park is proposed. Concern has been raised that there is insufficient parking proposed for the staff, visiting healthcare professionals, visitors and residents. County Highways have raised no concerns about the proposed level of parking. The 140 staff will be spread over a 24 hour/seven day week and the site is located immediately beside a tram stop and beside several frequent bus routes. A cycle store with provision for eight bicycles is proposed. Staff and visitors cannot be forced to use these more sustainable modes of transport but it is considered reasonable to expect that some will. Submission of a Travel Plan Statement will be conditioned to encourage use of

sustainable modes of travel. Car ownership for residents is anticipated to be very low as the applicant has advised that the average age of household residents is 85 and 82 for apartment residents. The 2004 Local Plan suggests one visitor parking space per five bedrooms should be provided for care homes, with no set standard provided for staff. The care facility will have 75 bedrooms so this equates to 15 spaces for visitors. It is considered sufficient parking is proposed for the development and the provision of this car park prior to first use of the building will be conditioned.

6.5.4 Given the tram lines to the north west of the site and the limited parking available on Ellis Grove, details of access for construction traffic and parking arrangements for construction vehicles will be conditioned.

6.5.5 In conclusion, it is considered that there are no significant highway issues which would warrant refusal of the application based on guidance contained in the NPPF, subject to conditions relating to the matters detailed above.

## **6.6 S106**

6.6.1 Given the age of the proposed occupants of the apartments would be restricted to over 55s only (and a condition is recommended accordingly), there is no need for an education contribution. Given the previous use of the site and its very sustainable location, a contribution towards sustainable transport measures is not required. No open space contribution has been requested as open space is to be provided on site which includes a high specification, dementia friendly garden.

6.6.2 The only contribution which is considered to be applicable to the development is affordable housing. This is a significant point of disagreement with the applicant who considers that no affordable housing should be required. The applicant considers that no affordable housing is required because they are proposing to provide specialist accommodation for the elderly which they consider to fall within Class C2 of the Use Classes Order; provision of affordable housing would make the scheme unviable and Belong (the applicant) are a not-for-profit organisation. The applicant is currently preparing a viability assessment to support their argument.

6.6.3 Class C2 'residential institutions' of the Use Classes Order is defined as "*Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre.*" Class C3 'Dwellinghouses' is defined as follows: "*Use as a dwellinghouse (whether or not as a sole or main residence) by - (a) a single person or by people to be regarded as forming a single household; (b) not more than six residents living together as a single household where care is provided for residents; or (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).*"

6.6.4 It is considered that the proposed use is a combination of Use Classes C2 and C3, particularly as the 30 apartments will be self-contained with their own front doors and with occupants not necessarily needing care, albeit with the associated higher costs of living in a building where care can be provided should

the occupants require care. The apartments and care facility will be in one building which could be seen as blurring the distinction between the use classes.

- 6.6.5 However, irrespective of whether the use of the building is Class C2 or C3 (or indeed a combination of both), both use classes are residential uses. Policy 8 of the ACS states “*Affordable housing will be required in new residential developments on appropriate sites*” so irrespective of whether the development is classed as C2 or C3 or a combination of both, this would still be a new residential development and would require an affordable housing contribution, subject to viability. Although only limited weight can be attached to Policy 15 of the Draft Part 2 Local Plan as it is yet to be examined, this policy requires the provision of affordable housing on sites for development of more than 10 units falling within Use Classes C2 or C3 (30% or more in the ‘Beeston’ submarket).
- 6.6.6 No affordable housing is proposed by the applicant and the applicant asserts that the scheme would be unviable with such a requirement (viability assessment awaited). It is therefore open to members to refuse the scheme as being contrary to Policy 8 of the ACS (subject to the conclusion of the awaited viability assessment). However, the advice of officers would be to approve the scheme with a condition being applied which restricts the first occupation of the building to Belong. This is because there is a clear need for this specialist development and the government, through the NPPF, is requiring Councils to significantly boost their supply of housing, particularly on previously developed land.
- 6.7 **Other issues**
- 6.7.1 The tram runs along Chilwell Road to the north of the site. Nottingham Express Transit (NET) has no objection to the application but request a condition requiring ‘goal posts’ and wheel cleaning facilities for construction vehicles exiting the site onto Chilwell Road. As depositing mud on the highway is an offence, no such condition will be used as it is dealt with by other legislation but a note to applicant will be used. NET advise consideration should also be given to erecting a hazard sign to warn about the overhead lines. This will form a note to applicant, as will general advice about working near the tramlines.
- 6.7.2 A local councillor and the case officer have met with residents.
- 6.7.3 Use of Broxtowe College or other locations for the development is not a significant planning consideration.
- 6.7.4 It is considered that a sufficient amount of landscaping has been proposed for the development. A broad landscaping strategy has been submitted but details of landscaping will be conditioned to ensure these are satisfactory. Landscaping will be required to be maintained for five years following completion of the planting.
- 6.7.5 The County Council as Lead Local Flood Authority have no comment to make on the application. As the site is not located in a flood zone and does not exceed 1 ha in area, there is no requirement to consult the Environment Agency. The site does slope down towards the south east boundary but there will be a

landscaped area between the car park and Barrydale Avenue so it is considered this will act as a soakaway for any surface water run-off.

- 6.7.6 Environmental Health are satisfied with the methodology of the submitted noise and vibration assessment.
- 6.7.7 It is understood that the applicant has responded to the residents who did not receive replies following the pre-application consultation.
- 6.7.8 Permitted development rights for CCTV will not be removed as such a condition is considered to be unnecessary due to the high density of development in the immediate area and no such condition having been imposed on recent developments in the area. It is considered the use of CCTV will cause no significant loss of neighbour privacy and will provide security for users of both the proposed and existing development.
- 6.7.9 Belong could sell the site but the new owner would need to comply with the terms of the application including the type of development and the conditions.

**6.8 Conclusion**

- 6.8.1 The proposed development will provide specialist accommodation in a sustainable location and the design of the development is considered to be acceptable. There are no highway safety concerns subject to conditions. Some harm is considered to be caused to the amenity of residents on Ellis Grove and the as yet to be built housing development to the south east. However, this is considered to be significantly and demonstrably outweighed by the benefits of the scheme in terms of provision of housing, the sustainable location of the site and the re-use of a previously developed land. The lack of any S106 monies is considered to be acceptable in this case given the nature of the specialist accommodation proposed and the need to significantly boost the supply of housing.

**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\_104 Planning – Proposed Third Floor, P4693\_105 Planning – Proposed Roof Plan and P4693\_111 Planning – Proposed Façade Details received by the Local Planning Authority on 18 April 2018; P4693\_001 Location Plan, P4693\_114 Rev A Planning – Proposed Street Elevations, 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\_107 Planning – Proposed GA Elevations – Sheet 2, P4693\_108 Planning –**

Proposed GA Elevations – Sheet 3, P4693\_109 Planning – Proposed GA Elevations – Sheet 4, P4693\_101 Planning – Proposed Ground Floor, 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\_102 Rev A Planning – Proposed First Floor, P4693\_103 Rev A Planning – Proposed Second Floor, P4693\_110 Rev A Planning – Proposed GA Elevations – Sheet 5, P4693\_100 Rev B Planning – Proposed Site Plan and P4693\_124 Rev A Planning – Car Park Sections received by the Local Planning Authority on 3 August 2018 and P4693\_113 Rev B Planning – GA Sections received by the Local Planning Authority on 13 November 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 a public consultation in the form of a Traffic Regulation Order to remove on-street parking along Ellis Grove has commenced.
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 upper floor windows in the north east elevation of the apartments shall be non-opening and 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. No apartment shall be used for any purpose other than as a private residence for the occupation of a person(s) who has (have) attained the age of 55 years.
21. The building hereby approved shall be first occupied by Belong Limited.

**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.

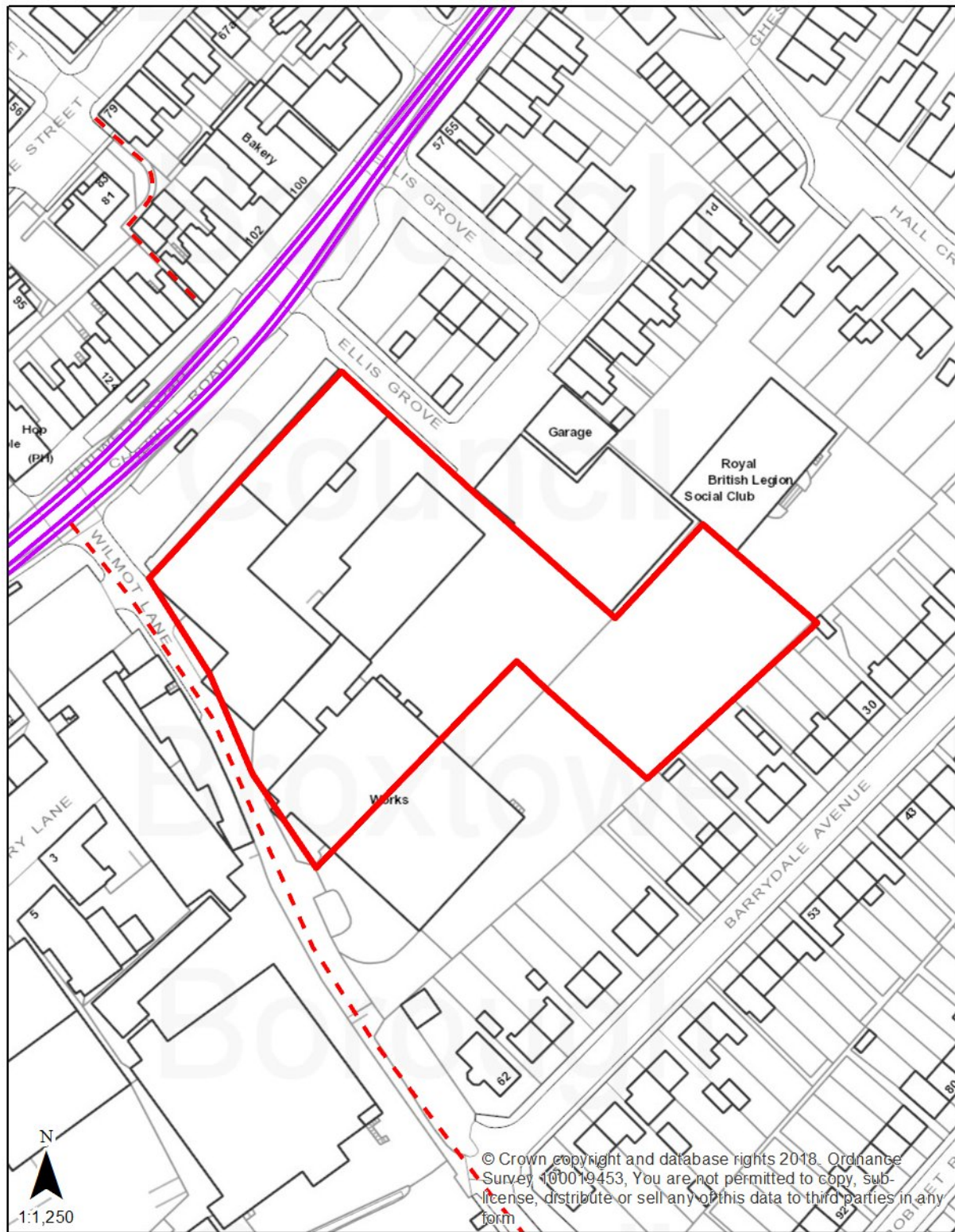
**Notes to Applicant:**

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@nottscc.gov.uk](mailto:hdc.south@nottscc.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.**

Background papers

Application case file



**Legend**



Site

Tram Route

**Public Rights of Way**



Byway open to all traffic



Bridleway



Footpath