



Tuesday, 31 October 2023

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 8 November 2023 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, commencing at 6.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

| | | |
|-----------------|-------------------------|-------------|
| To Councillors: | D Bagshaw (Chair) | G S Hills |
| | R S Falvey (Vice-Chair) | G Marshall |
| | P J Bales | D D Pringle |
| | L A Ball BEM | H E Skinner |
| | R E Bofinger | P A Smith |
| | G Bunn | D K Watts |
| | S J Carr | |

A G E N D A

1. APOLOGIES

To receive apologies and to be notified of the attendance of substitutes.

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

(Pages 5 - 8)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 4 October 2023.

Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB

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4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL

5.1 23/00512/FUL (Pages 9 - 34)

Construct ground floor side / rear extension
97 Lynncroft, Eastwood, Nottinghamshire, NG16 3ER

5.2 22/00967/FUL (Pages 35 - 88)

Construct 470 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works
Land East of Coventry Lane, Bramcote, Nottinghamshire

5.3 23/00510/FUL (Pages 89 - 124)

Residential extensions and refurbishments creating one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site. (Revised Scheme)
Willoughby Almshouses, Church Lane, Cossall, Nottinghamshire, NG16 2RT

5.4 23/00511/LBC (Pages 125 - 160)

Residential extensions and refurbishments creating one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site. (Revised Scheme)
Willoughby Almshouses, Church Lane, Cossall, Nottinghamshire, NG16 2RT

- 5.5 23/00554/FUL (Pages 161 - 172)
- Construct detached bungalow to rear garden, with access from Old Kiln Lane
Land Behind 79 Chewton Street, Eastwood, Nottinghamshire, NG16 3JQ
- 5.6 23/00659/FUL (Pages 173 - 182)
- Construct detached bungalow
Land at 196 Cator Lane, Chilwell, Nottinghamshire, NG9 4BE
- 5.7 23/00676/VOC (Pages 183 - 194)
- Variation of condition 2 of application 21/00376/FUL
76 Abbey Road, Beeston, Nottinghamshire, NG9 2QH
- 5.8 23/00677/VOC (Pages 195 - 204)
- Variation of condition 2 of application 20/00147/FUL
74 Abbey Road, Beeston, Nottinghamshire, NG9 2QH
- 5.9 23/00627/FUL (Pages 205 - 218)
- Construct a single storey side/rear extension
181 Nottingham Road, Nuthall
- 5.10 23/00666/REG3 (Pages 219 - 228)
- Replacement roofs to 38 properties (3-12 and 14-41 Scalby Close) with insulation, increase in roof height and replacement cladding to some properties
Scalby Close (3-12 and 14-41), Eastwood, Nottinghamshire
6. INFORMATION ITEMS
- 6.1 Delegated Decisions (Pages 229 - 234)
7. PLANNING ENFORCEMENT SERVICE UPDATE (Pages 235 - 236)

This report is brought to the Planning Committee following the previous update provided in July 2023.

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PLANNING COMMITTEE

WEDNESDAY, 4 OCTOBER 2023

Present: Councillor D Bagshaw, Chair

Councillors: P J Bales
L A Ball BEM
R E Bofinger
G Bunn
G S Hills
G Marshall
D D Pringle
H E Skinner
P A Smith
D K Watts
R Bullock (Substitute)

Apologies for absence were received from Councillors R S Falvey and S J Carr.

25 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

26 **MINUTES**

The minutes of the meeting on the 6 September 2023 were confirmed and signed as a correct record.

27 **NOTIFICATION OF LOBBYING**

The Committee received notification of lobbying in respect of the planning applications subject to consideration at the meeting.

28 **DEVELOPMENT CONTROL**

28.1 **23/00577/OUT**

Outline permission with some matters reserved for detached bungalow
48 Rivergreen Crescent, Bramcote Nottinghamshire, NG9 3ET

The application is brought to the Committee at request of Councillor D K Watts.

There were a number of late items including an informal indication that the Flood Team would object to the application and the subsequent addition of a condition to require a Flood Risk Assessment prior to any development.

Ruth Farnsworth, the applicant and Sonia Malik, objecting, made representation to the Committee prior to the general debate.

Having given due regard to the evidence before it, the Committee debated the item with particular reference concerns about flooding, which regularly occurred on the road, and impact of the driveway which was proposed to travel the length of the garden of the neighbouring property. It was noted that the design of the proposed development was unsatisfactory, including the size and positioning of the bungalow. There were also concerns that the proposed development was out of character with the area.

RESOLVED that planning permission be refused due to the impact on neighbour amenity of the driveway, the negative impact of the design on the character of the area and flooding, with the precise wording of the refusal delegated to the Chair of Planning Committee in agreement with the Head of Planning and Economic Development and the Planning Manager.

Reasons

1. The development by virtue of the location of the proposed driveway for the intended house result in a detrimental impact on the amenity of the neighbouring property due to its location immediately adjacent to the boundary. Consequently, the development would be contrary to Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Part 2 Local Plan 2018.
2. The proposal by virtue of the location of the development to the rear of the existing development line is considered to provide an unacceptable pattern of development and create a second tier of development. Consequently, the development would be contrary to Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Part 2 Local Plan 2018.
3. The proposal through the lack of information on flood risk fails to provide confirmation that a property can be built in this location without causing any substantial harm to the future occupiers of the site from flooding. Consequently, the development would be contrary to Policy 1 of the Part 2 Local Plan 2018.

28.2 23/00344/FUL

Dormer window to bedroom 3 on first floor rear elevation and removal of window from third bedroom on gable wall
32 Town Street, Bramcote, Nottinghamshire, NG9 3HA

Councillor D K Watts had requested that this proposal come before Committee.

There were no late items.

William Fardoe, the applicant, made representation to the Committee prior to the general debate.

The Committee considered all the evidence before it and debated the application. It was noted that the proposed development would not impact on the openness or the

amenity of the green belt and that it represented an improvement to the design of the roof.

RESOLVED that planning permission be granted, due to the lack of impact on the openness and amenity of the green belt, with the precise wording of the approval and conditions delegated to the Chair of Planning Committee in agreement with the Head of Planning and Economic Development and the Planning Manager.

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 the site location plan received by the Local Planning Authority on 20 June 2023, and the proposed block plan and drawing numbers 01, 02 received by the Local Planning Authority on 19 May 2023, and 04 received by the Local Planning Authority on 30 June 2023.
3. The dormer shall be constructed using tiles of a type, texture and colour so as to match those of the existing building, and the bricking up of the first floor (north west) side elevation window shall be carried out using bricks of a type, texture and colour so as to match those of the existing building.

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. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

28.3 23/00512/FUL

Construct ground floor side / rear extension
97 Lynncroft, Eastwood, Nottinghamshire, NG16 3ER

Councillor M Radulovic MBE had requested that this proposal be determined by Committee.

The late items included three objections that had been received following the receipt of amended plans and a message regarding an application to Historic England for protections relating to the site's connection with D H Lawrence.

Richard Garrett, the agent, made representation to the Committee prior to the general debate.

Having due regard to all representations made to it the Committee commenced the debate, with particular consideration of the dilapidated state of the property and the need to bring it back into use. There was concern about the lack of car parking on the site and the impact that this would have on residents. The Committee received legal advice.

RESOLVED that the application be deferred

Reasons

To allow the applicant to give due consideration to the proposed car parking on the site.

29 INFORMATION ITEMS

29.1 DELEGATED DECISIONS

The Committee noted the delegated decisions.

30 RESPONSES TO GOVERNMENT CONSULTATIONS

The Committee considered the proposed consultation responses.

RESOLVED that the consultation responses in Appendices 1 and 2 be sent to the Government.

Report of the Chief Executive

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|----------------------------|--|
| APPLICATION NUMBER: | 23/00512/FUL |
| LOCATION: | 97 Lynncroft, Eastwood, Nottinghamshire, NG16 3ER |
| PROPOSAL: | Construct ground floor side / rear extension |

This item was deferred by the Committee meeting of 4 October 2023.

1. Purpose of the Report

- 1.1 The application seeks full planning permission for the construction of single storey side/rear extension to a semi-detached dwelling.

2. Recommendation

The Committee is asked to resolve that planning permission is approved subject to the reasons outlined in the appendix.

3. Detail

- 3.1 This application was first brought before Planning Committee on 4 October 2023 with a recommendation to grant conditional planning consent. Members deferred making a decision on the application for allow for consideration to provide parking within the site to reduce the impact on street parking.
- 3.2 In response to the decision at the previous Planning Committee the agent has investigated the potential for onsite parking provision, concluding that the access is short of the required width to accommodate access to the rear of the site (2.7m and should be 3m) and the visibility exiting the driveway would not comply with Nottinghamshire County Council Highway Authority standing advice. Moreover, the garden area would not allow for vehicles to enter and exit in a forward gear due to the site not having the required dimensions for parking and a turning area.
- 3.3 The Committee is asked to resolve that planning permission be approved for the reason set out in the appendix 1.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:
There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets.

5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

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

7. Background Papers

- 7.1 None.

APPENDIX 1**1 Details of the Application**

- 1.1 The proposal seeks to demolish part of the existing dilapidated extension to the rear elevation and create a flat roof single storey rear extension to the existing dwelling. The extension will square off the rear elevation creating a walkway, two bedrooms with en suites. To the principal elevation the existing elevations will be retained to ensure the character of the dwelling is retained.
- 1.2 The extension will measure approximately 2.69m wide, 7.9m in length, 2.69m to the eaves and 3m to the top of the flat roof. The extension will be constructed out of matching materials to the host dwelling.
- 1.3 The dwelling will be modernised to create a 6 bed HMO, to the ground floor is three bedrooms with en suite and communal kitchen. To the first floor there are a further two bedrooms with en suites and to the second floor is an additional bedroom. The agent has confirmed each room will have one person within each of the rooms. It should be noted that the proposed change of use does not require planning permission. Planning permission is only required for the single storey rear extension as applied for.

2 Site and Surroundings

- 2.1 The application site is located within the built framework of Eastwood. The property is a late Victorian two-storey semi-detached dwelling with a bay window to the principal elevation and dilapidated extensions to the rear. To the north western elevation is a vehicular access leading to the rear garden. The rear garden is very over grown and the dwelling is not being lived in due to the poor state. The land around the dwelling is fairly level.
- 2.2 Around the site is a mixture of semi-detached and terrace dwellings constructed out of red brick with some render added at a later date. The dwellings are either accessed off the pavement or have a small parcel of land forward of the principal elevation. The land levels fall east to west and the dwellings follow the lay of the land.

3 Assessment

- 3.1 It remains consideration that the proposed scheme does not result in an unacceptable loss of amenity for any neighbouring properties, the scheme retains the character of the dwelling, which is welcomed by the Conservation Officer and Historic England.
- 3.2 The agent has assessed the possibility of the provision of off road parking within the site. The assessment concluded that the access is short of the required width to accommodate access to the rear of the site at 2.7m and should be 3m. The visibility exiting the site would not comply with Nottinghamshire County

Council Highway Authority standing advice and the land to the rear of the dwelling does not have the required dimensions for a parking and turning area.

- 3.3 It is considered that due to the siting, scale and design of the proposal the application will not be significantly detrimental to the amenity of any neighbouring properties in terms of any potential overlooking, overbearing or overshadowing impact. The level of parking provision is appropriate for a residential dwelling.

4 Conclusion

- 4.1 To conclude, it is considered that the proposal would bring back a vacant dwelling back into use, retain the character of the dwelling, which is welcomed by the Conservation Officer and Historic England.
- 4.2 On balance, it is considered that any potential concerns would be outweighed by the benefits of the scheme, which is considered to be in accordance with the policies contained within the development plan. This is given significant weight.
- 4.4 It is recommended that planning permission is granted, subject to the conditions set out below.

| <u>Recommendation</u> | |
|--|---|
| The Committee is asked to RESOLVE that planning permission be approved for the following reasons: | |
| 1. | <p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p> |
| 2. | <p>The development hereby permitted shall be carried out in accordance with the site location plan, existing and proposed block plan C112-ASD-DR-E001 received by the Local Planning Authority 11 July 2023. Proposed elevations C112-ASD-DR-PL04 Rev A, proposed floor plans C112-ASD-DR-PL02 Rev A and Demolition plan C112-ASD-DR-E004 Rev A received by the Local Planning Authority 7 September 2023.</p> <p><i>Reason: For the avoidance of doubt</i></p> |

| | |
|----|--|
| 3. | <p>The extensions hereby approved shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing dwelling.</p> <p><i>Reason: To ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p> |
| | NOTES TO APPLICANT |
| 1. | <p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p> |
| 2. | <p>The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</p> <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal</p> |

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| | Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority |
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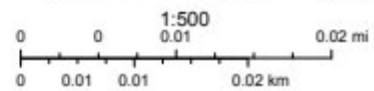
Map

23/00512/FUL -97 Lynncroft



9/11/2023, 4:47:27 PM

 Site



Photographs



Principal elevations



Rear elevation



Rear garden area



Rear elevation – some elements to be demolished



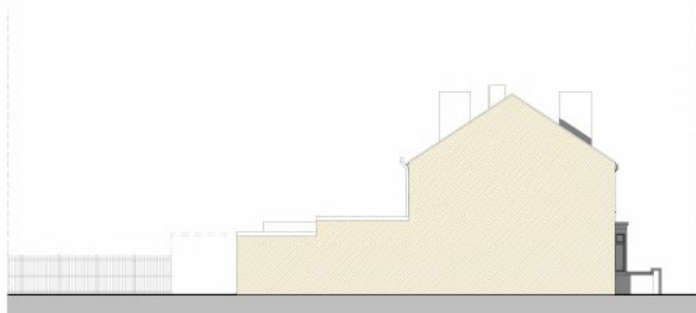
Neighbouring dwelling to the north west principal and rear elevation



1 East Existing
1 : 100



1 South Existing
1 : 100



1 West Existing
1 : 100



1 North Existing
1 : 100

First Floor Plan

Rooms and Dimensions:

- Bathroom: 204
- Kitchen: 203
- Dining Room: 202
- Reception: 205
- Lounge: 206
- Staircase: 207
- Entrance Hall: 208
- Lobby: 201

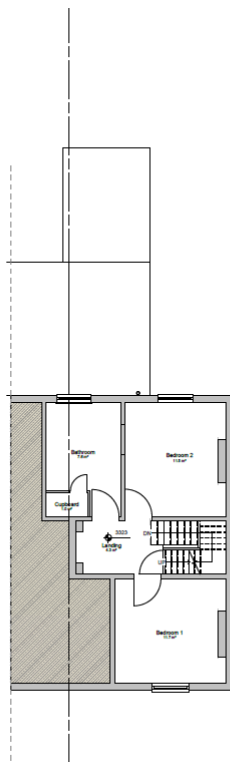
Dimensions:

- Bathroom: 10' x 10'
- Kitchen: 10' x 10'
- Dining Room: 10' x 10'
- Reception: 10' x 10'
- Lounge: 10' x 10'
- Staircase: 10' x 10'
- Entrance Hall: 10' x 10'
- Lobby: 10' x 10'

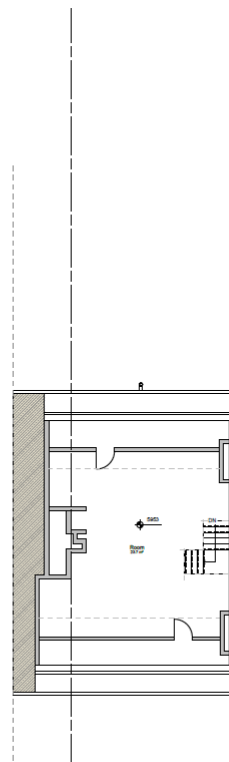
Legend:

- 10' x 10' = 100 sq. ft.
- 20' x 20' = 400 sq. ft.
- 30' x 30' = 900 sq. ft.
- 40' x 40' = 1600 sq. ft.
- 50' x 50' = 2500 sq. ft.
- 60' x 60' = 3600 sq. ft.
- 70' x 70' = 4900 sq. ft.
- 80' x 80' = 6400 sq. ft.
- 90' x 90' = 8100 sq. ft.
- 100' x 100' = 10000 sq. ft.

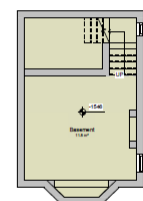
1.0 Existing Ground Floor



1.1 Existing First Floor



1.2 Existing Second Floor

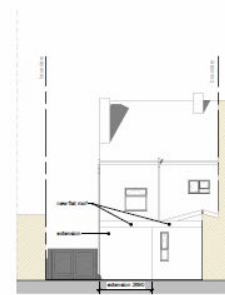


1.00 Existing Basement
1:50

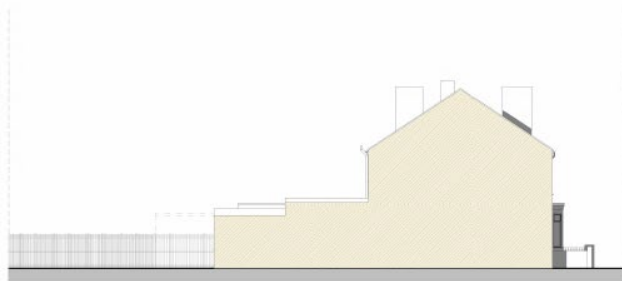
Existing floor plan



4 East Proposed
1 : 100



4 North Proposed
1 : 100

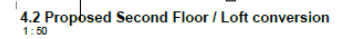
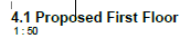
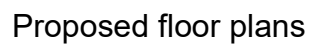


4 West Proposed
1 : 100



4 South Proposed
1 : 100

Proposed elevations



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|----------------------------|--|
| APPLICATION NUMBER: | 23/00512/FUL |
| LOCATION: | 97 Lynncroft, Eastwood, Nottinghamshire, NG16 3ER |
| PROPOSAL: | Construct ground floor side / rear extension |

The application is brought to the Committee at request of Councillor M Radulovic MBE.

1 Purpose of the Report

- 1.1 The application seeks full planning permission for the construction of single storey side/rear extension to a semi-detached dwelling.

2 Recommendation

The Committee is asked to RESOLVE that planning permission is approved subject to the reasons outlined in the appendix.

3 Detail

- 3.1 The application seeks planning permission for the demolition of part of an existing single storey rear extension and the construction of a single storey rear/side extension to the semi-detached dwelling. The dwelling is currently unoccupied and requires significant modernisation to bring the dwelling up to modern day living standards.
- 3.2 During determination of the application a member of public referred the site to Historic England as D H Lawrence once lived at the dwelling. Historic England did not list the dwelling but has recommended the dwelling be put on the local interest building list, this is currently being undertaken.
- 3.3 To ensure the principal elevation is retained the agent has provided an amended plan that retains the door and changed the internal layout. As part of the modernisation of the dwelling works the dwelling will be turned in to a House of Multiple Occupation (HMO). The creation of a 6 bed HMO is permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class L.
- 3.4 The main issues relate whether the scale, siting and design of the extensions is acceptable and whether the development has an unacceptable impact on the visual amenity of the area and neighbour amenity.
- 3.5 The benefits of the scheme are that the extension will facilitate the dwelling being brought back into use.
- 3.6 The Committee is asked to resolve that planning permission be approved for the reason set out in the appendix.

4 Financial Implications

- 4.1 There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

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

7. Climate Change Implications

Climate Change implications are considered within the report.

7 Background Papers

- 7.1 Nil.

APPENDIX**1 Details of the Application**

- 1.1 The proposal seeks to demolish part of the existing dilapidated extension to the rear elevation and create a flat roof single storey rear extension to the existing dwelling. The extension will square off the rear elevation creating a walkway, two bedrooms with en suites. To the principal elevation the existing elevations will be retained to ensure the character of the dwelling is retained.
- 1.2 The extension will measure approximately 2.69m wide, 7.9m in length, 2.69m to the eaves and 3m to the top of the flat roof. The extension will be constructed out of matching materials to the host dwelling.
- 1.3 The dwelling will be modernised to create a 6 bed HMO, to the ground floor is three bedrooms with en suite and communal kitchen. To the first floor is a further two bedrooms with en suite and to the second floor is an additional bedroom. The agent has confirmed each room will have one person within each of the rooms.

2 Site and Surroundings

- 2.1 The application site is located within the built framework of Eastwood. The property is a late Victorian two-storey semi-detached dwelling with a bay window to the principal elevation and dilapidated extensions to the rear. To the north western elevation is a vehicular access leading to the rear garden. The rear garden is very over grown and the dwelling is not being lived in due to the poor state. The land around the dwelling is fairly level.
- 2.2 Around the site is a mixture of semi-detached and terrace dwellings constructed out of red brick with some render added at a later date. The dwellings are either accessed off the pavement or have a small parcel of land forward of the principal elevation. The land levels fall east to west and the dwellings follow the lay of the land.

3 Relevant Planning History

- 3.1 No planning history.

4 Relevant Policies and Guidance**4.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:****4.1.2 The Council adopted the Core Strategy (CS) on 17 September 2014.**

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment

4.2 Part 2 Local Plan 2019:

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

- Policy 15: Housing size, mix and choice
- Policy 17: Place-making, design and amenity
- Policy 23: Proposals affecting Designated and Non-Designated Heritage Assets

4.3 National Planning Policy Framework (NPPF) 2023:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision making
- Section 12 – Achieving well designed places
- Section 16 – Conserving and enhancing the historic environment

5 Consultations

5.1 Historic England

5.1.1 Historic England carried out an initial assessment to consider whether the building should be added to the List of Buildings of Special Architectural or Historic Interest.

5.1.2 The Secretary of State for Culture, Media and Sport has asked Historic England to consider this application in our role as the Government's statutory adviser on the historic environment with responsibility for listing. Historic England considered the application and completed an assessment of the building based on the material provided. The Secretary of State has decided not to add 97 Lynncroft, Eastwood to the List at this time. Historic England recommended the building be added to the Local Interest Building List.

5.2. Broxtowe Borough Council Conservation Officer

5.2.1 The Conservation Officer assessed the application and requested the principal elevation be retained, this was taken on board and amended plans were submitted.

5.2.2 The Conservation Officer welcomed the changes to the principal elevation and has had full sight of the outcome of Historic England assessment. The Conservation Officer notes the request to register the building as a Local Interest Building.

5.3. Private Sector Housing

5.3.1 The Private Housing Section commented on the layout of HMO and has not raised any objection to the layout but requested the HMO would be required. The Private Housing Section has requested that information be passed the applicant/agent regarding fire safety.

5.4 Neighbours and members of public

5.4.1 A total of five neighbours were consulted and a total of 36 letters of representation have been received of which 34 are objections. The comments can be summarised as follows:

- Concerned about the plans;
- Loss of our heritage together with loss of valuable architecture;
- Traffic and noise problems will increase;
- There are young children living next door;
- Who will live there;
- Down grading of the town;
- Parking issues and the lack of parking;
- The proposal is ridiculous and should be turned down;
- The house forms part of the blue line trail, which links parts of Eastwood with D H Lawrence – where he lived for 5 years before moving to Croydon;
- When the house was sold by auction recently it was hoped the property would be restored to be more in keeping with the lovely house that Lawrence once loved;
- Crime rate will go up and anti-social behaviour;
- This should be rented out to homeless veterans;
- The HMO will change the area and have a negative effect;
- Should be a family home not an HMO;
- Over intensification of the site;
- House prices will drop;
- How many people will be living at the property, shows double bedrooms;
- Should be treated as a C4 HMO not C3;
- The application should be rejected outright;
- An Article 4 direction should be put in place to stop further HMO's;
- Any changes should be restrained and not destroy the historic value of the site and;
- There is potential value as a tourist attraction or scholar's retreat if properly restored and managed.

5.4.2 The neighbours and objectors were consulted on the amended plans and this will be reported in the late papers.

5.5 Councillors & Parish/Town Councils:

- Councillor S Bagshaw – No comment
- Councillor M Radulovic – Requested the application be determined by Planning Committee
- Eastwood Town Council – No comment

6 Assessment

6.1 The main issues relate to whether or not the changes to the detached dwelling creating a larger dwelling is of an acceptable design and appearance and does not have a significant impact on neighbour amenity

6.2 Design and scale

- 6.2.1 Policy 10 (d and e) states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing development. Policy 17 (4a) states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.
- 6.2.2 The single storey side extension has been designed to adjoin part of the existing single storey rear extension to create a larger ground floor that will create habitable rooms. Given the position of the extension, behind the host dwelling and screened from views by the gates located to the west of the site. The extension will not dominate or appear overbearing prominent in the street scene and is modest in size.
- 6.2.3 The amended plans demonstrate the existing door to the principal elevation will be retained to keep the character of the dwelling, this is welcomed by the Conservation Officer and Historic England.
- 6.2.4 The single storey extension and modernisation of the dwelling complies with the NPPF and appropriate policies.

6.3 Amenity

- 6.3.1 Policy 10 (f) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.
- 6.3.2 The position of the extension will not have any impact on the adjoining dwelling located to the east, 95 Lynncroft, due to the position of the extension and the existing extensions to 95 Lynncroft. It is considered there would be no impact on this dwelling from the single storey extension.
- 6.3.3 The neighbour located to the west, 99 Lynncroft, is a semi-detached dwelling with a vehicular access leading to a detached garage adjacent to the boundary with the site. Given the position of the extension, the existing boundary treatment along with the vehicular hardstanding it is considered there would be no impact on this dwelling from the single storey extension.
- 6.3.4 The proposal seeks to install habitable room windows to the side elevation within the extension, to create two habitable rooms. There is approximately 2.7m between the side elevation and the boundary with the neighbour to the north west.
- 6.3.5 The proposal does not raise any residential amenity issues and should it be resolved to grant planning permission.

6.4 Highway Safety

- 6.4.1 There is an existing vehicular access and hardstanding located to the west of the site in the form of a long driveway which can accommodate up to 4 cars in a tandem parking arrangement.
- 6.4.2 There is no additional off road parking to be provided within the site other than the existing arrangement. It should be noted that the application is only for the

construction of a single storey rear extension and on this basis the level of parking provided is adequate to meet the requirements of a dwelling.

6.5 Other

- 6.5.1 A member of public referred the application to Historic England for Listing due to the dwelling once being D H Lawrence home from a period between around 1905 to 1908. He returned to visit his mother prior to her death in 1910. It is understood that some of his early poems and short stories were written during this time at this property, as well as a draft of Laetitia, which later became The White Peacock.
- 6.5.2 Historic England acknowledged there are few surviving historic features. Historic England rejection at initial Assessment Report states 97 Lynncott is not of the sort of building that would normally meet the criteria for listing. The residence of Lawrence at this address in a period of his youth does give the property some interest, particularly as some of his early works were written here. However, for the building to merit listing, it would need to survive considerably better and better reflect how it would have appeared at the time when Lawrence lived there. In this case, the relatively short period of time in which Lawrence lived there, combined with the poor survival of the buildings, means that it does not meet the criteria for listing.
- 6.5.3 Broxtowe Borough Council Conservation Officer has been consulted on the application and states the retention of the principal elevation on the amended plan is welcomed. The comments of Historic England have been relayed to the Conservation Officer and are noted.
- 6.5.4 The submitted plans annotate the dwelling will become a 6 bed House of Multiple Occupation (HMO). The creation of a 6 bed HMO is permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class L and would not require the benefit of a formal planning permission.
- 6.5.5 The other points raised within the objection are not material planning considerations, specifically house prices.

7 Planning Balance

- 7.1 The benefits of the proposal are that it would bring back a derelict dwelling back in to use and the extension would not have a significant impact on neighbour amenity. The proposal reflects an acceptable level of design and would not appear out of character with the surrounding area. On balance, the scheme is acceptable and should be approved.

8 Conclusion

- 8.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality and comments made within representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

| <u>Recommendation</u> | |
|---|--|
| The Committee is asked to RESOLVE that planning permission be approved for the following reasons: | |
| 1. | <p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p> |
| 2. | <p>The development hereby permitted shall be carried out in accordance with the site location plan, existing and proposed block plan C112-ASD-DR-E001 received by the Local Planning Authority 11 July 2023. Proposed elevations C112-ASD-DR-PL04 Rev A, proposed floor plans C112-ASD-DR-PL02 Rev A and Demolition plan C112-ASD-DR-E004 Rev A received by the Local Planning Authority 7 September 2023.</p> <p><i>Reason: For the avoidance of doubt</i></p> |
| 3. | <p>The extension hereby approved shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing dwelling.</p> <p><i>Reason: To ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p> |
| NOTES TO APPLICANT | |
| 1. | The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale. |
| 2. | <p>The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or</p> |

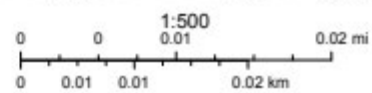
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| | <p>within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:</p> <p>www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</p> <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:</p> <p>www.gov.uk/government/organisations/the-coal-authority</p> |
|--|--|

Map

23/00512/FUL -97 Lynncroft



9/11/2023, 4:47:27 PM



Photographs



Principal elevations



Rear elevation



Rear garden area



Rear elevation – some elements to be demolished



Neighbouring dwelling to the north west principal and rear elevation



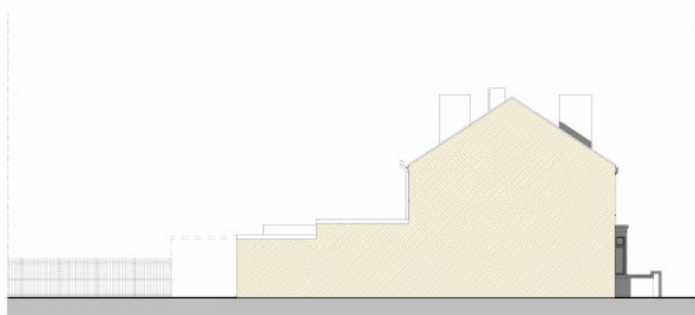
Plans (not to scale)



1 East Existing
1: 100



1 South Existing
1: 100

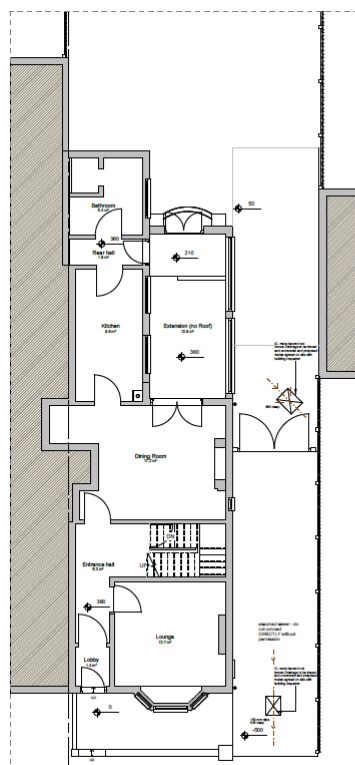


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1: 100

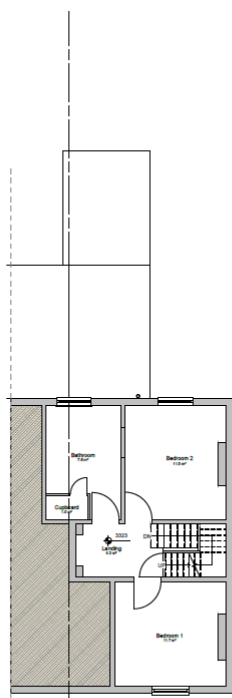


1 North Existing
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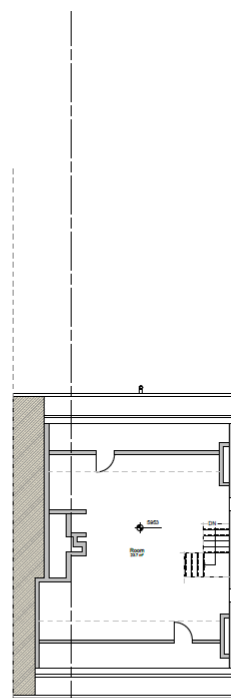
Existing elevation



1.0 Existing Ground Floor
1: 50



1.1 Existing First Floor
1: 50



1.2 Existing Second Floor
1: 50

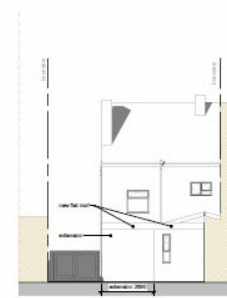


1.00 Existing Basement
1: 50

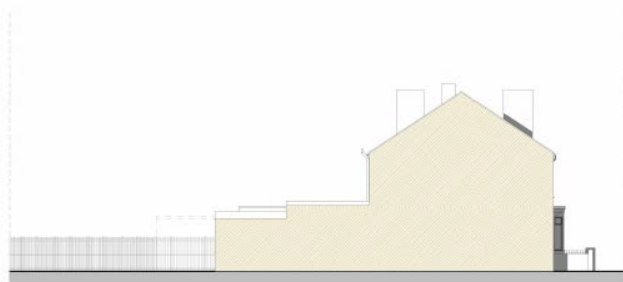
Existing floor plan



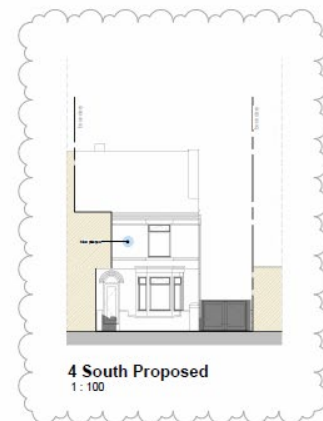
4 East Proposed
1 : 100



4 North Proposed
1 : 100

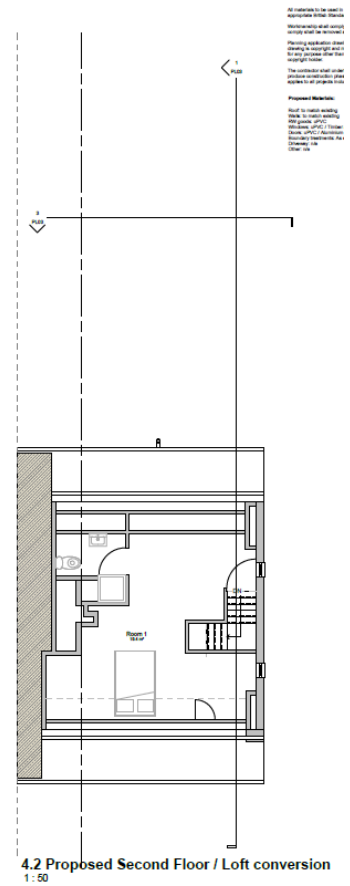
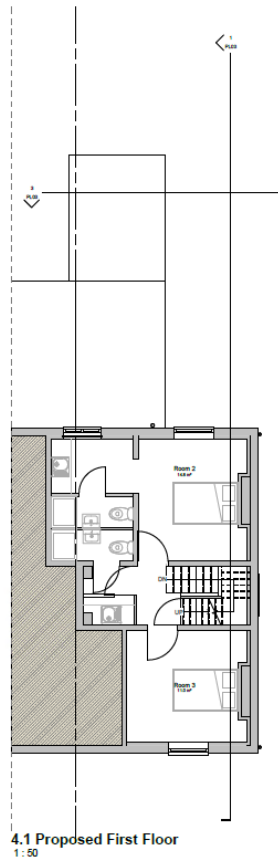
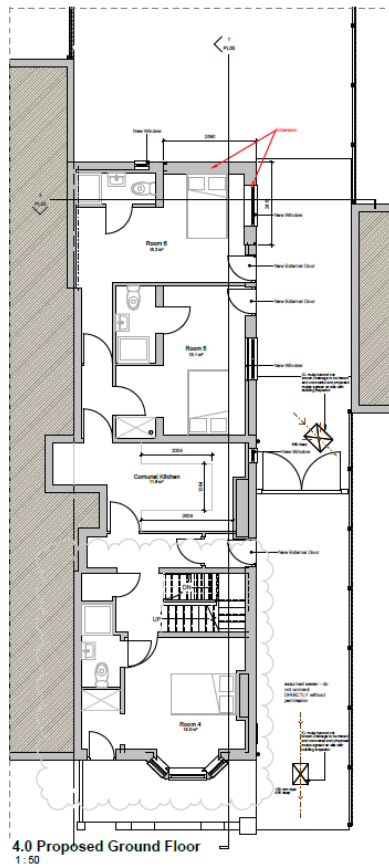


4 West Proposed
1 : 100



4 South Proposed
1 : 100

Proposed elevations



Proposed floor plans

Report of the Chief Executive

| | |
|----------------------------|---|
| APPLICATION NUMBER: | 22/00967/FUL |
| LOCATION: | Land East of Coventry Lane, Bramcote, Nottinghamshire |
| PROPOSAL: | Construct 470 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. |

The application is brought to the Committee at request of Councillor D K Watts on behalf of all Bramcote Ward Councillors.

1. Purpose of the Report

- 1.1 The application seeks planning permission for the construction of 470 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the appendix and to the prior signing of a Section 106 Agreement.

3. Detail

- 3.1 This is a major planning application seeking full planning permission to construct 470 dwellings and associated access, internal roads, public open space, landscaping, drainage and associated infrastructure. The proposed dwellings comprise a mix of 2, 3, 4 and 5 bed dwellings which are two storeys in height, some having rooms within the roof to provide 3 storeys of accommodation, and would be a mix of terraced, semi and detached properties. It is proposed that 143 2 and 3 bedroomed dwellings across the site are to be allocated as affordable housing. This represents 30% of the total.
- 3.2 The proposed point of access to the site would be from Coventry Lane and is shown to be via a junction that would also serve the sites to the west of Coventry Lane, which have recently been granted planning permission. This would be the sole vehicular access serving the site. Public Rights of Way are proposed through the development site which would link the site to the existing PRow along Moor Lane and to the existing housing development to the east of the site.
- 3.3 The main issues relate to whether the principle of residential development is acceptable; whether the design and layout of the development is acceptable; whether there would be any detrimental impact on highway safety; whether there would be any impacts on residential amenity; and consideration of impacts on drainage, flood risk, contamination, and impact on local wildlife / biodiversity.

- 3.4 The benefits of the proposal are that the residential development would see the development of a site allocated for such use, in a sustainable location, and would make a significant contribution to housing delivery for the residents of the borough. The proceeds from the sale of the land to the developer would be used to build a replacement secondary school at Bramcote College site. The proposed dwellings are not considered to be harmful to the character of the surrounding area, would not have an unacceptable impact on neighbouring amenity or highway safety, and contamination can be mitigated for through the implementation of conditions. Any impact on biodiversity assets can be adequately mitigated for by way of the design of the layout and through the implementation of conditions and financial contribution to the Council to offset any loss of the Local Wildlife Site. Financial contributions in respect of monies allocated to nearby GP services, improvements and additions to access to public open space, library stock, provision of sustainable transport measures, along with the provision of affordable homes would benefit the wider community of Bramcote and Stapleford, as would the enablement of a replacement secondary school.
- 3.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix and to the signing of a S106 Agreement.
4. Financial Implications
- 4.1 The comments from the Head of Finance Services were as follows:
There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.
5. Legal Implications
- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.
- 6 Data Protection Compliance Implications
- 6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.
7. Background Papers
- 7.1 There are no background papers related to this report that are not already available publicly.

APPENDIX

1. Details of the application

- 1.1 This application seeks full planning permission to construct 470 dwellings with associated infrastructure including and access from Coventry Lane, internal roads, public open space and public rights of way. The proposed dwellings comprise two storey 2, 3, 4 and 5 bedroom properties, some having rooms within the roof space to provide 3 storeys of accommodation. 30% of the dwellings (143) would be provided as affordable housing and these would be 2 and 3 bedroom properties spread throughout the whole development.
- 1.2 The proposed vehicular point of access would be from Coventry Lane, which would be a shared junction serving the recently permitted residential developments on the west side of Coventry Lane. New non-vehicular routes are proposed through the site so as to link Coventry Lane with the existing PRoW on Moor Lane, and to the existing housing to the east of the site. These links would also provide improved pedestrian access to the primary and secondary schools to the south, on Moor Lane.

2. Site and surroundings

- 2.1 The majority of the site, which lies to the east side of Coventry Lane, north of Moor Farm Inn Lane and south of the railway line, was formerly playing fields associated with the secondary school to the south. The playing fields are now surplus to requirements and have not been in formal use for some years. There is no formal public access to or across the site, although it is noted that the area is used by nearby residents recreationally and for dog walking.
- 2.2 The site is generally flat and is predominately grassland. There are trees to the north and west boundaries, and a hedge lined boundary to the east, where it lies adjacent to Moor Lane, a Public Right of Way (Bridleway). To the south west corner, part of the site is allocated as a Local Wildlife Site (LWS). To the north of the site, outside the application site boundary, is a further Local Wildlife Site and a Local Nature Reserve (LNR) (Nottingham Canal). A Green Infrastructure Corridor runs through this LWS / LNR.
- 2.3 To the east of the site, separated from the site by a Public Right of Way (PRoW) (Beeston BW30, which runs along Moor Lane and runs in a north / south direction), is an existing housing development of two storey detached, semi-detached and terraced dwellings, which mostly back onto the PRoW.
- 2.4 South of the site is a place of worship (Brethren's Meeting Room) which is a detached building and is accessed from Moor Farm Inn Lane, connecting to Coventry Lane.
- 2.5 West of Coventry Lane, opposite the site, there are fields associated with Hulks Farm, and access via Sidings Lane to a small industrial area. This area is allocated in the Local Plan for residential development, with the northern section (known as Hulks Farm) awaiting completion of a Section 106 Agreement

following resolution at committee to grant conditional permission for 60 dwellings (planning reference 22/00602/FUL); and the south west section (known as Land North and West of Bramcote Crematorium) having outline planning permission for 169 dwellings (reference 20/00352/OUT). A reserved matters application has recently been granted permission in respect of this outline planning application (reference 22/00619/REM), and a Variation of Condition application linked to the reserved matters application seeks changes to house types and site plan. The latter is currently under consideration as at 13 October 2023 (reference 23/00411/VOC).

- 2.6 The site forms part of a wider allocated site in the Broxtowe Part 2 Local Plan. Policy 3.3 refers. The allocation is split into two separate sites, with the northern part of the allocation covering this site and the site currently occupied by the place of worship to the south, and is allocated for 500 homes. It is noted that the application site does not include the place of worship (Brethren's Meeting Room) site. The southern part of the allocation covers the Bramcote School and Leisure Centre site (Secondary and Primary school sites, Bramcote Leisure Centre site), where a key development requirement on that part of the allocation is for a replacement secondary / sixth form school, and which should be delivered in conjunction with, or prior to, housing on the northern part of the allocation. Planning permission for the replacement secondary school was granted permission in January 2023 (planning reference 22/00740/FUL). The funding for the replacement school would be raised through the sale of the application site, once planning permission for the residential development has been given.

3. Relevant Planning History

- 3.1 There is no relevant planning history for this site. The last use of the site, as outlined above, was predominately as playing fields associated with the secondary school to the south (Bramcote College).

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 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 12: Local Services and Healthy Lifestyles
- Policy 13: Culture, Tourism and Sport
- Policy 14: Managing Travel Demand
- Policy 15: Transport Infrastructure Priorities
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity

- Policy 19: Developer Contributions

4.2 **Broxtowe Part 2 Local Plan 2019:**

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

- Policy 3.3: Bramcote (east of Coventry Lane)
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 25: Culture, Tourism and Sport
- Policy 28: Green Infrastructure Assets
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

4.3 **National Planning Policy Framework (NPPF) 2023:**

4.3.1 The National Planning Policy Framework (NPPF) 2023, outlines a presumption in favour of sustainable development, that planning should be plan-led, decisions should be approached in a positive and creative way and high quality design should be sought.

- 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 15 – Conserving and enhancing the natural environment

5. Consultations

5.1 **Nottinghamshire County Council as Highway Authority:** Initial comments – raises concerns in respect of width of highway at point of access; private drives in close proximity to junction; width of parking spaces and private / shared drives; junction conflict within the site; need for swept path analysis throughout site; comments regarding shared surface treatment; need for the plans to show bus stop locations; improvements to existing PRow's so as to prioritise pedestrian / cyclists and other sustainable means of transport; need for each dwelling to have Electric Vehicle Charging Point (EVCP).

In respect of impact on highway surrounding the development, the HA are satisfied with the contents of the Transport Assessment, and conclude that whilst the Coventry Lane / Hickings Lane / Ilkeston Road junction would see an increase in wait times, monies have been secured by way of a Section 106

Agreement from other committed developments in the area to improve the performance of the junction and as such no further request for financial contribution would be sought for these works. Notwithstanding this, a financial contribution of £1000 per dwelling could be sought toward providing sustainable transport measures that help to reduce impacts at this junction, akin to that requested from other developments, which could be allocated to the aspiration to provide a strategic cycling route along Coventry Lane.

In respect of the Travel Plan, there are some amendments required due to conflicting information and additional requirements needed in terms of promoting cycling.

Comments in respect of amended plans (May 2023) – Whilst concerns initially raised in respect of width of site access, conclude that this would reduce capacity of the new signals and as such happy to revert to a 6.2m width access. Concerns raised re conflict with vehicles exiting parking spaces on two plots to detriment of highway safety. Would require measures to reduce speed within the site which should be submitted for assessment. Comments in respect of tracking and some parking spaces appear to be remote from their dwellings, which could result in vehicles being parked on street. No provision appears to have been made for visitor parking. Forward visibility splays need to be annotated. Preference would be to route cyclists towards nature trail (on opposite side of Coventry Lane) by providing a complaint scheme along frontage.

Following the receipt of amended plans August / September, the officer is satisfied in respect of the width of the site access, and upgraded cycling facilities along Coventry Lane. Some minor concerns regarding tracking within the site, which have now been resolved. The Highway Authority are working with National Highways in respect of addressing impact of the development on Bramcote Island, by way of a Travel Plan as revised, which is considered satisfactory subject to conditions to secure delivery and monitoring. Also recommend conditions in respect of ensuring delivery of site access, signalised junction and footway / cycleway to Coventry Lane; dwellings to be provided with parking spaces prior to occupation; and to prior approval of a Construction Method Statement.

In addition, a financial contribution of £15,000 toward monitoring of the Travel Plan is sought.

Conditions are recommended in respect of ensuring bus stops and associated infrastructure both within and outside of the site (on Coventry Lane) are provided in order to ensure the development can be served by any future bus service, thereby promoting the use of sustainable transport.

- 5.2 **Nottinghamshire County Council Public Rights of Way Officer:** No objections subject to an informative to make the developer aware of responsibilities regarding impact on PRow, and to confirmation that paths within the site, which would link to PRow, would be maintained by the developer.

- 5.3 **Nottinghamshire County Council Policy Team:** Request financial contributions toward bus service provision (£525,000); Education (£1,995,034 secondary, £367,556 post 16, and £270,966 SEND); Library stock at Stapleford library (£16,668). Require bus stops and infrastructure to be provided both off and on site, to be shown on an amended plan. Recommend a condition in respect of securing a scheme to provide bus passes to the future occupants to be agreed prior to occupation. Require an Archaeology Desk Based Assessment to be provided due to the presence of historical early coal mining works on the site, which should be carried out and agreed prior to decision, and mitigation proposed be secured by condition.

Additional comments received following re-consultation – subject to highway safety assessment the provision of two sets of bus stops is satisfactory but will require additional details in respect of bus stop locations and walking distances to / from; and details of infrastructure for future bus stop provision on Coventry Lane. Details of the latter will need securing by way of a condition. Revised figures for financial contributions as follows: bus service provision (£525,000 no change); Education (£1,969,050 secondary (75 places), £367,556 post 16, and £180,644 SEND); library stock at Stapleford library (£16,561).

Further to the request for a financial contribution to Education, the developer has queried the need given that the Key Development Requirement of Policy 3.3 is to deliver a new secondary school as part of the redevelopment of the site allocation. The County Council, whilst remaining of the opinion that there would still be a deficit of 36 places, recognises that the scheme may become unviable and could undermine the delivery of the scheme including the re-build of the schools and as such would not object to the approval of the scheme.

Following the receipt of amended plans and information in August / September, the Archaeology Officer recommends a pre-commencement condition requiring details of a programme of archaeological works in accordance with a Written Scheme of Investigation to be submitted and approved, and subsequently to be implemented in accordance with the approved details.

- 5.4 **Nottinghamshire County Council as Lead Local Flood Authority:** No objection subject to a condition requiring details of a surface water drainage scheme to be submitted and approved in writing prior to the commencement of the development, and an informative in respect of re-notification should the FRA or Drainage Strategy be altered. No additional comments to make following re-consultation on amended plans.
- 5.5 **Council's Environmental Health Officer:** In respect of contamination: no objection subject to an investigative survey being carried out and a report submitted and approved by the LPA, prior to the commencement of development. This would be secured by condition. In respect of other matters, no objection subject to conditions relating to noise mitigation measures being implemented in accordance with noise report prior to occupation; details in respect of piling / other foundation design to be agreed prior to commencement; hours of construction; details of a construction method statement; and a note to

applicant in respect of no burning of waste on site. No additional comments to make following re-consultation on amended plans.

- 5.6 **Council's Housing Officer:** Satisfied with the 40/60 split for 2 and 3 bed affordable properties. General clustering of properties looks good. Pleased to see provision of 30% affordable housing on the site, which meets the criteria of Policy 15 of the P2LP. Mix requirements are: 20% affordable / social rented housing, 7.5% First Homes and 2.5% other low cost home ownership (which can include discounted market housing and / or shared ownership provided by a registered provider). Agent has confirmed agreement to the requirements, which will be secured by way of the Section 106 Agreement.
- 5.7 **Council's Parks and Green Spaces Officer:** Initial impressions are that the area of usable greenspace is insufficient for a development of this size, and the development would feel very urban. The development should be laid out in a way that retains the intersection of the existing wildlife corridors, although accept that this would reduce density of development. Would like to see the SuDS pond initially proposed to the north of the site re-introduced as this can enhance biodiversity. The existing SuDS on Finsbury Road would be unlikely to cope with additional demand. As loss of LWS to south west corner proposed, would be good to see more species-rich grassland either retained (ideally) or created. Retention of habitat on site should always be considered before off site provision considered. Provision of east – west corridor commendable but will be of little benefit in terms of connectivity without the north – south connection. Extensive use of bird and bat boxes, along with bee bricks, would be an excellent inclusion. More detail required in respect of the LEAP (Local Equipped Play Area) equipment, and should be aiming for more akin to a NEAP (Neighbourhood Equipped Play Area). Overall, plans light on detail, showing only grass and trees, no hedges, fencing lines, path sizes / construction details. In respect of planting, generally the details are acceptable in terms of specifications.

In addition to the above, should the Authority be looking to take ownership of the open space provision, a financial contribution of £708.82 per dwelling (£335,271.86 based on 473 dwellings) would be sought for maintenance of the open space. A request should also be made for capital payment toward infrastructure improvements at Stapleford Hill (Hemlock Stone) and Bramcote Hills Park. It is understood that the developers are proposing to secure private Management and Maintenance of all areas outside of private curtilages and not part of the public highway by way of a clause in any Section 106 agreement.

Landscaping plans were submitted in September and comments received from the officer note that overall impression remains that the development is very urban with little green space. Landscaping plans do not include a planting schedule and there are no details in respect of the LEAP (play area and equipment). Would be good to see swift / bee / bat bricks incorporated into the design.

Following the receipt of BNG proposals, whilst happy in principle for offsetting of loss of LWS to be provided on adjacent BBC land, would need assurance as to how management and maintenance of off-site BNG be undertaken.

- 5.8 **Council's Tree Officer:** Trees to west boundary are within the adopted highway and maintained by the County Council. Woodland to the north adjacent to Latimer Drive is in Nottingham City Council ownership. Both authorities would need to comment on future maintenance and access issues. No objections to removal of trees as shown; groups along the boundary with Coventry Lane and T6 Ash. The latter and another Ash in the vicinity are liable to be infected with Ash Die Back either now or in near future. Within the site there are various category C trees, to which there is no objection to their removal.
- 5.9 **Council's Environment and Waste Officer:** Sets out requirements in respect of bin provision and sizes. Would require bins to be presented at the edge of adopted highway for collection or within 15m of the adopted highway where properties are served by a private drive. Refuse lorries and operatives would not enter private / unadopted roads. Roads need to be wide enough to accommodate the access and manoeuvring of refuse vehicles.
- 5.10 **NHS Nottingham and Notts Integrated Care:** The development would generate the need for enhanced capacity / infrastructure at nearby GP Practices. As such a financial contribution of £256,306.87 would be sought, based on 473 dwellings, and which would be allocated to one or all of the following practices: Grange Farm Medical Centre, Deer Park Family Medical Practice, and Bilborough Medical Centre. Following reduction in amount of dwellings, NHS request revised figure of £254,681.25 based on 470 dwellings.
- 5.11 **Environment Agency:** No objections subject to condition regarding contamination where not already identified, and a Note to Applicant alerting developer to presence of landfill site nearby. No additional comments to make following re-consultation on amended plans.
- 5.12 **Coal Authority:** Material Consideration – the site falls within the defined Development High Risk Area. Agree with recommendations contained in the Site Investigation Report. Recommend conditions in respect of: remediation works / mitigation measures to have been implemented on site in full; a pre-occupation condition requiring a signed declaration confirming that the site is or has been made safe and stable for the approved development. A Note to Applicant also recommended in respect of responsibilities of the developer. Comments received following re-consultation – object due to garage being sited in the zone of influence.

Following the receipt of amended plans in August, The Coal Authority remove the holding objection as garage removed from zone of influence. Previous recommendations in respect of conditions and note to applicant still stand.

- 5.13 **Severn Trent Water:** No comments received.

5.14 **Network Rail:** No objections subject to conditions relating to construction methods; drainage; boundary to NR land; landscaping; lighting; and consideration of impact of noise on residential uses. Also recommend notes to applicant in respect of safe operation and construction near the railway line.

5.15 **Notts Wildlife Trust:** Initial comments: Raise concerns with the level of information, as consider that a full Ecological Impact Assessment should have been submitted rather than the Ecological Appraisal. The development would result in an almost complete loss of all core habitats on the site, including a significant reduction to the mosaic of habitats that make up the LWS.

Following the receipt of an Ecological Impact Assessment (EclA), would require further consideration of impact on foraging bats, and recommend conditions in respect of Construction Environmental Management Plan (CEMP) and a Landscape Ecological Management Plan (LEMP). Whilst the EclA found no evidence of badgers on site, would recommend a pre-commencement survey to confirm this.

5.16 **Nottinghamshire Police Designing Out Crime Officer:** Requests that the Secured By Design standard is adopted as part of the development.

5.17 **Sport England:** Request that Sport England be formally consulted as they consider the development to result in loss of playing fields. LPA note in response: It is considered that as the site is not being used as a playing field, has not been used as a playing field in the last 5 years (disused much longer), is not allocated for use as a playing field in the adopted local plan, nor does it involve development that sees the replacement of grass with an artificial surface, then there is no requirement to formally consult Sport England on this occasion. Sport England are, however, within their right to comment on the planning application should they wish to do so. Furthermore, the site is allocated in the adopted Part 2 Local Plan (2019) (Policy 3.3) for residential development. The site allocation has been through a robust inspection prior to the adoption of the P2LP by the Planning Inspectorate. **Further response** from Sport England: Whilst the proposal is not considered to meet SE adopted playing fields policy or NPPF 2021 para 99, it is acknowledged that the recently approved sports facilities at Bramcote College are a significant improvement over that which is currently available to the college and to the community which have the potential to provide a significant benefit to the development of both the school and community sport and on that basis Sport England does not wish to raise an objection to the development.

5.18 **Nottingham City Council:** (as neighbouring land owner) – no response received.

5.19 **Beeston and District Civic Society:** Recommends refusal due to absence of Heritage Statement (in respect of potential archaeological features); lack of clear landscape strategy / landscape and ecological maintenance plan (LEMP); lack of street trees within the development, which would create hostile

environment; several strips of land with little detail as to how will be treated; turning heads intrude into green areas and not consistent in provision of paths around them; public open spaces could be better laid out; concerns over links to existing routes (PRoW's); landscape plan does not respond to the ecology study, pond could be enhanced, lack of details re hedges and links from dwellings to paths etc, opportunities for woodland planting missed; lack of detail regarding shallow drainage channels through the site, which could be a benefit to the development; notes that gas fired boilers proposed, which are not sustainable use of energy, consideration should be toward air source heat pumps, solar panels, green roofs, vehicle charging points, nothing to encourage bees or birds (e.g. bird bricks); concerns regarding impact on traffic infrastructure, layout designed for car users; lack of community infrastructure such as shops, which should be provided on site; could be better Travel Plan incentives / motivation which should be at the start before travel behaviours of the occupiers are too established.

- 5.20 **National Highways:** Request more information in respect of existing modelling so as to assess impact of additional traffic generation on trunk road A52, specifically Bramcote Island.

Additional information submitted to National Highways by the applicant, principally in respect of a revised Travel Plan to help mitigate impact on wider highway network. National Highways confirm that following the review of the information, no objections. National Highways note that the Travel Plan achieves as good as it can in reducing traffic impact at Bramcote Island and cannot be improved further.

- 5.21 **Bramcote Neighbourhood Forum:** Object on grounds that the proposal does not constitute sustainable development. Fails to provide sufficient open space / play space for residents; does not provide Biodiversity Net Gain on or adjacent to the site; density of development too great; will result in increase in traffic and impact on air quality; assessment of public transport unrealistic; reliance on gas fired boilers fails to provide for renewable and low carbon forms of heating, difficult to meet local or national carbon reduction targets.

Comments following amended plans received August / September: consider that the amendments do not address objections raised and do not constitute sustainable development and as such should be refused.

- 5.22 **Ward Councillors (joint response):** In respect of the amended plans (470 dwellings) have the following comments: design poor, does not reflect character of area, appears to result in large areas of hard surfacing; no inclusion of measures such as solar panels, battery storage, heat pumps etc; no provision for grey water harvesting; layout does not appear to recognise or address flood risks on the site, which floods particularly on southern end; draining to Tottle Brook (on Eastcote Avenue estate) would increase risk of flooding on the estate as drainage system unable to cope with existing; street layout looks narrow, would a bus be able to access and run round the development; housing layout looks cramped; dwellings extremely small, would need to meet NDSS;

questions if new landscaping to south west corner appropriate; concerns regarding boundary treatment to Moor Lane; welcome measures to provide hedgehog highway; green strip through middle of site too small to be functional, just pays lip service; proposed play area in wrong place, would be better to be centrally located. No further comments following amended plans received in August / September.

- 5.23 146 addresses were consulted, site notices posted and a press notice published. 57 responses were received, 45 objections, 12 observations and none in support. The comments can be summarised as follows:

Objections:

- Impact on traffic / highways:
 - Impact on infrastructure, especially when in conjunction with adjacent developments, what plans are there to accommodate additional traffic
 - Increase in heavy traffic along Coventry Lane / congestion at junctions / increase risk of accidents
 - Should have more than one point of access as vehicles from almost 500 homes would cause congestion
 - Site access must not be from east of site (Moor Lane)
 - Transport Assessment refers to tram and train services being nearby – but these are not within convenient, usable, distance to be considered a viable, sustainable, option
 - Existing roads in poor condition, additional traffic will worsen this
 - Disturbance to PRow during construction
 - Hickings Lane / Coventry Lane junction floods in heavy rain, situation would worsen with additional traffic
 - Increase in traffic would increase levels of pollution, to the detriment of new residents to the west of the site along Coventry Lane
 - Need to prioritise provision through and to of sustainable travel routes from the start for all non-vehicular traffic (e.g. cyclists, pedestrians, horse riders, disabled transport users) so as to promote sustainable modes of travel and ensure that appropriate and viable links are made to the existing routes, in order to ensure impact on existing highway is minimised
 - Too many parking spaces provided within the development; this sends out message that car use would be main method of travel
 - Need to consider traffic generated within the site from online shopping deliveries
 - Travel plan – future occupiers should be made to sign up to sustainable methods of travel right from the point of occupation and the developer should be responsible for monitoring this
- Drainage / flooding:
 - The site regularly floods particularly to south / southeast corner – concerns that the development would make this worse or the surface water / flooding would divert to the properties to the east

- Disagree with statement that the land is not at risk of flooding
- The proposed attenuation tank won't be able to hold enough water from the development
- Connections to existing drainage network should be from Coventry Lane and not connected to the network to the east (existing housing development)
- The attenuation tank and pumping station is proposed to be under the LEAP – concerns regarding safety of use of the LEAP (smells, contamination, subsidence)
- Loss of Green Space:
 - Should not build on Green Belt land
 - Land should not have been taken out of Green Belt
 - Loss of green space (visual amenity)
 - Loss of green space (recreational use / impact on community use)
 - Need green spaces to offset flooding
 - No green space or social space provided in the development
 - Loss of green space should be offset by providing more elsewhere – the new residents would need access to green space
 - Loss of playing pitches
 - Dispute the statement that the land is not in use – walkers and families use it
- Impact on infrastructure (non-highway)
 - No provision for additional amenities such as doctors, dentists, shops, and additional school places
 - No provision for public transport – concerns that it wouldn't be viable to operate a new route particularly in the long term
 - Bus stops external to the site are too far for any future elderly / disabled residents to easily get to
 - This alongside adjacent developments would result in increased demand for the above services, which cannot be met
 - Increase footfall to the area as a whole would have impact on nearby green spaces
 - Nearest shops too far away, would be reliant of private vehicles
 - A small convenience store should be included on site
- Visual Impact:
 - Lack of trees / green space along east and south boundary
 - If fence constructed on east boundary will make PRow dark and unwelcoming, as will allowing the hedging (as proposed) to grow to 4m in height
 - Design of properties don't reflect local area / existing architecture
 - Density of development too high
 - There is a substantial visual impact on the area and when viewed in conjunction with other development planned

- Pond is not functional and only there for visual impact – would not benefit wildlife as too busy an area
- Biodiversity / Ecology:
 - Should provide a wildlife corridor, preferably along the east boundary of the site
 - Major impact on local wildlife
 - Loss of wildlife including protected species (birds) present on the site
 - Loss of habitats – reference to nesting skylarks on the site
 - Lack of sufficient amount of Public Open Space on the site given amount of green space being lost
 - Ecology Assessment poor
 - Loss of trees would increase net CO2
 - South West corner (LWS) should be fenced off / left untouched, and not built on
 - Pond should be located in area where most surface water collects or within LWS
 - Insufficient mitigation for loss of habitats / wildlife
- Neighbour Amenity:
 - Noise during construction – should restrict hours of work
 - Noise from occupation
 - Potential noise impact from pumping station
 - Loss of privacy
 - Loss of light – dwelling height
 - Loss of light – proposed increase in height of hedge to 4m on east boundary
 - Air and dust pollution
 - Increase in activity in the area (footfall)
 - Concerns regarding height of dwellings
 - Sense of enclosure
- Sustainability:
 - Building more houses won't achieve Nottingham goal to be a net zero city
 - The developer is not going far enough to address sustainability e.g. solar panels, EVCP's etc
 - The use of gas fired combination boilers, as proposed, is not appropriate or sustainable given Government requirement for no more to be installed in the near future
- Other matters:
 - If revenue required, why not charge people to park at Bramcote Park
 - Density of the development is too high, looks crammed in
 - Should be making a more pleasant environment
 - This plus other sites will urbanise the village [of Bramcote]
 - Do not want to be one big sprawl of housing estates

- Would support smaller development with access from Coventry Lane
- There are previous mining works on the site – what protection is being made
- The proposal does not balance need for affordable housing against need for green space
- Increase in risk of burglary
- Path to school will be compromised
- Impact on houses prices of those currently overlooking the site
- Agree with providing housing but this should be affordable
- Proposed Exploratory Hole Location Plan incorrect on the north boundary
- No detail as to what the contents of the Section 106 would comprise (inference to improvements to transport infrastructure)
- Increase in height to hedge on eastern boundary would compromise users of the PRoW safety especially in hours of darkness
- Archaeology survey not thorough enough
- The Section 106 Agreement should secure the funding of sustainable travel infrastructure (cycle / pedestrian etc routes)
- Lack of consultation – lives nearby but not directly adjacent to the site
- Difficulty of accessing the information
- Neighbours should be informed of any proposed changes
- Air Quality – less habitat and more cars equals less oxygen
- Concerns regarding gas contamination from former mine works
- Application form says no new Public Rights of Way created when clearly there are (inc new access road)
- Should not have any new connections to the PRoW to the east
- LEAP should not be built over old mine shafts – danger to users through collapse
- Funding of the new secondary school should be via the Government and not through the sale of the land

Observations:

- Site access must not be from the east of the site
- Lack of consideration for / accommodation of cycle users and horse riders through the site
- Increase in traffic
- Concerns in respect of watercourse on Pimlico – would drainage divert to this
- The site floods – is there sufficient drainage proposed
- The development would result in loss of green space / recreational area
- Impact on infrastructure such as doctors and schools
- Potential harm to skylarks
- Detailed bird survey required
- Houses to north will be impacted from railway noise

- Housing should have more sustainable features
- There are no bungalows proposed
- Layout wrong way round – luxury houses nearer schools and cheaper / social housing toward railway
- A 3d drawing would help existing residents get a better idea of the development
- Need more detail in respect of boundary treatment to Moor Lane
- Should have more street trees throughout the development
- The play area should be more central to the development so as to become a community space and in easier reach of all, there is lack of surveillance over the play area, who will design this area and who will maintain it
- Lack of detail on the pond area – should be designed so as to be a wildlife haven in a way which is safe for children
- The layout should incorporate swales in the street network, which could benefit wildlife as well as dealing with surface water run-off

5.24 A total of 11 representations have been received following the receipt of amended plans in May 2023. All 11 were objections, raising comments included in the above and with the following additional points:

- No room for buses to turn
- Woods should be preserved
- Query as to what percentage of housing would be affordable
- Dwelling sizes very small – will result in poor quality of life for occupiers
- Should be wider buffer separating proposed from existing on east side
- Don't like name of development
- Arboricultural report not updated

5.25 Following the receipt of amended plans in August 2023, a further 11 comments were received. One letter was in support citing overwhelming need for new and affordable housing; and one with observations citing land has been stripped for investigative works so already loss of habitat. Most raised concerns already noted above; concerns not previously raised are as below:

- Bus stop locations should be reconsidered
- Play area should be relocated to the east of the site
- Lack of explanation re abbreviations on plan
- Too much hard surfacing to front of dwellings (parking)
- The affordable housing appears to be clumped together – will lead to lack of community cohesion
- Concern regarding choice of materials
- Lack of detail in terms of appearance for fencing
- Fencing should be designed with hedgehogs and other foraging animals in mind
- Should be an increased 'buffer' between housing and boundaries of site
- Should keep existing trees / shrubs on site and be protected
- More pedestrian access to perimeters of the site
- Query in respect of which houses would be terraced or choice of materials and other questions regarding house types

- Query in respect of numbers of overall occupancy figures
- Query regarding amount and effectiveness of PV panels to be installed and other sustainability measures
- Need for an Ecological Survey to be carried out prior to determination
- Concerns regarding reputation of house builder

6. Assessment

6.1 **Principle**

6.1.1 The application site is allocated land in the Part 2 Local Plan – Policy 3.3 Bramcote (east of Coventry Lane). The allocation is split into two parts; north and south, with the north part of the allocation including the application site and land currently occupied by the place of worship. The latter section of land is not included in the development site. The site is not allocated as being within the Green Belt.

6.1.2 Policy 3.3 requires development on this site to meet Key Development Requirements. Relevant to this application, the requirements are: provide 500 new homes [within the wider allocated site including the place of worship]; incorporate design measures to slow speed of traffic on Coventry Lane; provide safe pedestrian and cycling routes including crossing points on surrounding roads linking to the re-developed (secondary) school, development to the west side of Coventry Lane and to the Erewash Valley Trail; vehicular access to the site to be from Coventry Lane via a single junction which serves the allocated site to the west; enhance bus routes adjacent to or within the site; provide enhanced Green Infrastructure corridors linking urban areas to the east with Bramcote and Stapleford Hills, Bramcote Park, Boundary Brook, Pit Lane Wildlife Site, Nottingham Canal and Erewash Valley Trail; ensure any loss of the Local Wildlife Site land is mitigated / compensated at equivalent quality within close proximity to current location; school (secondary) re-development to be delivered in conjunction with or prior to housing development and no houses are to be occupied until the school is substantially complete.

6.1.3 Subject to the matters outlined below, the principle of residential development is acceptable.

6.2 **Layout, Scale and Massing**

6.2.1 The layout as amended shows a principal road entering the site from Coventry Lane, which will then form a loop within the site, with secondary streets leading off. The layout would be of a standard such that a bus route and stops can be accommodated, and which would allow for refuse vehicles to access and turn within the site. There would be some shared drives proposed, serving a maximum of 5 dwellings per drive. It is considered that the road layout follows the hierarchy required by the Highways Authority, that is, primary streets, secondary streets and quieter shared drives, the latter of which provide

opportunity for use by pedestrians, particularly in terms of providing outdoor play for children, without through traffic.

- 6.2.2 The layout of the site would also help to promote sustainable modes of transport by providing non-vehicular links through the site connecting to the bridle way to the east and onwards to facilities such as health and education, and to the west, to connect to existing cycle routes. The non-vehicular routes would also encourage and enable the use of sustainable modes of travel to nearby public spaces and walking routes such as to Stapleford Hill, Bramcote Park and Nottingham Canal. The site is also within convenient distance to facilities such as small retail outlets nearby, which can easily be reached by walking or cycling.
- 6.2.3 The scale and massing of the development, at two and two and a half storeys, is considered to be acceptable given the context of the site, and the character of existing dwellings to the east and approved developments to the west. Dwellings would be orientated such so as to provide overlooking of public roads and open space, and would be positioned so as to provide adequate distance between each dwelling, to avoid overlooking or overshadowing. The site, whilst visible from Coventry Lane, would in part be screened by hedging and trees on the west boundary, which form part of the public highway. It is considered that the development would not have a detrimental impact on the wider landscape and views toward Bramcote Ridge from Coventry Lane.
- 6.2.4 Within the site a children's play area, green corridor running east - west and a pond would be provided in order to create a site with its own character, and to provide an attractive setting both within and into the site.
- 6.2.5 Details of materials, enclosures, bin storage, cycle storage, play equipment and hard and soft landscaping would be secured by condition to ensure that the overall visual appearance creates an attractive development whilst ensuring privacy and safety.
- 6.2.6 A Building for a Healthy Life Assessment (formerly Building for Life 12) has been submitted. This indicates 7 green and 5 amber scores however on officer assessment and subject to conditions this could be assessed more generously, with the weaker areas being memorable character (in terms of house type design), lack of features such as brooks and ponds, and boundary treatments, however given the features on site would be difficult for the developer to replicate, it is considered that overall the BHL score is good.

6.3 Design of Housing

- 6.3.1 The housing would be of traditional appearance being built of brick with tile, and having gable roofs. It is considered that there would be a good variation of house types in order to provide visual interest within the street scene. The brick choice would be mainly red brick, with some dwellings of brown brick, and the

tiles would be grey or brown. Areas of feature render would be introduced to the Miller Housing. The dwellings would have architectural features such as gable roofs over entrance doors, and soldier courses between each storey. It is considered that the design of the housing, subject to details and samples of materials which would be secured by condition, is acceptable.

6.3.2 Whilst no bungalows (raised as a comment through consultation) would be proposed, a proportion of the dwellings would be adaptable for use by persons with disabilities or as the occupiers age, and would be compliant with Building Regulations in respect of accessibility.

6.3.3 Affordable housing proposed on the site equates to 30%, as required by Policy 15 of the P2LP. The housing, which would be of the same external design as the equivalent market housing proposed, would be located throughout the site alongside market housing, to ensure assimilation between differing types of tenure. To ensure the delivery of the affordable housing, this will be secured as part of the Section 106.

6.3.4 In respect of energy efficiency of the development, where possible dwellings would be fitted with solar panels and every dwelling would have access to an Electric Vehicle Charging Point (EVC point). The dwellings would be constructed so as to achieve a 10% carbon reduction and would be in accordance with building regulations requirements.

6.4 **Amenity**

6.4.1 Concerns in respect of impact on the amenity of existing dwellings, to the east in particular, have been addressed following the receipt of amended plans. Most dwellings proposed along the east side of the site, with the exception of three which are side on, would front on to the bridle way, and would have roads and a landscape strip between the dwellings and the east boundary of the site. This has enabled a minimum distance of 20m to be achieved (these being from dwellings which are side on to existing), and as such it is considered that the development, as amended, would not result in significant detrimental impact on neighbour amenity.

6.4.2 In regard to the amenity of future occupiers, all dwellings would have access to private gardens proportionate to the size of the dwelling, and would have access to natural light and an outlook from all habitable rooms.

6.4.3 All but one dwelling type would meet the Nationally Described Space Standards in terms of internal space and whilst one house type does not technically meet the standard, it is considered that this dwelling could still provide an adequate standard of accommodation without detriment to the intended occupiers, if occupied by a minimum number.

6.4.4 A Health Impact Assessment has been carried out and submitted by the developer. It is considered that whilst matters pertaining to increase in traffic generation (air quality) and access to healthcare / other infrastructure are weaker points, overall the development has the potential to encourage sustainable methods of transport, through provision of electric vehicle charging points, and walking, cycling and public transport options which would give access to the wider area in terms of open space, leisure and other facilities. As such it is considered that the development would not result in a significant detrimental impact on health for the future occupiers, or for existing nearby occupiers.

6.5 Access and Highways

6.5.1 Within the site, concerns were initially raised in respect of parking spaces and conflict with other road users during manoeuvres, and measures to reduce speed. This has now been addressed and as such it is considered that the site has been designed so as to enable safe use and access by buses and larger refuse vehicles can be achieved within the site.

6.5.2 There is a bridleway (PRoW) to the east of the site, outside the site boundary. This would be retained and new non-vehicular paths would be provided within the site to connect to the bridleway, and would continue through and across the site to encourage sustainable methods of transport and would connect to the proposed play area, by way of an east / west green corridor. Improved cycling facilities along Coventry Lane, connecting to the site, are proposed.

6.5.3 A scheme, in the form of a Travel Plan, to ensure all residents, upon first occupation, would have access to free bus passes as well as access to cycle maintenance opportunities and training; and a requirement to include details of bus stops and associated infrastructure, both secured by condition, as well as a financial contribution toward provision of a bus service and toward sustainable transport measures, secured by way of a Section 106 Agreement, would, along with provision of non-vehicular links, ensure that the development would contribute to promoting less reliance on the private motor vehicle and as a result, minimise impact on the capacity of the public highway.

6.5.4 Conditions are recommended in respect of ensuring bus stops and associated infrastructure both within and outside of the site (on Coventry Lane) are provided in order to ensure the development can be served by any future bus service, thereby promoting the use of sustainable transport.

6.5.5 In order to ensure disruption is minimised during the development and construction stage, a condition to secure details of a Construction Method Statement prior to commencement would be imposed should planning permission be granted.

6.5.6 In respect of impact on the wider highway, the proposed development would be required to provide an access to the site via a new traffic signalled junction which would also serve the recently granted permissions to the west of Coventry Lane. Indicative plans have been submitted and are considered satisfactory.

6.5.7 National Highways have raised concerns in respect of the cumulative impact of the development upon the wider network, which is already over capacity. The agent has worked with National Highways and whilst it has not been possible to fully address the impact on the wider network due to the inherent design of the Bramcote Island, which cannot be improved, measures such as the introduction of a Travel Plan, which can be secured by condition and would be monitored for a minimum of 5 years, would reduce any impact to a minimum. National Highways have confirmed that they are satisfied and raise no objection.

6.6 Ecology and Biodiversity, including Biodiversity Net Gain

6.6.1 There are trees forming the perimeter of the site. Approximately two thirds of the site is grassed, albeit overgrown, being formerly school playing fields. The south west part of the site is a Local Wildlife Site (Bramcote Moor Grassland LWS), designated as such due to its mosaic of habitats which include acid grassland; scrub; wet grassland; tussocky grassland and a small pond. This site as a whole also forms part of a secondary corridor and the Nottingham Canal Corridor, and as such the overall ecological value of the site extends beyond the LWS site boundary.

6.6.2 Whilst it is acknowledged that the LWS part of the site is included in the allocation as part of Policy 3.3 of the Broxtowe Part 2 Local Plan, a Key Development Requirement of that policy requires any loss of the LWS to be mitigated / compensated at the equivalent quality with close proximity of the site; and, additionally, that any development should provide enhanced Green Infrastructure Corridors linking urban areas of Nottingham to the east with Bramcote and Stapleford Hills, Bramcote Park, Boundary Brook, Pit Lane Wildlife Site, Nottingham Canal and Erewash Valley Trail in the west. It should be noted that whilst this area is designated as a LWS, the Local Plan acknowledges that following a review by the Nottinghamshire Biological and Geological Records Centre, carried out as part of the Local Plan adoption process, the area of qualifying interest is confined to the very south western corner of the LWS (approximately 0.7 hectare) and as such it is this part of the LWS only which needs to be mitigated or compensated for.

6.6.3 As indicated on the layout plan, this area would not be developed and would remain as part of the open space / natural area of the site.

- 6.6.4 Notwithstanding the above, the loss of habitat within the site, as well as impact on any fauna dependent on or visiting the site would need to be thoroughly assessed through the submission of an Ecological Impact Assessment. The submitted EclA has been agreed in principle with Notts Wildlife Trust subject to conditions in respect of a Landscape Ecology Management Plan (LEMP) and a Construction Environmental Management Plan (CEMP), and subject to a further survey to ensure no badgers on site, prior to commencement.
- 6.6.5 From January 2024 applications made valid for all major developments would be required to demonstrate that, where habitat would be impacted as a result of the development, a Biodiversity Net Gain of a minimum 10% can be achieved either elsewhere on the site, off-site on land that the developer owns or has control over (and which should be as close to the site as possible), or, as a last resort, by way of credits brought from the Government who will invest in habitat creation elsewhere in England. As the application was received prior to the introduction of the BNG requirements, and as such not yet a statutory requirement and / or supported by Local Plan Policy, the developer does not have a statutory obligation to provide BNG of 30%. As a Biodiversity Net Gain could not be achieved on-site, a financial contribution should be paid to the Council in lieu of this so that enhancements can be secured on nearby sites. It is considered that securing off site biodiversity enhancements in this way would meet the requirement of Policy 17 of the P2LP.
- 6.6.6 Biodiversity and ecology enhancements would be in the form of green corridors running both east / west and north / south through the site; retention and enhancement of the existing pond; retention of the south west corner of the LWS; and offsetting loss by way of a financial contribution to the Council to secure enhancement of habitat and assets on Council managed sites adjacent or close to the site which could include the Quarry site to the south, Nottingham Canal, Stapleford Woods, Bramcote Park, Crow Hill, and / or Pit Lane Nature Reserve. The management and maintenance of the ecological enhancements and mitigation on-site would be secured by way of a Section 106 Agreement.

6.7 Pollution and Coal Mining Risk

- 6.7.1 In respect of Coal Mining Risk, the site layout has been designed in order to ensure that the built development, other than hard surfaced areas, avoid plotted coal mining shafts within the site. The Coal Authority would require details of remediation / mitigation works, and confirmation that site, including location of LEAP, has been made safe prior to occupation / first use, which would be secured by condition.
- 6.7.2 In respect of potential contamination of the site, the Environmental Health officer raises no objections subject to details of an investigative survey to be secured by pre-commencement condition.

- 6.7.3 A noise assessment has been submitted, the contents of which are accepted and which need to be implemented in accordance with the assessment. This would be secured by condition, and would ensure that the health and safety of future occupiers is safeguarded. In regard to noise and disturbance during construction, and in order to safeguard residential amenity of the occupiers of neighbouring properties, details would need to be submitted and agreed in respect of building methods, hours of construction, and a Construction Method Statement. In addition, a note to applicant regarding burning of waste on site would be included.

6.8 Drainage / Flood Risk

- 6.8.1 The site is in Flood Zone 1 although it is acknowledged that small areas of the site to the north west and eastern boundaries are subject to surface water flooding.
- 6.8.2 The Drainage Strategy Statement, submitted as part of the application, states that the surface water disposal strategy would be to discharge surface water, in order of priority, to a soakaway / infiltration system; local watercourse; public surface water sewer / highway drain; public combined sewer. Included as part of the site layout is a pumping station sited under the open space, the details of any above ground equipment will be secured by condition. Notwithstanding these details, the County Council, as Lead Local Flood Authority, raises no objection to the scheme subject to prior approval of a surface water drainage strategy. This would be secured by condition so as to ensure that surface water on the site would be managed and disposed of appropriately and would not increase risk of surface flooding either on the site or to neighbouring properties outside the site, particularly those to the east.

6.9 Archaeology

- 6.9.1 Due to the presence of historic mining activity on the site, which could include nationally important early post-Mediaeval bell pits and shafts, there is a need to undertake a desk based assessment prior to determination of the application.
- 6.9.2 Following receipt of additional information and discussions with the County Council Archaeological Officer, recommendation to condition details of a programme of works and scheme of investigation be submitted and approved pre-commencement would be deemed acceptable and would safeguard any potential non-designated heritage assets that may be present on the site.

6.10 Developer Contributions

- 6.10.1 Financial contributions are sought in respect of provision of sustainable transport measures (£1000 per dwelling), allocated toward aspiration of providing strategic cycling route along Coventry Lane; contribution of £15,000 toward monitoring of the Travel Plan; contribution toward maintenance and

management of nearby public open space (£708.82 per dwelling based on Open Space figures 2022); contribution toward biodiversity and habitat enhancements including management of at nearby Council managed habitats (£817,287.70); provision of bus service (£525,000); education – secondary, post 16 and SEND (£1,969,050, £367,556 and £180,644 respectively); library stock at Stapleford Library (£16,561); and enhanced capacity / infrastructure at nearby GP practices (£254,681.25).

6.10.2 In respect of education, the County Council state that there would be a need for secondary, post 16 and SEND provision at nearby schools. As the purpose of the sale of the land is to fund the building of a new secondary / post 16 school at Bramcote College, which already has planning permission (reference 22/00740/FUL), and that the delivery of the school is required to be delivered in conjunction with or prior to the residential development as a Key Development Requirement of Policy 3.3, it is considered that the request for a financial contribution to the provision of additional school places is unreasonable as it would render the scheme unviable, and would undermine the delivery of the scheme, jeopardising the delivery of the new replacement school. It is noted that the new school would, once built, provide 950 places overall (750 11 to 16 and 200 post 16), which is an increase of 150 places compared to the existing capacity.

6.10.3 The affordable housing proposed to be delivered on site would be secured as part of the Section 106 Agreement.

6.10.4 As the developer would be responsible for the management and maintenance of open space within the site, including play equipment, the financial contribution would not be requested, however a management and maintenance scheme would be secured as part of the Section 106. The request for a financial contribution toward infrastructure improvements at Stapleford Hill and Bramcote Hills Park, recommended by the Parks and Green Spaces Team, would not be pursued as it is considered unreasonable, given that this was not requested as part of the nearby recently permitted developments to the west of Coventry Lane, and Field Farm, and furthermore could render the scheme unviable if it were to form part of the Section 106.

6.11 Other Matters

6.11.1 Several matters have been raised as part of the consultation process which include: raising revenue by charging people to park at Bramcote Park (in lieu of developing the site); increased risk of burglary through allowing residential development; impact on house prices adjacent to site; inconsistency on plan in respect of exploratory holes; funding of school via government not through sale of land. These are matters which are not considered to be material to the assessment of the application.

6.11.2 Other matters raised such as inconsistency in information on plan, lack of consultation, difficulty of accessing the information and location of 'cheaper' / social housing nearer to noise sources such as the railway can be responded to as follows: information such as location of exploratory holes on plan or creation of public rights of way have been assessed by the relevant technical authority who have responded appropriately and where necessary information clarified; in respect of lack of consultation, site notices have been displayed at the site at the start of the consultation period and each time amended plans received, and all adjacent occupiers were also notified. It can be seen from the amount of responses received that the level of consultation was extensive and that the LPA carried out and indeed exceeded their statutory obligations in respect of consultations; details of the application were made publically available on the Broxtowe Borough Council website and, should there be any difficulty in understanding or interpreting the plans and information, contact can be made with the case officer or the duty planning officer; proposed 'name' of the development – this would be for the developer to decide how to market the new development and what to call it; locating 'luxury' housing nearer schools and 'cheaper / affordable' housing nearer to the railway would fail to achieve a coherent and community based approach to development and would disadvantage some occupiers.

7. Planning Balance

7.1 The development would result in a loss of part of the Local Wildlife Site and have an impact on biodiversity and ecology. The development would also have an impact in terms of traffic generation. These matters carry significant weight. The site is allocated in the Part 2 Local Plan for residential development, subject to the prior delivery of a secondary school, and mitigation for the loss of the LWS. The development would achieve both these key development requirements. The development would deliver a wide range of housing, including the delivery of 30% Affordable Housing to be provided on site. These matters carry significant weight, and, subject to compliance with conditions listed below, and securement of financial contributions and ecology enhancements set out in the Section 106, it is considered that overall the development would outweigh any negative impacts.

8. Conclusion

8.1 It is recommended that conditional planning permission be granted subject to the conditions below and the prior signing of a S106 Agreement.

Recommendation

The Committee is asked to RESOLVE that planning permission be refused/granted subject to the following conditions.

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| 1. | <p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p> |
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| 2. | <p>The development hereby permitted shall be carried out in accordance with drawings numbered:</p> <ul style="list-style-type: none"> • 47039/001 REV A - Proposed Exploratory Hole Location • 47039/002 REV A - Proposed Exploratory Hole Location <p>Received by the Local Planning Authority on 05.12.22</p> <p>Boundary treatments:</p> <ul style="list-style-type: none"> • SD 12-045 - Hedgehog Highway Standard Design • SD 12-001 – Boundary Treatment • SD 12-010 – Boundary Treatment • SD 12-025 – Boundary Treatment • Q9229 – Play Equipment <p>Received by the Local Planning Authority on 28.04.23</p> <ul style="list-style-type: none"> • 500-005 – Single Gable Front Garage • 502-006 – Double Side Gable Garage • 503-006 – Double Hipped Garage • 506-006 – Jack and Jill Hipped Garage <p>Received by the Local Planning Authority on 02.05.23</p> <p>House types:</p> <ul style="list-style-type: none"> • APP/0-001 REV A • APP/0-002 REV A • ASK/END/0-001.5 REV A • ASK/END/0-002.5 REV A • ASK/MID/0-001.5 REV A • ASK/MID/0-002.5 REV A • BAI/0-001 REV A (END) • BAI/0-002 REV A (END) • BAI/0-001 REV A (MID) • BAI/0-002 REV A (MID) • BIL/0-001 REV A • BIL/0-002 REV 2 • COO/0-001.5 REV A • COO/0-002.5 REV A • COV/0-001 REV A • COV/0-002-REV A • DAL/0-001 REV A • DAL/0-002 REV A • DAR/0-001.5 REV A • DAR/0-002.5 REV A • EAS/END/0-001.5 REV A • EAS/END/0-002.5 REV A • EAS/MID/0-001.5 REV A |
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- EAS/MID/0-002.5 REV A
- FER/END/0-001.5 REV A
- FER/END/0-002.5 REV A
- HOR/0-001 REV A
- HOR/0-002 REV A
- LEY/DET/0-001 REV A
- LEY/DET/0-002 REV A
- OAK/0-001 REV A
- OAK/0-002 REV A
- RIP/END/0-001.5 REV A
- RIP/END/0-002.5 REV A
- SAL/END/0-001.5 REV A
- SAL/END/0.002.5 REV A
- THO/DET/0-001.5 REV A
- THO/DET/0-002.5 REV A
- B3/0.001 REV A (END)
- B3/0.002 REV A (END)
- B3/0-001 REV A (MID)
- B3/0-002 REV A (MID)
- E2.1/END/0-001.5 REV A
- E2.1/END/0-002.5 REV A
- E2.1/MID/0-001.5 REV A
- E2.1/MID/0-002.5 REV A
- MILLER HOMES HOUSE TYPE PACK

Received by the Local Planning Authority on 18.08.23

- 6220-261 (Boundary treatment plan)
- NC1v-004 REV 1.1 (substation details)
- SD 12-027 (Timber knee rail)

Received by the Local Planning Authority on 01.09.23

Detailed landscaping proposals:

- 3942/6 REV A
- 3942/7 REV A
- 3942/8 REV A
- 3942/9 REV A
- 3942/10 REV A
- 3942/11 REV A

Received by the Local Planning Authority on 08.09.23

- 6220-201 REV D (Site Layout)
- 6220-290 REV B (Tracking Plan)

Received by the Local Planning Authority on 20.09.23

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| | <ul style="list-style-type: none"> • ADC2733-DR-001 REV P5 (Off-site Highway works) <p>Received by the Local Planning Authority on 25.09.23</p> <ul style="list-style-type: none"> • 6220-270 Rev A - Bus Stop Distribution Plan • 6220-280 Rev B - Ecological Mitigation Plan • 6220-250 Rev B - Materials Layout • 6220-260 Rev C – Boundary Treatment • BRAM/PL003 REV B - Materials Plan • BRAM/PL/004 REV A - Boundary Treatment <p>Received by the Local Planning Authority on 04.10.23</p> <ul style="list-style-type: none"> • 6220-220 Rev A – Site Sections <p>Received by the Local Planning Authority on 10.10.23</p> <p>In addition to the above, the development as hereby approved shall be phased in accordance with the details shown on drawing number 6220-201 Rev D (site layout), unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: For the avoidance of doubt.</i></p> |
| 3. | <p>(a) No part of the development hereby approved within a phase, (excluding the carrying out of any site investigation and/or remediation works) shall be commenced until an investigative survey of the phase has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>(b) No building within a phase to be erected pursuant to this permission shall be first occupied or brought into use until:</p> <p>i) all the necessary remedial measures for that phase have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and</p> <p>ii) it has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures for that phase have been implemented in full and that they have rendered the phase free from risk to human health from the contaminants</p> |

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| | <p>identified, unless an alternative has first been approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i></p> |
| 4. | <p>The development hereby permitted within a phase shall not be commenced (excluding the carrying out of any site investigation and/or remediation works) until:</p> <p>a) any remediation works and/or mitigation measures to address the mine entries and the shallow coal mine workings, as may be necessary, have been implemented within a phase in full in order to ensure that the site within that phase is safe and stable for the development proposed.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i></p> |
| 5. | <p>The development hereby permitted shall not be commenced within a phase (excluding the carrying out of any site investigation and/or remediation works) until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme for that phase shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <ul style="list-style-type: none"> • Demonstrate that the development will use SuDS throughout the phase as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169. • Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area within that phase. • Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme for that phase, including details on |

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| | <p>any attenuation system, the outfall arrangements and any private drainage assets within that phase.</p> <p>Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.</p> <ul style="list-style-type: none"> ○ No surcharge shown in a 1 in 1 year. ○ No flooding shown in a 1 in 30 year. ○ For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm. <ul style="list-style-type: none"> ● Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from that phase. ● Provide a surface water management plan for that phase demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site. ● Evidence of how the on-site surface water drainage systems for that phase shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness. <p><i>Reason: To ensure the development is in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of Broxtowe Part 2 Local Plan (2019).</i></p> |
| 6. | <p>No above ground works shall be commenced within a phase until details including samples of all external materials for that phase have first been submitted to and approved in writing. The development shall thereafter be carried out in accordance with the approved details.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p> |
| 7. | <p>The development hereby permitted shall not be commenced within a phase, (excluding the carrying out of any site investigation and/or remediation works) until details of any necessary piling or other penetrative foundation design for that phase have been submitted to and approved in writing by the</p> |

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| | <p>Local Planning Authority including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i></p> |
| 8. | <p>The development hereby permitted shall not be commenced within a phase (excluding the carrying out of any site investigation and/or remediation works) until details of a Construction Method Statement for that phase shall have been submitted to and approved in writing by the Local Planning Authority. The statement shall include:</p> <ul style="list-style-type: none"> a) The means of access and routing to / from the site for construction traffic; b) Parking provision for site operatives and visitors; c) The loading and unloading of plant and materials including details of hours of loading / unloading; d) The storage of plant and materials used in construction of the development; e) A scheme for the recycling / disposal of waste resulting from construction / development works; f) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; g) Details of dust and noise suppression to be used during the construction period; h) Full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence: and i) Details, where vibro-compaction machinery is to be used, of the use of such machinery and a method statement <p>The approved statement shall be adhered to throughout the construction / demolition period.</p> <p><i>Reason: In the interests of highway and rail safety, and residential amenity, in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p> |
| 9. | <p>No development (excluding the carrying out of any site investigation and/or remediation works) within a phase shall take place until a programme of archaeological work within a phase has been secured, in accordance with an approved Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The Written Scheme of Investigation shall include a programme for the</p> |

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| | <p>archaeological investigation and recording (including extant earthworks) of all significant remains across that phase with provision for post-excavation analysis, reporting and publication proportionate to the significance of the remains. The scheme shall thereafter be implemented in full accordance with the approved details.</p> <p><i>Reason: In order to safeguard potential designated and non-designated heritage assets in accordance with Policy 11 of the Broxtowe Aligned Core Strategy (2014), and Policy 23 of the Broxtowe Part 2 Local Plan (2019).</i></p> |
| 10. | <p>No development within Phase 1 (excluding the carrying out of any site investigation and/or remediation works) shall take place until details of any above ground works associated with the pump station including elevations and plans of above ground structures, and any enclosures have first been submitted to and approved in writing by the Local Planning authority. The approved details shall be carried out in accordance with the agreed details.</p> <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p> |
| 11. | <p>No above ground works shall take place within a phase until a landscaping scheme for that phase has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) measures for the protection of any trees, hedges and shrubs to be retained during the course of development (b) proposed boundary treatments including to public spaces including retained pond, public highways, and railway boundaries (c) proposed external lighting details (other than to the public highway / adopted roads) (d) enclosures pertaining to bin collection points where outwith dwelling curtilage <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe</i></p> |

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| | <i>Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).</i> |
| 12. | <p>No above ground works shall take place until details of play equipment to be provided within the site has been submitted to and approved by the Local Planning Authority. This scheme shall include the following and shall thereafter be provided in accordance with the approved details:</p> <ul style="list-style-type: none"> a) Appearance, position and location of the play equipment which shall include provision for accessible equipment and surfacing; b) Access and boundary treatments; and c) Timetable for delivery of the play area and associated equipment. <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p> |
| 13. | <p>No above ground works shall take place within a phase until details of solar panels for that phase, including design, appearance and location, have been submitted to and approved by the Local Planning Authority. The solar panels shall thereafter be installed in accordance with the approved details prior to first occupation.</p> <p><i>Reason: In the interests of addressing climate change, in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p> |
| 14. | <p>Prior to the commencement of the development including any site investigation or land clearance works, a Landscape Ecological Management Plan (LEMP) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved LEMP.</p> <p><i>Reason: In the interests of ensuring that biodiversity enhancements can be achieved, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p> |
| 15. | <p>Prior to the commencement of the development within a phase including any site investigation or land clearance works, a detailed Construction and Environmental Management Plan (CEMP) for that phase shall be submitted to and approved by the</p> |

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| | <p>Local Planning Authority. The Construction and Environmental Management Plan shall contain mitigation measures to ensure the protection of wildlife on the site. The development shall be implemented in accordance with the approved CEMP.</p> <p><i>Reason: In the interests of protecting existing environmental features and habitats during the construction period, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p> |
| 16. | <p>Prior to the commencement of the development, a badger survey shall first be carried out and the results submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of safeguarding protected species, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p> |
| 17. | <p>Prior to first occupation of the development within a phase, or the development within a phase being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the phase is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary for that phase to address the risks posed by the recorded mine entry.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i></p> |
| 18. | <p>No part of the development hereby permitted shall be brought into use unless or until plans denoting the location of two new bus stops located on Coventry Lane fronting the development to the south of the access junction have been submitted to and approved in writing by the Local Planning Authority. Details of the bus stops should include: real time bus stop poles and displays; low voltage power source to within 1 metre of the real time information pole; polycarbonate bus shelter; solar or electric lighting; raised boarding kerbs; hardstands and enforceable bus stop clearways, and a timetable for installation. The infrastructure shall be carried out in accordance with the approved details.</p> <p><i>Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core</i></p> |

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| | <i>Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).</i> |
| 19. | <p>No part of the development hereby permitted shall be brought into use unless or until plans denoting the location of two new pairs of bus stops (four in total) within the site including two safeguarded bus stop locations within the site to facilitate the counter direction operation and two stops with infrastructure to facilitate single direction working have been submitted to and approved in writing by the Local Planning Authority. Details of the bus stops should include: real time bus stop poles and displays; low voltage power source to within 1 metre of the real time information pole; polycarbonate bus shelter; solar or electric lighting; raised boarding kerbs; hardstands and enforceable bus stop clearways, and a timetable for installation. The infrastructure shall be carried out in accordance with the approved details.</p> <p><i>Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).</i></p> |
| 20. | <p>No dwelling shall be occupied until the off-site highway works relating to the site access, and no more than 50 dwellings shall be occupied until the associated highway improvements including improved cycle lanes shown indicatively on drawing reference ADC2733-DR-001 revision P5 received 25.09.23 have been provided.</p> <p><i>Reason: In the interests of highway safety in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p> |
| 21. | <p>No dwelling shall be occupied until the boundary enclosure, parking and access pertinent to that dwelling have first been provided in accordance with the approved details. Parking bays shall be surfaced in a material other than loose gravel for a minimum of 5 metres behind the highway boundary, and shall be constructed so as to prevent the discharge of surface water to the public highway and retained as such for the lifetime of the development.</p> <p><i>In the interests of the appearance of the area and to ensure highway safety and in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p> |
| 22. | No dwelling shall be occupied until the noise mitigation measures as approved under BWB ref 220488-003 for that dwelling have |

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| | <p>been installed, and shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i></p> |
| 23. | <p>No dwelling shall be occupied until an Electric Vehicle Charging point for that dwelling has first been provided and made operational.</p> <p><i>Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).</i></p> |
| 24. | <p>No more than 10% dwellings within a phase shall be occupied until a travel plan co-ordinator has been appointed for that phase. The travel plan co-ordinator shall then be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan, and whose details of shall be submitted to the Local Planning Authority. The travel plan co-ordinator shall thereafter remain in place for a minimum period of 5 years to perform this role, with any changes in details to be submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).</i></p> |
| 25. | <p>The revised Travel Plan (reference ADC2773-RP-D received 04.10.23) shall be implemented and monitoring carried out in accordance with the approved details contained within the Travel Plan.</p> <p><i>Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).</i></p> |
| 26. | <p>If, during development, contamination not previously identified is found to be present at within a phase then no further development (unless otherwise agreed in writing with the local planning authority) within a phase shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning</p> |

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| | <p>authority. The remediation strategy shall be implemented as approved.</p> <p><i>Reason: In the interests of public health and safety as well as prevention of contamination to the water system and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policies 1 and 19 of the Broxtowe Local Plan Part 2 (2019).</i></p> |
| 27. | <p>No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08.00 – 18.00 Monday to Friday, 08.00-13.00 Saturdays and at no time on Sundays or Bank / Public Holidays.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i></p> |
| 28. | <p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the buildings within a phase, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: In the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p> |
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| | NOTES TO APPLICANT |
| 1. | The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale. |
| 2. | As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required. |

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| 3. | <p>The County Council Public Rights of Way team advise:</p> <ul style="list-style-type: none"> • There should be no disturbance to the surface of the paths without prior authorisation from the Rights of Way team. • If the Public Right of Way is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles. • If a structure is to be built adjacent to the paths, the width of the right of way is not to be encroached upon. • Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of Way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed. • The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line, ensuring that it is cut back so as not to interfere with the right of way. • Should scaffolding be required on or over the RoW then the applicant should apply for a license via email licences@viaem.co.uk and ensure that the scaffold is constructed so as to allow the public use without interruption. If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), via email countryside.access@nottsc.gov.uk <p>If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit and also ensure that the RoW can still be accessed appropriately by the users permitted by its status e.g. equestrians if on a bridleway, motorised vehicles if on a byway open to all traffic.</p> |
| 4. | <p>The Council's Waste and Refuse team advise:</p> <ul style="list-style-type: none"> • Developer to purchase the first time provision of bins. Notice served in due course. • Each property would be allocated the following: |

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| | <ul style="list-style-type: none"> • 1 x 240 litre bin for residual waste • 1 x 240 litre bin for recycling waste • 1 x 37 litre bag for glass • The size of a 240 litre bin is 1074mm (h) x 580mm (w) x 734mm (d) • Bins need to be presented at the edge of adopted highway for emptying or within 15m of the adopted highway in accordance with BS5906 for properties on private roads • The layout in the design and access statement appears to show some roads servicing properties are unadopted. The refuse vehicle and operatives will not enter these roads to collect, empty and return bins • The road needs to be wide enough to accommodate the access and maneuvering of a vehicle with the attached specification |
| 5. | <p>The Environment Agency advise:</p> <p>The proposed development is located on or within 250 metres of a landfill site that is potentially producing landfill gas.</p> <p>Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance.</p> <p>The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.</p> <p>Under the conditions of the environmental permit for the landfill, the operator is required to monitor for sub-surface migration of landfill gas from the site. An examination of our records of this monitoring show that there is no previous evidence of landfill gas migration from the site that could affect the proposed development. This environmental monitoring data from the site is available on our public register. The following publications provide further advice on the risks from landfill gas and ways of managing these:</p> <ul style="list-style-type: none"> • Waste Management Paper No 27 • Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas' • Building Research Establishment guidance – BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001 |

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| | <ul style="list-style-type: none"> • Building Research Establishment guidance – BR 212 ‘Construction of new buildings on gas-contaminated land’ 1991 • CIRIA Guidance – C665 ‘Assessing risks posed by hazardous ground gases to buildings’ 200 |
| 6. | <p>The Coal Authority advise:</p> <p>The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.</p> <p>The undertaking of remedial measures, prior to the commencement of the development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.</p> <p>Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority’s website at: https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property</p> <p>Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</p> |
| 7. | <p>Network Rail advise:</p> <p><u>Wayleaves and or easements for underline drainage assets:</u></p> |

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area:

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site.

Please contact Asset Protection (assetprotectioneastern@networkrail.co.uk) for further information and assistance.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following: crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the

normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

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| | <p><u>Two Metre Boundary</u> Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.</p> <p><u>ENCROACHMENT</u> The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land they must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.</p> <p><u>Access to the Railway</u> All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.</p> |
| 8. | Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier. |
| 9. | The Travel Plan coordinator shall commission travel surveys and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar method to be approved after the first, third, and fifth year after 50% occupation, and produce monitoring reports at intervals as required by the Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data |

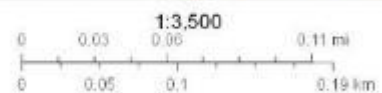
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| | collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met, including implementation dates to be approved in writing by the Local Planning Authority. |
| 10. | <p>Nottinghamshire County Council as Highway Authority advise:</p> <ol style="list-style-type: none"> 1) Nottinghamshire County Council operates the Advanced Payments Code as set out in sections 219 to 225 Highways Act 1980 (as amended). Payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, and /or to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible after Planning Permission is granted. <p>Correspondence with Highway Authority should be addressed to: hdc.south@nottsc.gov.uk</p> <ol style="list-style-type: none"> 2) The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority the new roads and any highway drainage will be required to be provided in accordance with Highway Development Control's requirements for Nottinghamshire County Council as highway authority. The guidance can be found at: www.nottinghamshire.gov.uk/transport/roads/highway-design-guide 3) 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 by installing wheel washing facilities on site. 4) In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact hdc.south@nottsc.gov.uk for details. |

Site Plan

Land East of Coventry Lane, Bramcote, Notts



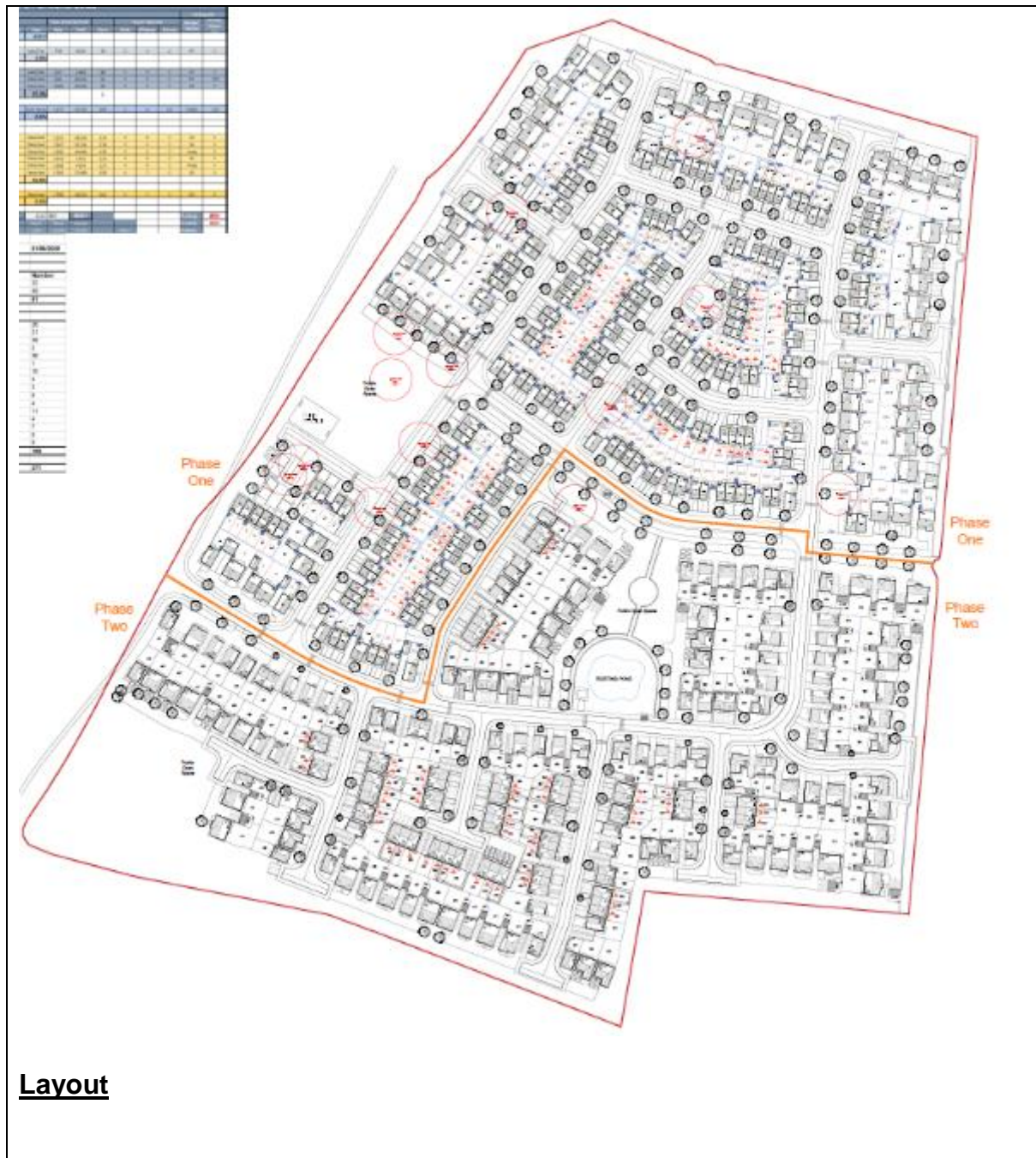
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| Green Infrastructure Corridor | Local Nature Reserves |
| Open Spaces | Local Wildlife Site |
| Coal Referral Area | Public Rights of Way |
| Green Belt | Byway open to all traffic |
| | Bridleway |

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Plans (not to scale)





Indicative impression of street scene



Indicative impression of east west green corridor street scene



Front Elevation
1 : 100



Left Side Elevation
1 : 100



Rear Elevation
1 : 100



Right Side Elevation
1 : 100

Example of 4 bed detached property (Avant)



Front Elevation
1 : 100



Left Side Elevation
1 : 100



Rear Elevation
1 : 100

Example 2 bed end terrace or semi property (Avant)



Example two bed semi (Miller Homes)



Example four bed detached (Miller Homes)



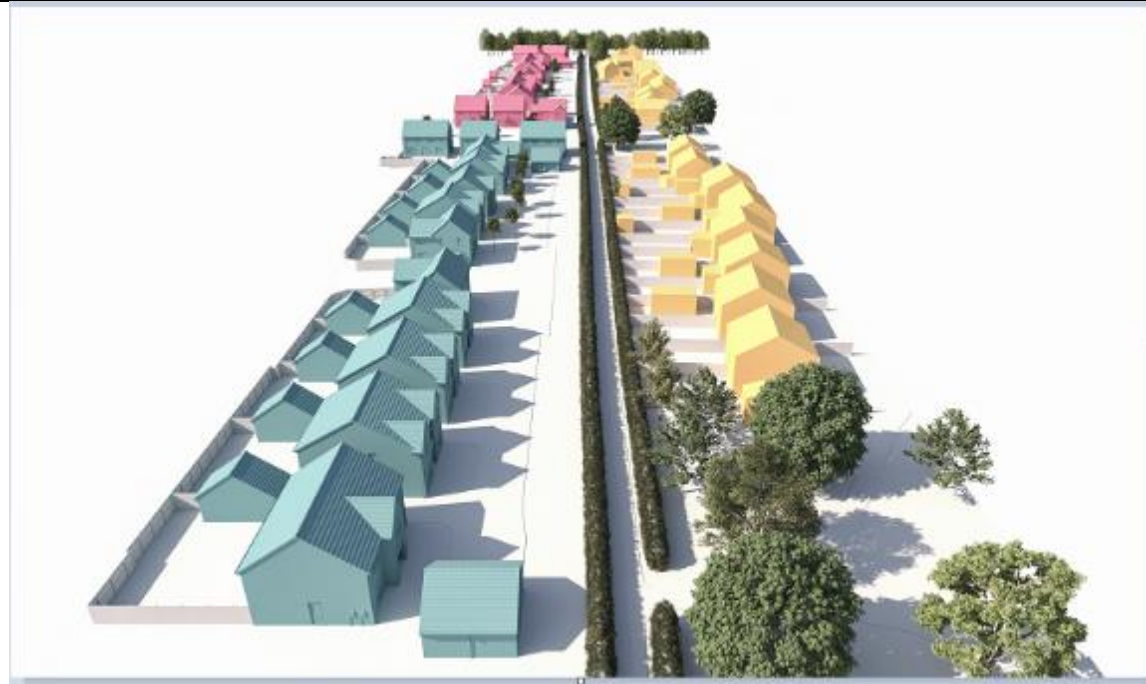
Visualisations



Visualisations – Miller Homes



Visualisations – Miller Homes



Visualisations – Avant Homes



Visualisations – Avant Homes

Photos





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Report of the Chief Executive

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| APPLICATION NUMBER: | 23/00510/FUL |
| LOCATION: | Willoughby Almshouses, Church Lane, Cossall, Nottinghamshire, NG16 2RT |
| PROPOSAL: | Residential extensions and refurbishments creating one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site. (Revised Scheme) |

This application is brought to the Committee upon the request of Councillor D D Pringle.

1.1 Purpose of Report

- 1.1.1 This application seeks full planning permission to construct residential extensions to a Grade II* Listed Building and refurbishments to create one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site.

1.2 Recommendation

The Committee is asked to RESOLVE that planning permission be refused for the reason outlined in the appendix.

1.3 Detail

- 1.3.1 This is a revised planning application since the granting of planning permission under reference number 21/00507/FUL by Members. A separate Listed Building Consent under reference number 23/00511/LBC is also pending consideration. Members also granted Listed Building Consent under reference number 21/00508/LBC which was referred to The Secretary of State to consider a call in upon the request of Historic England. Whilst the Secretary of State did not call the application in, the decision to grant Listed Building Consent was quashed following a Judicial Review and the Listed Building Consent application was subsequently withdrawn.
- 1.3.2 In respect of the changes between the previous applications 21/00507/FUL and 21/00508LBC and the revised applications 23/00/510/FUL and 23/00511/LBC these are minor elevation changes to the rear.

Previous Plan 21/00507/FUL and 21/00508/LBC
Rear Elevation



E01 North Front Elevation



E12 North Wall Elevation

Revised Plans
Rear Elevation



E01 North Front Elevation



E01 North Front Elevation with boundary walls shown

1.3.3 The main issues relate to whether the principle of the proposed extensions and refurbishment to create four dwellings is acceptable and the impact upon the Grade II* Listed Building, Design, impact on the Green Belt, impact on neighbour amenity and highway safety.

1.3.4 The benefits of the proposal are that it would bring an existing vacant Grade II* Listed Building back into use which is falling into disrepair and has been vacant for a number of years. The negatives of the proposal are that the design of the proposed extensions are unacceptable and as the building is a Grade II* Listed Building for which both national and local planning policy protects these highly sensitive and important buildings against unacceptable extensions, on balance, the scheme is unacceptable and should be refused.

1.3.4 The Committee is asked to resolve that planning permission be refused as the reason for refusal outlined in the appendix.

1.4 **Financial Implications**

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

1.5 **Legal Implications**

The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

1.6 **Data Protection Compliance Implications**

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

1.7 **Background Papers**

Nil.

APPENDIX 1

2. Details of the Application

- 2.1 This application seeks full planning permission to construct residential extensions to a Grade II* Listed Building and refurbishments to create one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site.

3. Site and Surroundings

- 3.1 The application site is located within the Cossall Conservation Area and Nottinghamshire Green Belt and is located within the centre of Cossall Village. To the front of the site there is a wall to the front boundary with an overgrown garden area beyond. To the rear there is also an overgrown garden area. The Almshouses currently consist of six, one bedroom dwellings and one, three bedroomed dwelling. The building has been extended in the past with the provision of small flat roof extensions to the rear. The site is located within a predominantly residential area with residential properties to the side and directly opposite, with the Parish Hall to the opposite side.
- 3.2 The Willoughby Almshouses and the adjoining boundary walls are a Grade II* listed building. The Grade II* listing reflects the more than special architectural and historic interest of the group. This places the Willoughby Almshouses within the top 8% of listed buildings in England. The Almshouses date from 1685. They were endowed by George Willoughby, a member of a wealthy local family, which included Sir Francis Willoughby, who built the nearby Wollaton Hall. The red brick with plain tile roof building originally consisted of a row of eight individual dwellings for four poor men and women, two of which have been merged. A central unit was designed with a ridged roof. The three to the left and four to the right were expressed with steep gables, which gives the building a wide and grand frontage, despite it being comprised of humble dwellings. The fenestration to the frontage mainly consists of stone chamfered mullioned windows with cast-iron leaded casements and flat drip moulds. The central section of the building has a sundial on the front façade. The principal façade has survived unaltered.

4. Relevant Planning History

- 4.1 Planning permission and Listed Building Consent was granted under reference numbers 10/00044/FUL and 10/00045/FUL to rebuild the front wall.
- 4.2 Planning permission was granted under reference number 21/00507/FUL to construct residential extensions to a Grade II* Listed Building and refurbishments to create one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site.

4.3 A Listed Building Consent application for the same description as 21/00507/FUL was formally withdrawn.

5. Relevant Policies and Guidance

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

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

- Policy 3: The Green Belt
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment

5.2 **Part 2 Local Plan 2019**

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

- Policy 8: Development in the Green Belt
- Policy 11: The Historic Environment
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity

5.3 **National Planning Policy Framework (NPPF) 2023:**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 12 – Achieving Well-designed Places
- Section 16 - Conserving and Enhancing the Historic Environment

Paragraph 195: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise.

Paragraph 196: where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 199: when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation.

Paragraph 200: any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction) should require clear and convincing justification.

Paragraph 201: where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site;
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible;
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 203: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

6. Consultations

- 6.1 **Cossall Parish Council** – No objections, consider the development proposal will ensure the wellbeing of the valued historic building.
- 6.2 **The Coal Authority** – No objections.
- 6.3 **The Highway Authority** - No objections.
- 6.4 **Historic England** - Willoughby Almshouses are of national importance. Dating from the 17th century, the almshouses and boundary wall have strong ties to the Willoughby family and generations of Cossall villagers. The almshouses and boundary wall have been listed at Grade II* by the Secretary of State on the basis of their more than special historic and architectural interest. Grade II* listing places these almshouses within the top 8% of all listed buildings in England. The almshouses lie within Cossall Conservation Area and contribute positively to its character.

Almshouses are characteristically modest buildings with humble features, and a scale and regular pattern of design reflecting the status and community of the residents, it is important that this character is not overwhelmed by new works.

The proposed scheme to convert the almshouses into four dwellings is a revision to that previously submitted. Having considered the revised scheme we continue to advise that proposed conversion of the almshouses to four dwellings would seriously and irreversibly harm their character as small single dwellings, which is a fundamental part of their significance. The proposed scheme involves a high proportion of intervention internally, externally and to setting, including hardstanding, internal floorplan changes, and large rear extensions.

Almshouses and the lives of poor men and women admitted were governed by the institution's rules. The almshouses were set within walls which divided the poor

men and women from each other and from the world outside. The gardens provided them with a degree of self-sufficiency and labour, it appears the double walled arrangement to the front provided a space for limited and controlled contact. The proposed scheme would create a large opening in the boundary wall and subdivide the amenity space for gardens and hardstanding. This will seriously harm the character of these small, individual units and irreversibly impact upon their significance.

In relation to Paragraph 202 of the National Planning Policy Framework (NPPF), the proposal would cause a high level of less than substantial harm to the overall significance of this highly graded listed building and the contribution to significance made by its setting. Additionally, the proposals would result in harm to a key listed building within the Cossall Conservation Area.

We do not believe that a clear and convincing justification has been provided for the high level of harm that we believe would be caused by the proposal, as required by Paragraph 200 of the NPPF. Historic England objects to the applications on heritage grounds. If your authority is minded to grant consent for the LBC application in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of the LBC application, in accordance with the above Direction.

- 6.5 **Conservation Officer** – Objects and advises now that the High Courts have overturned the previous Listed Building Consent, do not see a way forwards without undertaking a detailed viability appraisal to show that the degree of harm is necessary to achieve a financially viable outcome.
- 6.6 **Society for the Protection of Ancient Buildings (SPAB)** - Remain of the view that the extent of change proposed to the building's historic plan form and fabric would result in a substantial level of harm that has not been adequately explained or justified in the application. We maintain our objection to the application.

One of our key concerns in relation to the previous application was that it failed to accurately assess the impact of the internal changes proposed. This remains the case. It would be a shame if this was to become a sticking point in what we hope can be a positive and productive discussion moving forward, so we think that it would be highly beneficial for the applicant to produce a more detailed impact assessment at this stage that can inform discussions. We would normally hope to see the following:

- drawings clearly showing the age and significance of the fabric and plan form that will be affected. These should use colour to demarcate the different building phases and clearly indicate demolitions and additions. While demolitions are shown on the proposal drawings, they are difficult to see and are not annotated. Some items have been omitted.

- an itemised list of each demolition/addition assessing the impact as clearly and objectively as possible. For instance, the stair tower window has been omitted from the current document, as has any analysis of the existing rear walls, which is to have both openings filled in and fabric demolished. These may or may not be original but it is not possible to tell from the information supplied.

-the extensions have seen some positive modifications (eaves height now aligns with the eaves line of the historic building, the central portion of the historic building is no longer obscured) and we are pleased that the front garden (current front garden) is no longer to be subdivided. However internally the proposals remain largely the same. The focus of the design would seem to be squarely on the open plan extension living areas, rather than appreciating and making the most of the existing almshouses first. As previously stated, it seems a great pity that the obvious front doors are no longer to be used as such.

- the application provides no information in relation to the interior in terms of surviving features of condition. As stated above, it does not adequately or accurately assess the impact of the proposals on the interior of the building. It continues to assert that the impact will be minimal, whereas close scrutiny of the plans reveal 24 areas where fabric will either be removed or openings infilled, as well as the subdivision of three of the rooms. The lack of analysis of the significance of the fabric, and particularly that in the original rear wall, makes it impossible to accurately gauge the impact of the proposals on the interior. In addition, the proposed excavation at what was the rear of the properties to raise the ceiling height in the extension areas may affect foundations at the original rear wall of the almshouses and the boundary walls. This has not been addressed in the application.

-the viability assessment provided as part of the Heritage Impact assessment is not sufficiently robust and lacks supporting evidence. Your Conservation Officer provided authoritative advice on drawing up an assessment of viability in an email of 22.06.22 but this is not reflected in the documentation. The assessment remains entirely subjective and without substantiation in its assertion that there is no market for smaller units. It refers to a lack of parking as a reason why small units would not be viable despite the fact that provision for parking forms part of the current scheme. It also relies heavily on the poor state of repair of the building and associated repair costs. However, as the building has been in the same ownership since 2017, any degradation in condition must be the responsibility of the current owner and the deteriorated state cannot be taken into account in any decision (NPPF para. 196). We welcome the fact that the building will be brought back into use but remain to be convinced that 4 units constitutes the optimum viable use.

We are of the view that the extent of change proposed to the building's historic plan form and fabric would result in a substantial level of harm that has not been adequately explained or justified in the application.

- 6.7 **Historic Buildings and Place (hbap)** - Recommend that the applicant submit an appropriate heritage impact assessment. Without this information the LPA does not have sufficient information to inform its decision-making regarding the level of harm to the significance of the designated heritage asset through changes to its historic building fabric.

We recommend the assessment is prepared by a suitably qualified conservation professional and refer the applicant to Historic England's guidance on Statements of Heritage Significance:

<https://historicengland.org.uk/imagesbooks/publications/statements-heritage-significance-advice-note-12/>.

Amended plans that reflect the findings should also be prepared.

If the current application is to be determined in its current form, Hbap recommend it be refused upon the grounds of insufficient information having been submitted. The relevant paragraphs are Paragraph 194, 195, 199 and 200 of the NPPF (2021). It is also contrary to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

6.8 **Council for British Archaeology** - The CBA object to this application as contrary to NPPF paragraphs 197, 199, 200 and 202. We recommend that paragraph 196 is pertinent when considering the costs of restoring the empty building to a liveable condition.

6.9 Nine neighbouring properties were consulted on the application along with the posting of a site notice, with no comments having been received.

7. Assessment

7.1 The main issues relate to whether the principle of the proposed extensions and refurbishment to create four dwellings is acceptable and the impact upon the Grade II* Listed Building, Design, impact on the Green Belt, impact on neighbour amenity and highway safety.

7.2 Principle and Impact on a Grade II* Listed Building

7.2.1 The Willoughby Almshouses and the adjoining boundary walls are a Grade II* listed building. The Grade II* listing reflects the more than special architectural and historic interest of the group. This places the Willoughby Almshouses within the top 8% of listed buildings in England. The Almshouses date from 1685. They were endowed by George Willoughby, a member of a wealthy local family, which included Sir Francis Willoughby, who built the nearby Wollaton Hall. The red brick with plain tile roof building originally consisted of a row of eight individual dwellings for four poor men and women, two of which have been merged. A central unit was designed with a ridged roof. The three to the left and four to the right were expressed with steep gables, which gives the building a wide and grand frontage, despite it being comprised of humble dwellings. The fenestration to the frontage mainly consists of stone chamfered mullioned windows with cast-iron leaded casements and flat drip moulds. The central section of the building has a sundial on the front façade. The principal façade has survived unaltered.

7.2.2 Notwithstanding the merger of two of the original dwellings, the Almshouses have largely retained their internal plan-form and small-scale character. Flat roofed extensions with modern casement windows were added in the twentieth-century, to provide kitchens and toilets for each dwelling. These utilitarian additions are small in scale and subservient to the original building. Flat roofed dormers and inappropriate windows have been inserted into the rear side of the original building.

- 7.2.3 The frontage to the building comprises an unusual historic high double-wall, the origins of which are obscure. Openings have piers with ball finials. To the north of the building is a single grassed open space, enclosed by walls, and beyond is open fields. Consequently, there is a strong contrast between the heavily enclosed streetscene setting and the open, verdant nature of the setting to the rear of the building.
- 7.2.4 The building and attached walls is highly significant, reflected by its grade II* listed status. It is an architecturally fine building dating from the C17, which has an important historic connection to the Willoughby family and Cossall village. Almshouses from the C17 are relatively rare. Nikolaus Pevsner describes the Almshouses as a 'delicious group'. The building retains much of its architectural and historic character as a row of small individual dwellings. Notwithstanding the merger of two of the eight Almshouses, and the addition of kitchens and bathrooms, the plan form and internal spatial character of the original building have survived relatively unaltered. A fundamental characteristic of Almshouses is that they are modular with a repeating form, and modest in scale.
- 7.2.5 The Almshouses are located within Cossall Conservation Area and make a strong positive contribution to its character and appearance and the significance of the streetscene. The Almshouses were used for sheltered/community housing up until relatively recently when the properties were sold at auction to the current owner. The continuity of use as small dwellings serving the local community for over three-hundred years is part of the significance of the building. The building is included on Historic England's 'Heritage at Risk' register as it is currently vacant and its condition is deteriorating.
- 7.2.6 In terms of design, concerns were raised with the agent in respect of the plans originally submitted, specifically the size of the extensions proposed to increase living accommodation at the Grade II* Listed Building. Whilst the principle of a form of development is considered acceptable, the proposed scheme involves significant intervention, including;
- Large intrusive and incongruous extensions altering the character of the Listed Building;
 - Substantial internal and layout alterations to the Listed Building;
 - Harmful alterations to the setting, requiring areas of demolition to Listed structures to provide vehicle access.
- 7.2.7 In view of this both the Officer and Historic England and the Amenity Bodies have raised objections, in relation to Paragraph 202 of the National Planning Policy Framework (NPPF), that the proposal would cause a high level of less than substantial harm to the significance of this Grade II* Listed Building; its character, appearance and setting.
- 7.2.8 The above concerns have been forwarded onto both the agent and the applicant along with the comments received from the Conservation Officer advising a proper residual appraisal should be submitted as part of the application process, because without it Historic England's concerns, the Conservation Officer's and the Amenity

Bodies cannot be overcome. However, no further amendments or supporting information have been submitted and the applicant has advised he wants the application assessing in its current form. It is therefore considered the proposal would cause a high level of less than substantial harm to the significance of this Grade II* Listed Building; its character, appearance and setting. Additionally, the proposals would result in harm to a key Listed Building within the Cossall Conservation Area. Furthermore, it is not considered that a clear and convincing justification has been provided for the high level of harm that would be caused by the proposal, as required by Paragraph 200 of the NPPF.

7.3 Green Belt

- 7.3.1 The application site is located within the Nottinghamshire Green Belt. The proposal will lead to the removal of existing small extensions to the rear of the building, to be replaced by larger extensions along with the provision of low level garden walls, a rear parking area and access driveway. In support of the application, volume calculations have been submitted indicating the increase in volume. Whilst this is over the 30% allowance for additions in the Green Belt as per Policy 8 of the Part 2 Local Plan 2019, should the scheme be considered acceptable it is considered very special circumstances could be argued to bring the Grade II* Listed Building back into use.

7.4 Residential Amenity

- 7.4.1 Due to the location of the extensions to the rear of the building, it is not considered the proposal would give rise to any significant impacts upon the amenity of existing surrounding residential properties. The proposal would also provide adequate living conditions and outdoor amenity space for future residents.

7.5 Highway Safety

- 7.5.1 Vehicular access to the rear of the building leading to the proposed parking area is proposed via an existing driveway to the side of Cossall Parish Hall and number 22 Church Lane. The existing private driveway is proposed to be widened to 5.3m, which will lead to a driveway running across the land to the rear of the Parish Hall into a parking area. The Highway Authority raise no objections to the proposal. The provision of the parking to the rear of the Almshouses is the only option given the narrow nature of Church Lane. There are no highway safety issues relating to this proposal.

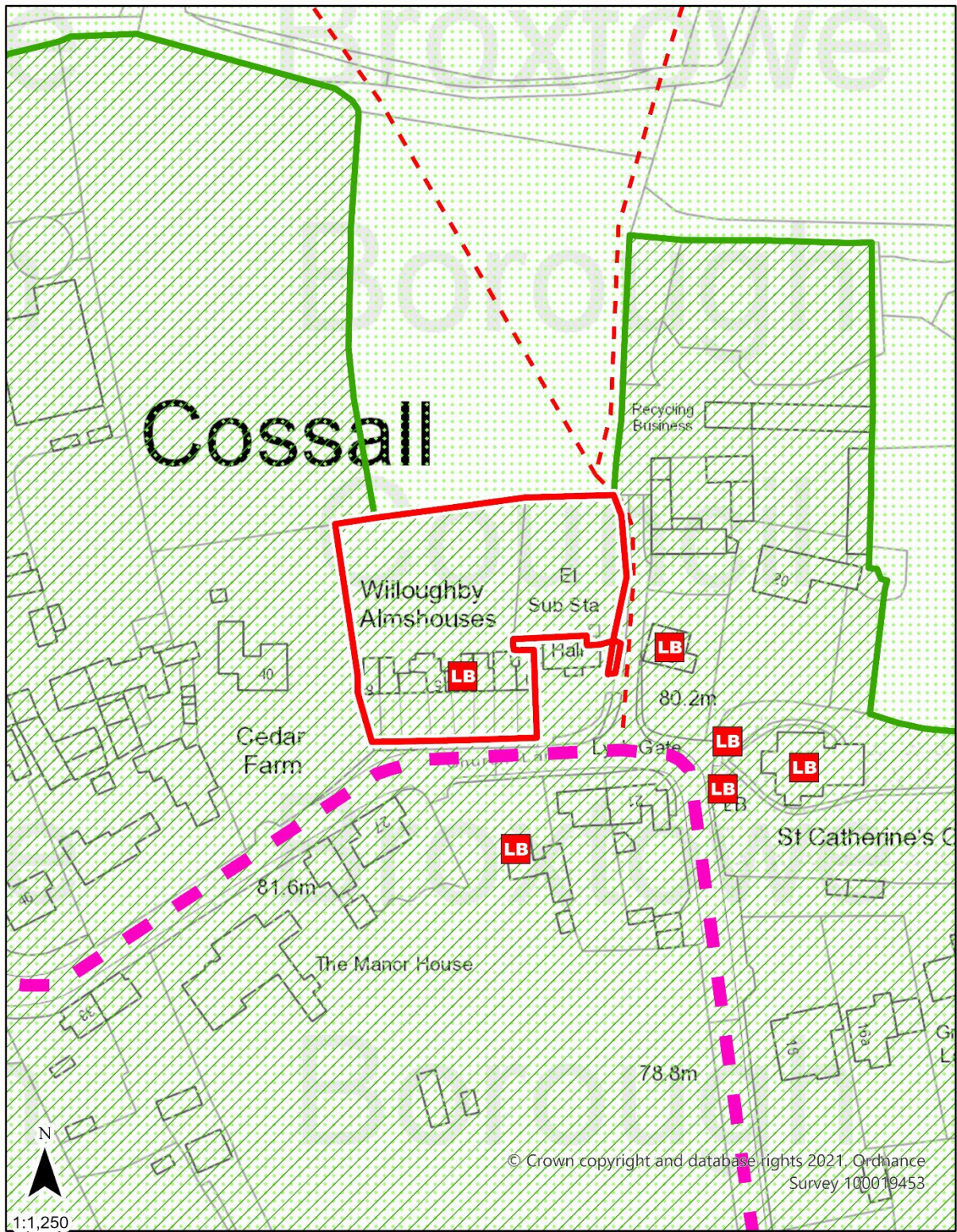
8 Planning Balance

- 8.1 The benefits of the proposal are that it would bring an existing vacant Grade II* Listed Building back into use which is falling into disrepair and has been vacant for a number of years. The negatives of the proposal are that the design of the proposed extensions are unacceptable and as the building is a Grade II* Listed Building for which both national and local planning policy protects these highly sensitive and important buildings against unacceptable extensions, on balance, the scheme is unacceptable and should be refused.

9 Conclusion

- 9.1 To conclude, for the reasons set out above, the scheme is considered to directly contravene the terms of paragraphs 200 and 201 of the NPPF (2023) which state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction), should require clear and convincing justification and that substantial harm to a grade II listed building should be exceptional. Furthermore, it is considered the scheme directly contravenes paragraph 201 of the NPPF (2023) which states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The proposal would therefore be contrary to Policy 11 of the Broxtowe Aligned Core Strategy (2014), to Policy 23 of the Part 2 Local Plan (2019) and the NPPF (2023).

| | |
|---|---|
| <u>Recommendation</u> | |
| The Committee is asked to RESOLVE that planning permission is refused for the following reason. | |
| 1. | A clear and convincing justification for the proposed harm to the Grade II* Listed Building and its setting that will result from the works to create four dwellings including significant extensions to the rear has not been provided. The proposal would cause a high level of less than substantial harm to the overall significance of this highly graded II* listed building and the contribution to the significance made by its setting and the Cossall Conservation Area, by virtue of the design of the proposed extensions and internal alterations. Accordingly, the proposal is contrary to Policy 11 of the Broxtowe Aligned Core Strategy (2014), Policy 17 and Policy 23 of the Part 2 Local Plan (2019) and the NPPF (2023). |
| | |
| | NOTES TO APPLICANT |
| 1. | The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale. |



Legend

- Site Outline
- Classified Road
- Footpath
- Conservation Area
- Green Belt
- Listed Building

Photographs

Front elevation



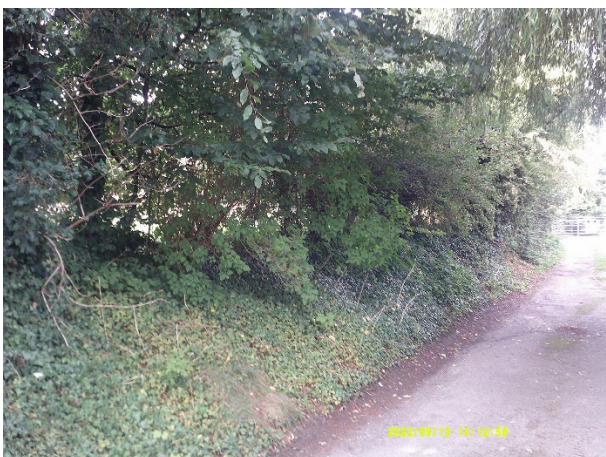
Side view



Access Road



Point of access for driveway



Location of driveway behind Parish Hall leading to rear parking

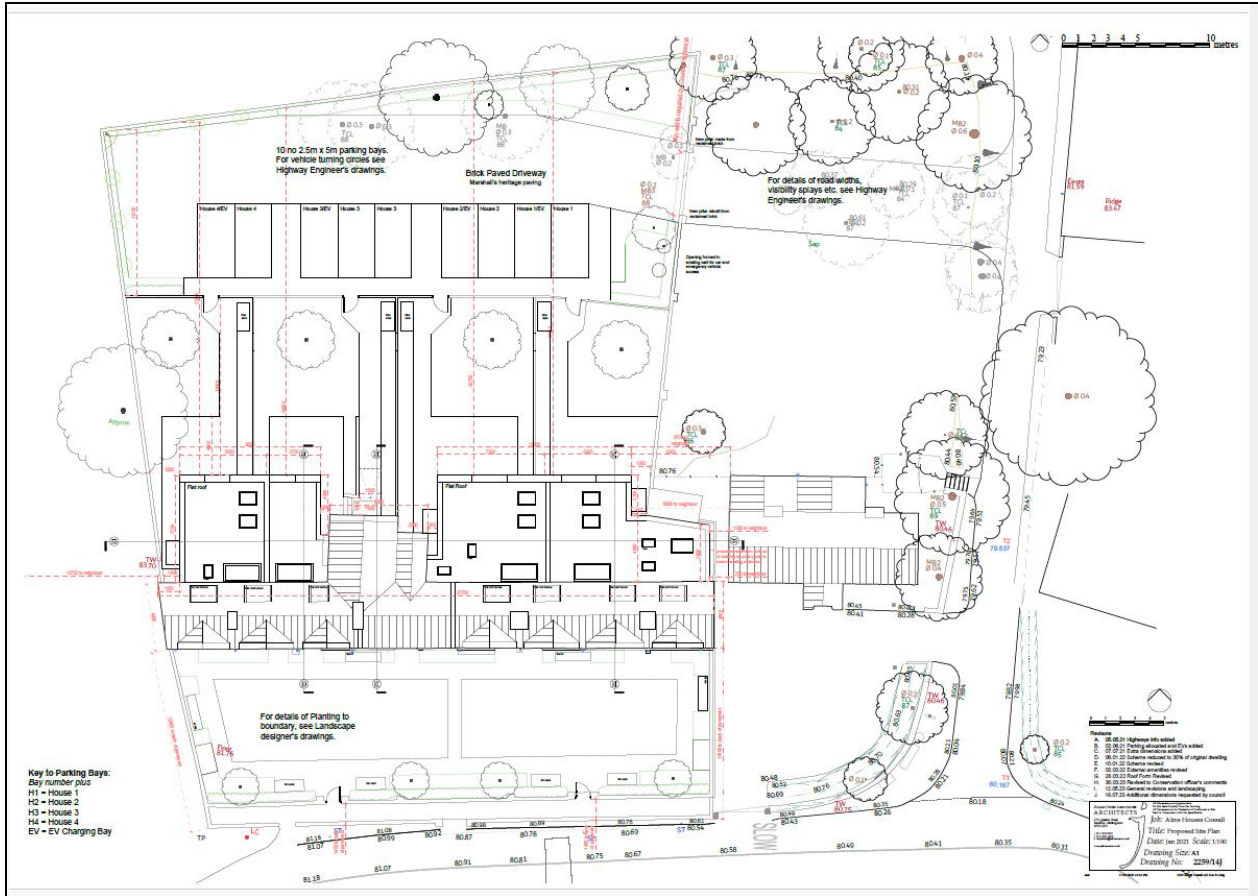


Rear Elevation



Plans (not to scale)

Site Plan



Proposed Elevations

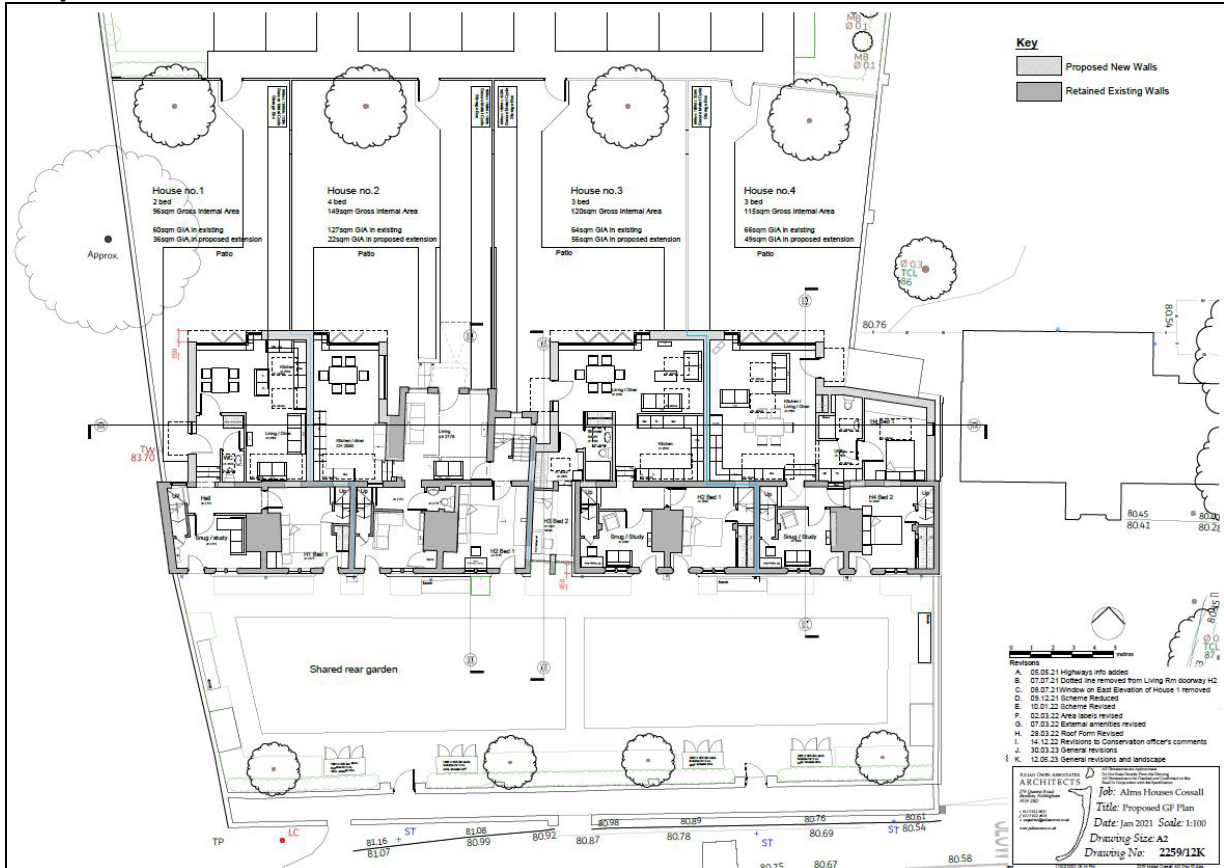
Front



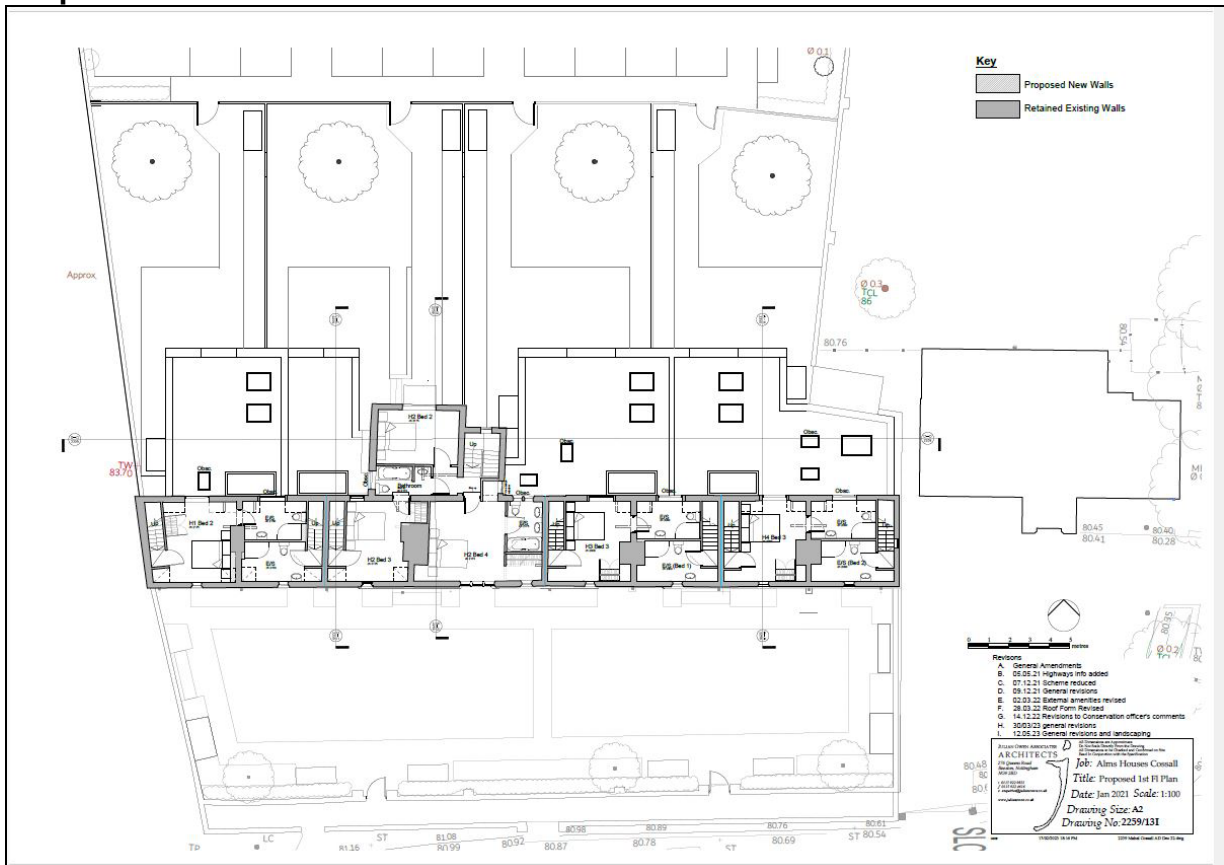
Rear



Proposed Ground Floor Plan



Proposed First Floor Plan



Coloured Images

Front



Proposed restoration works to the historic southern elevation - Existing fabric to be restored and upgraded with minimal changes

The Existing Elevation



1. Windows

The window frames have been painted many times and some no longer open. Windows to be removed, paint to be stripped to check the conditions and any required repairs are to be undertaken. Windows to be repainted and reinstalled in openings.

2. Doorways & doors

Previously blocked up door to be reinstated to match existing. The original doors had been replaced during the life of the building. The existing red painted doors would be replaced with high quality doors in a timber finish and a style suited to the time period of the building.



3. Alleyway

The existing alleys are to be closed to provide accommodation. The infill will be made using metal framed windows in order to contrast to the building and ensure it is clear which parts are original. The infill will be set back from the line of the existing facade to maintain the appearance of the alleys.



Other Restoration works

The roof tiles will be stripped and reinstalled to check for any damage to the structure. Any additional tiles required will be salvaged tiles to match. The top 6 courses of brickwork on the chimneys will be removed and rebuilt to repair the damage. The stonework including the stone copings to the gables and stone detailing will be replaced to match where required. Gutters and downpipes are to be removed, the paint stripped and check for damage. Any damage rainwater goods are to be replaced with new to match existing. To be repainted to match existing. Damaged bricks are to be replaced and the brickwork is to be repointed. Weeds & plant growth on external wall surfaces to be removed, existing landscaping to be removed and new landscaping is to be planted in accordance with landscape plan. For further information see the survey & restoration report provided by Jansens Restoration.



Rear





North Elevation as Existing

Existing flat roof brick extensions to be demolished and replaced with new higher quality extensions. The eaves are to be removed. The dormers would be reinstated and finished in timber rolled lead to match the traditional style of the building.



North Elevation as Existing

Plant room vent to be removed. Stone copings to the existing parapet walls to be restored. Existing modern windows to be switched for modern grey frames to distinguish original features from modern interventions.



Proposed Materials

Vertical charred timber cladding to proposed extensions with metal coping. Doors and windows to have anthracite grey frames. Anthracite canopies over north side front doors. Existing 20th century dormers to be re-insulated and clad in timber rolled lead. Flat roof finish to be single ply membrane. Garden walls to be brick to closely match existing. Rainwater goods to be steel in textured heritage black finish. Paving to be from marshalls heritage range. All extensions are to be below eaves line.



APPENDIX 2

Report of the Chief Executive

| | |
|----------------------------|---|
| APPLICATION NUMBER: | 21/00507/FUL |
| LOCATION: | Willoughby Almshouses, Church Lane, Cossall, Nottinghamshire, NG16 2RT |
| PROPOSAL: | Residential extensions and refurbishments creating one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site. |

1.1 Purpose of Report

This application is brought to the Committee upon the request of Councillor L A Ball BEM.

1.2 Recommendation

The Committee is asked to resolve that planning permission be refused as the reason for refusal outlined in the appendix.

1.3 Detail

- 1.3.1 This application seeks full planning permission to construct residential extensions to a Grade II* Listed Building and refurbishments to create one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site.
- 1.3.2 The main issues relate to whether the principle of the proposed extensions and refurbishment to create four dwellings is acceptable and the impact upon the Grade II* Listed Building.
- 1.3.3 The benefits of the proposal are that it would bring an existing vacant Grade II* Listed Building back into use which is falling into disrepair and has been vacant for a number of years. The negatives of the proposal are that the design of the proposed extensions are unacceptable and as the building is a Grade II* Listed Building for which both national and local planning policy protects these highly sensitive and important buildings against unacceptable extensions, on balance, the scheme is unacceptable and should be refused.
- 1.3.4 The Committee is asked to resolve that planning permission be refused as the reason for refusal outlined in the appendix.

1.4 Financial Implications

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

1.5 Legal Implications

The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

1.6 Data Protection Compliance Implications

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

1.7 Background Papers

- Design and Access Statement;
- Heritage Statement;
- Bat Survey;
- Tree Survey;
- Traffic Survey;
- Visual Images.

APPENDIX

2. Details of the Application

- 2.1 This application seeks full planning permission to construct residential extensions to a Grade II* Listed Building and refurbishments to create one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site.

3. Site and Surroundings

- 3.1 The application site is located within the Cossall Conservation Area and Nottinghamshire Green Belt and is located within the centre of Cossall Village. To the front of the site there is a wall with an overgrown garden area. To the rear there is also an overgrown garden area. The Almshouses currently consist of six, one bedroom dwellings and one, three bedroomed dwelling. The building has been extended in the past with the provision of small flat roof extensions to the rear. The site is located within a predominantly residential area with residential properties to the side and directly opposite, with the Parish Hall to the opposite side.

4. Relevant Planning History

- 4.1 Planning permission and Listed Building Consent was granted under reference numbers 10/00044/FUL and 10/00045/FUL to rebuild the front wall.

5. Relevant Policies and Guidance5.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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

- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment.

5.2 **Part 2 Local Plan 2019**

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

- Policy 8: Development in the Green Belt
- Policy 11: The Historic Environment
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity.

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

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

- Section 16: Conserving and Enhancing the Historic Environment
Paragraph 195: LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise.

Paragraph 196: where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 199: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201: where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site;
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible;
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 203: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 '*In considering whether to grant listed building*

consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

6. Consultations

6.1 **Cossall Parish Council** – No objections, consider the development proposal will ensure the wellbeing of the valued historic building.

6.2 **The Coal Authority** – No objections.

6.3 **The Highway Authority** - No Objections.

6.4 **Historic England**

First Consultation

The proposed conversion to Almshouses to four dwellings would seriously and irreversibly harm their character as small single dwellings, which is a fundamental part of their significance. The proposed scheme involves a significant amount of intervention, including large, intrusive and inappropriate extensions, alterations to the listed building and harmful alterations to its setting.

In our view, in relation to Paragraph 202 of the National Planning Policy Framework (NPPF), the proposal would cause a high level of less than substantial harm to the overall significance of this highly graded listed building and the contribution to significance made by its setting.

Additionally, the proposals would result in harm to a key listed building within the Cossall Conservation Area. We do not believe that a clear and convincing justification has been provided for the high level of harm that we believe would be caused by the proposal, as required by Paragraph 200 of the NPPF. Historic England objects to the applications on heritage grounds.

Second Consultation

Having considered the revised plans, we still have serious concerns in relation to the proposed scheme and the resultant impact on the overall significance of this highly graded listed building. We believe that the proposed alterations and extensions to the historic Almshouses would cause a high level of harm to the significance of this highly graded listed building and would erode its setting. As such, the proposals would result in harm to a key building within the Cossall Conservation Area and would have an adverse impact on its significance, character and appearance.

We do not believe that a clear and convincing justification has been provided for the high level of harm that we believe would be caused by the proposals. We strongly disagree with the conclusions in the accompanying Heritage Statement that the proposals would not result in harm to the appreciation of the significance of the heritage assets; that the proposed extensions would complement the existing building; and that the proposal would not adversely affect the setting of the adjacent listed buildings or the character and appearance of the conservation area. We note that the Heritage Statement has not been updated to reflect the amended scheme.

In relation to the paragraph 202 of the NPPF, we believe that the level of harm caused would be high level of less than substantial harm. We believe that other less harmful options exist to bring this important highly graded back into use. Furthermore, we are unconvinced by the viability argument put forward by the applicant. We would expect both the condition of the listed building and the constraints provided by the listed status to have been reflected in the purchase price. The argument put forward would not comply with the Historic England published guidance on enabling development.

Recommendation

Historic England objects to the applications on heritage grounds. We believe that the revised proposal would result in serious harm to the special interest and significance of the Grade II* listed Willoughby Almshouses. We continue to advise that proposals would also result in harm to the significance, character and appearance of the Cossall Conservation Area. We do not believe that a clear and convincing justification has been provided for the high level of harm that we believe would be caused by the proposal.

We consider that the applications do not meet the requirements of the NPPF, in particular paragraph numbers 195, 197, 199, 200, 202.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Conservation Officer - I have looked into this application in detail, it is certainly a complex one and I have the following initial observations to make:

- The GII* listed building is not watertight at present and the building is on Historic England's Heritage at Risk (HAR) register. Something must be done about this and a viable solution must be found.
- There is clearly a degree of harm to this proposal that is at the higher end of less than substantial harm. Historic England (HE) do not approve and they recommend refusal.
- An argument has been made by the applicant's agent that the positive benefits of the conversion to the new arrangement of dwellings, with the parking at the rear, outweighs the disbenefits of the scheme and would take the building off the HAR register (which is a pressing issue and hence there are significant public benefits to this).
- It is important to determine how much the building has deteriorated since it was purchased in 2017. It is a statutory duty of a listed building owner to keep a building wind and water tight and Para 196 of the NPPF states that: *'where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'*
- HE also make reference to 'enabling development' which the applicant's agent does not.

- HE state that they do not consider this application to be in accordance with their enabling development guidelines. This is clearly a case of enabling development, as whatever works are carried out are going to be harmful to the character of the GII* listed building, thus the harmful conversion will 'enable' the restoration of the building. The Heritage Statement does provide detailed costs, a GDV and the original purchase price, but the figures are not put together properly in a residualised appraisal.

(Gross Development Value - (Existing Use Value + Development Costs) = conservation deficit)

- Once the conservation deficit figure is reduced to zero, the scheme becomes viable and every effort should be made to find a solution in accordance with these figures (thereby 'enabling' the development). If we are working on the basis that it is nobody's fault that the building is in such a poor condition, then the above calculations should be submitted as a residual appraisal by the applicant. This should then be scrutinised independently by an RICS accredited valuer.

-There are two key issues here, firstly the Existing Use Value (EUV) which is not necessarily the £250,000 price paid for the property in 2017. If it was purchased in 2017 as a building that was not watertight and had significant defects, then it should have had a much lower nominal value and the developer over paid for the site. HE have also noted this when they state: *'furthermore, we are unconvinced by the viability argument put forward by the developer. We would expect both the condition of the listed building and the constraints provided by the listed status to have been reflected in the purchase price.'*

- The second key issue is the developer's profit margin. This should be included as a development cost. HE have become ambiguous about this in their revised Enabling Development Guidance (revised 2020). Their previous document stated 15-20% profit on development costs as acceptable, but now they do not mention a figure. I consider 15-20% profit margin to be an acceptable development 'cost'.

In conclusion, I think a proper residual appraisal should be submitted as part of this process, because without it HE's concerns (and my own) cannot be overcome. It should also be demonstrated that the property was purchased in its present state and it was not allowed to degrade over the period 2017-2022 willingly. Once the figures are made crystal clear, we can look at how much needs to be generated in the GDV to determine how much intervention is required. For example, a comparative residual appraisal showing the scheme with parking and another without parking, will very quickly show that a development without parking is simply not viable and this would address HE's concerns. HE have offered their observations without fully addressing the viability issues at stake and it is for the applicant to highlight this. The applicant has already collated many of the development costs (which are increasing at an unprecedented rate, the BCIS index reflected a 19.7% increase in material costs 2020-21), so it should not take them much to compile all of this in a residual appraisal.

- 6.5 Eight neighbouring properties were consulted on the original application and amended plans along with the posting of a site notice, with no letters of objection having been received.

7. Assessment

7.1 The main issues relate to whether the principle of the proposed extensions and refurbishment to create four dwellings is acceptable and the impact upon the Grade II* Listed Building.

7.2 Principle and Impact on a Grade II* Listed Building

7.2.1 The Willoughby Almshouses and the adjoining boundary walls is a Grade II* listed building. The Grade II* listing reflects the more than special architectural and historic interest of the group. This places the Willoughby Almshouses within the top 8% of listed buildings in England. The Almshouses date from 1685. They were endowed by George Willoughby, a member of a wealthy local family, which included Sir Francis Willoughby, who built the nearby Wollaton Hall. The red brick with plain tile roof building originally consisted of a row of eight individual dwellings for four poor men and women, two of which have been merged. A central unit was designed with a ridged roof. The three to the left and four to the right were expressed with steep gables, which gives the building a wide and grand frontage, despite it being comprised of humble dwellings. The fenestration to the frontage mainly consists of stone chamfered mullioned windows with cast-iron leaded casements and flat drip moulds. The central section of the building has a sundial on the front façade. The principal façade has survived unaltered.

7.2.2 Notwithstanding the merger of two of the original dwellings, the Almshouses have largely retained their internal plan-form and small-scale character. Flat roofed extensions with modern casement windows were added in the twentieth-century, to provide kitchens and toilets for each dwelling. These utilitarian additions are small in scale and subservient to the original building. Flat roofed dormers and inappropriate windows have been inserted into the rear side of the original building.

7.2.3 The frontage to the building comprises an unusual historic high double-wall, the origins of which are obscure. Openings have piers with ball finials. To the north of the building is a single grassed open space, enclosed by walls, and beyond is open fields. Consequently, there is a strong contrast between the heavily enclosed streetscene setting and the open, verdant nature of the setting to the rear of the building.

7.2.4 The building and attached walls is highly significant, reflected by its grade II* listed status. It is an architecturally fine building dating from the C17, which has an important historic connection to the Willoughby family and Cossall village. Almshouses from the C17 are relatively rare. Nikolaus Pevsner describes the Almshouses as a 'delicious group'. The building retains much of its architectural and historic character as a row of small individual dwellings. Notwithstanding the merger of two of the eight Almshouses, and the addition of kitchens and bathrooms, the plan form and internal spatial character of the original building has survived relatively unaltered. A fundamental characteristic of Almshouses is that they are modular with a repeating form, and modest in scale.

7.2.5 The Almshouses are located within Cossall Conservation Area and make a strong positive contribution to its character and appearance and the significance of the

streetscene. The Almshouses were used for sheltered/community housing up until relatively recently when the properties were sold at auction to the current owner. The continuity of use as small dwellings serving the local community for over three-hundred years is part of the significance of the building. The building is included on Historic England's 'Heritage at Risk' register as it is currently vacant and its condition is deteriorating.

7.2.6 In terms of design, concerns were raised with the gent in respect of the plans originally submitted, specifically the size of the extensions proposed to increase living accommodation at the Grade II* Listed Building. Whilst the principle of a form of development is considered acceptable, the proposed scheme involved significant intervention, including;

- Large intrusive and incongruous extensions altering the character of the Listed Building;
- Substantial Internal and layout alterations to the Listed Building;
- Harmful alterations to the setting, requiring areas of demolition to Listed structures to provide vehicle access.

7.2.7 In view of this both the Officer and Historic England raised objections, in relation to Paragraph 202 of the National Planning Policy Framework (NPPF), that the proposal would cause a high level of less than substantial harm to the significance of this Grade II* Listed Building; its character, appearance and setting.

7.2.8 Following on from the objection amended plans were submitted, however the amendments are not considered enough to overcome the objection from both the Conservation Officer or Historic England. The concerns are as follows:

- It appears that it is now proposed to block up existing doorways on the front elevation and also the central passage way to the rear. This is considered to be harmful to the character of the principal elevation of the Almshouses, the most visible elevation in the Cossall Conservation Area and is not supported by the Council;
- Whilst the bulk of the extensions have been scaled back and this is considered an improvement, it is considered that the continuous block of extensions across the entire north elevation is over dominant and harmful to the view of the Grade II* Listed Building;
- The use of materials proposed are not considered acceptable in terms of the relationship with the Listed Building.

7.2.9 The above concerns have been forwarded onto both the agent and the applicant along with the comments received from the Conservation Officer advising a proper residual appraisal should be submitted as part of the application process, because without it Historic England's concerns and the Conservation Officer's cannot be overcome. However, no further amendments or supporting information have been submitted and the applicant has advised he wants the application assessing in its current form. It is therefore considered the proposal would cause a high level of

less than substantial harm to the significance of this Grade II* Listed Building; its character appearance and setting. Additionally, the proposals would result in harm to a key Listed Building within the Cossall Conservation Area. Furthermore, it is not considered that a clear and convincing justification has been provided for the high level of harm that would be caused by the proposal, as required by Paragraph 200 of the NPPF.

8 Planning Balance

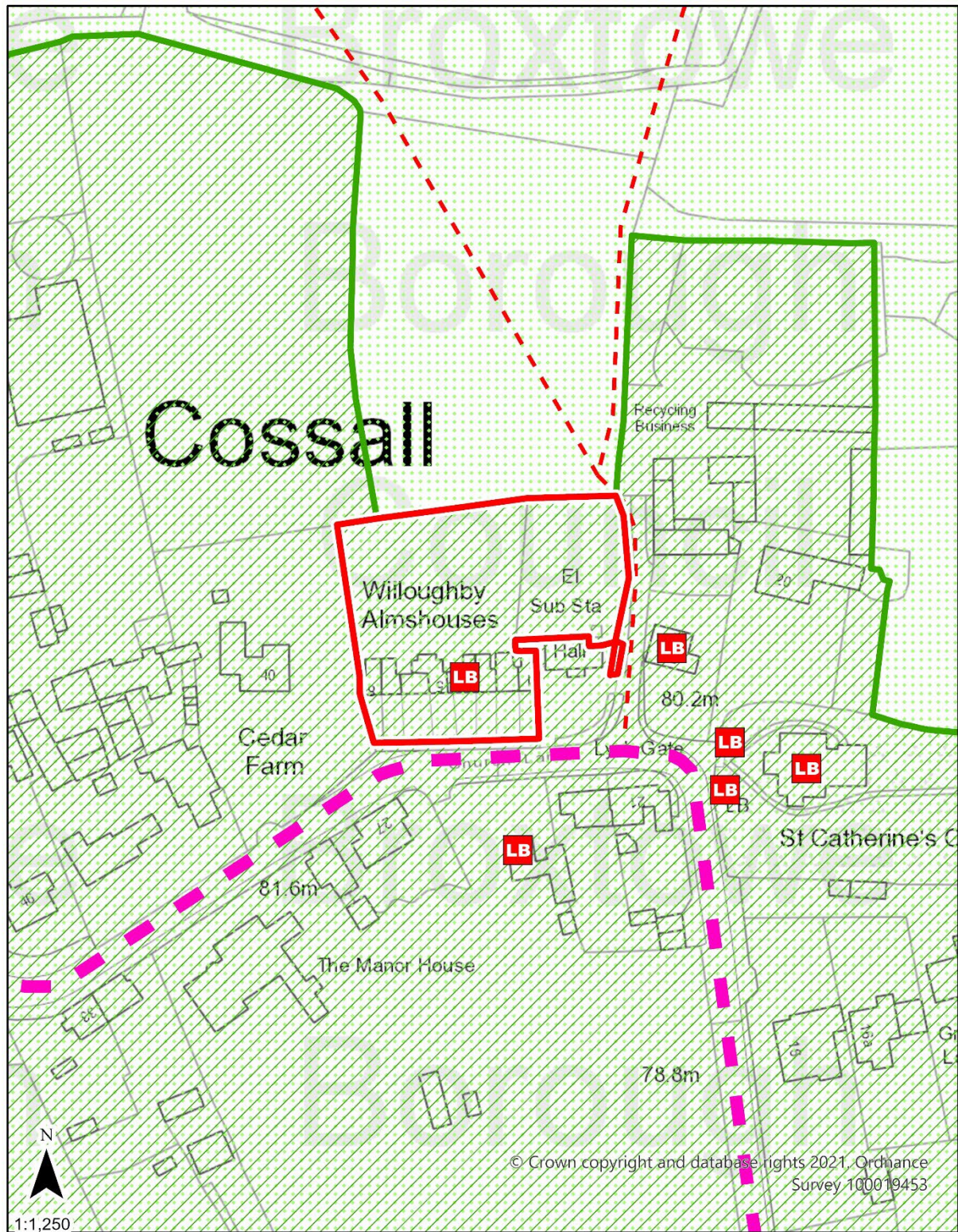
- 8.1 The benefits of the proposal are that it would bring an existing vacant Grade II* Listed Building back into use which is falling into disrepair and has been vacant for a number of years. The negatives of the proposal are that the design of the proposed extensions are unacceptable and as the building is a Grade II* Listed Building for which both national and local planning policy protects these highly sensitive and important buildings against unacceptable extensions, on balance, the scheme is unacceptable and should be refused.

9 Conclusion

- 9.1 To conclude, for the reasons set out above, the scheme is considered to directly contravene the terms of paragraph 200 and 201 of the NPPF (2021) which state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction), should require clear and convincing justification and that substantial harm to a grade II listed building should be exceptional. Furthermore, it is considered the scheme directly contravenes with paragraph 201 of the NPPF (2021) which states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The proposal would therefore be contrary to Policy 11 of the Broxtowe Aligned Core Strategy (2014), to Policy 23 of the Part 2 Local Plan (2019) and the NPPF (2021).

| <u>Recommendation</u> | |
|---|---|
| The Committee is asked to RESOLVE that planning permission is refused subject to the following reason. | |
| 1. | A clear and convincing justification for the proposed harm to the Grade II* Listed Building and its setting that will result from the works to create four dwellings including significant extensions to the rear has not been provided. The proposal would cause a high level of less than substantial harm to the overall significance of this highly graded listed building and the contribution to significance made by its setting and the Cossall Conservation Area. Accordingly, the proposal is contrary to Policy 11 of the Broxtowe Aligned Core Strategy (2014), Policy 23 of the Part 2 Local Plan (2019) and the NPPF (2021). |
| | |

| | NOTES TO APPLICANT |
|----|---|
| 1. | The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale. |



Legend

- Site Outline
- Classified Road
- Footpath
- Conservation Area
- Green Belt
- LB Listed Building

Photographs

Front elevation



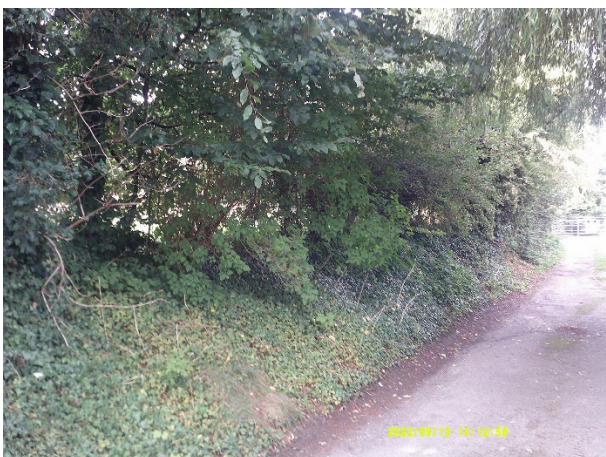
Side view



Access Road



Point of access for driveway



Location of driveway behind Parish Hall leading to rear parking

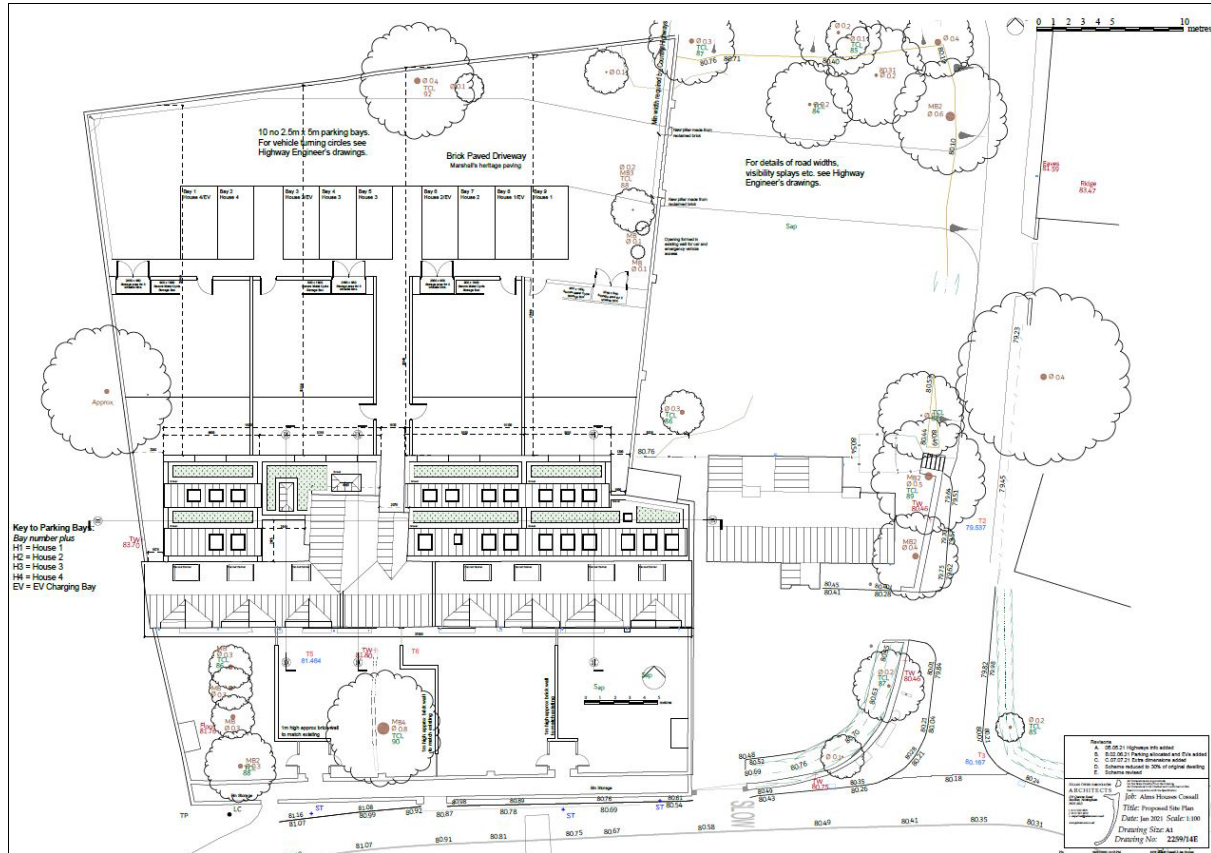


Rear Elevation

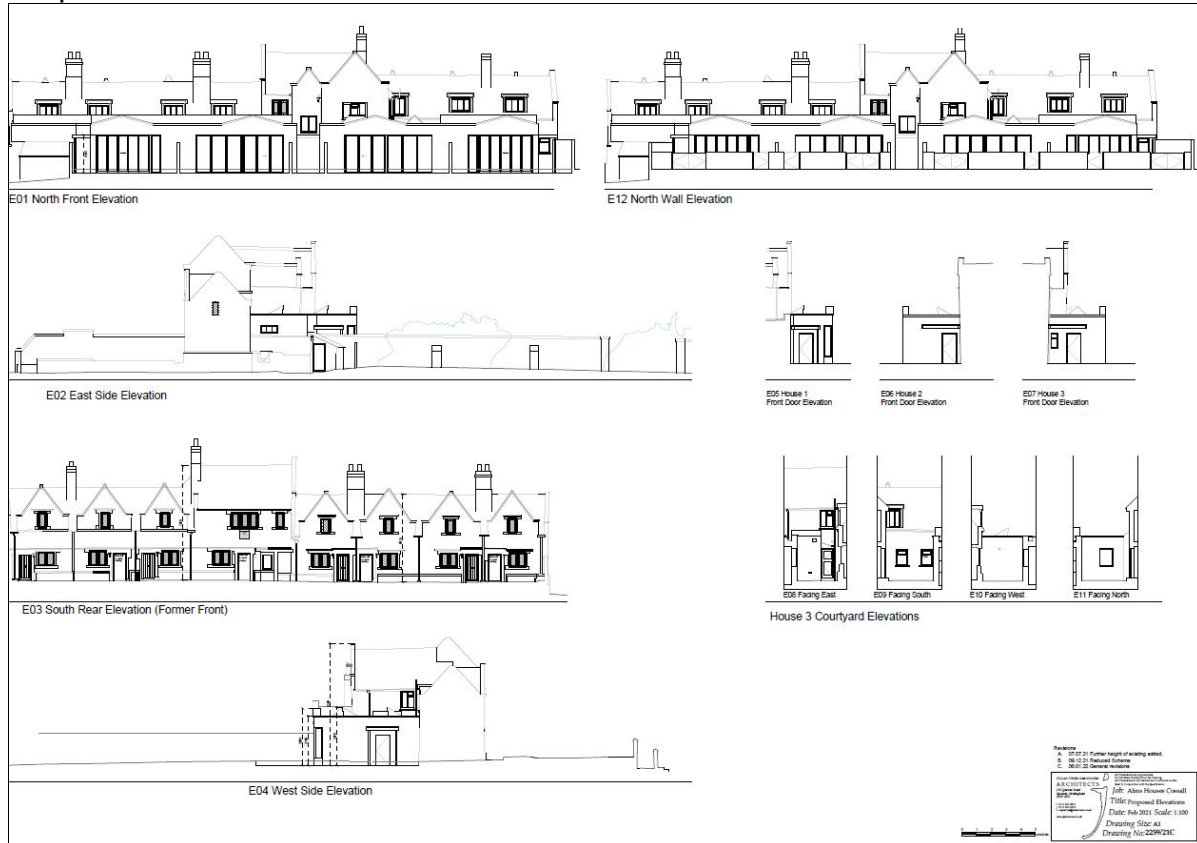


Plans (not to scale)

Site Plan



Proposed Elevations



[illegible]

Proposed First Floor Plan



Rear Visual



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Report of the Chief Executive

| | |
|----------------------------|--|
| APPLICATION NUMBER: | 23/00511/LBC |
| LOCATION: | Willoughby Almshouses, Church Lane, Cossall, Nottinghamshire, NG16 2RT |
| PROPOSAL: | Residential extensions and refurbishments creating one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site. (Revised Scheme) |

This application is brought to the Committee upon the request of Councillor D D Pringle.

1.1 Purpose of Report

- 1.1.1 This application seeks Listed Building to construct residential extensions to a Grade II* Listed Building and refurbishments to create one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site.

1.2 Recommendation

The Committee is asked to RESOLVE that listed building consent be refused for the reason outlined in the appendix.

1.3 Detail

- 1.3.1 This is a revised Listed Building Consent application since the granting of planning permission under reference number 21/00507/FUL by Members. A separate planning application under reference number 23/00510/FUL is also pending consideration. Members also granted Listed Building Consent under reference number 21/00508/LBC which was referred to The Secretary to consider a call in upon the request of Historic England. Whilst the Secretary of State did not call the application in, the decision to grant Listed Building Consent was quashed following a Judicial Review and the Listed Building Consent application was subsequently withdrawn.
- 1.3.2 In respect of the changes between the previous applications 21/00507/FUL and 21/00508LBC and the revised applications 23/00/510/FUL and 23/00511/LBC these are minor elevation changes to the rear.

Previous Plan 21/00507/FUL and 21/00508/LBC
Rear Elevation



E01 North Front Elevation



E12 North Wall Elevation

Revised Plans
Rear Elevation



E01 North Front Elevation



E01 North Front Elevation with boundary walls shown

1.3.3 The main issues relate to whether the principle of the proposed extensions and refurbishment to create four dwellings is acceptable and the impact upon the Grade II* Listed Building.

1.3.3 The benefits of the proposal are that it would bring an existing vacant Grade II* Listed Building back into use which is falling into disrepair and has been vacant for a number of years. The negatives of the proposal are that the design of the proposed extensions are unacceptable and as the building is a Grade II* Listed Building for which both national and local planning policy protects these highly sensitive and important buildings against unacceptable extensions, on balance, the scheme is unacceptable and should be refused.

1.3.4 The Committee is asked to resolve that Listed Building Consent be refused as the reason for refusal outlined in the appendix.

1.4 Financial Implications

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

1.5 Legal Implications

The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

1.6 Data Protection Compliance Implications

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

1.7 Background Papers
Nil.

APPENDIX 1

2. Details of the Application

- 2.1 This application seeks full planning permission to construct residential extensions to a Grade II* Listed Building and refurbishments to create one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site.

3. Site and Surroundings

- 3.1 The application site is located within the Cossall Conservation Area and Nottinghamshire Green Belt and is located within the centre of Cossall Village. To the site there is a wall with an overgrown garden area to the front. To the rear there is also an overgrown garden area. The Almshouses currently consist of six, one bedroom dwellings and one, three bedroomed dwelling. The building has been extended in the past with the provision of small flat roof extensions to the rear. The site is located within a predominantly residential area with residential properties to the side and directly opposite, with the Parish Hall to the opposite side.
- 3.2 The Willoughby Almshouses and the adjoining boundary walls are a Grade II* listed building. The Grade II* listing reflects the more than special architectural and historic interest of the group. This places the Willoughby Almshouses within the top 8% of listed buildings in England. The Almshouses date from 1685. They were endowed by George Willoughby, a member of a wealthy local family, which included Sir Francis Willoughby, who built the nearby Wollaton Hall. The red brick with plain tile roof building originally consisted of a row of eight individual dwellings for four poor men and women, two of which have been merged. A central unit was designed with a ridged roof. The three to the left and four to the right were expressed with steep gables, which gives the building a wide and grand frontage, despite it being comprised of humble dwellings. The fenestration to the frontage mainly consists of stone chamfered mullioned windows with cast-iron leaded casements and flat drip moulds. The central section of the building has a sundial on the front façade. The principal façade has survived unaltered.

4. Relevant Planning History

- 4.1 Planning permission and Listed Building Consent was granted under reference numbers 10/00044/FUL and 10/00045/FUL to rebuild the front wall.
- 4.2 Planning permission was granted under reference number 21/00507/FUL to construct residential extensions to a Grade II* Listed Building and refurbishments to create one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site.
- 4.3 A Listed Building Consent application for the same description as 21/00507/FUL was formally withdrawn.

5. Relevant Policies and Guidance**5.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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

- Policy 11: The Historic Environment

5.2 Part 2 Local Plan 2019

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

- Policy 11: The Historic Environment

5.3 National Planning Policy Framework (NPPF) 2023:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 16 - Conserving and Enhancing the Historic Environment

Paragraph 195: LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise.

Paragraph 196: where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 199: when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation.

Paragraph 200: any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction) should require clear and convincing justification.

Paragraph 201: where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site;
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible;
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 203: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

6. Consultations

- 6.1 **Cossall Parish Council** – No objections, consider the development proposal will ensure the wellbeing of the valued historic building.
- 6.2 **The Coal Authority** – No objections.
- 6.3 **The Highway Authority** - No objections.
- 6.4 **Historic England** - Willoughby Almshouses are of national importance. Dating from the 17th century, the almshouses and boundary wall have strong ties to the Willoughby family and generations of Cossall villagers. The almshouses and boundary wall have been listed at Grade II* by the Secretary of State on the basis of their more than special historic and architectural interest. Grade II* listing places these almshouses within the top 8% of all listed buildings in England. The almshouses lie within Cossall Conservation Area and contribute positively to its character.

Almshouses are characteristically modest buildings with humble features, and a scale and regular pattern of design reflecting the status and community of the residents, it is important that this character is not overwhelmed by new works. The proposed scheme to convert the almshouses into four dwellings is a revision to that previously submitted. Having considered the revised scheme we continue to advise that proposed conversion of the almshouses to four dwellings would seriously and irreversibly harm their character as small single dwellings, which is a fundamental part of their significance. The proposed scheme involves a high proportion of intervention internally, externally and to setting, including hardstanding, internal floorplan changes, and large rear extensions.

Almshouses and the lives of poor men and women admitted were governed by the institution's rules. The almshouses were set within walls which divided the poor men and women from each other and from the world outside. The gardens provided them with a degree of self-sufficiency and labour, it appears the double walled arrangement to the front provided a space for limited and controlled contact. The proposed scheme would create a large opening in the boundary wall and subdivide the amenity space for gardens and hardstanding. This will seriously harm the character of these small, individual units and irreversibly impact upon their significance.

In relation to Paragraph 202 of the National Planning Policy Framework (NPPF), the proposal would cause a high level of less than substantial harm to the overall significance of this highly graded listed building and the contribution to significance made by its setting. Additionally, the proposals would result in harm to a key listed building within the Cossall Conservation Area.

We do not believe that a clear and convincing justification has been provided for the high level of harm that we believe would be caused by the proposal, as required by Paragraph 200 of the NPPF. Historic England objects to the applications on heritage grounds. If your authority is minded to grant consent for the LBC application in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of the LBC application, in accordance with the above Direction.

- 6.5 **Conservation Officer** – Objects and advises now that the High Courts have overturned the previous Listed Building Consent, I do not see a way forwards without undertaking a detailed viability appraisal to show that the degree of harm is necessary to achieve a financially viable outcome.
- 6.6 **Society for the Protection of Ancient Buildings (SPAB)** - Remain of the view that the extent of change proposed to the building's historic plan form and fabric would result in a substantial level of harm that has not been adequately explained or justified in the application. We maintain our objection to the application.

One of our key concerns in relation to the previous application was that it failed to accurately assess the impact of the internal changes proposed. This remains the case. It would be a shame if this was to become a sticking point in what we hope can be a positive and productive discussion moving forward, so we think that it would be highly beneficial for the applicant to produce a more detailed impact assessment at this stage that can inform discussions. We would normally hope to see the following:

- drawings clearly showing the age and significance of the fabric and plan form that will be affected. These should use colour to demarcate the different building phases and clearly indicate demolitions and additions. While demolitions are shown on the proposal drawings, they are difficult to see and are not annotated. Some items have been omitted.

- an itemised list of each demolition/addition assessing the impact as clearly and objectively as possible. For instance, the stair tower window has been omitted from the current document, as has any analysis of the existing rear walls, which is to have both openings filled in and fabric demolished. These may or may not be original but it is not possible to tell from the information supplied.

- the extensions have seen some positive modifications (eaves height now aligns with the eaves line of the historic building, the central portion of the historic building is no longer obscured) and we are pleased that the front garden (current front garden) is no longer to be subdivided. However internally the proposals remain largely the same. The focus of the design would seem to be squarely on the open plan extension living areas, rather than appreciating and making the most of the

existing almshouses first. As previously stated, it seems a great pity that the obvious front doors are no longer to be used as such.

- the application provides no information in relation to the interior in terms of surviving features of condition. As stated above, it does not adequately or accurately assess the impact of the proposals on the interior of the building. It continues to assert that the impact will be minimal, whereas close scrutiny of the plans reveal 24 areas where fabric will either be removed or openings infilled, as well as the subdivision of three of the rooms. The lack of analysis of the significance of the fabric, and particularly that in the original rear wall, makes it impossible to accurately gauge the impact of the proposals on the interior. In addition, the proposed excavation at what was the rear of the properties to raise the ceiling height in the extension areas may affect foundations at the original rear wall of the almshouses and the boundary walls. This has not been addressed in the application.

-the viability assessment provided as part of the Heritage Impact assessment is not sufficiently robust and lacks supporting evidence. Your Conservation Officer provided authoritative advice on drawing up an assessment of viability in an email of 22.06.22 but this is not reflected in the documentation. The assessment remains entirely subjective and without substantiation in its assertion that there is no market for smaller units. It refers to a lack of parking as a reason why small units would not be viable despite the fact that provision for parking forms part of the current scheme. It also relies heavily on the poor state of repair of the building and associated repair costs. However, as the building has been in the same ownership since 2017, any degradation in condition must be the responsibility of the current owner and the deteriorated state cannot be taken into account in any decision (NPPF para. 196). We welcome the fact that the building will be brought back into use but remain to be convinced that 4 units constitutes the optimum viable use.

We are of the view that the extent of change proposed to the building's historic plan form and fabric would result in a substantial level of harm that has not been adequately explained or justified in the application.

- 6.7 **Historic Buildings and Place (hbap)** - Recommend that the applicant submit an appropriate heritage impact assessment. Without this information the LPA does not have sufficient information to inform its decision-making regarding the level of harm to the significance of the designated heritage asset through changes to its historic building fabric.

We recommend the assessment is prepared by a suitably qualified conservation professional and refer the applicant to Historic England's guidance on Statements of Heritage Significance:

<https://historicengland.org.uk/imagesbooks/publications/statements-heritage-significance-advice-note-12/>.

Amended plans that reflect the findings should also be prepared.

If the current application is to be determined in its current form, HB&P recommend it be refused upon the grounds of insufficient information having been submitted. The relevant policies are Policy 194, 195, 199 and 200 of the NPPF (2021). It is

also contrary to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

- 6.8 **Council for British Archaeology** - The CBA **object** to this application as contrary to NPPF paragraphs 197, 199, 200 and 202. We recommend that paragraph 196 is pertinent when considering the costs of restoring the empty building to a liveable condition.
- 6.9 **Cossall Parish Council** – Fully supports the plans because their unique design maintains the historical front of the building and allows the building to become homes again.
- 6.10 Nine neighbouring properties were consulted on the application along with the posting of a site notice, with no comments having been received.

7. Assessment

- 7.1 The main issues relate to whether the principle of the proposed extensions and refurbishment to create four dwellings is acceptable and the impact upon the Grade II* Listed Building.

7.2 **Principle and Impact on a Grade II* Listed Building**

- 7.2.1 The Willoughby Almshouses and the adjoining boundary walls is a Grade II* listed building. The Grade II* listing reflects the more than special architectural and historic interest of the group. This places the Willoughby Almshouses within the top 8% of listed buildings in England. The Almshouses date from 1685. They were endowed by George Willoughby, a member of a wealthy local family, which included Sir Francis Willoughby, who built the nearby Wollaton Hall. The red brick with plain tile roof building originally consisted of a row of eight individual dwellings for four poor men and women, two of which have been merged. A central unit was designed with a ridged roof. The three to the left and four to the right were expressed with steep gables, which gives the building a wide and grand frontage, despite it being comprised of humble dwellings. The fenestration to the frontage mainly consists of stone chamfered mullioned windows with cast-iron leaded casements and flat drip moulds. The central section of the building has a sundial on the front façade. The principal façade has survived unaltered.
- 7.2.2 Notwithstanding the merger of two of the original dwellings, the Almshouses have largely retained their internal plan-form and small-scale character. Flat roofed extensions with modern casement windows were added in the twentieth-century, to provide kitchens and toilets for each dwelling. These utilitarian additions are small in scale and subservient to the original building. Flat roofed dormers and inappropriate windows have been inserted into the rear side of the original building.
- 7.2.3 The frontage to the building comprises an unusual historic high double-wall, the origins of which are obscure. Openings have piers with ball finials. To the north of the building is a single grassed open space, enclosed by walls, and beyond is open fields. Consequently, there is a strong contrast between the heavily enclosed

streetscene setting and the open, verdant nature of the setting to the rear of the building.

- 7.2.4 The building and attached walls is highly significant, reflected by its grade II* listed status. It is an architecturally fine building dating from the C17, which has an important historic connection to the Willoughby family and Cossall village. Almshouses from the C17 are relatively rare. Nicolaus Pevsner describes the Almshouses as a 'delicious group'. The building retains much of its architectural and historic character as a row of small individual dwellings. Notwithstanding the merger of two of the eight Almshouses, and the addition of kitchens and bathrooms, the plan form and internal spatial character of the original building has survived relatively unaltered. A fundamental characteristic of Almshouses is that they are modular with a repeating form, and modest in scale.
- 7.2.5 The Almshouses are located within Cossall Conservation Area and make a strong positive contribution to its character and appearance and the significance of the streetscene. The Almshouses were used for sheltered/community housing up until relatively recently when the properties were sold at auction to the current owner. The continuity of use as small dwellings serving the local community for over three-hundred years is part of the significance of the building. The building is included on Historic England's 'Heritage at Risk' register as it is currently vacant and its condition is deteriorating.
- 7.2.6 In terms of design, concerns were raised with the gent in respect of the plans originally submitted, specifically the size of the extensions proposed to increase living accommodation at the Grade II* Listed Building. Whilst the principle of a form of development is considered acceptable, the proposed scheme involves significant intervention, including;
- Large intrusive and incongruous extensions altering the character of the Listed Building;
 - Substantial Internal and layout alterations to the Listed Building;
 - Harmful alterations to the setting, requiring areas of demolition to Listed structures to provide vehicle access.
- 7.2.7 In view of this both the Officer and Historic England and the Amenity Bodies have raised objections, in relation to Paragraph 202 of the National Planning Policy Framework (NPPF), that the proposal would cause a high level of less than substantial harm to the significance of this Grade II* Listed Building; its character, appearance and setting.
- 7.2.8 The above concerns have been forwarded onto both the agent and the applicant along with the comments received from the Conservation Officer advising a proper residual appraisal should be submitted as part of the application process, because without it Historic England's concerns, the Conservation Officer's and the Amenity Bodies cannot be overcome. However, no further amendments or supporting information have been submitted and the applicant has advised he wants the applicant assessing in its current form. It is therefore considered the proposal would cause a high level of less than substantial harm to the significance of this Grade II*

Listed Building; its character appearance and setting. Additionally, the proposals would result in harm to a key Listed Building within the Cossall Conservation Area. Furthermore, it is not considered that a clear and convincing justification has been provided for the high level of harm that would be caused by the proposal, as required by Paragraph 200 of the NPPF.

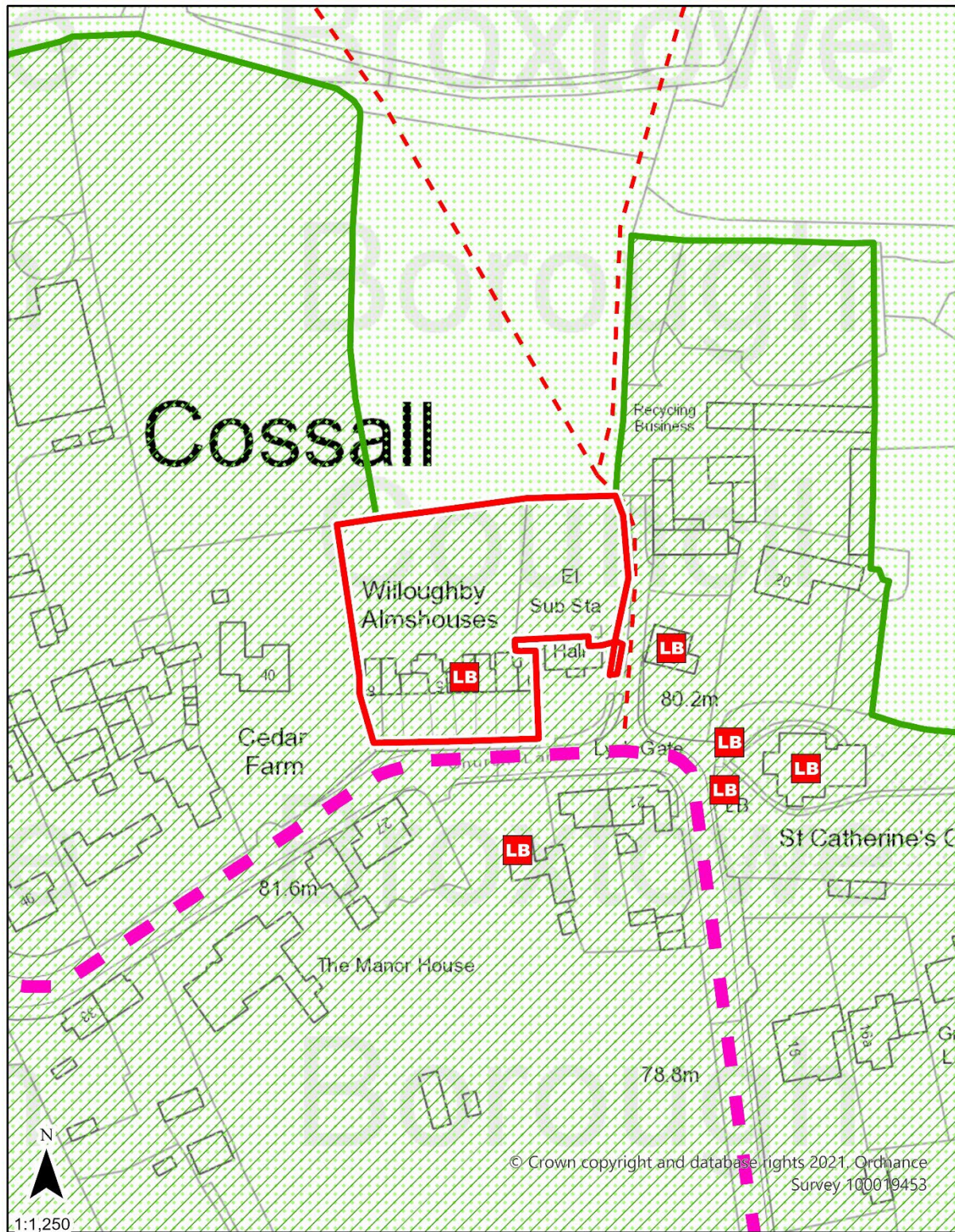
8 Planning Balance

- 8.1 The benefits of the proposal are that it would bring an existing vacant Grade II* Listed Building back into use which is falling into disrepair and has been vacant for a number of years. The negatives of the proposal are that the design of the proposed extensions are unacceptable and as the building is a Grade II* Listed Building for which both national and local planning policy protects these highly sensitive and important buildings against unacceptable extensions, on balance, the scheme is unacceptable and should be refused.

9 Conclusion

- 9.1 To conclude, for the reasons set out above, the scheme is considered to directly contravene the terms of paragraph 200 and 201 of the NPPF (2023) which state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction), should require clear and convincing justification and that substantial harm to a grade II listed building should be exceptional. Furthermore, it is considered the scheme directly contravenes with paragraph 201 of the NPPF (2022) which states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The proposal would therefore be contrary to Policy 11 of the Broxtowe Aligned Core Strategy (2014), to Policy 23 of the Part 2 Local Plan (2019) and the NPPF (2023).

| <u>Recommendation</u> | |
|---|--|
| The Committee is asked to RESOLVE that listed building consent is refused subject to the following reason. | |
| 1. | A clear and convincing justification for the proposed harm to the Grade II* Listed Building and its setting that will result from the works to create four dwellings including significant extensions to the rear has not been provided. The proposal would cause a high level of less than substantial harm to the overall significance of this highly graded II* listed building and the contribution to the significance made by its setting and the Cossall Conservation Area, by virtue of the design of the proposed extensions and internal alterations. Accordingly, the proposal is contrary to Policy 11 of the Broxtowe Aligned Core Strategy (2014), Policy 17 and Policy 23 of the Part 2 Local Plan (2019) and the NPPF (2023). |
| | |
| | NOTES TO APPLICANT |
| 1. | The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale. |



Legend

- Site Outline
- Classified Road
- Footpath
- Conservation Area
- Green Belt
- LB Listed Building

Photographs

Front elevation



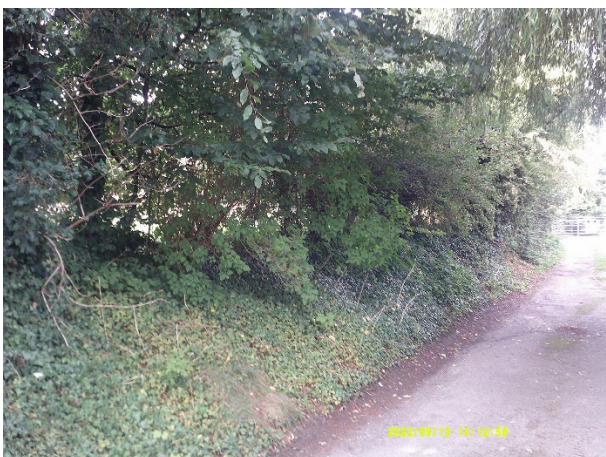
Side view



Access Road



Point of access for driveway



Location of driveway behind Parish Hall leading to rear parking

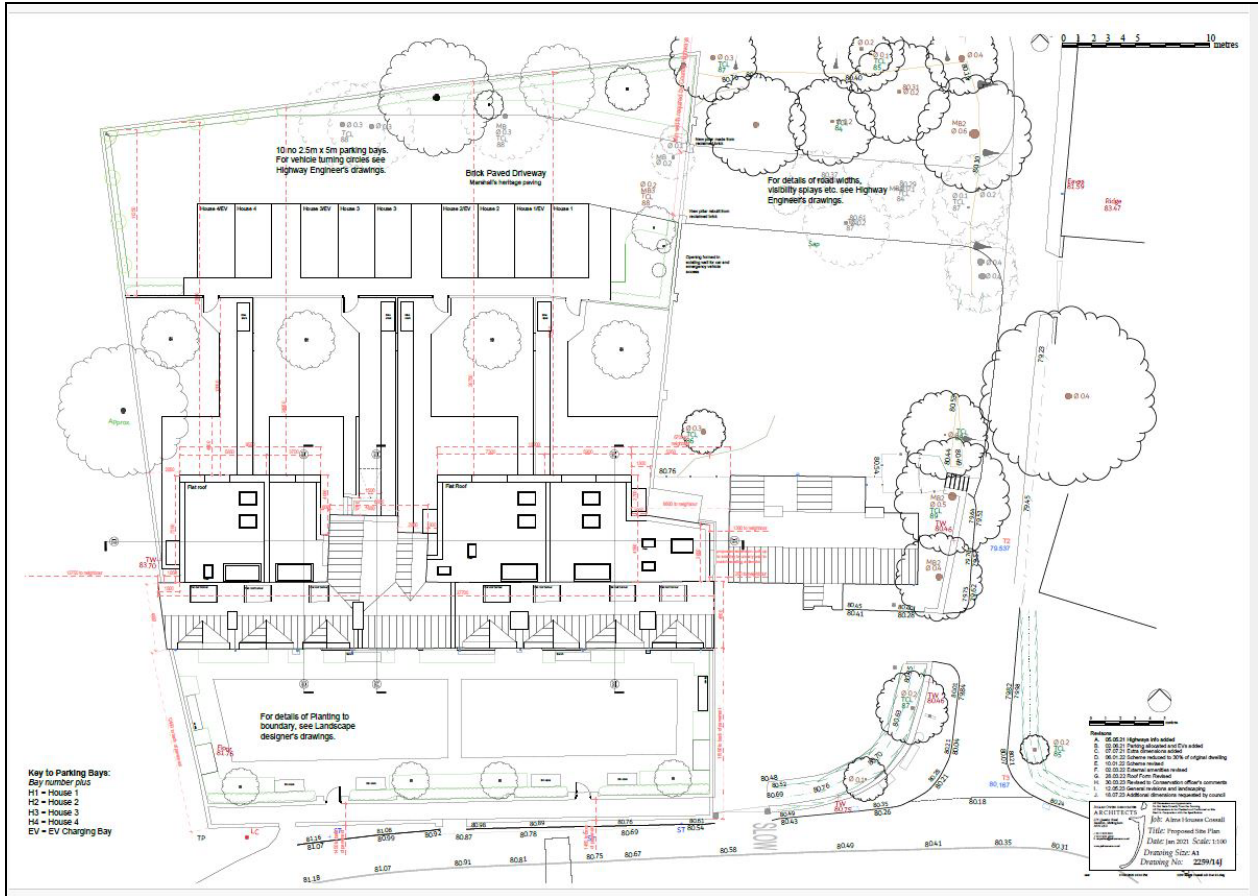


Rear Elevation



Plans (not to scale)

Site Plan



Proposed Elevations

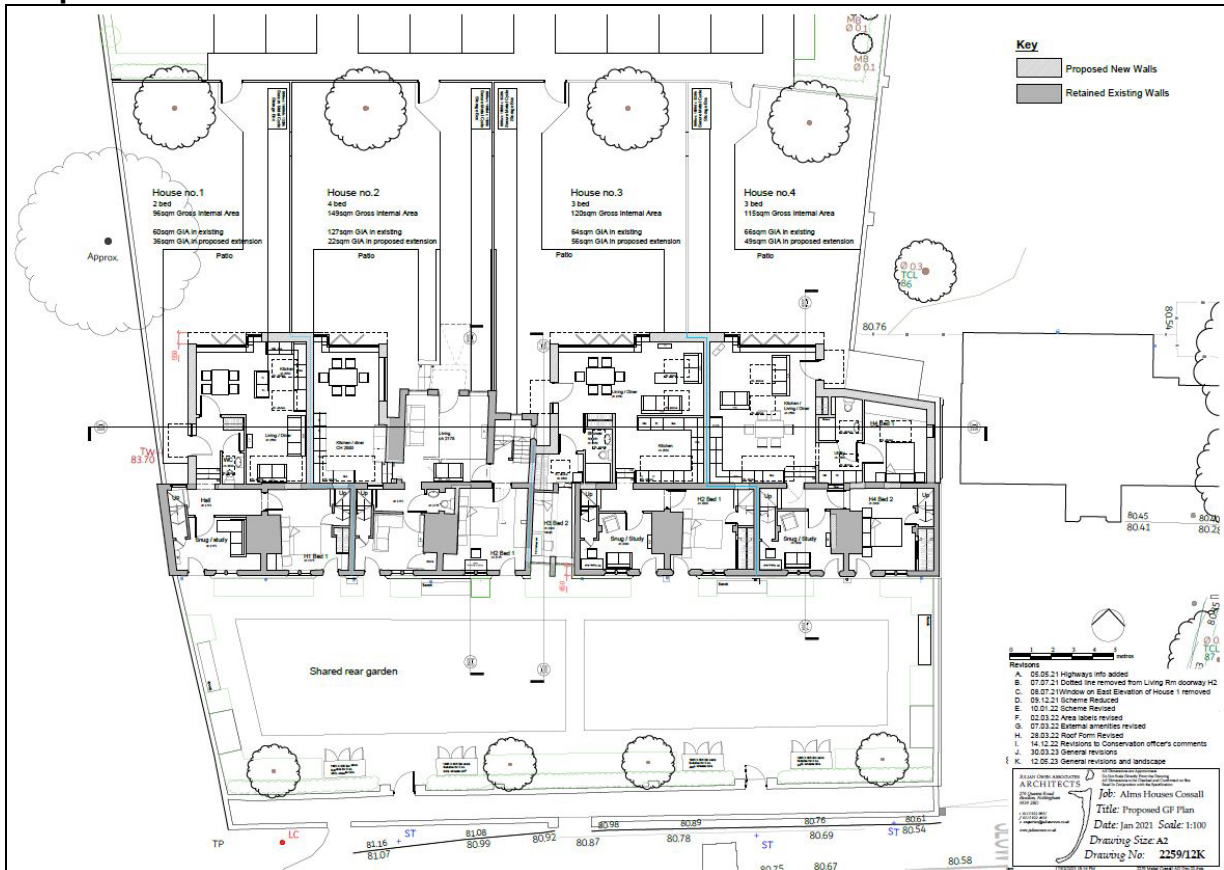
Front



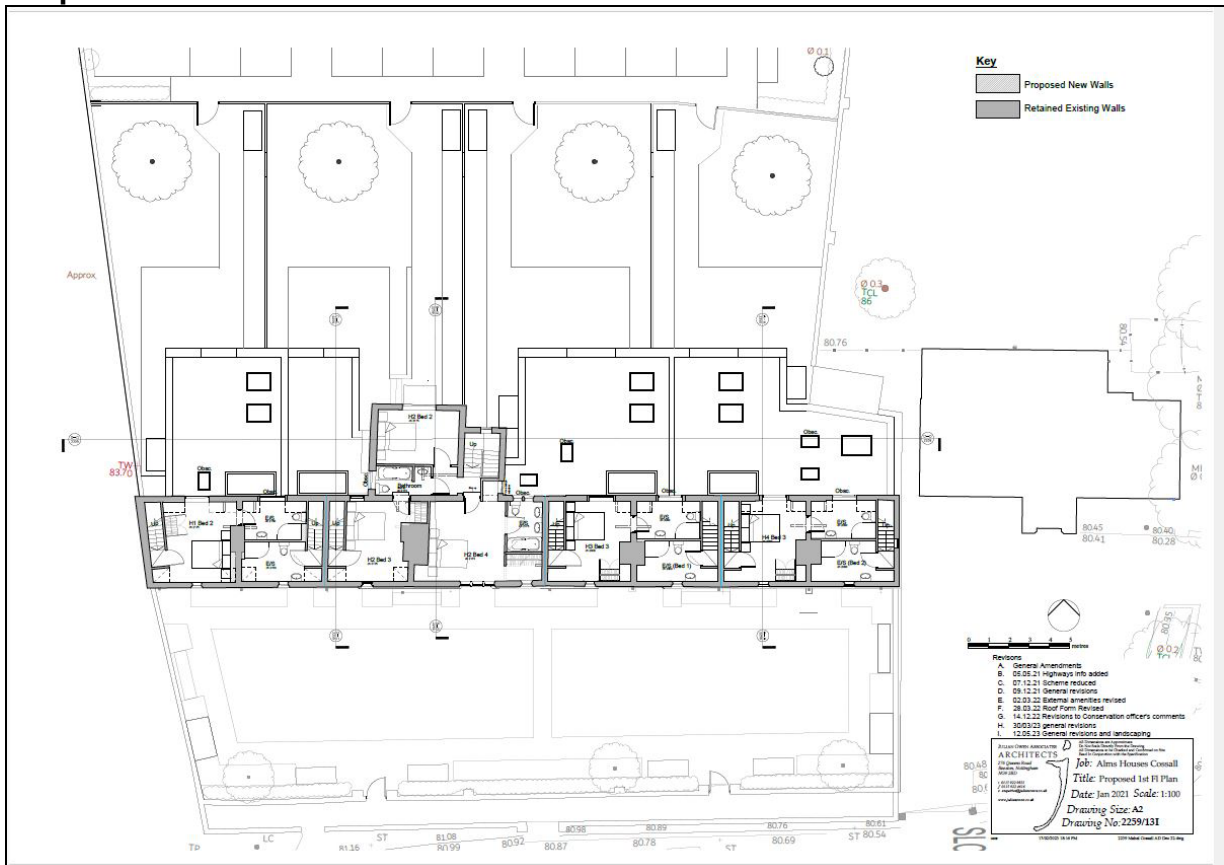
Rear



Proposed Ground Floor Plan



Proposed First Floor Plan



Coloured Images

Front



Proposed restoration works to the historic southern elevation - Existing fabric to be restored and upgraded with minimal changes

The Existing Elevation



1. Windows

The window frames have been painted many times and some no longer open. Windows to be removed, paint to be stripped to check the conditions and any required repairs are to be undertaken. Windows to be repainted and reinstalled in openings.

2. Doorways & doors

Previously blocked up door to be reinstated to match existing. The original doors had been replaced during the life of the building. The existing red painted doors would be replaced with high quality doors in a timber finish and a style suited to the time period of the building.



3. Alleyway

The existing alleys are to be closed to provide accommodation. The infill will be made using metal framed windows in order to contrast to the building and ensure it is clear which parts are original. The infill will be set back from the line of the existing facade to maintain the appearance of the alleys.



Other Restoration works

The roof tiles will be stripped and reinstalled to check for any damage to the structure. Any additional tiles required will be salvaged tiles to match. The top 6 courses of brickwork on the chimneys will be removed and rebuilt to repair the damage. The stonework including the stone copings to the gables and stone detailing will be replaced to match where required. Gutters and downpipes are to be removed, the paint stripped and check for damage. Any damage rainwater goods are to be replaced with new to match existing. To be repainted to match existing. Damaged bricks are to be replaced and the brickwork is to be repointed. Weeds & plant growth on external wall surfaces to be removed, existing landscaping to be removed and new landscaping is to be planted in accordance with landscape plan. For further information see the survey & restoration report provided by Jansens Restoration.



Rear



North Elevation as Existing



North Elevation as Existing



Proposed Materials

Vertical charred timber cladding to proposed extensions with metal coping. Doors and windows to have anthracite grey frames. Anthracite canopies over north side front doors. Existing 20th century dormers to be re-insulated and clad in timber rolled lead. Flat roof finish to be single ply membrane. Garden walls to be brick to closely match existing. Rainwater goods to be steel in textured heritage black finish. Paving to be from marshall's heritage range. All extensions are to be below eaves line.



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APPENDIX 2

Report of the Chief Executive

| | |
|----------------------------|---|
| APPLICATION NUMBER: | 21/00508/LBC |
| LOCATION: | Willoughby Almshouses, Church Lane, Cossall, Nottinghamshire, NG16 2RT |
| PROPOSAL: | Residential extensions and refurbishments creating one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site. |

1.1 Purpose of Report

This application is brought to the Committee upon the request of Councillor L A Ball BEM.

1.2 Recommendation

The Committee is asked to resolve that Listed Building Consent be refused as the reason for refusal outlined in the appendix.

1.3 Detail

- 1.3.1 This application seeks Listed Building Consent to construct residential extensions to a Grade II* Listed Building and refurbishments to create one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site.
- 1.3.2 The main issues relate to whether the principle of the proposed extensions and refurbishment to create four dwellings is acceptable and the impact upon the Grade II* Listed Building.
- 1.3.3 The benefits of the proposal are that it would bring an existing vacant Grade II* Listed Building back into use which is falling into disrepair and has been vacant for a number of years. The negatives of the proposal are that the design of the proposed extensions are unacceptable and as the building is a Grade II* Listed Building for which both national and local planning policy protects these highly sensitive and important buildings against unacceptable extensions, on balance, the scheme is unacceptable and should be refused.
- 1.3.4 The Committee is asked to resolve that Listed Building Consent be refused as the reason for refusal outlined in the appendix.

1.4 Financial Implications

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

1.5 Legal Implications

The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

1.6 Data Protection Compliance Implications

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

1.7 Background Papers

- Design and Access Statement;
- Heritage Statement;
- Bat Survey;
- Tree Survey;
- Traffic Survey;
- Visual Images.

APPENDIX

2. Details of the Application

- 2.1 This application seeks Listed Building Consent to construct residential extensions to a Grade II* Listed Building and refurbishments to create one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site.

3. Site and Surroundings

- 3.1 The application site is located within the Cossall Conservation Area and Nottinghamshire Green Belt and is located within the centre of Cossall Village. To the site there is a wall with an overgrown garden area to the front. To the rear there is also an overgrown garden area. The Almshouses currently consist of six, one bedroom dwellings and one, three bedroomed dwelling. The building has been extended in the past with the provision of small flat roof extensions to the rear. The site is located within a predominantly residential area with residential properties to the side and directly opposite, with the Parish Hall to the opposite side.

4. Relevant Planning History

- 4.1 Planning permission and Listed Building Consent was granted under reference numbers 10/00044/FUL and 10/00045/FUL to rebuild the front wall.

5. Relevant Policies and Guidance5.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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

- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment

5.2 **Part 2 Local Plan 2019**

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

- Policy 8: Development in the Green Belt
- Policy 11: The Historic Environment
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity

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

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

- Section 16: Conserving and Enhancing the Historic Environment
Paragraph 195: Local Planning Authority (LPA) should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise.

Paragraph 196: where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 199: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201: where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site;
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible;
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 203: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

6. Consultations

6.1 **Cossall Parish Council** – No objections, consider the development proposal will ensure the wellbeing of the valued historic building.

6.2 **The Coal Authority** – No objections.

6.3 **The Highway Authority** - No Objections.

6.4 **Historic England**

First Consultation

The proposed conversion to almshouses to four dwellings would seriously and irreversibly harm their character as small single dwellings, which is a fundamental part of their significance. The proposed scheme involves a significant amount of intervention, including large, intrusive and inappropriate extensions, alterations to the listed building and harmful alterations to its setting.

In our view, in relation to Paragraph 202 of the National Planning Policy Framework (NPPF), the proposal would cause a high level of less than substantial harm to the overall significance of this highly graded listed building and the contribution to significance made by its setting.

Additionally, the proposals would result in harm to a key listed building within the Cossall Conservation Area. We do not believe that a clear and convincing justification has been provided for the high level of harm that we believe would be caused by the proposal, as required by Paragraph 200 of the NPPF. Historic England objects to the applications on heritage grounds.

Second Consultation

Having considered the revised plans, we still have serious concerns in relation to the proposed scheme and the resultant impact on the overall significance of this highly graded listed building. We believe that the proposed alterations and extensions to the historic almshouses would cause a high level of harm to the significance of this highly graded listed building and would erode its setting. As such, the proposals would result in harm to a key building within the Cossall Conservation Area and would have an adverse impact on its significance, character and appearance.

We do not believe that a clear and convincing justification has been provided for the high level of harm that we believe would be caused by the proposals. We strongly disagree with the conclusions in the accompanying Heritage Statement that the proposals would not result in harm to the appreciation of the significance of the heritage assets; that the proposed extensions would complement the existing building; and that the proposal would not adversely affect the setting of the adjacent listed buildings or the character and appearance of the conservation area. We note that the Heritage Statement has not been updated to reflect the amended scheme.

In relation to the paragraph 202 of the NPPF, we believe that the level of harm caused would be high level of less than substantial harm. We believe that other less harmful options exist to bring this important highly graded back into use. Furthermore, we are unconvinced by the viability argument put forward by the applicant. We would expect both the condition of the listed building and the constraints provided by the listed status to have been reflected in the purchase price. The argument put forward would not comply with the Historic England published guidance on enabling development.

Recommendation

Historic England objects to the applications on heritage grounds. We believe that the revised proposal would result in serious harm to the special interest and significance of the Grade II* listed Willoughby Almshouses. We continue to advise that proposals would also result in harm to the significance, character and appearance of the Cossall Conservation Area. We do not believe that a clear and convincing justification has been provided for the high level of harm that we believe would be caused by the proposal.

We consider that the applications do not meet the requirements of the NPPF, in particular paragraph numbers 195, 197, 199, 200, 202.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Conservation Officer - I have looked into this application in detail, it is certainly a complex one and I have the following initial observations to make:

- The Grade II* listed building is not watertight at present and the building is on Historic England's Heritage at Risk (HAR) register. Something must be done about this and a viable solution must be found.
- There is clearly a degree of harm to this proposal that is at the higher end of less than substantial harm. Historic England (HE) do not approve and they recommend refusal.
- An argument has been made by the applicant's agent that the positive benefits of the conversion to the new arrangement of dwellings, with the parking at the rear, outweighs the disbenefits of the scheme and would take the building off the HAR register (which is a pressing issue and hence there are significant public benefits to this).
- It is important to determine how much the building has deteriorated since it was purchased in 2017. It is a statutory duty of a listed building owner to keep a building wind and water tight and Para 196 of the NPPF states that: *'where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'*
- HE also make reference to 'enabling development' which the applicant's agent does not.

- HE state that they do not consider this application to be in accordance with their enabling development guidelines. This is clearly a case of enabling development, as whatever works are carried out are going to be harmful to the character of the GII* listed building, thus the harmful conversion will 'enable' the restoration of the building. The Heritage Statement does provide detailed costs, a GDV and the original purchase price, but the figures are not put together properly in a residualised appraisal.

(Gross Development Value - (Existing Use Value + Development Costs) = conservation deficit)

- Once the conservation deficit figure is reduced to zero, the scheme becomes viable and every effort should be made to find a solution in accordance with these figures (thereby 'enabling' the development). If we are working on the basis that it is nobody's fault that the building is in such a poor condition, then the above calculations should be submitted as a residual appraisal by the applicant. This should then be scrutinised independently by an RICS accredited valuer.

-There are two key issues here, firstly the Existing Use Value (EUV) which is not necessarily the £250,000 price paid for the property in 2017. If it was purchased in 2017 as a building that was not watertight and had significant defects, then it should have had a much lower nominal value and the developer over paid for the site. HE have also noted this when they state: *'furthermore, we are unconvinced by the viability argument put forward by the We would expect both the condition of the listed building and the constraints provided by the listed status to have been reflected in the purchase price.'*

- The second key issue is the developer's profit margin. This should be included as a development cost. HE have become ambiguous about this in their revised Enabling Development Guidance (revised 2020). Their previous document stated 15-20% profit on development costs as acceptable, but now they do not mention a figure. I consider 15-20% profit margin to be an acceptable development 'cost'.

In conclusion, I think a proper residual appraisal should be submitted as part of this process, because without it HE's concerns (and my own) cannot be overcome. It should also be demonstrated that the property was purchased in its present state and it was not allowed to degrade over the period 2017-2022 willingly. Once the figures are made crystal clear, we can look at how much needs to be generated in the GDV to determine how much intervention is required. For example, a comparative residual appraisal showing the scheme with parking and another without parking, will very quickly show that a development without parking is simply not viable and this would address HE's concerns. HE have offered their observations without fully addressing the viability issues at stake and it is for the applicant to highlight this. The applicant has already collated many of the development costs (which are increasing at an unprecedented rate, the BCIS index reflected a 19.7% increase in material costs 2020-21), so it should not take them much to compile all of this in a residual appraisal.

- 6.5 Eight neighbouring properties were consulted on the original application and amended plans along with the posting of a site notice, with no letters of objection having been received.

7. Assessment

- 7.1 The main issues relate to whether the principle of the proposed extensions and refurbishment to create four dwellings is acceptable and the impact upon the Grade II* Listed Building.

7.2 Principle and Impact on a Grade II* Listed Building

- 7.2.1 The Willoughby Almshouses and the adjoining boundary walls is a Grade II* listed building. The Grade II* listing reflects the more than special architectural and historic interest of the group. This places the Willoughby Almshouses within the top 8% of listed buildings in England. The almshouses date from 1685. They were endowed by George Willoughby, a member of a wealthy local family, which included Sir Francis Willoughby, who built the nearby Wollaton Hall. The red brick with plain tile roof building originally consisted of a row of eight individual dwellings for four poor men and women, two of which have been merged. A central unit was designed with a ridged roof. The three to the left and four to the right were expressed with steep gables, which gives the building a wide and grand frontage, despite it being comprised of humble dwellings. The fenestration to the frontage mainly consists of stone chamfered mullioned windows with cast-iron leaded casements and flat drip moulds. The central section of the building has a sundial on the front façade. The principal façade has survived unaltered.
- 7.2.2 Notwithstanding the merger of two of the original dwellings, the almshouses have largely retained their internal plan-form and small-scale character. Flat roofed extensions with modern casement windows were added in the twentieth-century, to provide kitchens and toilets for each dwelling. These utilitarian additions are small in scale and subservient to the original building. Flat roofed dormers and inappropriate windows have been inserted into the rear side of the original building.
- 7.2.3 The frontage to the building comprises an unusual historic high double-wall, the origins of which are obscure. Openings have piers with ball finials. To the north of the building is a single grassed open space, enclosed by walls, and beyond is open fields. Consequently, there is a strong contrast between the heavily enclosed streetscene setting and the open, verdant nature of the setting to the rear of the building.
- 7.2.4 The building and attached walls is highly significant, reflected by its Grade II* listed status. It is an architecturally fine building dating from the 17th century, which has an important historic connection to the Willoughby family and Cossall village. Almshouses from the 17th century are relatively rare. Nikolaus Pevsner describes the Almshouses as a 'delicious group'. The building retains much of its architectural and historic character as a row of small individual dwellings. Notwithstanding the merger of two of the eight almshouses, and the addition of kitchens and bathrooms, the plan form and internal spatial character of the original building has survived relatively unaltered. A fundamental characteristic of almshouses is that they are modular with a repeating form, and modest in scale.
- 7.2.5 The almshouses are located within Cossall Conservation Area and make a strong positive contribution to its character and appearance and the significance of the streetscene. The almshouses were used for sheltered/community housing up until

relatively recently when the properties were sold at auction to the current owner. The continuity of use as small dwellings serving the local community for over three-hundred years is part of the significance of the building. The building is included on Historic England's 'Heritage at Risk' register as it is currently vacant and its condition is deteriorating.

7.2.6 In terms of design, concerns were raised with the gent in respect of the plans originally submitted, specifically the size of the extensions proposed to increase living accommodation at the Grade II* Listed Building. Whilst the principle of a form of development is considered acceptable, the proposed scheme involved significant intervention, including;

- Large intrusive and incongruous extensions altering the character of the Listed Building;
- Substantial Internal and layout alterations to the Listed Building;
- Harmful alterations to the setting, requiring areas of demolition to Listed structures to provide vehicle access.

7.2.7 In view of this both the Officer and Historic England raised objections, in relation to Paragraph 202 of the National Planning Policy Framework (NPPF), that the proposal would cause a high level of less than substantial harm to the significance of this Grade II* Listed Building; its character, appearance and setting.

7.2.8 Following on from the objection amended plans were submitted, however the amendments are not considered enough to overcome the objection from both the Officer or Historic England. The concerns are as follows:

- It appears that it is now proposed to block up existing doorways on the front elevation and also the central passage way to the rear. This is considered to be harmful to the character of the principal elevation of the Almshouses, the most visible elevation in the Cossall Conservation Area and is not supported by the Council;
- Whilst the bulk of the extensions have been scaled back and this is considered an improvement, it is considered that the continuous block of extensions across the entire north elevation is over dominant and harmful to the view of the Grade II* Listed Building;
- The use of materials proposed are not considered acceptable in terms of the relationship with the Listed Building.

7.2.9 The above concerns have been forwarded onto both the agent and the applicant along with the comments received from the Conservation Officer advising a proper residual appraisal should be submitted as part of the application process, because without it Historic England's concerns and the Conservation Officer's cannot be overcome. However, no further amendments or supporting information have been submitted and the applicant has advised he wants the applicant assessing in it's current form. It is therefore considered the proposal would cause a high level of less than substantial harm to the significance of this Grade II* Listed Building; its

character appearance and setting. Additionally, the proposals would result in harm to a key Listed Building within the Cossall Conservation Area. Furthermore, it is not considered that a clear and convincing justification has been provided for the high level of harm that would be caused by the proposal, as required by Paragraph 200 of the NPPF.

8 Planning Balance

- 8.1 The benefits of the proposal are that it would bring an existing vacant Grade II* Listed Building back into use which is falling into disrepair and has been vacant for a number of years. The negatives of the proposal are that the design of the proposed extensions are unacceptable and as the building is a Grade II* Listed Building for which both national and local planning policy protects these highly sensitive and important buildings against unacceptable extensions, on balance, the scheme is unacceptable and should be refused.

9 Conclusion

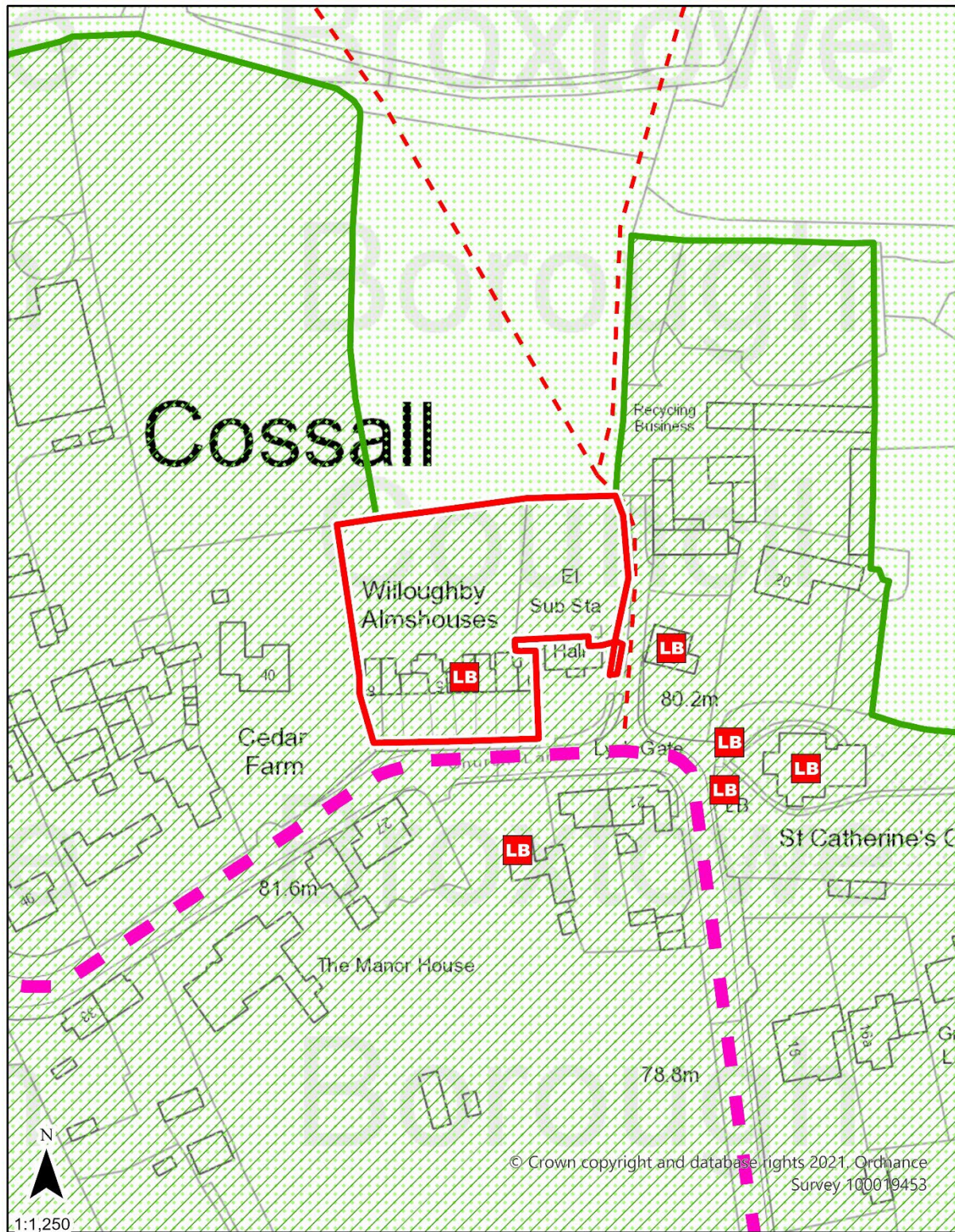
- 9.1 To conclude, for the reasons set out above, the scheme is considered to directly contravene the terms of paragraph 200 and 201 of the NPPF (2021) which state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction), should require clear and convincing justification and that substantial harm to a grade II listed building should be exceptional. Furthermore, it is considered the scheme directly contravenes with paragraph 201 of the NPPF (2021) which states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The proposal would therefore be contrary to Policy 11 of the Broxtowe Aligned Core Strategy (2014), to Policy 23 of the Part 2 Local Plan (2019) and the NPPF (2021).

Recommendation

The Committee is asked to RESOLVE that planning permission is refused subject to the following reason.

| | |
|----|---|
| 1. | A clear and convincing justification for the proposed harm to the Grade II* Listed Building and its setting that will result from the works to create Four dwellings including significant extensions to the rear has not been provided. The proposal would cause a high level of less than substantial harm to the overall significance of this highly graded listed building and the contribution to significance made by its setting and the Cossall Conservation Area. Accordingly, the proposal is contrary to Policy 11 of the Broxtowe Aligned Core Strategy (2014), Policy 23 of the Part 2 Local Plan (2019) and the NPPF (2021). |
| | |

| | NOTES TO APPLICANT |
|----|---|
| 1. | The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale. |



Legend

- Site Outline
- Classified Road
- Footpath
- Conservation Area
- Green Belt
- LB Listed Building

Photographs

Front elevation



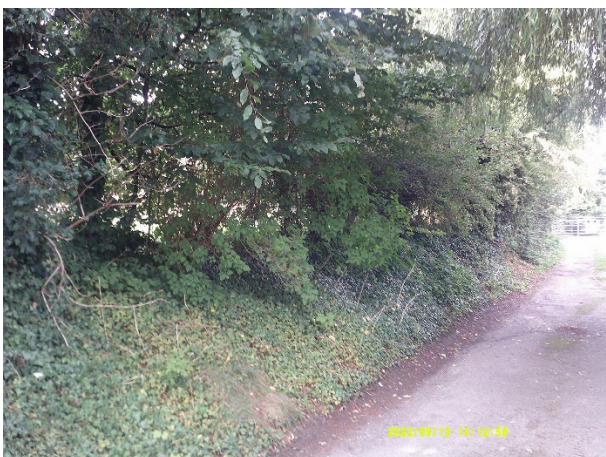
Side view



Access Road



Point of access for driveway



Location of driveway behind Parish Hall leading to rear parking

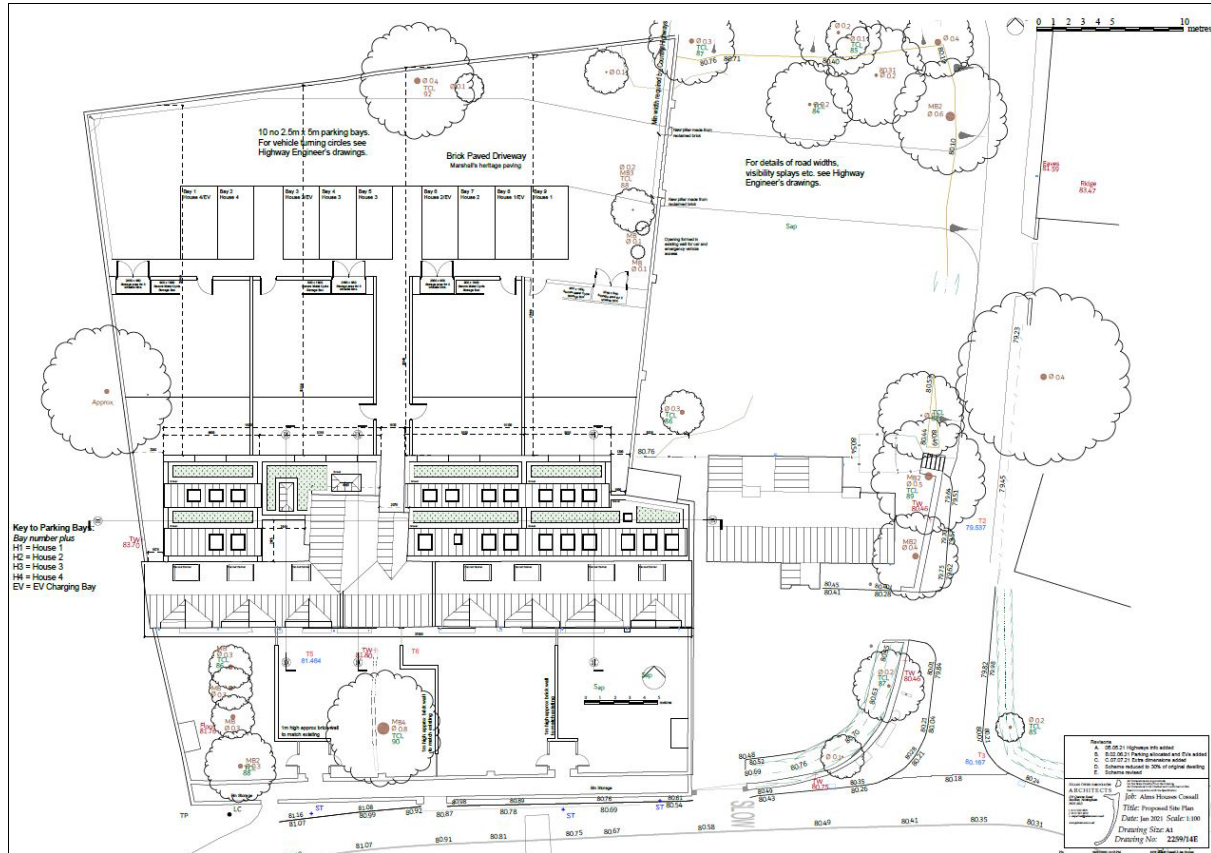


Rear Elevation

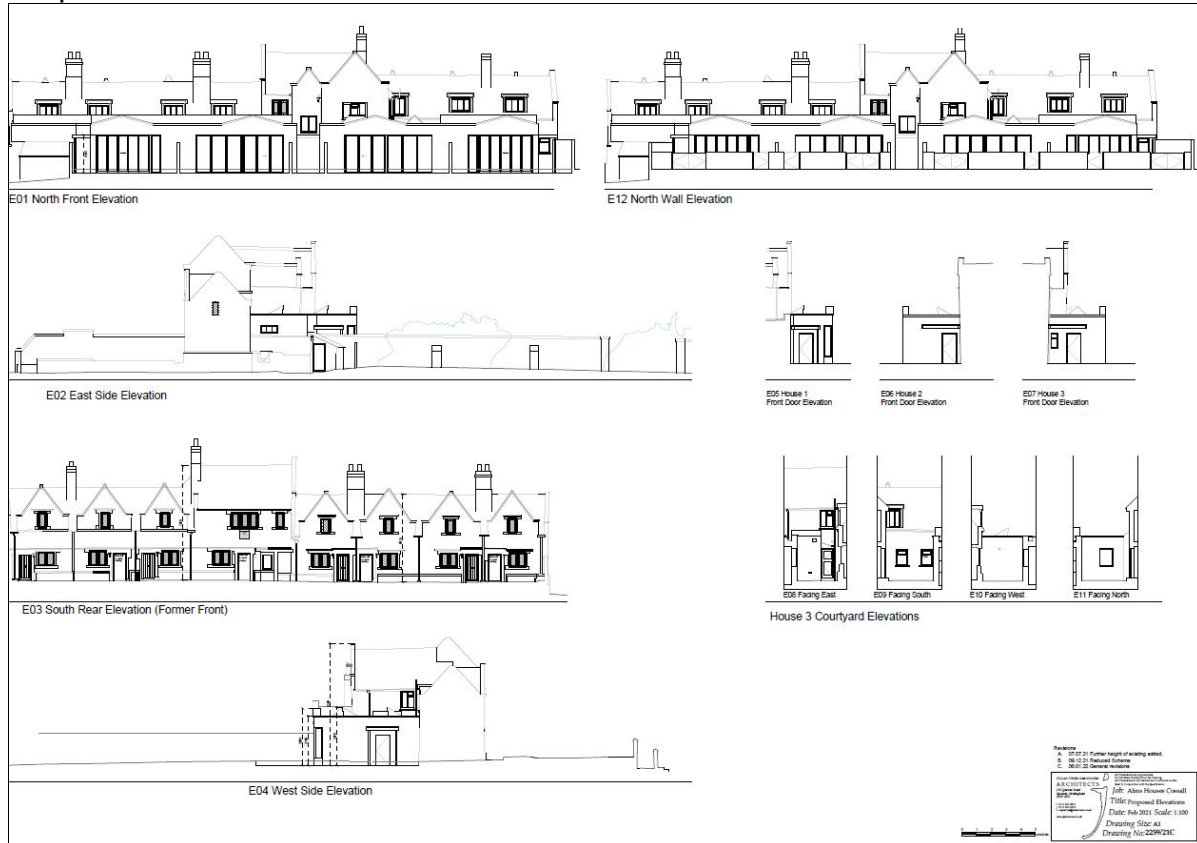


Plans (not to scale)

Site Plan



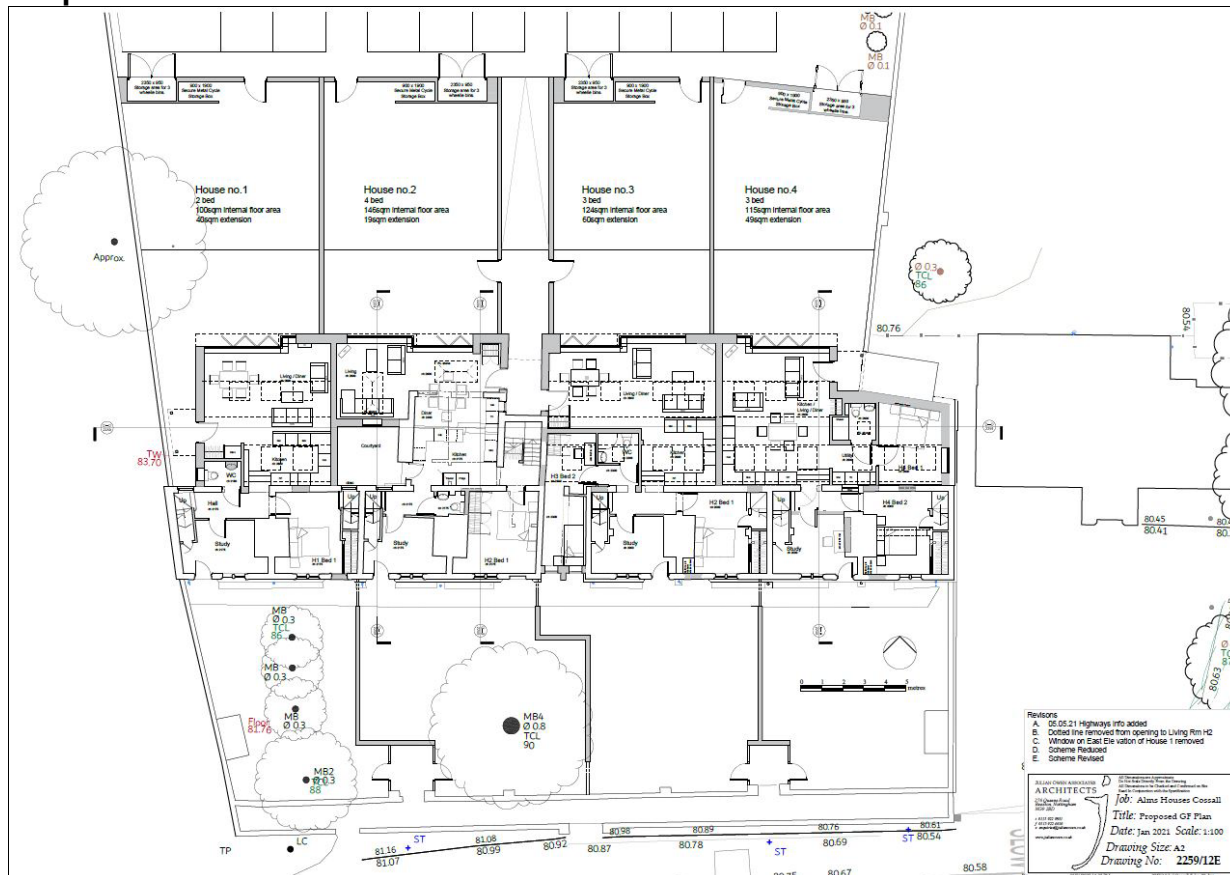
Proposed Elevations



Rear Colour Elevation



Proposed Ground Floor Plan



Proposed First Floor Plan



Rear Visual



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Report of the Chief Executive

| | |
|----------------------------|---|
| APPLICATION NUMBER: | 23/00554/FUL |
| LOCATION: | Land Behind 79 Chewton Street, Eastwood, Nottinghamshire, NG16 3JQ |
| PROPOSAL: | Construct detached bungalow to rear garden, with access from Old Kiln Lane |

The application is brought to the Committee at request of Councillor M Radulovic MBE.

1. Purpose of the Report

- 1.1 The application seeks full planning permission for the sub division of the existing house garden and the erection of a single storey detached dwelling, access, parking and amenity space.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be refused for the reasons outlined in the appendix.

3. Executive Summary

- 3.1 The application site consists of an area of garden ground belonging to the existing two storeys semi-detached brick built property located on Chewton Street. The house is linked to the neighbouring property number 77 by a party wall. There is a small drive and garden area to the front (east) of the property.
- 3.2 In regards to neighbouring properties the site is located in a built up residential area of Eastwood with an adjoining neighbour to the north west (77 Chewton Street). 81 and 75 Chewton Street are located to the north and south of the site linked by the rear gardens and with 1 Old Kiln Lane located to the east on the opposite side of the public road.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:
There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

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

7. Background Papers

Nil.

APPENDIX

1. Details of the application

- 1.1 The application seeks full planning permission for the sub division of the existing house garden and the erection of a single storey detached dwelling, access, parking and amenity space. The property will measure 9.9m by 6.9m with a ridge height of 4.58m.

2. Site and surroundings

- 2.1 The application site consists of an area of garden ground belonging to the existing two storeys semi-detached brick built property located on Chewton Street. The house is linked to the neighbouring property number 77 by a party wall. There is a small drive and garden area to the front (east) of the property.
- 2.2 In regards to neighbouring properties the site is located in a built up residential area of Eastwood with an adjoining neighbour to the north west (77 Chewton Street). 81 and 75 Chewton Street are located to the north and south of the site linked by the rear gardens and with 1 Old Kiln Lane located to the east on the opposite side of the public road.

3. Relevant Planning History

- 3.1 No Relevant Planning History Found

3.2 Relevant Policies and Guidance**Broxtowe Aligned Core Strategy 2014:**

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

- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 17 – Biodiversity

Part 2 Local Plan 2019

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

- Policy 15 - Housing Size, Mix and Choice
- Policy 17 - Place-Making, Design and Amenity
- Policy 31 – Biodiversity Assets

National Planning Policy Framework (NPPF) 2023

- Part 2 - Achieving Sustainable Development.
- Part 4 - Decision-making.

- Part 5 - Delivering a sufficient supply of homes
- Part 11 - Making effective use of land
- Part 12 - Achieving well-designed places

4. Consultations

4.1 **Councillors & Parish/Town Councils:**

- Councillor S Bagshaw – No Comments Received
- Councillor M Radulovic – Requested the application be called into committee
- Eastwood Town Council - No Comments Received

4.2 **Consultees:**

- Coal Authority – No objection subject to pre-commencement conditions being added to the decision regarding site investigations and safety survey being carried out.
- Highways – No objection
- Environmental Health – No objection subject to Informatives being added regarding working hours, the burning of waste and a construction/demolition statement being submitted.
- Environment Services – No Comment received.

4.3 **Neighbours:**

- Eleven neighbours were consulted on the application with objection comments received from four neighbouring properties and five third parties. The comments received raise the following points:
 - Foul Drainage capacity,
 - Suitability of the access road,
 - Suitability of the site for a house,
 - Access issues,
 - Wildlife on site,
 - Loss of Privacy,
 - Sense of enclosure, and
 - Construction noise.

5. Assessment

5.1 **Principle**

The principle of a single storey detached property within the curtilage an existing dwelling within a residential area in this location, is deemed acceptable subject to any assessment of the design and appearance and its impact on amenity.

5.2 Design

Policy 8 of the Aligned Core Strategy states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space and a proportion of homes should be capable of being adapted to suit the lifetime of its occupants. Policy 10 states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing development.

Policy 15 of the Part 2 Local Plan 2019 states that developments of market and affordable housing should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the Borough and all age groups are met. Policy 17 of the Part 2 Local Plan 2019 states that development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

The proposed property is single storey in design and small in terms of its scale and massing. This side of the public road is made up of large two storey semi-detached brick built properties set within large plots and with elongated rear gardens. The introduction of a single storey property to the rear of 79 Chewton Street, is considered to disrupt the existing pattern of development and the proposed property would appear as an incongruous cramped addition to the street which would negatively affect the character and appearance of the street scene. The proposed bungalow would take up the majority of the garden to 79 Chewton Street and have minimal garden for its self just a small area of side garden. Given the setting of the neighbouring properties being consistent in terms of the proportion of garden space to house size contributing to the established pattern of development, the loss of amenity space to number 79 and the minimal amenity space for the proposed bungalow are considered not in accordance with local settlement pattern.

The proposed property is small in footprint and with an internal floor area of only 54.8m² the property is contrary to the 'Technical housing standards – nationally described space standards'. To make the property in line with the guidance a larger property of 70m² would be required which would then amplify the issues with regards to the overdevelopment of the site.

Information submitted on the application form indicates that the finish materials of the proposed house will match those of the parent house with facing bricks used in the construction of the walls and tiles to be used on the roof. The windows and doors will be constructed of UPVC double glazed casement style in a similar appearance and design to those existing. Therefore, it is considered that the proposed finish materials to be used in the development are considered acceptable in respect to their appearance within the local streetscape.

5.3 **Amenity**

Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

The submitted plans show a two bedroomed four-person single storey property and would utilise the majority of the garden of the existing property. As such 79 Chewton Street would finish with minimal amenity space and only a small area of garden ground, and result in an awkward layout. This reduced amenity ground is considered unacceptable to the occupiers of 79 Chewton Street.

The proposed bungalow would be overlooked by the existing property within the site (79 Chewton Street). There are upper floor bedroom windows that would be in close proximity to the proposed boundary between the properties. This would provide an unacceptable negative impact on the amenity of the proposed property especially with the direct views down into the private amenity space of the bungalow and would therefore be contrary to policy and be unacceptable.

Given the proposed houses location on the site and its relationship with the neighbouring houses it is considered that there will be no additional loss of sunlight/daylight to the surrounding neighbouring amenity spaces.

5.4 **Access**

Policy 17 of the Part 2 Local Plan 2019 states that planning permission will be granted for new development that provides sufficient, well-integrated parking and safe and convenient access.

The application is for a two bedroomed property and includes the creation of one onsite parking space. Given the size of the property it is considered that there will be adequate parking for the proposed dwelling. Given the sites location centrally on the single track public road it is considered that there is no available space on the roadside to allow any additional parking to be accommodated.

The proposed access is located just over 40m from the road junction and with the geometry of the road it is considered that visibility there are no issues raised in terms of road safety from the proposed access.

This is a very busy area at school times given the sites close proximity to the nearby Primary School. Many parents use this and nearby roads as parking for drop of and pick up of children. Given this an approval would need to be conditioned to ensure that there are no deliveries of materials to the site at drop off or collection times for the school.

Highways were consulted on the application and raises no objection in terms of road safety impact from the proposal.

5.5 Coal Authority

The site falls within an area where records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. A Coal Mining Assessment was submitted as part of the application which identifies a coal seam and outcrops within the context of the site. Given the potential of impacts from the coal seam conditions have been requested by the Coal Authority with regards to pre commencement site investigations and any mitigation measures or remediation works required and also the submission of a safety declaration being provided prior to occupation of the building confirming that the site is safe and stable.

6. Conclusion

The proposal fails to demonstrate that the erection of the property can be provided without having an unacceptable incongruous visual impact on the surrounding streetscape or affecting the amenity of the neighbouring property and the occupiers of the proposed property. All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations and planning permission will be refused.

| <u>Recommendation</u> | |
|---|--|
| The Committee is asked to RESOLVE that planning permission be refused for the following reasons: | |
| 1. | The proposal by virtue of its scale and massing and the small site of the plot is considered to be contrary to the local vernacular and settlement pattern and also constitutes overdevelopment of the site. Consequently, the development would be contrary to Policies 8 and 10 of the Broxtowe Aligned Core Strategy 2014, and Policies 15 and 17 of the Part 2 Local Plan 2018. |
| 2. | Due to the small scale of the building the internal living space is restrictive and does not meet the minimal dimensions required as specified within the Technical housing standards – nationally described space standard. Consequently, the development would be contrary to Policy 8 of the Broxtowe Aligned Core Strategy 2014, and Policy 15 of the Part 2 Local Plan 2018. |
| 3. | The proposal by virtue of its limited amenity space and reduced amenity space to 79 Chewton Street would adversely affect the living conditions of the occupiers of no 79 Chewton Street in terms of outlook, and the living conditions of the future occupiers of the proposed bungalow with regard to adverse impact on the proposed |

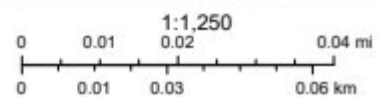
| | |
|-----------|---|
| | bungalow and the existing house. Consequently, the development would be contrary to Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Part 2 Local Plan 2018. |
| 4. | The proposal will have an unacceptable impact on the amenity of the proposed occupiers of the building from neighbouring properties by virtue of the distance to boundaries of the neighbouring properties windows creating an overlooking issue onto the amenity spaces of the proposed property. Consequently, the development would be contrary to Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Part 2 Local Plan 2018. |
| | |
| | NOTES TO APPLICANT |
| 1. | The Council has tried to act positively and proactively in the determination of this application, however it was not considered that there were any alterations which could be made to the scheme to make the proposal acceptable. |

Location Plan

23/00554/FUL



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Plans



Photographs



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Report of the Chief Executive

| | |
|----------------------------|---|
| APPLICATION NUMBER: | 23/00659/FUL |
| LOCATION: | Land at 196 Cator Lane, Chilwell, Nottinghamshire, NG9 4BE |
| PROPOSAL: | Construct detached bungalow |

The application is brought to the Committee at request of Councillor M Radulovic MBE.

1. Purpose of the Report

- 1.1 The application seeks full planning permission for the sub division of the existing house garden and the erection of a single storey detached dwelling, access, parking and amenity space.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be refused for the reasons outlined in the appendix.

3. Executive Summary

- 3.1 The application site consists of 1½ storeys detached brick built property located centrally on a large plot off Cator Lane. The house is located centrally on the plot with an ancillary building located to the west. There is a drive and large grassed garden area to the front (west) of the property with a large area of garden and detached garage to the rear (east) of the property.
- 3.2 In regards to neighbouring properties the site is located in a built up residential area of Chilwell with an adjacent neighbour to the south (194 Cator Lane) and also an immediate commercial neighbour to the north (198 Cator Lane) in the process of being converted from commercial to residential. 170 Cator Lane is located to the west on the opposite side of the public road and with 1-12a Park View located to the east of the site linked by the rear garden to the flats access and parking area.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:
There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

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

7. Background Papers

Nil.

APPENDIX

1. Details of the application

- 1.1 The application seeks full planning permission for the subdivision of the rear garden of 196 Cator Lane and for the erection of a single storey detached bungalow. The bungalow measures 9.9m by 8m and with a ridge height of 5.4m.

2. Site and surroundings

- 2.1 The application site consists of 1½ storeys detached brick built property located centrally on a large plot off Cator Lane. The house is located centrally on the plot with an ancillary building located to the west. There is a drive and large grassed garden area to the front (west) of the property with a large area of garden and detached garage to the rear (east) of the property.
- 2.2 In regards to neighbouring properties the site is located in a built up residential area of Chilwell with an adjacent neighbour to the south (194 Cator Lane) and also an immediate neighbour to the north (198 Cator Lane) in the process of being converted from commercial to residential. 170 Cator Lane is located to the west on the opposite side of the public road and with 1-12a Park View located to the east of the site linked by the rear garden to the flats access and parking area.

3. Relevant Planning History

- 3.1 No Relevant Planning History Found

4. Relevant Policies and Guidance

4.1 Broxtowe Aligned Core Strategy 2014:

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

- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity

4.2 Part 2 Local Plan 2019

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

- Policy 15 - Housing Size, Mix and Choice
- Policy 17 - Place-Making, Design and Amenity

4.3 National Planning Policy Framework (NPPF) 2023

- Part 2 - Achieving Sustainable Development.
- Part 4 - Decision-making.
- Part 5 - Delivering a sufficient supply of homes

- Part 12 - Achieving well-designed places

5. Consultations

5.1 **Councillors & Parish/Town Councils:**

- Councillor H Facio – No Comments Received
- Councillor R S Falvey – No Comments Received
- Councillor P Smith – No Comments Received
- Councillor M Radulovic – Request was made to Cllr Radulovic for the application be called into committee

5.2 **Consultees:**

- Highways – No Objection
- Environmental Health – No Objection subject to Informatives being added regarding working hours, the burning of waste and a condition requiring a construction/demolition statement being submitted prior to works commencing.
- Environment Services – Comments received with regards to waste bin requirements.

5.3 **Neighbours:**

- Eighteen neighbours were consulted on the application with one general comment and three objections being received from neighbouring properties and no comments received from any third parties. The comments received are as follows:
 - Clarification on the submitted plans,
 - Loss of Trees,
 - Overlooking,
 - Separation distance between proposal and neighbouring property,
 - Bungalow not in keeping with surrounding development,
 - Intensification of access,
 - Refuse Collection,
 - No Requirement for an additional property,
 - Loss of Privacy,
 - Lack of landscaping details.

6. Assessment

6.1 **Principle**

The principle of a single storey detached property within the curtilage an existing dwelling within a residential area in this location, is deemed acceptable subject to any assessment of the design and appearance and its impact on neighbouring amenity.

6.2 Design

Policy 8 of the Aligned Core Strategy states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space and a proportion of homes should be capable of being adapted to suit the lifetime of its occupants. Policy 10 states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing development.

Policy 15 of the Part 2 Local Plan 2019 states that developments of market and affordable housing should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the Borough and all age groups are met. Policy 17 of the Part 2 Local Plan 2019 states that development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

The proposal is for a single storey detached bungalow within the rear garden of a 1½ storey detached property. The area is made up of a mix of single storey and two storey properties with the adjacent site to the north having a live permission on it for the conversion of the building into ten flats and two blocks of flats directly to the east. Given the mix of housing types within close proximity to the house an additional single storey property within the area would not look out of place in the context of the local vernacular.

The proposed bungalow will constitute the subdivision of an existing planning unit with a garden ground development. The site to the north is currently being redeveloped into ten flats, the site to the east is currently occupied by two blocks of flats with thirteen flats on one unit and five within the adjacent unit. To the south and west of the proposal are existing residential properties. Although an additional single storey property would not look out of character design wise the introduction of a further residential building in this location is considered to be an over development of the site when the cumulative impact of the surrounding buildings are all taken into account.

The proposed property is small in footprint and was submitted with an internal floor area of only 67m². The property was contrary to the 'Technical housing standards – nationally described space standards'. The agent consequently increased the floor area to 70.5m². this brought the property in line with the guidance but has subsequently amplified the issues with regards to the overdevelopment of the site.

Information submitted on the application form indicates that the finish materials of the proposed property will match that of the parent house with facing bricks used in the construction of the walls and concrete tiles to be used on the roof.

The windows and doors will be constructed of Upvc double glazed casement style in a similar appearance and design to those existing house. Therefore, it is considered that the proposed finish materials to be used in the development are considered acceptable in respect to their appearance within the local streetscape.

6.3 **Amenity**

Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

The submitted plans show a two bedroomed four-person single storey property and would utilise the majority of the garden of the existing property. As such 196 Cator Lane would finish with minimal amenity space and only a small area of garden ground. This reduced amenity ground is considered unacceptable to the occupiers of 196 Cator Lane.

The proposed bungalow would be overlooked by the existing property within the site (196 Cator Lane). There is an upper floor bedroom window that would be in close proximity to the proposed boundary between the properties. This would provide an unacceptable negative impact on the amenity of the proposed property especially with the direct views down into the private amenity space of the bungalow and would therefore be contrary to policy and be unacceptable.

Given the proposed location of the bungalow within the existing site and its relationship with the neighbouring houses along with its single storey design it is considered that there will be no additional loss of sunlight/daylight to the surrounding neighbouring amenity spaces.

6.4 **Access**

Policy 17 of the Part 2 Local Plan 2019 states that planning permission will be granted for new development that provides sufficient, well-integrated parking and safe and convenient access.

A new access is proposed from Park View into the site. This road currently serves two existing blocks of flats. The access point is proposed close to the existing parking spaces for the flats but is considered to have no negative impact on the parking area and will create no reduction in the parking area in question. The visibility onto Park View is considered acceptable and raises no concerns in terms of road safety.

The proposal is for a two bedroomed property. It is considered that there is ample space proposed to allow for onsite parking of two vehicles. Given these points it is considered that the proposed access and parking for the property are considered acceptable.

Highways were consulted on the application and raises no objection in terms of road safety impact from the proposal.

7 Conclusion

The proposal fails to demonstrate that the erection of the property can be provided without affecting the amenity of the neighbouring property and the occupiers of the proposed property. All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations and planning permission will be refused.

Recommendation

The Committee is asked to RESOLVE that planning permission be refused subject to the following conditions.

| | |
|----|--|
| 1. | <p>The proposal by virtue of its scale and massing and the small site of the plot is considered to be contrary to the local vernacular and settlement pattern and also constitutes overdevelopment of the site. Consequently, the development would be contrary to Policies 8 and 10 of the Broxtowe Aligned Core Strategy 2014, and Policies 15 and 17 of the Part 2 Local Plan 2018.</p> <p>The proposal by virtue of its limited amenity space and reduced amenity space to 196 Cator Lane would adversely affect the living conditions of the occupiers of no 196 Cator Lane in terms of outlook, and the living conditions of the future occupiers of the proposed bungalow with regard to adverse impact on the proposed bungalow and the existing house. Consequently, the development would be contrary to Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Part 2 Local Plan 2018.</p> <p>The proposal will have an unacceptable impact on the amenity of the proposed occupiers of the building from neighbouring properties by virtue of the distance to boundaries of the neighbouring properties windows creating an overlooking issue onto the amenity spaces of the proposed property. Consequently, the development would be contrary to Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Part 2 Local Plan 2018.</p> |
| | |
| | NOTES TO APPLICANT |
| 1. | <p>The Council has tried to act positively and proactively in the determination of this application, however it was not considered that there were any alterations which could be made to the scheme to make the proposal acceptable.</p> |

Location Plan

23/00659/FUL Land at 196 Cator Lane



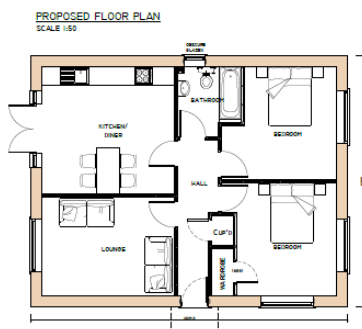
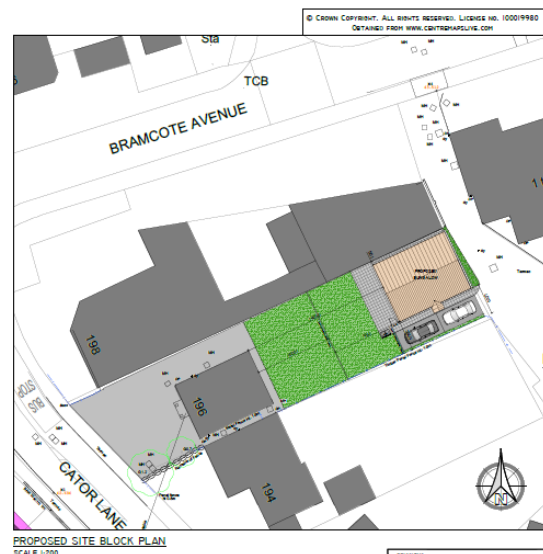
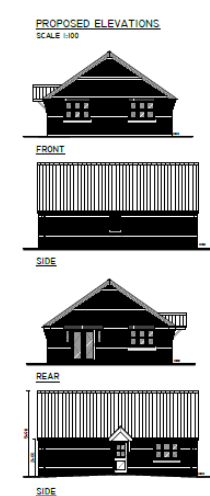
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SITE LOCATION PLAN
SCALE 1:1250

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Photographs



Report of the Chief Executive

| | |
|----------------------------|---|
| APPLICATION NUMBER: | 23/00676/VOC |
| LOCATION: | 76 Abbey Road, Beeston, Nottinghamshire, NG9 2QH |
| PROPOSAL: | Variation of condition 2 of application 21/00376/FUL |

The application is brought to the Committee at request of Councillor S J Carr.

1. Purpose of the Report

- 1.1 The application seeks planning permission to vary condition 2 of 21/00376/FUL. The drawings submitted under reference 21/00376/FUL reflected the incorrect measurements of the original building meaning it would have not been possible to build in accordance with the approved plans in respect of the rear dormers. The dormers have therefore been redesigned in accordance with the correct dimensions of the building to closely resemble the previously approved rear dormers.

2. Recommendation

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

3. Detail

- 3.1 An application, reference 21/00376/FUL, to construct a two storey side extension, single storey rear extension and loft conversion with front and rear dormers was approved in July 2021. An application, reference 21/00696/FUL to change the use from a 3 bed HMO (house in multiple occupancy) to Class C4 for an eight bed HMO was approved in October 2021.
- 3.2 The 21/00376/FUL permission was not built in accordance with the plans and the main discrepancy was the rear dormers being built bigger. An application, reference 22/00861/FUL, was submitted to regularise this but was refused in January 2023 for the following reason: *The rear dormers, by virtue of their substantial size, dominate the roof resulting in a form of development that is harmful to the character of the host dwelling. The development is therefore contrary to Policy 17 of the Part 2 Local Plan (2019), Policy 10 of the Aligned Core Strategy (2014) and the NPPF (2021).* The application was not appealed.
- 3.3 The dormers have now been reduced in size under this application and it is considered this is more reflective of the originally approved scheme 21/00376/FUL.

4. Financial Implications

4.1 The comments from the Head of Finance Services were as follows:

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

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

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

7. Background Papers

7.1 Nil.

APPENDIX

1. Details of the application

- 1.1 An application, reference 21/00376/FUL, to construct a two storey side extension, single storey rear extension and loft conversion with front and rear dormers was approved in July 2021. An application, reference 21/00696/FUL, to change the use from a 3 bed HMO (house in multiple occupancy) to Class C4 for an eight bed HMO was approved in October 2021.
- 1.2 The 21/00376/FUL permission was not built in accordance with the plans and the main discrepancy was the rear dormers being built bigger. An application, reference 22/00861/FUL, was submitted to regularise this but was refused in January 2023 for the following reason: *The rear dormers, by virtue of their substantial size, dominate the roof resulting in a form of development that is harmful to the character of the host dwelling. The development is therefore contrary to Policy 17 of the Part 2 Local Plan (2019), Policy 10 of the Aligned Core Strategy (2014) and the NPPF (2021).* The application was not appealed.
- 1.3 As previously stated the drawings approved under reference 21/00376/FUL were incorrect in their dimensions that the dormers could not be built in accordance with the approved plans. Therefore, they have been amended to take into consideration the comments from the Inspector and to align more so with the originally approved dormers. It is considered their reduction in size is now acceptable, does not dominate the roof space and is not dissimilar to the design of the 21/00376/FUL permission.
- 1.4 Minor amendments have been made to the internal arrangements but the property still will have eight bedrooms which has received approval via the 21/00696/FUL permission.

2. Site and surroundings

- 2.1 The site consists of a semi-detached house with gable roof, front gable feature with mock Tudor boarding and ground floor bay window in the front elevation. House is constructed from red bricks, white render and rosemary tiles. The house has been extended and has a two storey side extension with front/rear dormers and a single storey rear extension.
- 2.2 The site is enclosed by hedging to the rear and fencing to the front.
- 2.3 The site is located within walking distance of Beeston town centre and is within a residential area.

3. Relevant Planning History

- 3.1 Planning permission (ref: 21/00376/FUL) was granted in April 2021 to construct a two storey side extension, single storey rear extension and loft

conversion with front and rear dormers. This was implemented but the rear dormers were constructed incorrectly.

3.2 Planning permission (ref: 21/00696/FUL) was granted in October 2021 to change of the use of the property from a HMO for 3 occupants (Class C4) to 8 bed HMO. This has been implemented.

3.3 Planning permission (ref: 22/00861/FUL) to construct a two storey side extension, single storey rear extension and loft conversion (revised scheme) was refused in January 2023. This was an attempt to regularise the rear dormers that had been built incorrectly. This was appealed and subsequently dismissed (reasons stated above in paragraph 1.2).

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 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

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

- Policy 17: Place-making, Design and Amenity

4.3 **National Planning Policy Framework (NPPF) 2023:**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making

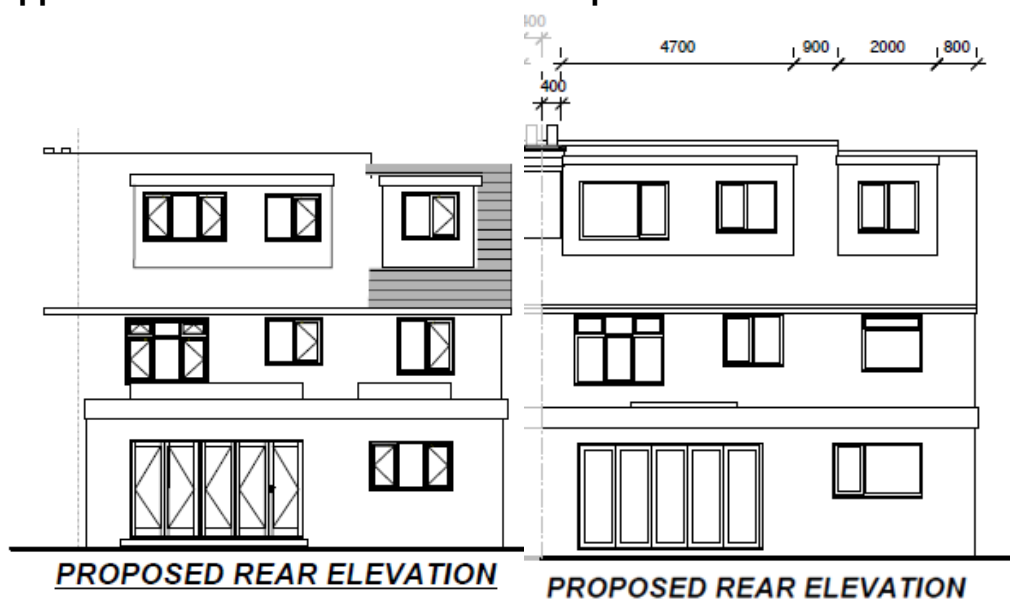
5. Consultations

5.1 7 neighbours were consulted on this application and no comments were received.

6. Assessment

6.1 The main issues relate to whether the principle of the rear dormers is acceptable. The two storey side extension (with front dormer), single storey rear extension and the use of the property as an eight bedroom HMO has received permission via the 21/00376/FUL and 21/00696/FUL permissions. Therefore, only the rear dormers will be assessed in detail below.

6.2 The below shows the dormers that were approved under 21/00376/FUL and the proposed dormers in this scheme.

Approved 21/00376/FUL**Proposed 23/00676/VOC**

- 6.3 The larger rear dormer under the 21/00376/FUL permission was measured at 4.7m by 2m and the smaller rear dormer at 1.9m by 2m. The larger rear dormer under 23/00676/VOC is measured at 4.7m by 2m and the smaller rear dormer at 2m by 2m. The width of the full rear elevation as shown on 20/00751/FUL permission measured at 9.2m whereas on this application it is 8.8m. This means that whilst the proposed dormers are largely in line with the dimensions of the 20/00751/FUL permission, they will appear slightly bigger due to this discrepancy.
- 6.4 It is noted since the approval of the 21/00376/FUL permission there are some minor differences to the rest of the scheme, the main changes are e.g. removal of a roof light in single storey extension, difference in fenestration, single storey extension built up to the adjoining boundary line and different shaped front dormer.
- 6.5 Whilst it is acknowledged the dormers will not completely align with the approved dormers under 21/00376/FUL permission, it is considered they still represent an acceptable massing, scale and design. The dormers are considered to have been sufficiently reduced in size that they do not dominate the roof slope and are more in proportion with it which aligns with Policy 17 4(c) of the Part 2 Local Plan (2019) which states that dormers should not dominate the roof and Policy 10 2(d) which states massing, scale and proportion should be considered when assessing development. To conclude, it is considered the rear dormers are split and set up from the eaves, in from the sides of the roof and down from the ridge. The dormers do not strictly align with the original scheme under reference 21/00376/FUL but it is considered they are acceptable, represent a subservient appearance and accord with policy.

- 6.6 It is considered the other alterations proposed in this scheme are relatively minor and are not significantly different to what was approved under the 21/00376/FUL permission. Overall, the scheme, included the dormers, is considered to represent an acceptable level of design and there are no reasons that are apparent for its refusal. The comparison of both this scheme and the 21/00376/FUL permission can be seen in the appendix.

7. Planning Balance

- 7.1 The benefits of the proposal are that it would approve a scheme that is largely reflective of the original proposal which received permission under reference 21/00376/FUL. The proposal reflects an acceptable level of design and would not appear out of character with the surrounding area. Whilst it is acknowledged the history of the application, it is considered the proposal is acceptable and the dormers do not dominate the roof slope. On balance, the scheme is acceptable and should be approved.

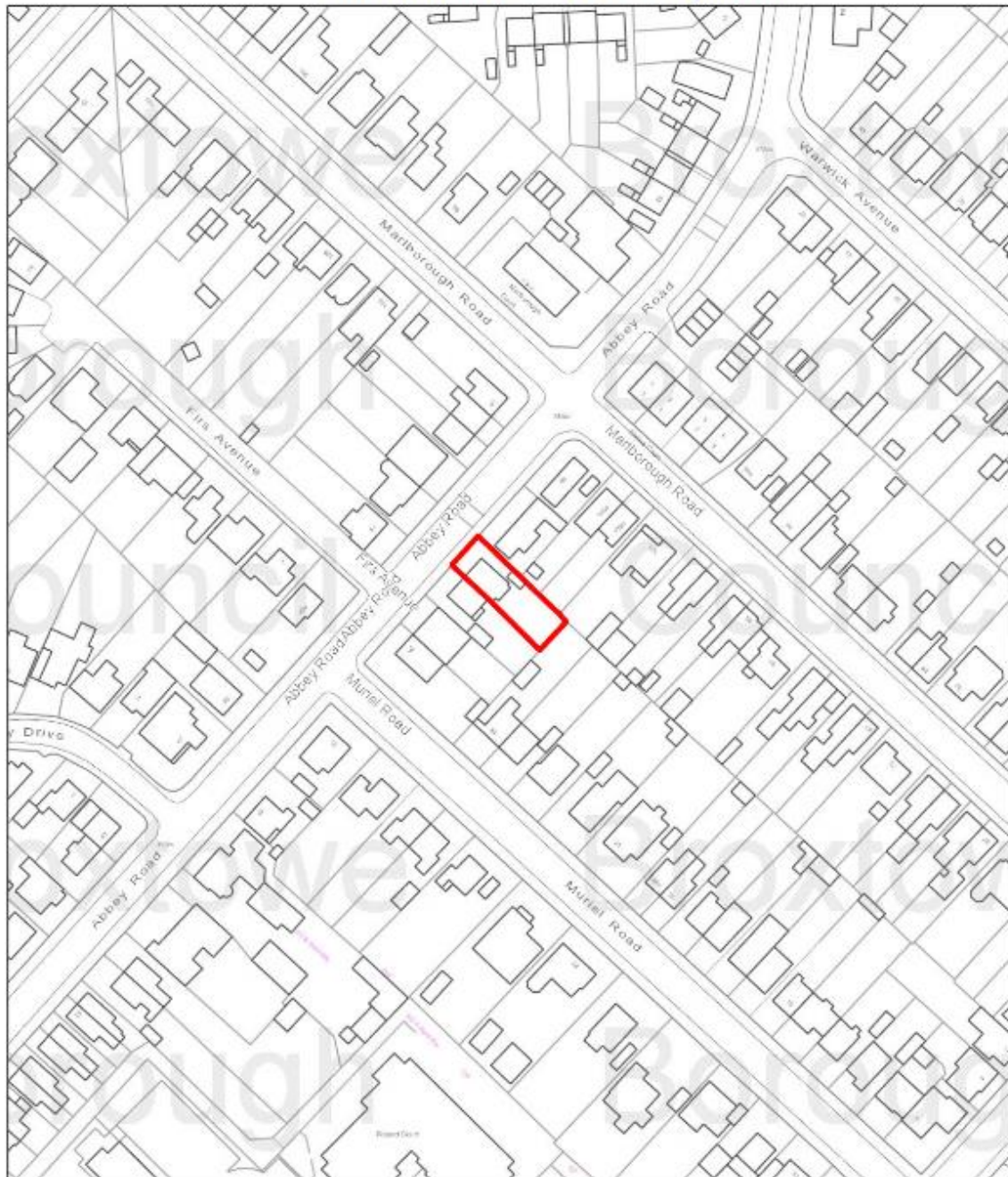
8. Conclusion

- 8.1 It is recommended that conditional planning permission be granted subject to the recommendation set out below.

| <u>Recommendation</u> | |
|---|---|
| The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions. | |
| 1. | <p>The development hereby permitted shall be retained in accordance with drawings:</p> <p>Received on by the Local Planning Authority on 14 September 2023:</p> <ul style="list-style-type: none"> Proposed Elevations ref: 74AR-23-P02 Site Location Plan, Proposed Floor and Roof Plans and Site Location plan ref: 74AR-23-P01 Rev A <p>Reason: For the avoidance of doubt.</p> |
| | NOTES TO APPLICANT |
| 1. | The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale. |

Map

23/00676/VOC 76 Abbey Road



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Site

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0 0.01 0.03 0.05 km

Photos



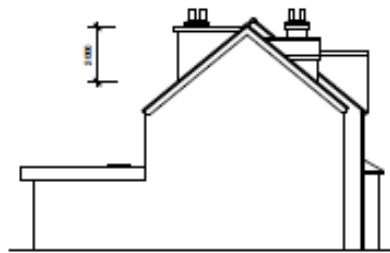
Rear elevation, no. 76 to the right



Front elevation of no. 76 to the left

Plans (not to scale)

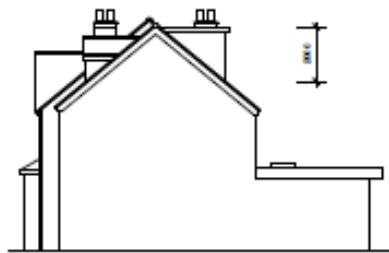
23/00676/VOC



SIDE (NORTH EAST) ELEVATION 1:100 @ A2



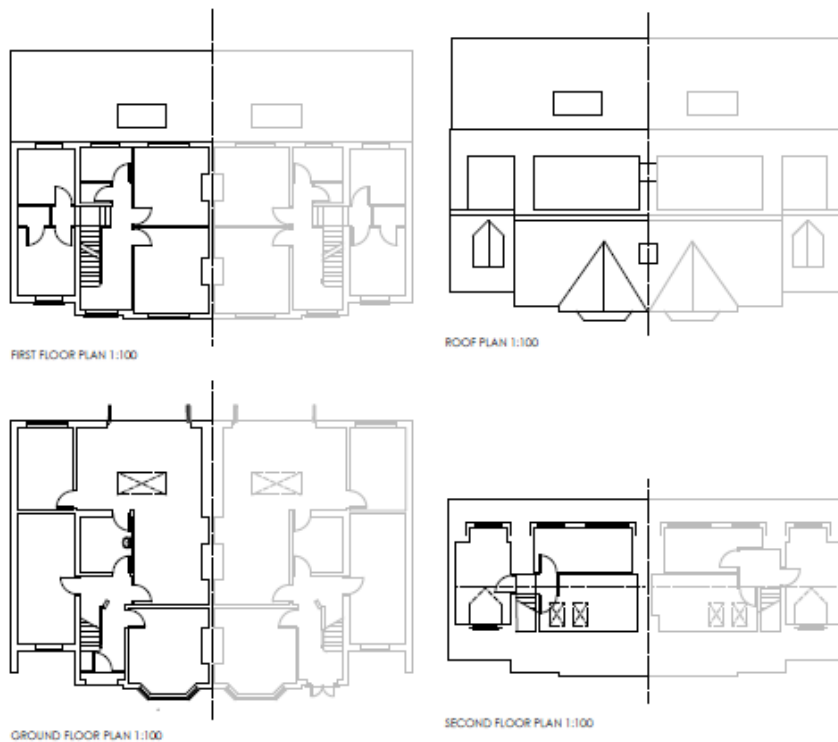
FRONT ELEVATION to ABBEY ROAD 1:100 @ A2



SIDE (SOUTH WEST) ELEVATION 1:100 @ A2



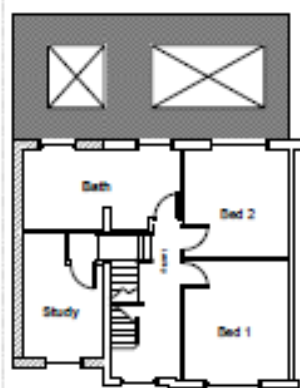
REAR (SOUTH EAST) ELEVATION 1:100 @ A2



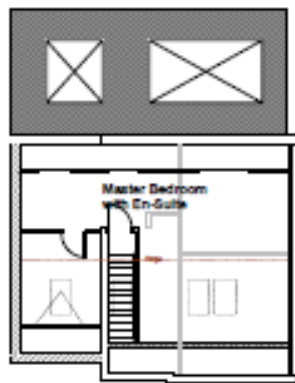
Plans (not to scale)

21/00376/FUL Approved

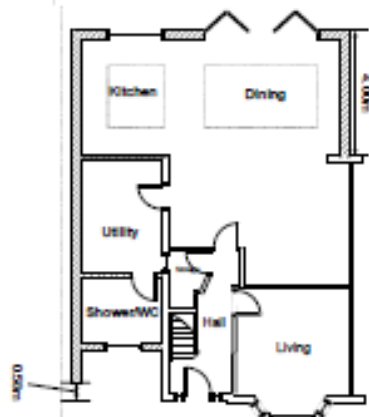




PROPOSED FIRST FLOOR



PROPOSED SECOND FLOOR



PROPOSED GROUND FLOOR

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Report of the Chief Executive

| | |
|----------------------------|---|
| APPLICATION NUMBER: | 23/00677/VOC |
| LOCATION: | 74 Abbey Road, Beeston, Nottinghamshire, NG9 2QH |
| PROPOSAL: | Variation of condition 2 of application 20/00147/FUL |

The application is brought to the Committee at request of Councillor S J Carr.

1. Purpose of the Report

- 1.1 The application seeks planning permission to vary condition 2 of 20/00147/FUL. The drawings submitted under reference 20/00147/FUL reflected the incorrect measurements of the original building meaning it would have not been possible to build in accordance with the approved plans in respect of the rear dormers. The dormers have therefore been redesigned in accordance with the correct dimensions of the building to closely resemble the previously approved rear dormers.

2. Recommendation

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

3. Detail

- 3.1 An application, reference 20/00147/FUL, to construct a two storey side extension, single storey rear extension and loft conversion with front and rear dormers was approved in June 2020. An application 20/00751/FUL to change the use from a 3 bed HMO (house in multiple occupancy) to Class C4 for an eight bed HMO was approved in December 2020.
- 3.2 The 20/00147/FUL permission was not built in accordance with the plans and the main discrepancy was the rear dormers being built bigger and being merged into one. An application, reference 21/00756/FUL, was submitted to regularise this but was refused in December 2021 for the following reason: *The rear dormer, by virtue of its substantial size, dominates the roof resulting in a form of development that is harmful to the character of the host dwelling.* This application was appealed and dismissed.
- 3.3 The dormers have now been reduced in size under this application and it is considered this is more reflective of the originally approved scheme 20/00147/FUL permission.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:
There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets.

5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

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

7. Background Papers

- 7.1 None.

APPENDIX

1. Details of the application

- 1.1 An application, reference 20/00147/FUL, to construct a two storey side extension, single storey rear extension and loft conversion with front and rear dormers was approved in June 2020. An application, reference 20/00751/FUL, to change the use from a 3 bed HMO (house in multiple occupancy) to Class C4 for an eight bed HMO was approved in December 2020.
- 1.2 The 20/00147/FUL permission was not built in accordance with the plans and the main discrepancy was the rear dormers being built bigger and adjoining each other. An application, reference 21/00756/FUL, was submitted to regularise this but was refused in December 2021 for the following reason: *The rear dormer, by virtue of its substantial size, dominates the roof resulting in a form of development that is harmful to the character of the host dwelling. The development is therefore contrary to Policy 17 of the Part 2 Local Plan (2019) Policy 10 of Aligned Core Strategy (2014) and the NPPF (2021).*
- 1.3 This application was appealed and dismissed and the Inspector stated the dormer dominated the host property, appeared disproportionate with an unnecessarily complicated massing and was incongruous in size and design.
- 1.4 As previously stated the drawings approved under the 20/00147/FUL permission were incorrect in their dimensions such that the dormers could not be built in accordance with the approved plans. Therefore, the drawings have been amended to take into consideration the comments from the Inspector and to align more so with the originally approved dormers. It is considered their separation and reduction in size is now acceptable, does not dominate the roof space and is not dissimilar to the design of the 20/00147/FUL permission.
- 1.5 Minor amendments have been made to the internal arrangements but the property still will have eight bedrooms which has received approval via the 20/00751/FUL permission.

2. Site and Surroundings

- 2.1 The site consists of a semi-detached house with gable roof, front gable feature with mock Tudor boarding and ground floor bay window in the front elevation. House is constructed from red bricks, white render and rosemary tiles. Rear detached garage with pitched roof. The house has been extended and has a two storey side extension with front/rear dormers and a single storey rear extension.
- 2.2 The site is enclosed by hedging to the rear and fencing to the front.
- 2.3 The site is located within walking distance of Beeston town centre and is within a residential area.

3. Relevant Planning History

- 3.1 Planning permission (ref: 20/00147/FUL) was granted in February 2020 to construct a two storey side extension, single storey rear extension and loft conversion with front and rear dormers. This was implemented but the rear dormers were constructed incorrectly.
- 3.2 Planning permission (ref: 20/00751/FUL) was granted in December 2020 to change of the use of the property from a HMO for 3 occupants (Class C4) to 8 bed HMO. This has been implemented.
- 3.3 Planning permission (ref: 21/00756/FUL) to construct two storey side extension, single storey rear extension and loft conversion with front and rear dormers (revised scheme) was refused in December 2021. This was an attempt to regularise the rear dormers that had been built incorrectly. This was appealed and subsequently dismissed (reasons stated above in paragraphs 1.2 and 1.3).

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 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

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

- Policy 17: Place-making, Design and Amenity

4.3 **National Planning Policy Framework (NPPF) 2023:**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making

5. Consultations

- 5.1 4 neighbours were consulted on this application and no comments were received.

6. Assessment

- 6.1 The main issues relate to whether the principle of the rear dormers is acceptable. The two storey side extension (with front dormer), single storey rear extension and the use of the property as an eight bedroom HMO has received permission. The Inspector when assessing the 21/00756/FUL permission did not raise any concern with the two storey side extension, front

dormer or single storey rear extension. Therefore, only the rear dormers will be assessed in detail below.

- 6.2 The below shows the dormers that were approved under reference 20/00147/FUL and the proposed dormers in this scheme.

Approved 20/00147/FUL

Proposed 23/00677/VOC



- 6.3 The larger rear dormer under 20/00147/FUL permission was measured at 4.7m by 2m and the smaller rear dormer at 1.9m by 2m. The larger rear dormer under reference 23/00677/VOC is measured at 4.7m by 2m and the smaller rear dormer at 2m by 2m. The width of the full rear elevation as shown on 20/00147/FUL permission measured at 9.2m whereas on this application it is 8.8m. This means that whilst the proposed dormers are largely in line with the dimensions of the 20/00147/FUL permission, they will appear slightly bigger due to this discrepancy.
- 6.4 It is noted since the approval of the 20/00147/FUL permission there are some minor differences to the rest of the scheme, the main changes are e.g. removal of a roof light in single storey extension, difference in fenestration, single storey extension built up to the adjoining boundary line and different shaped front dormer.
- 6.5 Whilst it is acknowledged the dormers will not completely align with the approved dormers under reference 20/00147/FUL, it is considered they still represent an acceptable massing, scale and design. The dormers are considered to have been sufficiently reduced in size that they do not dominate the roof slope and are more in proportion with it which aligns with Policy 17 4(c) of the Part 2 Local Plan (2019) which states that dormers should not dominate the roof and Policy 10 2(d) which states massing, scale and proportion should be considered when assessing development. To conclude, it is considered the rear dormers are split and set up from the eaves, in from the sides of the roof and down from the ridge. The dormers do not strictly align with the original scheme under the 20/00147/FUL permission but it is considered they are acceptable, represent a subservient appearance and accord with policy.

7. Planning Balance

- 7.1 The benefits of the proposal are that it would approve a scheme that is largely reflective of the original proposal which received permission under the 20/00147/FUL permission. The proposal reflects an acceptable level of design and would not appear out of character with the surrounding area. Whilst it is acknowledged the history of the application, it is considered the proposal is acceptable and the dormers do not dominate the roof slope. On balance, the scheme is acceptable and should be approved.

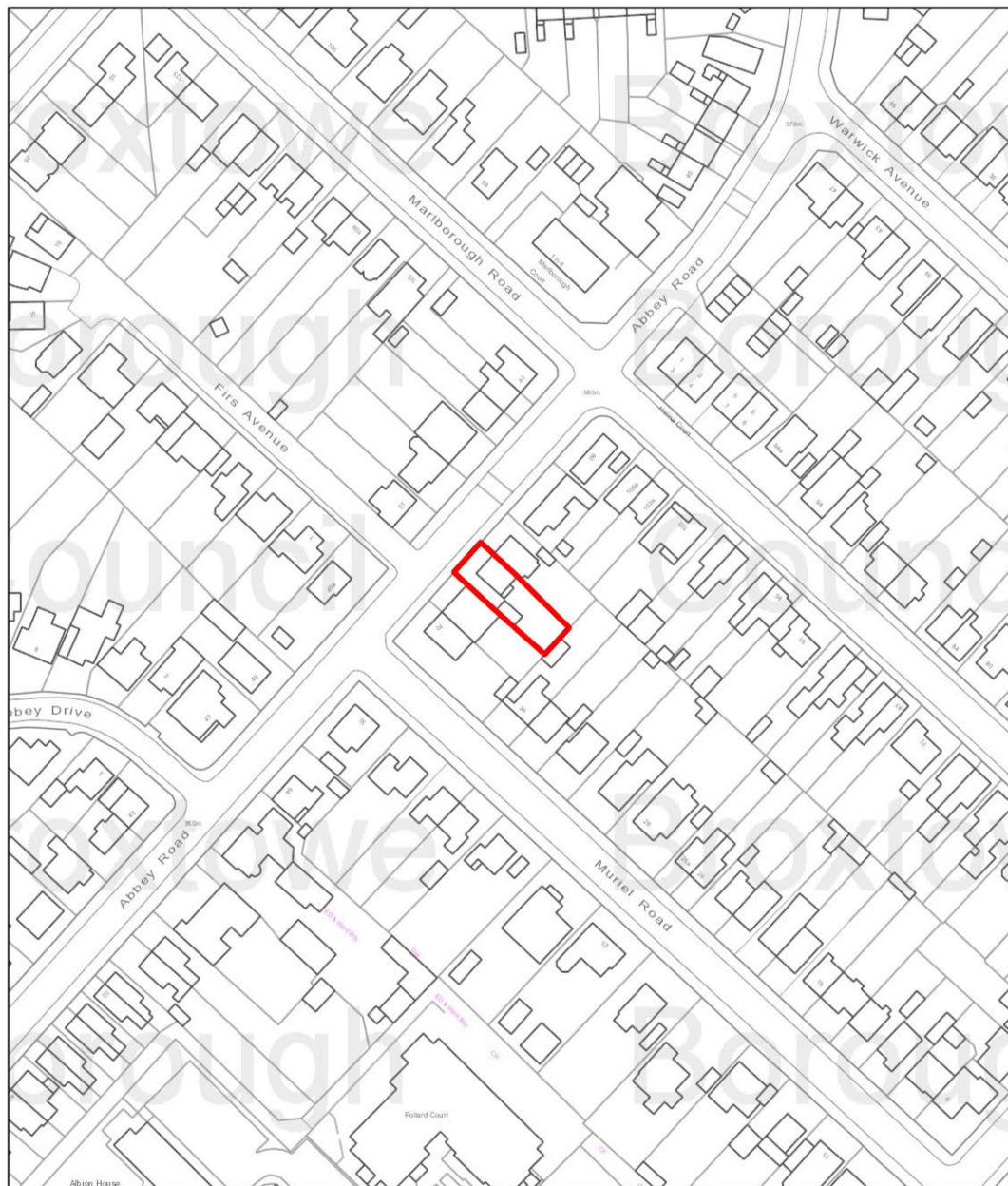
8. Conclusion

- 8.1 It is recommended that conditional planning permission be granted subject to the recommendation set out below.

| <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 retained in accordance with drawings: Received on by the Local Planning Authority on 14 September 2023: <ul style="list-style-type: none">• Proposed Elevations ref: 74AR-23-P02• Site Location Plan, Proposed Floor and Roof Plans and Site Location plan ref: 74AR-23-P01 Rev A Reason: For the avoidance of doubt. |
| | NOTES TO APPLICANT |
| 1. | The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale. |

Map

23/00677/VOC 74 Abbey Road



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 Site

1:1,250
0 0.01 0.02 0.04 mi
0 0.01 0.03 0.06 km

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Photos



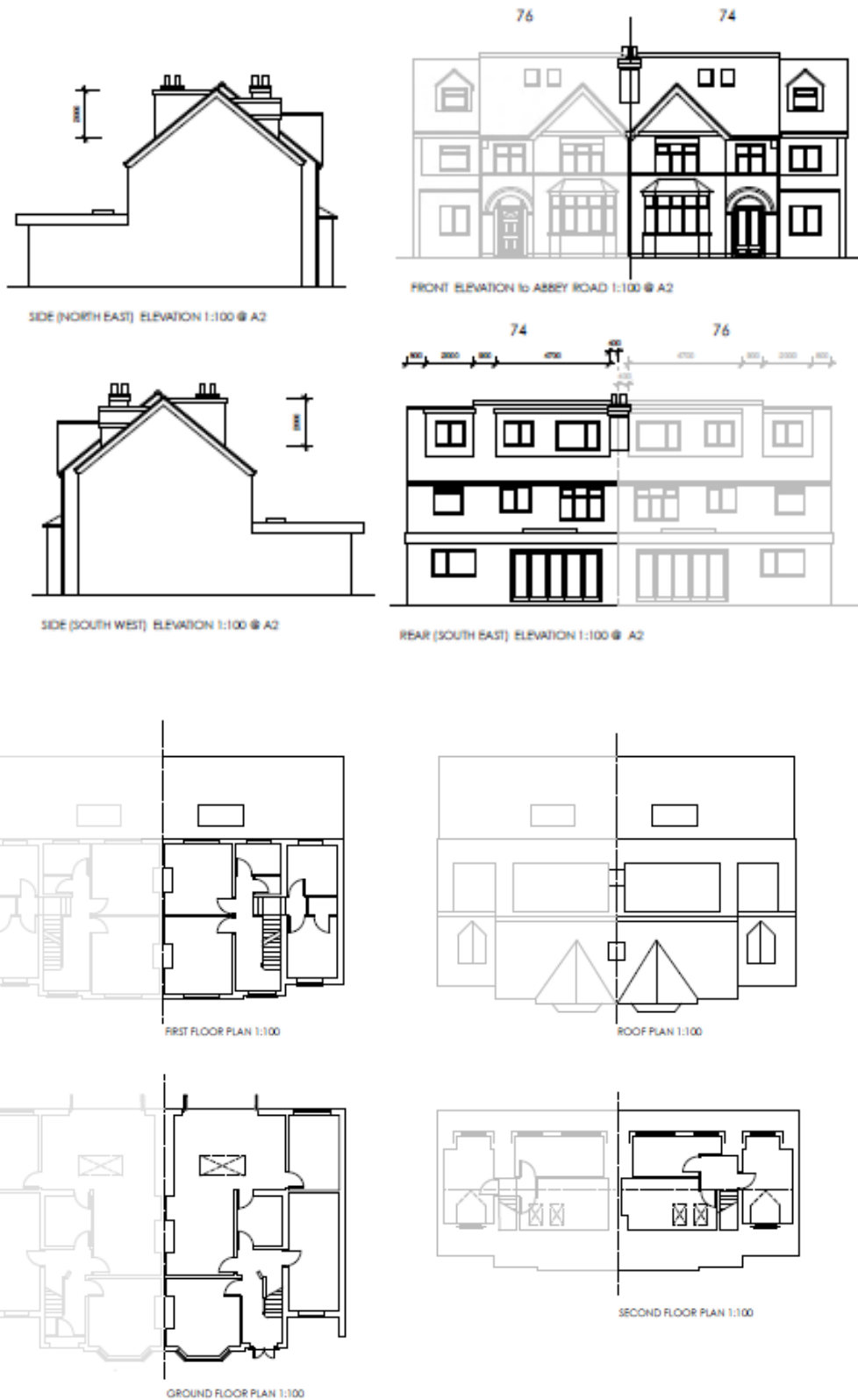
Rear elevation, no. 74 to the left



Front elevation, no. 74 to the right

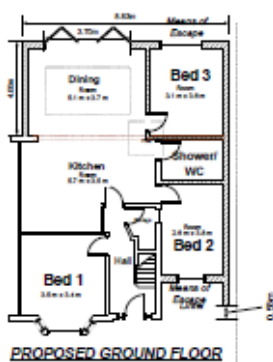
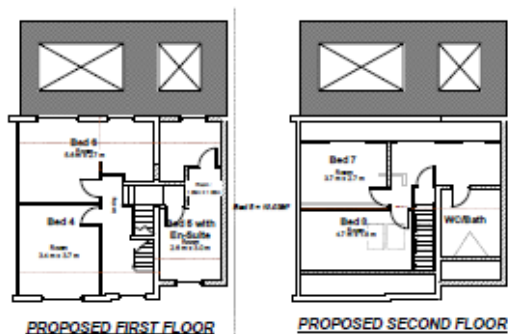
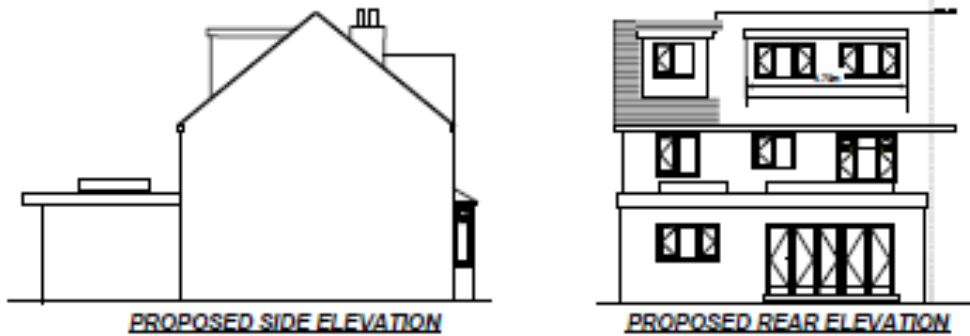
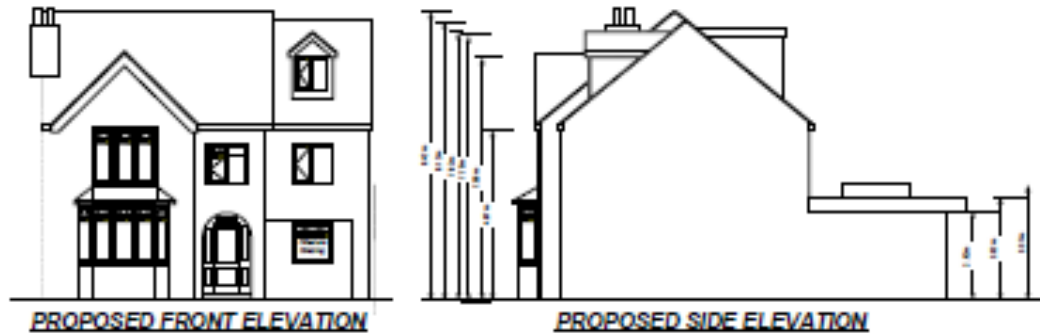
Plans (not to scale)

23/00677/VOC



Plans (not to scale)

20/00147/FUL Approved



Report of the Chief Executive

| | |
|----------------------------|--|
| APPLICATION NUMBER: | 23/00627/FUL |
| LOCATION: | 181 Nottingham Road, Nuthall |
| PROPOSAL: | Construct a single storey side/rear extension |

The application is brought to the Committee at request of Councillor P J Owen.

1. Purpose of the Report

- 1.1 The application seeks planning permission to construct a single storey side / rear extension.

2. Recommendation

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

3. Detail

- 3.1 The application seeks full planning consent to construct a single storey side and rear extension to create an open plan lounge/kitchen and downstairs shower room. There is currently a rear conservatory with hipped roof and a detached garage to the rear of the site, both will be removed as part of the proposal.
- 3.2 The application site consists of a two storey semi-detached dwelling with a drive way and garden area to the front and a garden to the rear. The dwelling is located in a residential area with a mix of two storey and single storey properties.
- 3.3 The benefits of the proposed work are that it would extend an existing residential dwelling, would improve the property to the benefit of the occupants, be of an acceptable design, be of an acceptable scale, would not have a significant negative impact on neighbour amenity, and would be in accordance with the policies contained within the development plan. There are considered to be no negative impacts.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:
There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

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

7. Background Papers

None.

APPENDIX**1. Details of the application**

- 1.1 This application seeks consent to construct a single storey side and rear extension following the demolition of the existing conservatory and rear garage. The extension will have a depth between 6m and 7.6m with a total width of 7.6m. The extension would have a flat roof with a maximum height of 3m and would have a pyramidal roof lantern (bringing the total height to 3.4m). Two rooflights would be inserted in the existing roof above the utility / dining area. The rear elevation would have a window and bi-folding doors, the west (side) elevation would have a window and the east (side) and front elevations would be blank.

2. Site and surroundings

- 2.1 The application site is located within a predominantly residential area and consists of a two storey semi-detached house with a hip roof. The materials are red bricks, white render and dark roof tiles. The property has a single storey rear extension with lean-to roof, a rear conservatory and a detached garage to the rear beside the boundary with no.179 Nottingham Road.
- 2.2 To the front, the site slopes up from south to north. There is a drop in level at the rear of 0.4m (stepped down, rather than sloped from south to north), and then slopes down towards the rear boundary with the A610.
- 2.3 At the front there is a paved driveway partially open to Nottingham Road with parking space for three vehicles.
- 2.4 No.179 Nottingham Road is a detached bungalow situated to the west of the application site. This property is at higher level than no.181 by approximately 0.8m, and has two windows on the side elevation facing the application site. The common side boundary is formed by a 0.8m high block wall with a 1.4m high fence above. The common rear boundary is a 1.6m high fence.
- 2.5 No.183 Nottingham Road is the adjoining two storey dwelling situated to the east of the application site. This property has a single storey rear extension and a rear conservatory extending outwards from this. There is an outbuilding in the rear garden along the boundary with no.185 which has a length of approximately 5.7m. The common rear boundary is a 1.8m high fence which decreases to 1.5m high towards the rear.
- 2.6 The rear garden is relatively generous with a length of 22m and is bound to the north by the A610.

3. Relevant Planning History

- 3.1 Planning permission was granted under reference 10/00122/FUL to construct a rear conservatory.

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 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

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

- Policy 17: Place-making, Design and Amenity

4.3 **Nuthall Neighbourhood Plan**

4.3.1 The Nuthall Neighbourhood Plans was approved on 13 December 2018

- Policy 5: Design and the Historic Environment

4.4 **National Planning Policy Framework (NPPF) 2023:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.

5. Consultations

5.1 Two neighbours were consulted on the application, with two responses received. One raising no objection and one objecting for the following reasons:

- Design
- Size of the extension
- Light pollution
- Sense of enclosure/ tunnel effect
- Loss of light and over-shadowing
- Loss of privacy/overlooking
- Noise and smell
- Loss of view

6. Assessment

6.1 The main issues relate to whether the design and scale of the development would be acceptable, and whether there would be an unacceptable impact on neighbour amenity.

6.2 Design

- 6.2.1 In terms of mass and scale, it is considered that the development does not represent a disproportionate addition and will appear subservient to the main dwelling as the single storey rear extension would be situated in a similar position to the existing rear conservatory and would occupy part of the space of the existing garage. It is considered that because the extension is single storey, has a flat roof and would not significantly reduce the size of the application property's rear garden, the scale is acceptable.
- 6.2.2 In terms of design, the proposed extension is considered acceptable for a contemporary single storey side/rear extension not readily visible from the street. The development has been designed to provide an enhanced kitchen space for the occupiers. The design is considered acceptable and would not result in harm to the street scene, given its position to the rear, the set back and the existing boundary treatment.
- 6.2.3 The proposed materials are off white render and glass fibre with grey finish. The materials are considered to be acceptable.

6.3 Amenity

- 6.3.1 Whilst the proposal would extend beyond the west (side) elevation and would have a window in the side elevation, it will only project 1.4m towards no.179 Nottingham Road and the window will be obscurely glazed. Furthermore, there is currently a degree of mutual overlooking between the application site and no.179 due to the existing side windows (on both properties) facing each other. Therefore, it is considered that this would not impact upon the current situation and the extension would have no significant impact on the amenities of the occupiers of this property in terms of outlook, loss of light or privacy.
- 6.3.2 The extension is beside the boundary with no.183. Whilst the building is adjoining the common boundary and projects 2.1m beyond no.183's rear conservatory, it has a flat roof with a limited height of 3m and will not extend for the full length of no.183's rear outbuilding. No.183 has a long garden (approx. 17.4m) so this will help maintain openness. It is therefore considered that the development does not result in an unacceptable sense of enclosure for the residents of the neighbouring property.
- 6.3.3 Whilst the extension may result in some limited loss of light for the adjoining property, no.183 has a rear conservatory with glazed elevations and the properties have north east facing rear gardens, therefore the proposal does not have a significant impact on afternoon sunlight for the residents of no.183.
- 6.3.4 In regards to noise from the use of the extension, it is not considered that this would be excessive, the extension is for domestic purposes and the property

already has outside amenity space with a raised patio immediately outside the existing conservatory. Furthermore, the properties are bound by the A610, a heavily trafficked dual carriageway.

- 6.3.5 In regards to light pollution, although the single storey rear extension would be built beside the boundary with no.183, it is considered that the impact of the roof lantern and rooflights would be unlikely different to the impact caused by the existing glazed roofed conservatory. The proposed rooflights will only protrude a maximum of 0.4m above the roof and would be 3.3m away from no.183's rear elevation, therefore, it is considered unreasonable to condition them to be obscurely glazed given that direct views into the neighbouring property would be significantly limited due to the angle of view.
- 6.3.6 With regard to impact on loss of privacy, the extension will have a blank east elevation, therefore it is considered that the impact of the bi-folding door and rear window, would be unlikely different to the impact caused by the existing conservatory and first floor windows.
- 6.3.7 Overall it is considered that the proposed single storey rear and side extension will not result in an unacceptable loss of amenity for the residents of any neighbouring properties.

7. Planning Balance

- 7.1 The benefits of the proposal are that it would be an extension to an existing residential dwelling, would be of an acceptable scale and design, would not have a significant impact on neighbour amenity and would be in accordance with the policies contained within the development plan.

8. Conclusion

- 8.1 It is considered that, having regard to the relevant policies of the Development Plan, Nuthall Neighbourhood Plan, the NPPF and to all other material considerations, the development is acceptable and there are no circumstances which otherwise would justify the refusal of permission.

| <u>Recommendation</u> | |
|--|--|
| The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions. | |
| 1. | <p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p> |
| 2. | <p>The development hereby permitted shall be carried out in accordance with the Site Location Plan, Proposed Block Plan and Proposed Floor Plans and Elevations received by the Local Planning Authority on 12 September 2023.</p> <p><i>Reason: For the avoidance of doubt.</i></p> |
| 3. | <p>The extension shall be faced using off-white render finish, in accordance with the approved plans.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of Broxtowe Aligned Core Strategy (2014) and Policy 17 of Part 2 Local Plan (2019).</i></p> |
| 4. | <p>The en-suite bathroom window on the side (west) elevation of the extension hereby permitted 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). This window shall be retained as such for the lifetime of the development.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p> |
| NOTES TO APPLICANT | |
| 1. | The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale. |
| 2. | The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface |

mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

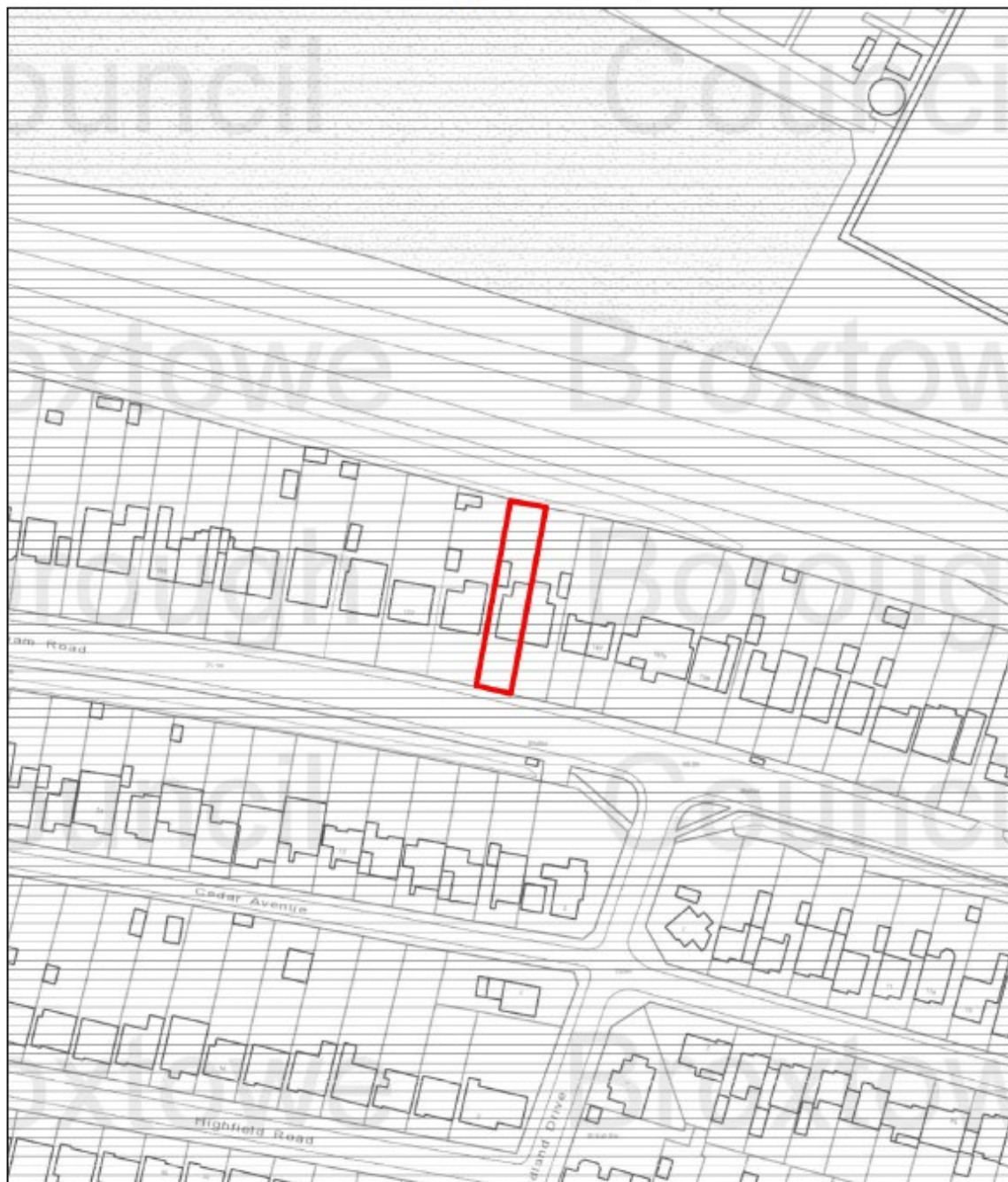
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

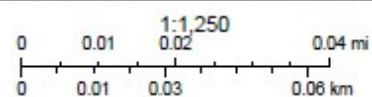
Map

23/00627/FUL -181 Nottingham Road, Nuthall NG16 1AE



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-  Coal Standing Advice
-  Site



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Photos



Front elevation



Rear elevation



Rear relationship with 179 Nottingham Road



Front relationship with 179 Nottingham Road

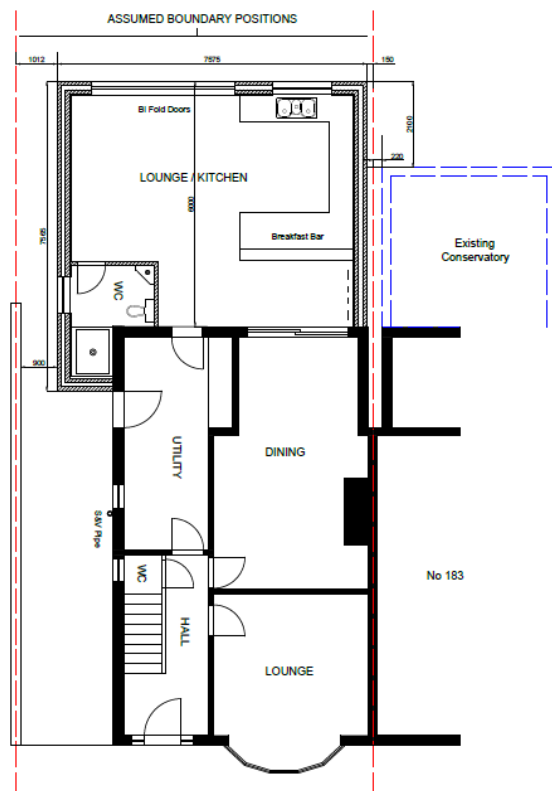


Relationship with 183 Nottingham Road

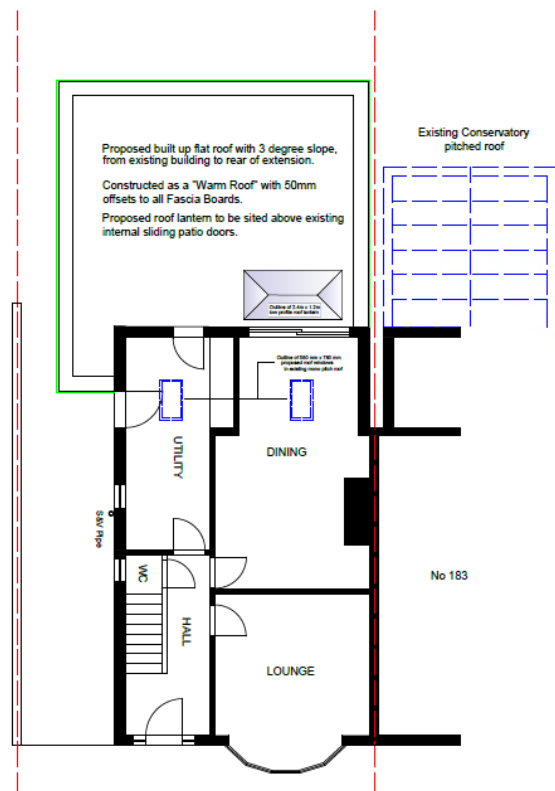


Rear boundary treatment with no.183

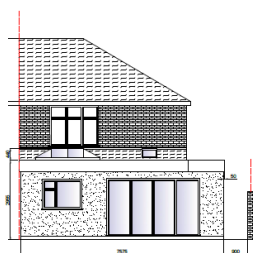
Plans



GROUND FLOOR PLAN



GROUND FLOOR ROOF PLAN



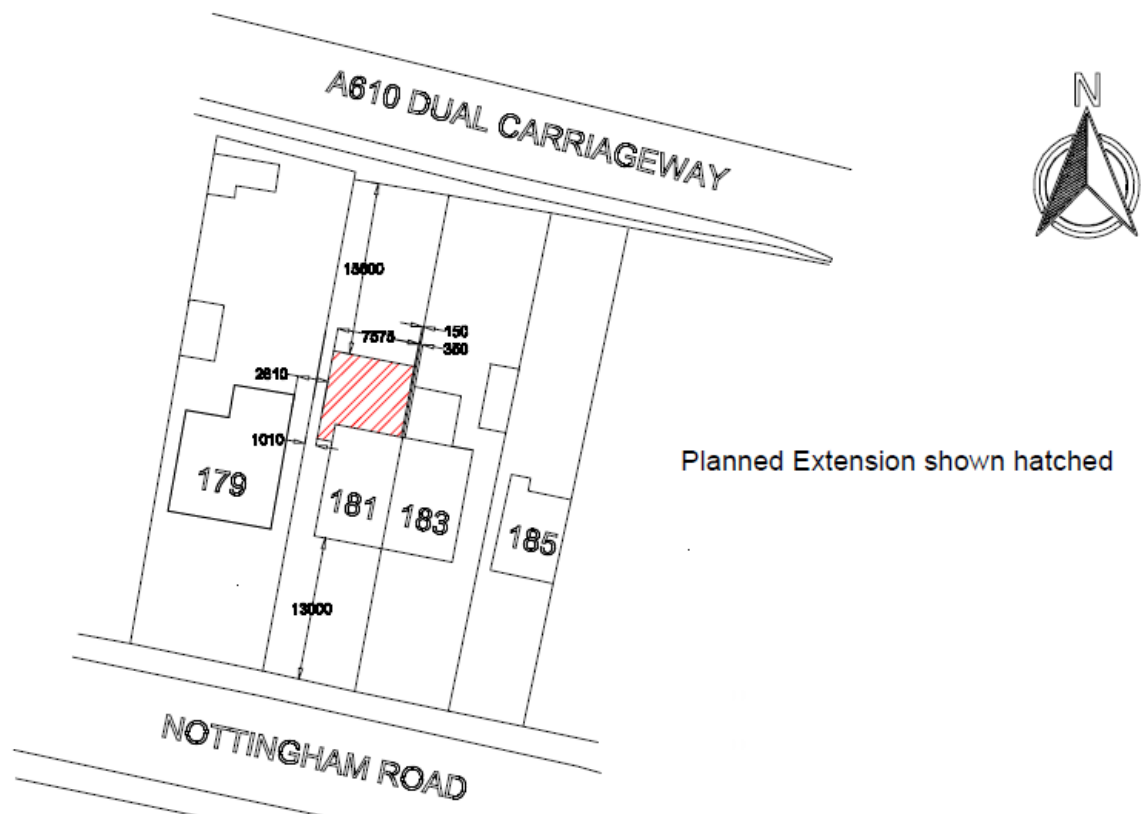
REAR ELEVATION



SIDE ELEVATION TO 179



FRONT ELEVATION



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Report of the Chief Executive

| | |
|----------------------------|--|
| APPLICATION NUMBER: | 23/00666/REG3 |
| LOCATION: | Scalby Close (3-12 and 14-41), Eastwood Nottinghamshire |
| PROPOSAL: | Replacement roofs to 38 properties (3-12 and 14-41 Scalby Close) with insulation, increase in roof height and replacement cladding to some properties |

The application is brought before Planning Committee as the Council is the landowner and applicant.

1. Purpose of the Report

- 1.1 The application seeks full planning permission to replace roofing to 38 properties, including additional insulation that results in the increase in ridge height, cladding to certain elevations, new fascia and guttering.

2. Recommendation

The Committee is asked to RESOLVE that planning permission is approved subject to the reasons outlined in the appendix.

3. Detail

- 3.1 The application seeks full permission for the alterations to 38 dwellings, replacement of the roofing, including insulation along with replacement cladding to side/principal elevations, fascia and guttering.
- 3.2 The application has been accompanied by existing and proposed elevations, details of the replacement roofing including the insulation along with details of the cladding.
- 3.3 There are 38 dwellings in total of which 36 are bungalows, with No.3 and 4 Scalby Close being two storey end terrace dwellings. The area is open plan with ramped approaches to the bungalows, communal parking and some landscaping.
- 3.4 The main issue relates to whether the principal of the replacement roofing, insulation and cladding is acceptable in terms of design, makes a positive contribution to the character and appearance of the area, and impact on neighbour amenity.
- 3.5 The benefits of the proposal would be a visual improvement and better insulation to the 38 dwellings so as to increase energy efficiency.

4. Financial Implications

- 4.1 There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

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

7. Climate Change Implications

Climate Change implications are considered within the report.

8. Background Papers

Nil.

APPENDIX

1 Details of the Application

- 1.1 This application seeks consent to replace the roofing to 36 bungalows and 2 two storey dwellings, including new roofing installation that will increase the ridge height by approximately 100mm, the replacement of cladding to certain elevations, replacing fascia and guttering.

2 Site and Surroundings

- 2.1 The application site is located within the built framework of Eastwood in a predominantly residential area. The site consists of 2 x two storey dwellings (part of a terrace row), 2 x detached bungalows, 6 x block of three bungalows (terrace) and 8 x semi-detached bungalows, a total of 38 dwellings.
- 2.2 The site is open plan with parking and landscaping and limited parking peppered around the site leading to a community centre to the south of the site.
- 2.3 The two storey dwellings are located to the north west of the site and are in an elevated position and part of a block of terrace properties. The lower portion of the elevations is red brick and cladding to the first floor. The bungalows are constructed out of red brick, with the side elevations being a mixture of brick and cladding.

3 Relevant Planning History

- 3.1 No planning history.

4 Relevant Policies and Guidance**4.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:****4.1.2 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 8: Housing Mix and Choice
- Policy 10: Design and Enhancing Local Identity

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

- Policy 15: Housing size, mix and choice
- Policy 17: Place-making, design and amenity

4.3 National Planning Policy Framework (NPPF) 2023:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision making
- Section 12 – Achieving well designed places

5 Consultations**5.1 Neighbours and members of public**

5.1.1 A total of seven neighbours were consulted and no comments have been received.

5.2 Councillors & Parish/Town Councils:

- Councillor D Bagshaw – No comment
- Councillor K Woodhead – No comment
- Eastwood Town Council – No comment

6 Assessment

6.1 The main issues relate to whether the principal of the replacement roofing, insulation and cladding is acceptable in terms of design, makes a positive contribution to the character and appearance of the area and impact on neighbour amenity.

6.2 Design and scale

6.2.1 Policy 10 (d and e) states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing development. Policy 17 (4a) states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

6.2.2 The proposal seeks to replace the existing roofing material and install additional insulation that will result in an increase in the ridge height, approximately 100mm. The roofing material will be Ultratile brown pantile, the cladding will be Monterrey Taupe Hardie plank laid vertically with white soffit and fascia with black pipework.

6.2.3 The changes in the external materials will improve the appearance of the area and provide additional insulation the dwellings and complies with the NPPF and appropriate policies.

6.3 Amenity

6.3.1 Policy 10 (f) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

- 6.3.2 Given the nature of the development it is considered there would not be any impact on residential amenity of dwellings around the site.

7 Planning Balance

- 7.1 The benefits of the proposal are that it would improve the appearance of the 38 dwellings and provide additional insulation, resulting in the properties being more energy efficient. The choice of materials is acceptable and would not appear out of character with the surrounding area. On balance, the scheme is acceptable and should be approved.

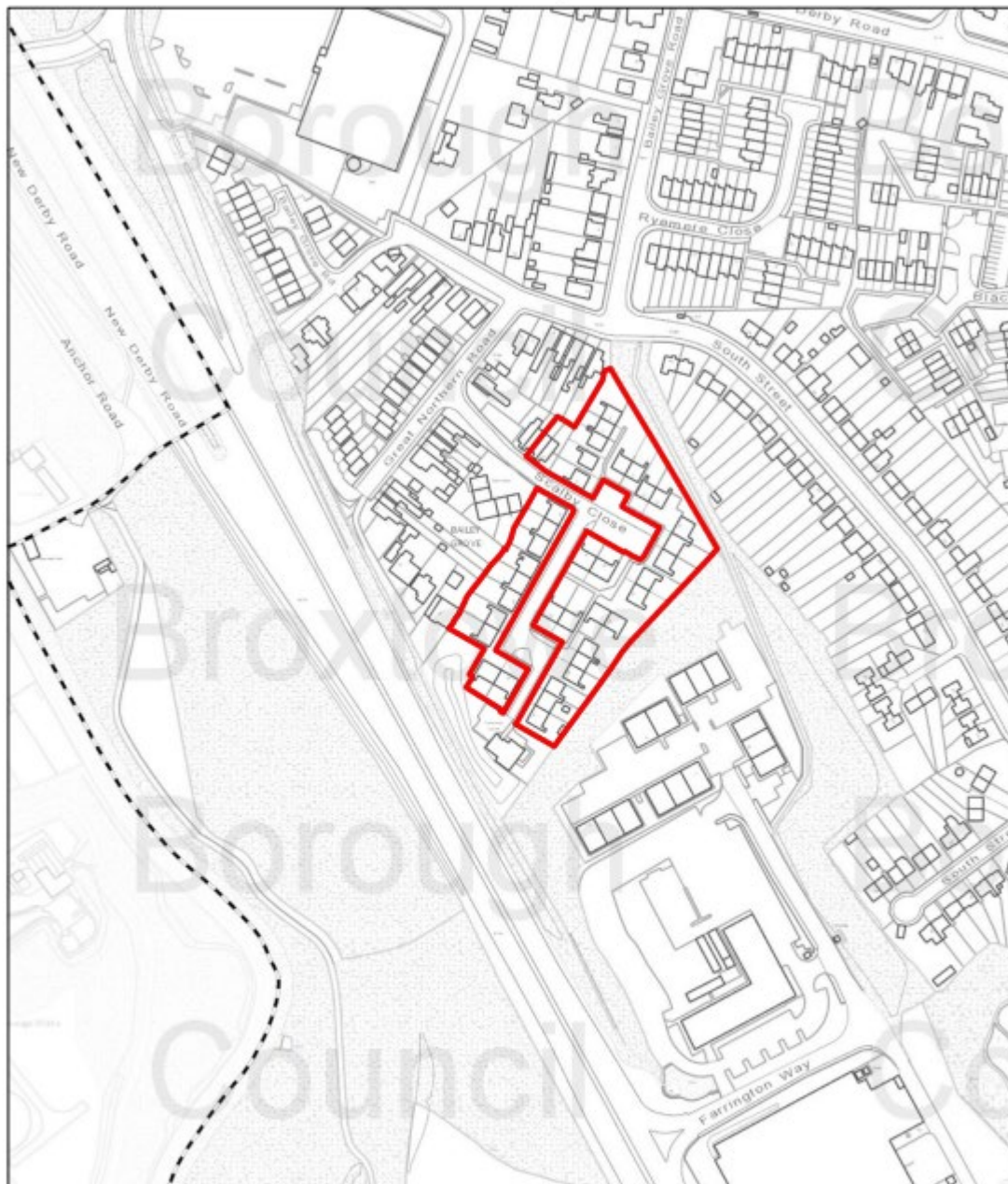
8 Conclusion

- 8.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality and comments made within representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

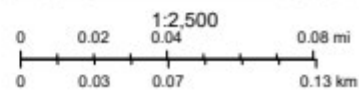
| <u>Recommendation</u> | |
|--|---|
| The Committee is asked to RESOLVE that planning permission be approved for the following reasons: | |
| 1. | <p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p> |
| 2. | <p>The development hereby permitted shall be carried out in accordance with the proposed eves details for 3 and 4 Scalby Close SC2023-004-A, proposed elevations of bungalows SC2023-001 and SC2023-007, proposed elevations of 3 and 4 Scalby Close and Ultratile brochure and Hardie-Plank Family Brochure received by the Local Planning Authority 15 September 2023.</p> <p><i>Reason: For the avoidance of doubt</i></p> |
| NOTES TO APPLICANT | |
| 1. | <p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p> |

Map

23/00666/REG3 - Scalby Close Eastwood



10/16/2023, 3:02:48 PM



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any of this data to third parties in any form

Photographs



Principal elevation and side elevation of 3 and 4 Scalby Close



Principal elevation of the detached bungalow



Principal elevation of the semi detached bungalow

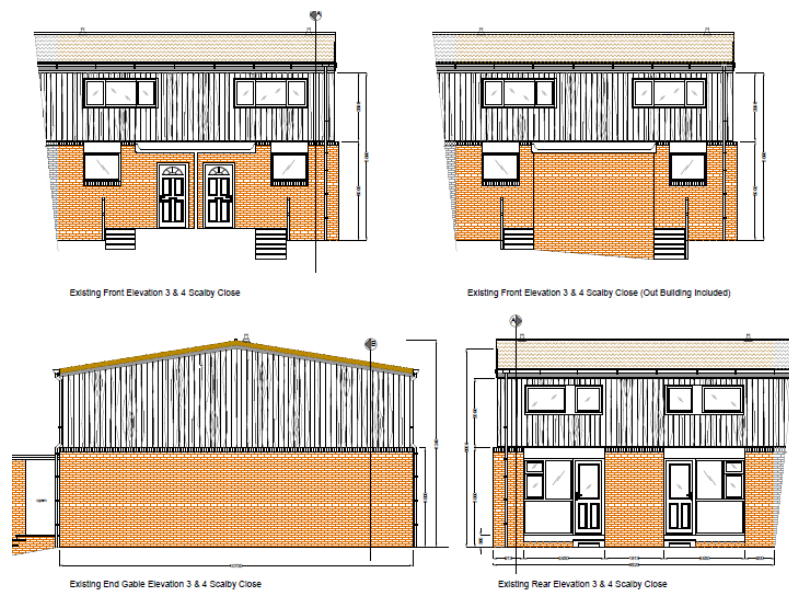


Principal elevation of terrace bungalows



Rear elevation of terrace bungalows

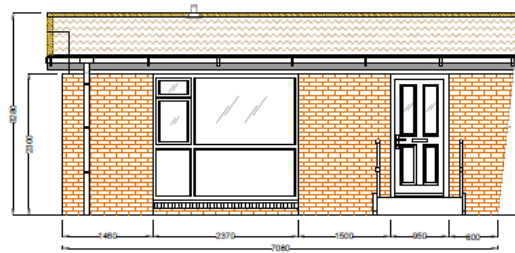
Plans (not to scale)



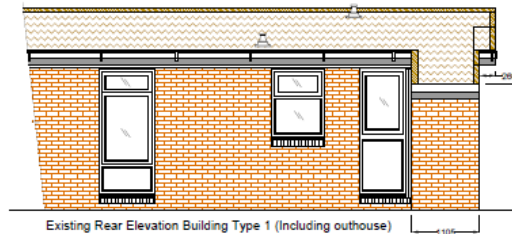
Existing elevations of 3 and 4 Scalby Close



Proposed elevations of 3 and 4 Scalby Close



Existing Front Elevation Building Type 1

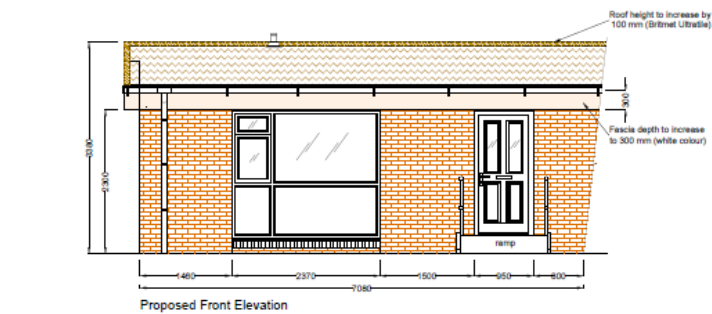


Existing Rear Elevation Building Type 1 (Including outhouse)

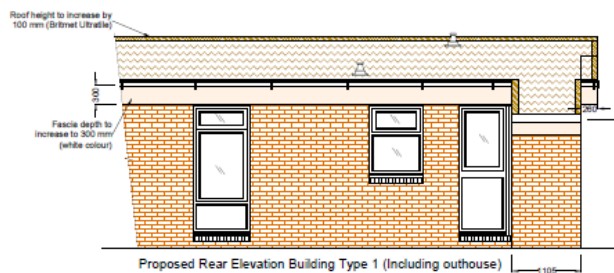


Existing Rear Elevation Building Type 1 (excluding outhouse)

Existing elevations building type 1



Proposed Front Elevation



Proposed Rear Elevation Building Type 1 (Including outhouse)



Proposed elevations building type 1

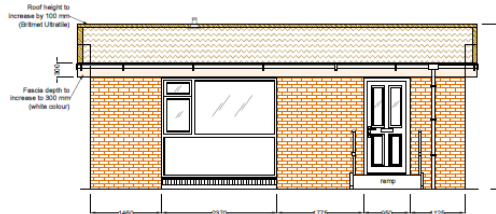


Existing Front Elevation Building Type 2



Existing Front Elevation Building Type 3

Existing elevations building type 3

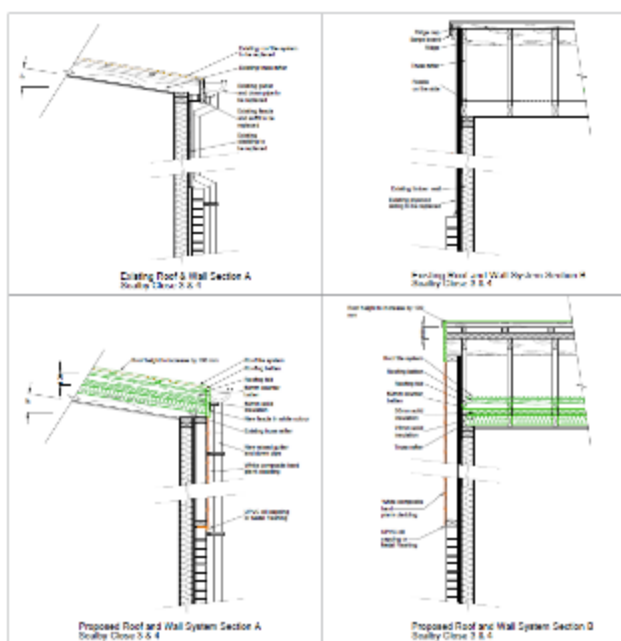


Proposed Front Elevation Building Type 2



Proposed Front Elevation Building Type 3

Proposed elevations building type 3



BROXTOWE BOROUGH COUNCIL DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT

**PLANNING APPLICATIONS DEALT WITH FROM
11 SEPTEMBER 2023 TO 6 OCTOBER 2023**

CONTENTS

Planning applications dealt with under Delegated Powers

Please note: This list is now prepared in WARD order (alphabetically)

BROXTOWE BOROUGH COUNCIL
DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT

P L A N N I N G A P P L I C A T I O N S D E T E R M I N E D B Y
D E V E L O P M E N T C O N T R O L

ATTENBOROUGH & CHILWELL EAST WARD

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mr George Packer Medivet Group Ltd | 23/00427/FUL |
| Site Address | : | 109 -111 High Road Chilwell Nottinghamshire NG9 4AT | |
| Proposal | : | Change of use of 109 High Road to Vets' surgery to be used in association with existing surgery at 111 High Road and erection of single storey extension between 109 and 111 and canopy to 109 and creation of additional parking to front of 111 | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|--|--------------|
| Applicant | : | MR LOUIS WILKINSON | 23/00515/FUL |
| Site Address | : | 48 School Lane Chilwell Nottinghamshire NG9 5EH | |
| Proposal | : | Demolition of garage and construct two storey side extension with single storey front canopy, and single storey side/ rear extension. | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Laurice Fretwell | 23/00556/LBC |
| Site Address | : | 230 High Road Chilwell Nottinghamshire NG9 5DB | |
| Proposal | : | Replace 6 windows and repoint all external walls of property in NHL2 Saint Astier and well graded washed sand. | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mr Peter Whitehouse Chilwell Memorial Institute | 23/00573/FUL |
| Site Address | : | Chilwell Memorial Institute 129 High Road Chilwell Nottinghamshire NG9 4AT | |
| Proposal | : | Removal of side extension (external store) and construction of single storey side extension to provide level access and replacement external store. | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mr Richard Shufflebottom | 23/00586/FUL |
| Site Address | : | 39 Long Lane Attenborough Nottinghamshire NG9 6BN | |
| Proposal | : | Construct two storey side extension and single storey rear extension with balcony above | |
| Decision | : | Withdrawn | |

| | | | |
|--------------|---|--|---------------|
| Applicant | : | Mr Curry | 23/00598/CLUP |
| Site Address | : | 72 Farm Road Chilwell Nottinghamshire NG9 5DA | |
| Proposal | : | Certificate of lawfulness for a proposed hip to gable and dormer roof additions | |
| Decision | : | Approval - CLU | |

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mr Benjamin Steele | 23/00604/FUL |
| Site Address | : | 58 Mottram Road Chilwell Nottinghamshire NG9 4FW | |
| Proposal | : | Two storey side and single storey front extension | |
| Decision | : | Conditional Permission | |

AWSWORTH, COSSALL & TROWELL WARD

| | | | |
|--------------|---|--|---------------|
| Applicant | : | Miss Nisha Desai | 23/00653/CLUP |
| Site Address | : | 34 Nottingham Road Trowell Nottinghamshire NG9 3PB | |
| Proposal | : | Certificate of Lawfulness for proposed detached domestic garage | |
| Decision | : | Withdrawn | |

BEESTON CENTRAL WARD

| | | | |
|--------------|---|--|---------------|
| Applicant | : | Ms C Byrne | 23/00608/CLUP |
| Site Address | : | 35 Dagmar Grove Beeston Nottinghamshire NG9 2BH | |
| Proposal | : | Certificate of lawfulness for a proposed single storey rear extension | |
| Decision | : | Withdrawn | |

BEESTON NORTH WARD

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Dr M Ikram Jan | 22/00834/FUL |
| Site Address | : | 2 Abbey Drive Beeston Nottinghamshire NG9 2QG | |
| Proposal | : | Retain elevation treatment and three air conditioning units | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mr Andrew Taylor | 23/00514/FUL |
| Site Address | : | 95 Marlborough Road Beeston Nottinghamshire NG9 2HL | |
| Proposal | : | Construct side/rear extension (revised scheme) | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mr He | 23/00517/FUL |
| Site Address | : | 107 Marlborough Road Beeston Nottinghamshire NG9 2HN | |
| Proposal | : | Construct single storey rear extension | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mr Chris Burton | 23/00532/VOC |
| Site Address | : | 76 Abbey Road Beeston Nottinghamshire NG9 2QH | |
| Proposal | : | Variation of condition 2 of application 21/00376/FUL | |
| Decision | : | Withdrawn | |

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mr C Burton | 23/00533/VOC |
| Site Address | : | 74 Abbey Road Beeston Nottinghamshire NG9 2QH | |
| Proposal | : | Variation of condition 2 of application 20/00751/FUL | |
| Decision | : | Withdrawn | |

BEESTON RYLANDS WARD

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mr Leigh Silvester 2nd Beeston Sea Scouts | 23/00468/FUL |
| Site Address | : | Sea Scout Headquarters Lilac Grove Beeston Nottinghamshire NG9 1PF | |
| Proposal | : | Construct single storey building, workshop and boat storage canopy, following demolition of existing building | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mrs W Tsui | 23/00592/FUL |
| Site Address | : | 28 Plessey Road Beeston Nottinghamshire NG9 1NZ | |
| Proposal | : | Construct single storey rear extension | |
| Decision | : | Conditional Permission | |

BEESTON WEST WARD

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mr John Crichton | 23/00422/FUL |
| Site Address | : | 14 Grange Avenue Beeston Nottinghamshire NG9 1GJ | |
| Proposal | : | Construct single storey side extension and two storey detached garage. | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mr & Mrs Tarr | 23/00590/FUL |
| Site Address | : | 6 Grange Avenue Beeston Nottinghamshire NG9 1GJ | |
| Proposal | : | Construct single storey side and rear extensions and garden building to rear | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mrs Patricia Temple | 23/00607/CAT |
| Site Address | : | 74 Park Road Chilwell Nottinghamshire NG9 4DD | |
| Proposal | : | Winter Flowering Cherry - Fell | |
| Decision | : | No Objection | |

| | | | |
|--------------|---|--|--------------|
| Applicant | : | MR Matthew Riley acorn tree services (NOTTINGHAM) LTD | 23/00621/CAT |
| Site Address | : | Challenge House 1 Devonshire Avenue Beeston Nottinghamshire NG9 1BS | |
| Proposal | : | T6 - Lime - prune by 8m from height to previous points and 1.5m from lateral branches | |
| Decision | : | No Objection | |

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Ms Laura Guthrie | 23/00639/CAT |
| Site Address | : | 42 Park Road Chilwell Nottinghamshire NG9 4DA | |
| Proposal | : | Cherry tree - prune/reduce 30% | |
| Decision | : | No Objection | |

| | | | |
|--------------|---|--|---------------|
| Applicant | : | Mr N Wilson | 23/00649/TPOW |
| Site Address | : | 23 Elm Avenue Beeston Nottinghamshire NG9 1BU | |
| Proposal | : | Cut back Hawthorn, possible removal if dead | |
| Decision | : | Conditional Permission | |

BRAMCOTE WARD

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mr and Mrs M Tate | 23/00559/FUL |
| Site Address | : | 21 Grasmere Road Beeston Nottinghamshire NG9 3AQ | |
| Proposal | : | Construct single storey side and rear extension (revised scheme) | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mrs Kokolski | 23/00576/FUL |
| Site Address | : | 49 Balmoral Drive Bramcote Nottinghamshire NG9 3FU | |
| Proposal | : | Construct first floor rear extension. | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mr Adam Patrick | 23/00588/FUL |
| Site Address | : | 113 Ilkeston Road Bramcote Nottinghamshire NG9 3JT | |
| Proposal | : | Construct single storey front and rear extensions | |
| Decision | : | Conditional Permission | |

CHILWELL WEST WARD

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Ms Rachel Curley | 23/00575/FUL |
| Site Address | : | 22 Orton Avenue Bramcote Nottinghamshire NG9 3DW | |
| Proposal | : | Replacement roofs with increased heights to the rear and side single storey extensions; external alterations (including new porch roof); installation of a boundary wall, side/rear landscaping including a garden wall, ramp/steps and increase level to rear patio | |
| Decision | : | Conditional Permission | |

EASTWOOD HALL WARD

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mr Yi Sen Deng | 23/00501/FUL |
| Site Address | : | 4 Brandyline Gardens Newthorpe Nottinghamshire NG16 3TS | |
| Proposal | : | Construct single storey rear extension | |
| Decision | : | Conditional Permission | |

EASTWOOD HILLTOP WARD

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mr Darren Fisher | 23/00475/FUL |
| Site Address | : | 4 Daisy Farm Road Newthorpe Nottinghamshire NG16 2AY | |
| Proposal | : | Retain decking | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mr Stephen Bestwick | 23/00555/FUL |
| Site Address | : | 37 Percy Street Eastwood Nottinghamshire NG16 3EP | |
| Proposal | : | Construction of a detached self-contained unit of accommodation to rear garden | |
| Decision | : | Refusal | |

EASTWOOD ST MARY'S WARD

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mr Kane Oliver | 23/00497/FUL |
| Site Address | : | Olivers Pub And Kitchen 20 Nottingham Road Eastwood Nottinghamshire NG16 3NQ | |
| Proposal | : | Retain Marquee | |
| Decision | : | Refusal | |

| | | | |
|--------------|---|--|--------------|
| Applicant | : | William Frost (Heanor) Ltd | 23/00534/FUL |
| Site Address | : | First Floor 65 Nottingham Road Eastwood Nottinghamshire NG16 3AL | |
| Proposal | : | Convert first floor offices into two flats | |
| Decision | : | Conditional Permission | |

GREASLEY WARD

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mr Mark Stones Stones Sankey Developments Ltd | 22/00767/FUL |
| Site Address | : | Land South Of 50 Pinfold Road Newthorpe Nottinghamshire | |
| Proposal | : | Erection of 20 dwellings and new access road (revised scheme) | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mr Paul Doran | 23/00236/FUL |
| Site Address | : | Land To Rear Of 470B Nottingham Road Giltbrook Nottinghamshire NG16 2GE | |
| Proposal | : | Construct detached bungalow and garage to the rear of 470B Nottingham Road | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mrs Sally Hind | 23/00351/FUL |
| Site Address | : | Newlands Farm 201A Main Street Newthorpe Nottinghamshire NG16 2DL | |
| Proposal | : | Demolition of barn and construct replacement barn | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mr Charles Niblett | 23/00383/FUL |
| Site Address | : | Brook House 19 Pinfold Road Newthorpe Nottinghamshire NG16 2FT | |
| Proposal | : | Construct two storey side extension | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mr and Mrs Godhaniya | 23/00626/NMA |
| Site Address | : | 76 Moorgreen Newthorpe Nottinghamshire NG16 2FB | |
| Proposal | : | Non material amendment to 21/00991/FUL to add a Velux roof light to the front elevation | |
| Decision | : | Unconditional Permission | |

KIMBERLEY WARD

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mr Cook | 23/00579/FUL |
| Site Address | : | 37 Cliff Boulevard Kimberley Nottinghamshire NG16 2JJ | |
| Proposal | : | Construct single storey rear extension and conversion of out buildings | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|--|---------------|
| Applicant | : | Mr Tom Richards Tom Richards Tree Services | 23/00580/TPOW |
| Site Address | : | 4 Kempton Close Kimberley Nottinghamshire NG16 2TY | |
| Proposal | : | Lime x 3 - Crown reduce by 2.5 metres, crown lift to 4.5 metres | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|--|----------------|
| Applicant | : | Mr & Mrs James & Claire Blissett | 23/00593/PMBPA |
| Site Address | : | Barn On Land Off Westby Lane Babbington Village Nottingham Nottinghamshire | |
| Proposal | : | Prior Notification under Class Q - Change of use of agricultural building to a dwelling | |
| Decision | : | Prior Approval Refused | |

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Ms H Clarke | 23/00646/PNH |
| Site Address | : | 20 Norman Street Kimberley Nottinghamshire NG16 2LA | |
| Proposal | : | Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.600 metres, with a maximum height of 2.999 metres, and an eaves height of 2.799 metres | |
| Decision | : | Prior Approval Not Required | |

NUTHALL EAST & STRELLEY WARD

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mr Chris Samples Tailormade Interiors | 23/00521/FUL |
| Site Address | : | 20 Knightsbridge Drive Nuthall Nottinghamshire NG16 1RD | |
| Proposal | : | Construct two storey side and rear extension | |
| Decision | : | Conditional Permission | |

STAPLEFORD SOUTH EAST WARD

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Mr Callum White | 23/00546/FUL |
| Site Address | : | 166 Toton Lane Stapleford Nottinghamshire NG9 7HY | |
| Proposal | : | Construct detached garage to the front of the property | |
| Decision | : | Refusal | |

WATNALL & NUTHALL WEST WARD

| | | | |
|--------------|---|---|---------------|
| Applicant | : | Mr & Mrs Taylor | 23/00463/CLUP |
| Site Address | : | Vergewood Kimberley Road Nuthall Nottinghamshire NG16 1DD | |
| Proposal | : | Certificate of lawful development to construct single and two storey rear extensions, and height increase of existing rear roof (revised scheme) | |
| Decision | : | Approval - CLU | |

| | | | |
|--------------|---|--|--------------|
| Applicant | : | Mr Gregory Stackhouse | 23/00474/FUL |
| Site Address | : | 5 Middleton Close Nuthall Nottinghamshire NG16 1BX | |
| Proposal | : | Construct boundary wall facing Watnall Road | |
| Decision | : | Conditional Permission | |

| | | | |
|--------------|---|---|--------------|
| Applicant | : | Natalie Dempster | 23/00566/FUL |
| Site Address | : | 77 Main Road Watnall Nottinghamshire NG16 1HE | |
| Proposal | : | Construct single storey rear extension | |
| Decision | : | Conditional Permission | |

Report of the Chief Executive

PLANNING ENFORCEMENT SERVICE UPDATE

1. Purpose of Report

This report is brought to the Planning Committee following the previous update provided in July 2023.

2. Recommendation

The Committee is asked to NOTE the update.

3. Details

Since the previous report in July, the Planning Enforcement Policy (previously known as the Planning Enforcement Plan) has been reviewed and amendments made with Cabinet approval. The amendments are minor but notably, anonymous enforcement complaints are no longer accepted. The Policy does set out options for those wishing to make a complaint and remain anonymous. The revised Enforcement Policy is now available to view on the website.

At the time of writing this report, the number of open planning enforcement cases is 213 with 306 new cases having been opened so far this year. The increase in open case numbers is attributable to the season with untidy garden cases having increased over the summer months.

As previously requested, some benchmarking with other nearby local authorities was carried out between July and August to compare the number of open enforcement cases at other authorities and the figures are as follows:

| | |
|------------------------------|-----|
| Gedling Borough Council | 128 |
| Erewash Borough Council | 194 |
| Amber Valley Borough Council | 272 |

It is understood that planning applications fees are due to increase in April 2024. It is proposed that the fees for retrospective planning applications will be doubled and that authorities will be able to charge the increased fee subject to this being included within their policy. This however has yet to be officially confirmed by Government.

4. Financial Implications

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

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

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

7. Background Papers

Nil.