

Report of the Chief

APPLICATION NUMBER:	20/00299/ROC
LOCATION:	Myford Ltd, Wilmot Lane, Beeston, NG9 4AF
PROPOSAL:	Variation of condition 21 (named first occupant) of application reference 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)

The application is brought to the Committee at the request of Councillor Jackson.

1 Executive Summary

1.1 The application proposes to vary condition 21 of planning permission 18/00268/FUL which proposed to construct a 75 bed care facility; 30 supported living apartments (Class C2); bistro; gym/spa; hairdressers; bin, cycle and scooter stores; emergency generator; substation, car parking and landscaping. Condition 21 states:

The building hereby approved shall be first occupied by Belong Limited.

Reason: In accordance with the terms of the application and in relation to S106 contribution requirements.

1.2 The condition was imposed to accord with the terms of the application and for viability reasons, namely the charitable status of Belong and the lack of viability of the scheme with the required affordable housing.

1.3 The applicants have failed to conclude a contract with Belong for the site so are wanting to vary the condition to enable them to market the site to other not-for-profit operators and to ensure the scheme is delivered. Accordingly, it is proposed to vary the condition to:

The building hereby approved shall be first occupied by a not-for-profit organisation.

1.4 The benefits of the proposal are that the variation of the condition will help to ensure that the development can progress and deliver much needed specialist accommodation and jobs both in the short term during construction and in the long term when the facility is operational.

1.5 The negative impact is the unknown nature of the first occupant.

1.6 On balance the benefits of the proposal are considered to significantly outweigh the negative given the need to provide residential development in sustainable locations and as the first occupier will need to be a not-for-profit organisation.

- 1.7 The Committee is asked to resolve that the application be approved subject to the conditions outlined in the appendix.

Appendix 1

1 Details of the Application

- 1.1 The application proposes to vary condition 21 of planning permission 18/00268/FUL which proposed to construct a 75 bed care facility; 30 supported living apartments (Class C2); bistro; gym/spa; hairdressers; bin, cycle and scooter stores; emergency generator; substation, car parking and landscaping. Condition 21 states:

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- 1.4 It was initially proposed to remove the condition but during the course of the application, the proposal was amended to vary the condition as above.

2 Site and surroundings

- 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 and the site is vacant land. 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.

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 the applicants, which forms part of the larger former Myfords site, is located to the south east and west. The construction of dwellings and retail development on this adjoining site is well advanced, with the retail unit open to the public.

3 Relevant Planning History

3.1 Planning permission to construct a 75 bed care facility; 30 supported living apartments (Class C2); bistro; gym/spa; hairdressers; bin, cycle and scooter stores; emergency generator; substation, car parking and landscaping was granted permission by Planning Committee in January 2019 (18/00268/FUL).

3.2 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.

3.3 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.

3.4 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 and as referenced above, construction works relating to planning permission 17/00723/FUL are well underway.

3.5 Planning permission for 15 apartments on the adjacent site to the north east (18/00538/FUL) currently occupied by the Raven Group was granted on 16 October 2019.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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

- Policy A: Presumption in Favour of Sustainable Development

- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 4: Employment Provision and Economic Development
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 18: Infrastructure
- Policy 19: Developer Contributions

4.2 Part 2 Local Plan 2019:

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

- Policy 14 - Centre of Neighbourhood Importance (Chilwell Road/High Road)
- Policy 15 – Housing size, mix and choice
- Policy 17 - Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 23: Proposals affecting Designated and Non-Designated Heritage Assets
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- Policy 32 - Developer contributions

4.3 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes.
- Section 8 – Promoting healthy and safe communities.
- Section 9 – Promoting sustainable transport.
- Section 11 – Making effective use of land.
- Section 12 – Achieving well-designed places.
- Section 16 – Conserving and enhancing the historic environment.

5 Consultations

- 5.1 **Nottingham West Clinical Commissioning Group:** request contribution of £56,896.87 towards enhancing the capacity/infrastructure of local GP practices given the increased number of patients arising from the development.
- 5.2 **Nottinghamshire County Council as Highway Authority:** no objection.
- 5.3 **Nottinghamshire County Council as Lead Local Flood Authority:** advisory letter as do not consider they need to be consulted as no surface water drainage implications in relation to condition proposed to be varied.
- 5.4 **Nottingham Express Transit:** no objection.

5.5 **Housing Services & Strategy Manager:** no objection

5.6 Due to CV19, the applicant notified 60 neighbours by letter of the application, the Council posted four site notices around the site and an advert was placed in the Nottingham Post. One observation and one objection were received in relation to the proposal to remove the condition.

5.6.1 The observation was made by a solicitor on behalf of Belong and refers to conditions 2, 4 and 14 of planning permission 18/00268/FUL which reference drawings/documents prepared on behalf of Belong. The solicitor believes that no-one would be able to implement the planning permission because they would not be able to comply with these three aforementioned conditions as they would not be entitled to reproduce or make use of the drawings/documents without infringing the intellectual property rights of third parties.

5.6.2 The objection was from a local resident can be summarised as follows:

- Premature application – condition should be changed not removed, once a replacement for Belong has been identified and other necessary changes to the permission can be identified
- New operator should confirm the information provided in support of the application applies equally to them before the condition is varied – to ensure the operating hours of the publically accessible facilities, the characteristics of the operator's other sites and proposed operating parameters in relation to parking provision and viability of the scheme are the same.
- If condition 21 is removed, the opening hours of the public facilities should be conditioned ('The Venue' and the bistro) and other conditions may be required to ensure parking provision is adequate (e.g. shift changes to relate to public transport operating times)
- Belong gave separate undertaking that the accommodation used during construction would be positioned so as to respect neighbours' privacy – this should be conditioned should condition 21 be removed.
- That the development was to be a Belong Care Village was central to the original application and a change of operator could significantly change the understanding on which permission was granted. Naming the new operator would enable committee to fully assess the impact of the change.
- Apparent issues with utilities which were not resolved with Belong need to be explained.
- Developers should apply for all changes at same time to reduce stress and disruption caused to neighbours in responding to such requests.

5.6.3 In relation to the amended proposal to vary the condition, two representations were received, with the solicitor on behalf of Belong making the same observations and the local resident objecting as above.

6 Assessment

6.1 The main issue for consideration is whether the proposed variation to the wording of the condition is acceptable. The development itself (the care facility, supported

living apartments and associated facilities) has already been established as being acceptable through the grant of planning permission reference 18/00268/FUL.

- 6.2 The condition making first occupation personal to Belong was imposed to accord with the terms of the application and notably, in relation to S106 contribution requirements. Belong had produced a viability report which confirmed the scheme would not be viable with the provision of affordable housing. This was the only s106 requirement of the scheme as detailed in the paragraphs below from the 5 December 2018 Planning Committee report:

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.

- 6.3 Paragraph 1.4 of the 9 January 2019 Planning Committee report confirms the following in relation to viability of the original scheme:

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.

- 6.4 Since permission for the original scheme was granted (10 January 2019), the Part 2 Local Plan has been adopted (16 October 2019). Draft Policy 15: 'Housing Size, Mix and Choice' required affordable housing to be provided for development of more than 10 units of use class C2 (residential institutions) or C3 (dwelling houses) and this policy was afforded 'limited weight' at the time the decision on application 18/00268/FUL was made. The adopted policy specifically excludes use class C2 from a class of development which requires affordable housing provision. There is therefore less of a requirement now for the development of this site to include affordable housing provision as only 30 of the units (the supported living apartments) are considered to fall within use Class C3 (dwelling houses).
- 6.5 Given Belong are a not-for-profit organisation and the original scheme was not viable with any affordable housing provision, the condition requiring first occupation to be by Belong was imposed. It is considered to be reasonable to vary the condition to require first occupation to be by a not-for-profit organisation as such a company is highly likely to have the same viability issues as Belong.
- 6.6 The CCG have requested a contribution towards enhancing the capacity/infrastructure of local GP practices. No such contribution was requested in relation to the original scheme. Given the lack of viability of the original scheme, such a contribution is not considered to be required to make this proposal to vary the first occupation condition acceptable.

- 6.7 In relation to the concerns raised in the representations received, the planning application drawings and documents are public documents. Any third party rights pertaining to such documents would be a legal matter.
- 6.8 The applicant wishes to market the site without the personal condition and therefore has applied to vary the condition. There is interest in the site but no buyer has yet been secured. Whoever purchases the site would need to comply with the conditions imposed on the original planning permission. If they wish to amend the planning permission in a material way, they would need to apply for planning permission. The Council is unable to insist that all future changes are made in a single application as this would not be reasonable and matters can arise during the course of a development being built out and subsequently.
- 6.9 Belong's shift patterns and staff numbers were taken into account when the application was determined. However, there are no planning conditions which require the shift patterns, staffing numbers and car ownership of residents detailed by Belong to be adhered to as such conditions were not deemed to be necessary or reasonable given the highly sustainable location of the site and the parking provision proposed (44 spaces) being deemed acceptable. Likewise, there is considered to be no need to condition the opening hours of the publically accessible elements of the scheme given the site's location beside a main road which contains many other commercial occupiers, the previous unrestricted use of the site for industrial purposes and given the nature of the proposed use (care facility/supported living). The December 2018 committee report does refer to the first occupation by Belong condition too as justification for not imposing such a condition but even without this condition, it would not be considered necessary or reasonable to restrict the opening hours for the aforementioned reasons.
- 6.10 Conditioning details of the siting of the construction compound is considered to be reasonable and condition 5 of permission 18/00268/FUL (construction site access and parking) is proposed to be amended accordingly to protect neighbour amenity (new condition 4).
- 6.11 The nature of the occupier (Belong) did form part of the consideration of the original application but this was not the only or determining consideration. The development was considered to be acceptable as it would provide specialist accommodation in a sustainable location on a previously developed site, as the conclusion for the December 2018 report states:

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.

6.12 The apparent utilities issue has no significant bearing on the consideration of this application and would be a matter for any future developer to resolve.

6.13 All of the previous conditions need to be re-imposed on this revised permission, except where they have already been discharged – conditions 3 (groundwater remediation) and 15 (Traffic Regulation Order application relating to removal of on-street parking on Ellis Grove) of 18/00268/FUL have been discharged.

7 Planning Balance

7.1 The benefits of the proposal are that the variation of the condition will help to ensure that the development can progress and deliver much needed specialist accommodation and jobs both in the short term during construction and in the long term when the facility is operational.

7.2 The negative impact is the unknown nature of the first occupant.

7.3 On balance the benefits of the proposal are considered to significantly outweigh the negative given the need to provide residential development in sustainable locations and as the first occupier will need to be a not-for-profit organisation.

8 Conclusion

8.1 The proposed variation of the condition from named first occupation of the building by Belong to first occupation by a not-for-profit organisation is considered to be a reasonable, necessary and enforceable planning condition that will help to ensure the much needed specialist residential accommodation is provided on this site.

<u>Recommendation</u>	
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 10 January 2022. <i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
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

	<p>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.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>3.</p>	<p>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.</p> <p><i>Reason: No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of 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).</i></p>
<p>4.</p>	<p>No development shall commence until details of the location of the construction compound, construction site access and parking arrangements for construction vehicles have been submitted to and approved in writing by the Local Planning</p>

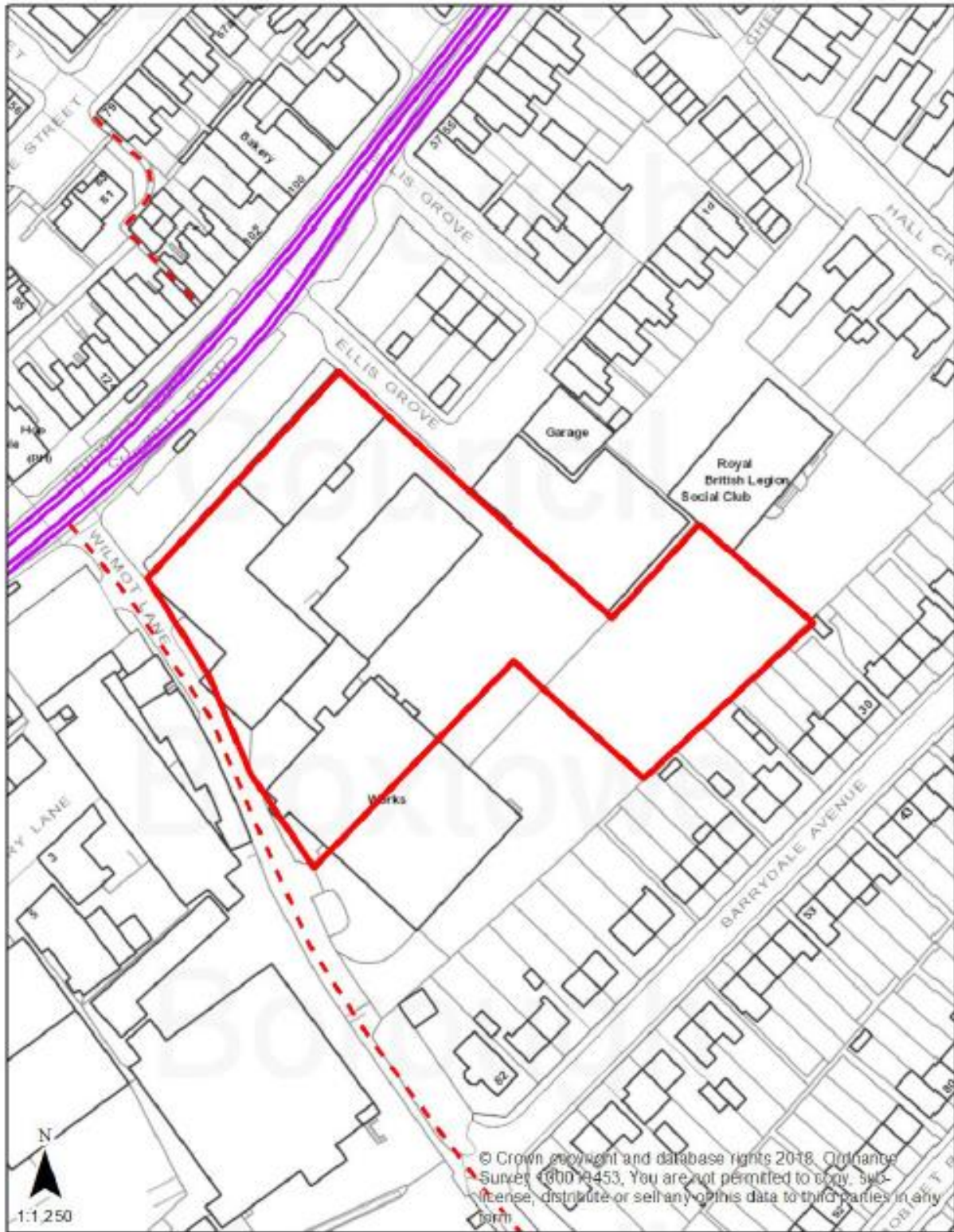
	<p>Authority. The siting of the compound, construction access and parking shall take place in accordance with the agreed details.</p> <p><i>Reason: No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of highway safety, to avoid conflict with the tram and to protect residential amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>5.</p>	<p>No development above slab level shall be carried out until samples of the materials to be used in the facing walls (including windows and doors) and rainwater goods have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: Full details were not submitted, in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>6.</p>	<p>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:</p> <ul style="list-style-type: none"> (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. <p>The approved scheme shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: 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 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>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</p>

	<p>Planning Authority.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>8.</p>	<p>No building to be erected pursuant to this permission shall be occupied or brought into use until:</p> <p>(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;</p> <p>(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.</p> <p><i>Reason: In the interests of public health and safety and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019).</i></p>
<p>9.</p>	<p>No deliveries or collections by commercial vehicles (excluding the delivery of urgent medical supplies) shall be made to/from the site except between the hours of 07:00 - 22:00 on any day.</p> <p><i>Reason: To protect nearby residents from excessive noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>10.</p>	<p>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.</p> <p><i>Reason: To protect groundwater from contamination and nearby buildings and residents from noise and vibration in accordance with the aims of Policies 17 and 19 of the Part 2 Local Plan (2019).</i></p>
<p>11.</p>	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of</p>

	<p>being undertaken.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
12.	<p>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.</p> <p><i>Reason: To protect residents from excessive plant noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
13.	<p>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.</p> <p><i>Reason: To protect future occupiers from excessive environmental, commercial and industrial noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
14.	<p>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.</p> <p><i>Reason: In the interest of pedestrian safety and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019).</i></p>
15.	<p>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.</p> <p><i>Reason: In the interests of highway safety to ensure satisfactory access, servicing and parking arrangements are provided and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019).</i></p>
16.	<p>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.</p>

	<p><i>Reason: To promote sustainable travel and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).</i></p>
17.	<p>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.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
18.	<p>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.</p> <p><i>Reason: In accordance with the terms of the application and in relation to S106 contribution requirements.</i></p>
19.	<p>The building hereby approved shall be first occupied by a not-for-profit organisation.</p> <p><i>Reason: In accordance with the terms of the application and in relation to S106 contribution requirements.</i></p>
20.	<p>The site access shall be provided in accordance with the approved drawings before the development is first occupied.</p> <p><i>Reason: In the interests of highway safety to ensure a satisfactory access is provided and in accordance with aims of Policy 17 of the Part 2 Local Plan (2019).</i></p>
	<p>NOTES TO APPLICANT</p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the 13 week determination timescale.</p>
2.	<p>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).</p>
3.	<p>In order to carry out the off-site works required, you will be undertaking work in the public highway which is land subject to</p>

	<p>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 for details.</p>
4.	<p>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.</p>



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Legend



Site



Tram Route

Public Rights of Way

Byway open to all traffic

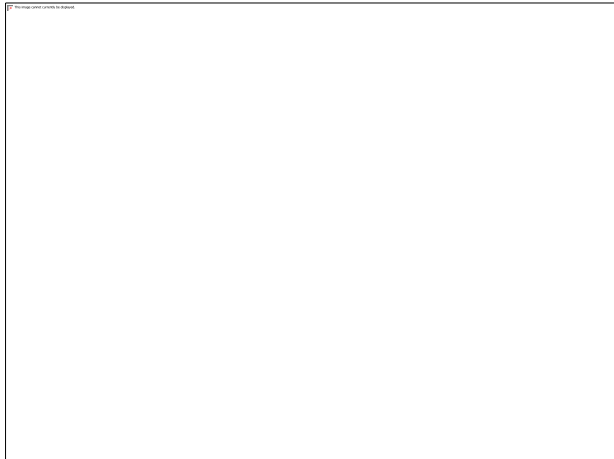
Bridleway

Footpath

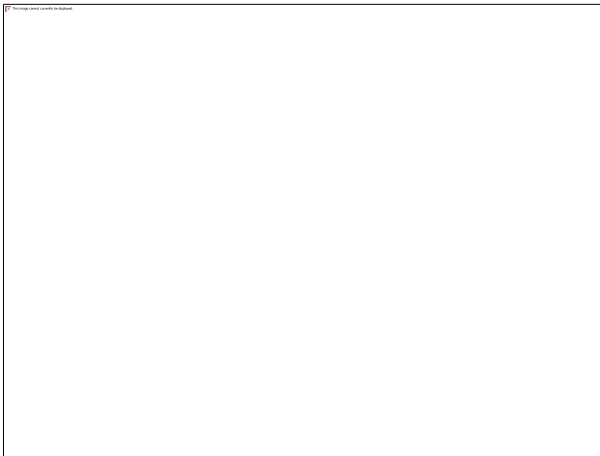
Photographs



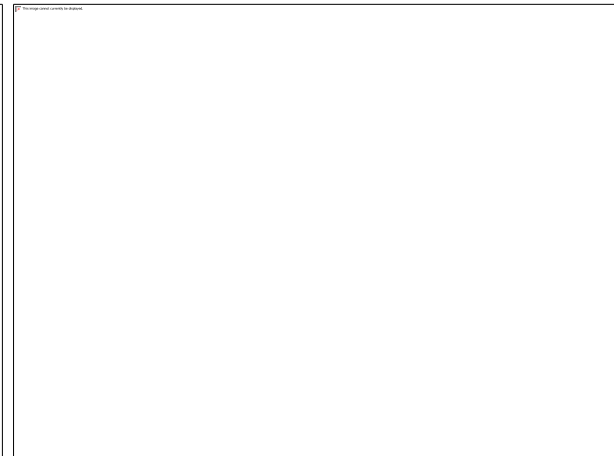
Site as viewed from beside car park to rear of Co-op



Looking across site towards Co-op building

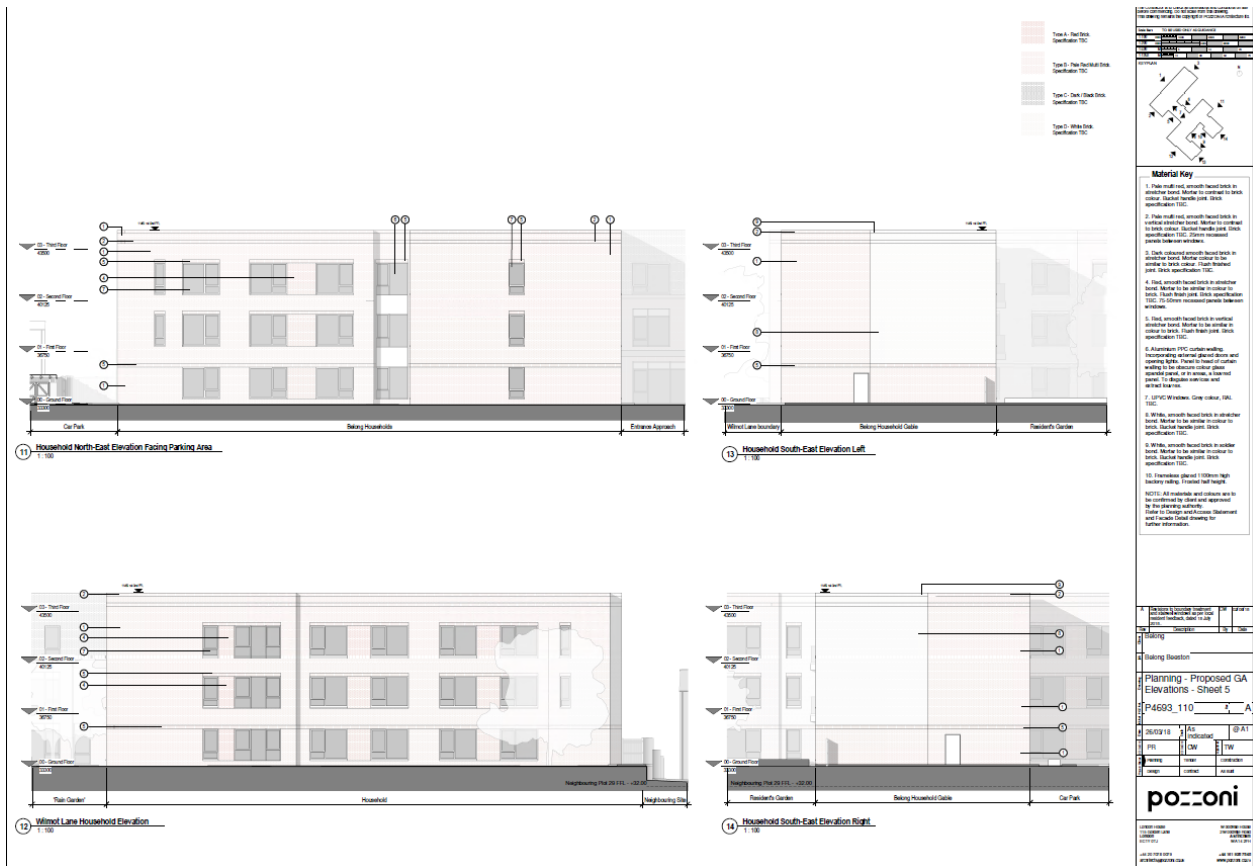


Looking across site towards trees on boundary with Barrydale Avenue and Raven Group, Ellis Grove



Site frontage, Chilwell Road

11. North east elevation 12.Wilmot Lane elevation 13. and 14. South east elevations



Approved site plan 18/00268/FUL

