

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>21/00038/REG3</b>
<b>LOCATION:</b>	<b>Fishpond Cottage, 51 Ilkeston Road, Bramcote, NG9 3JP</b>
<b>PROPOSAL:</b>	<b>Construct 3 houses and 2 apartments with associated parking and dropped kerb including provision of new driveway to existing cottage and demolition of single storey extension</b>

The application is brought to the Committee as it is an application made by the Council.

1 Executive Summary

- 1.1 The application seeks planning permission for the construction of three houses and two apartments with associated parking, and dropped kerb and new driveway to existing cottage. The proposal also includes the demolition of a single storey extension to the rear of the cottage.
- 1.2 The site currently comprises of a two storey detached cottage set back from the road and with gardens to both sides, and also includes an area of amenity land outside the curtilage of the cottage, which is to the north west.
- 1.3 The main issues relate to whether the proposal for residential development is acceptable in principle; consideration of the heritage value of the cottage; whether the proposal would have an unacceptable impact on highway safety; whether there would be an unacceptable impact on neighbour amenity and whether the proposal would result in harm to biodiversity and to the Open Space (Cookies Pond) to the north west.
- 1.4 The benefits of the proposal are that the new dwellings would contribute to the provision of much needed social housing suitable for a range of persons including families and elderly or disabled occupants. The proposal also sees the existing cottage, which is of local interest, renovated and made habitable. The proposed housing is in a sustainable location, being close to facilities such as retail, health, education and recreation/leisure. The development would be in accordance with the policies contained within the development plan. This is given significant weight. There would be an impact on neighbour amenity and biodiversity but this is outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

## APPENDIX

**1     Details of the Application**

- 1.1     The proposed development would see a total of five new dwellings being provided, consisting of 2 apartments in a two storey detached building, to the south east of the cottage, two x 3 bed semi-detached two storey buildings to the north west of the cottage, and one x 3 bed detached dwelling, which would be a 'chalet' style building of approximate equivalent to 1.5 storeys, located to the north west of the semis and which is wheelchair accessible. These buildings would all have front and rear garden areas, with pedestrian access to both Ilkeston Road and to the existing footpath to the rear. Fishpond Cottage would be retained, although a flat roof single storey extension to the rear would be demolished. No further changes to the elevations are proposed. A new vehicular access to serve this property would be created and would accommodate a minimum of two parking spaces within curtilage.
- 1.2     A total of eight new parking spaces for the five new dwellings would be created within the existing amenity area. This would include one space for disabled parking. New planting is proposed within the parking area.
- 1.3     Whilst bin storage would be provided within the curtilage of each building, due to the sites location on a busy road, bin collection points will be provided to the southernmost corner, close to Ashbourne Close, and within the amenity area to the north west, close to Oakland Court, in order that refuse staff can easily access the bins on collection day.
- 1.4     All of the new dwellings are proposed to be social, affordable or intermediate rental homes, with the cottage either being refurbished by the Council or sold for private refurbishment.

**2     Site and surroundings**

- 2.1     The application site consists of 51 Ilkeston Road, a two storey detached property known as Fishpond Cottage and also known as Farm Cottage, and an area of amenity land to the north west of this. The cottage has mature trees in the gardens mainly to the sides and the front, being set back from the road, and is enclosed on all sides by a privet hedge. Also within the application site boundary is an area of amenity land, which is not enclosed, and is a grassed area with three mature trees and has footpaths across leading to Oakland Court properties, to the south west.
- 2.2     To the south west of the application site is a block of four apartments housed in a two storey building, known as 1A to 1D Oakland Court, and which faces the site. This block is part of a complex of five similar buildings, arranged in an open square. To the south of the site is 1 and 2 Ashbourne Close. These are semi-detached bungalows which are at an angle to the site and are one pair of a run of eight similar properties. To the south east of 1 and 2 Ashbourne Close, on the opposite side of the road, is 49 Ilkeston Road, a detached two storey property, separated from the Ashbourne Close by an amenity area. This property is set well

back into its plot, and faces north east. Similar properties continue south east along Ilkeston Road.

- 2.3 To the north west of the site, and on the opposite side of Oakland Court, there is an area of Informal Open Space, known as Cookies Pond, which is an attractive area consisting of trees, grass and a pond. Beyond this informal area, and continuing north west along Ilkeston Road, there are two storey semi-detached and detached dwellings.
- 2.4 To the north east of the site, on the opposite side of Ilkeston road, is Bramcote Hills Park, a large green area which has a children's play area, grassed and wooded areas, and formal play pitches for sports. A red brick wall encloses the park along the road frontage.

### **3 Relevant Planning History**

- 3.1 There is no relevant planning history for this site, post 1974.

### **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 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 17: Biodiversity

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

- 4.2.1 The Council adopted the Part 2 Local Plan (P2LP) on 16 October 2019.

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 28: Green Infrastructure Assets
- Policy 31: Biodiversity Assets

#### **4.3 National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes.
- Section 12 – Achieving well-designed places.
- Section 15 – Conserving and enhancing the natural environment.

5 Consultations

- 5.1 **County Council as Highways Authority:** The visibility splay from the retained property (Fishpond Cottage) needs to be kept clear of obstructions and as such the privet hedge to the front needs to be removed or re-positioned. Amended plans submitted now show a new hedge along the frontage aligned so as to follow the visibility splay. The Highway Authority have commented on the amended plans and have no objections subject to conditions relating to provision of parking spaces and new and removal of disused dropped kerbs prior to occupation, materials to be used for the parking areas to be of a bound material and be delineated before use, visibility splays to be provided prior to occupation, and construction of drives and parking areas to be constructed with provision to prevent unregulated discharge of surface water onto the public highway. Also request a Note to Applicant in respect of works to the public highway.
- 5.2 **County Council Policy Team:** no comments
- 5.3 **Council's Conservation Adviser:** Initial response: considers that a positive approach to conserving the cottage has been taken. Thought needs to be given to the design and style of the new dwellings, in particular plot 1, which consider does not complement the existing nor the proposals for the rest of the site. Final response: supports the use of a contemporary architectural style, thus not attempting to copy a facsimile of a historic building. The street plan elevations highlight the positive architectural features of Fishpond Cottage, as its style and attractiveness appear more prominent when viewed in comparison. Notwithstanding this, have concerns in regard to the mix of house types in this small site, in respect of varying roofs, gable widths, window size and alignment and eaves height, resulting in an over complication and visual incongruity. In terms of materials, would suggest a natural clay tile be used rather than a concrete tile.
- 5.4 **Council's Environmental Health Officer:** As the development is located on land that may be contaminated due to its historic use, an investigative survey of the site should be carried out and agreed prior to commencement of the development, which will be secured by a pre-commencement condition.
- 5.5 **Council's Waste and Recycling Officer:** Properties to be allocated two x 240 litre bins and one x 37 litre bag. These need to be presented either at the edge of the adopted highway prior to collection, or no more than 15m away.
- 5.6 **Notts Wildlife Trust:** Satisfied with the resulting conclusions of the ecology surveys and reports as submitted. A Construction Ecological Management Plan (CEMP) and a Landscape Ecological Management Plan (LEMP) are to be secured by condition. The mitigation recommendations in regard to protected / priority species should be implemented and secured in accordance with the details to be submitted in the LEMP. It is noted that the report is considered accurate for a period of approximately two years, and should this period elapse, updated surveys would need to be carried out.
- 5.7 Thirteen properties either adjoining or adjacent to the site were consulted and a site notice was displayed. In addition, and in response to concerns that not all

residents may have access to the internet, a notice board with the notification letter and a range of plans was erected adjacent to the site. 38 responses were received, three letters of support, two of which strongly support the construction of additional social housing, as it is a great area for families, with plenty of schools, amenities and parks nearby, and 35 objections, on the following grounds:

#### Principle of development

- Affordable housing is the Council's priority but these houses are not suitable nor will be affordable for first time buyers
- Previous concerns raised [through consultation carried out by the Estates team] have not been addressed in that the proposed scheme is for families, where it was felt that accommodation for elderly would get more support from residents
- Any money made by the Council from the sale of the land for housing should go toward essential services and not on maintaining and refurbishing a building that has fallen into disrepair and which has no apparent use
- Aware of the need for more social housing but this is not the right location, being sandwiched between a busy main road and a community of mainly elderly and vulnerable people
- No objection to the renovation of the cottage if used appropriately for this area once complete
- Money would be better spent on maintenance of existing properties and on the grounds and the pond
- Bungalows for older people would fit in better with the area and existing residents
- Time and energy would be better spent on ensuring other sites are developed [cites Cemetery Road site in Stapleford as an example]

#### Design and layout

- The new buildings will make things feel cramped
- Large 3 and 4 bed houses not in keeping with the one bedroom flats
- The new buildings are forward of the building line along Ilkeston Road, which is protected by a covenant
- Density of development – an additional four dwellings where the site currently accommodates one
- An additional three buildings on the site would not look pleasant and would result in cramped living conditions for the residents
- Proposed houses not in keeping with the architectural style of the houses in the area. The design completely changes the visual significance of the area
- Plots 5 and 6 would dwarf the bungalow at 1 Ashbourne Close
- Whilst Fishpond Cottage is to be retained, it will be flanked on either side by ugly buildings

#### Neighbour amenity

- Loss of privacy to bungalow on Ashbourne Close
- Concerns in regard to anti-social behaviour/crime rate increase
- Location of the bin collection point opposite the flats would create smells and noise

- The two trees proposed in the rear garden would result in loss of light for the existing occupiers to the rear
- Occupants of block 1 (Oakland Court) will be overlooked, resulting in loss of privacy, loss of light, and would feel hemmed in
- Noise from children of new dwellings using the open areas adjacent (to the west)
- As the occupancy in the existing dwellings surrounding the site is generally elderly, who have a need for a supportive and quiet lifestyle, it is considered that the change of occupiers and age structure would be a possible cause of conflict and health issues
- Object on grounds of noise, smell and lack of security
- Considers that housing the homeless, prison leavers and asylum seekers is absolutely disgusting and would not feel safe living on [nearby street]. Would only have fencing separating the site. Should find somewhere in Beeston
- The development would completely spoil the views and ambience of all the existing dwellings, particularly those that currently have uninterrupted views of the park
- No consideration of the impact/disruption that the development would have on the many vulnerable people who live in Oakland flats

#### Heritage

- Support the retention of the cottage, however queries the information contained within the Heritage Statement in respect of age of the cottage; poor condition of the cottage (which considers has been allowed to deteriorate); downplay of association with the Bramcote Hills estate
- The new buildings restrict the view of the cottage, which is locally listed
- The historic context of the cottage will be lost once new builds erected either side
- The Council should be more creative in the development of this site for the benefit of the local community. The land should be an extension of the adjacent park (Bramcote). The Council should not ignore the historical context of the building and should not be inclined to take the easier option of putting cost and housing parameters as overall priority before more creative considerations
- The Council should be doing more to protect areas of local interest and heritage, not selling the land off to developers

#### Parking/Highway safety

- Inadequate attention has been given to parking requirements given the pressure on existing spaces, from visitors to Bramcote Park, opposite. Family dwellings generally have 1+ cars and receive visitors with cars and as such existing residents are likely to find spaces overloaded and will result in a degradation of the pond area as vehicles mount kerbs
- The road is already busy – extra houses means extra cars. The road has yet to feel the effect of the 300 new houses at Field Farm [to the north west]. Additionally, building works would disrupt both traffic on Ilkeston Road and affect access to the existing resident's property
- To claim that the properties would be safe for children given the proximity of the road is a gross misrepresentation of the real situation on Ilkeston Road

#### Biodiversity

- The building work would have a negative impact on the surrounding nature and would create dust, noise and disturbance
- Building on the existing green land is going to take away much needed habitats for a range of species and is a natural corridor from the pond to the park
- Loss of biodiversity – numerous trees and shrubs would be removed
- The existing outlook of trees, wildlife and open space, which are important for the well-being of the existing residents, will be lost

#### Other matters

- Description of development in the notification letter was not clear enough in that the cottage is to be retained but not clear that 3 houses and apartments being applied for too
- There is an issue of flooding in the area and the new development would put more pressure on this
- Concerned about the amount of rubbish and fly tipping in the garden of the cottage which is attracting rats
- The artist's impressions suggest a more rural location
- Concerned that if permission is given, the plans will be altered at a later date to suit the developer to the detriment of the local residents and the area. What guarantees are the Council prepared to give that plans once passed cannot be amended
- Not all residents have been informed of the proposal, and no revised drawings have been sent to residents, which seems grossly negligent on behalf of the Council given the nature of the development and the timescales for response. Feel that the application is being pushed through
- Many residents are digitally excluded so unable to respond. Given the Covid regulations, a visit to the library or tenants/resident meeting is not possible

It appears from the consultation process that some nearby residents have been lobbied by an unknown person or persons to object and mis-information in respect of tenancy may have been given.

## 6 Assessment

6.1 The main issues for consideration are whether the proposal for residential development is acceptable in principle; consideration of the heritage value of the cottage; whether the proposal would have an unacceptable impact on highway safety; whether there would be an unacceptable impact on neighbour amenity and whether the proposal would result in harm to biodiversity and to the Open Space (Cookies Pond) to the north west.

### 6.2 **Principle**

6.2.1 The principle of the site being used for residential development is considered to be acceptable, given that the site is mainly in that use already, and the remainder is not allocated or safeguarded for any alternative use.

6.2.2 Whilst it is noted that the housing in the immediate surrounds is mainly one bedroom apartments and bungalows and therefore the demographic is one of

mainly elderly or disabled occupiers, it is also acknowledged that in the slightly wider area, the housing is mainly two storey three bedroom properties, suitable for family occupation. The proposed dwellings have a mix of dwelling types suitable for a wide range of occupancy, including elderly and disabled, single persons and families. As such, it is considered that the mix of housing proposed is acceptable and would meet the needs of residents of all parts of the Borough, and all age groups, including the elderly. The agent has submitted a supporting statement to this effect:

*“The Council’s housing needs survey has identified a need for 268 new affordable homes, per year, across the borough. This scheme will provide 5 much needed new Council homes for rent in the borough at social rent levels. The housing need in Broxtowe is predominantly for general needs housing for single people and families and this proposal will help meet a small proportion of that need. It will also meet the need for wheelchair family accommodation which is in very short supply in the borough. The Council owned properties to the west and south of the site are a mixture of general needs two storey flats and an independent living scheme consisting of bungalows and flats. The Council owns over 1300 independent living scheme (ILS) units and is not currently looking to provide new ILS properties in this area.”*

- 6.2.3 The new dwellings would also be affordable, social housing, which would contribute towards providing accommodation for those on the Council’s housing list.

### 6.3 Design and Layout

- 6.3.1 The design of the new dwellings, which are proposed to be built of brick with concrete tiles, have a simple, uncluttered appearance, with well-proportioned windows and doors is considered to be acceptable and do not attempt to either compete with the character of the cottage sited between the buildings, or seek to replicate the characteristics of the building, except in that they would be built of similar materials. The heights of the proposed buildings are considered to be acceptable, with the taller apartment building being set away from the cottage, further to the south east, so as to provide a visual break. Whilst the Conservation Adviser does raise concerns in this respect, it is considered that as this site is isolated from others along Ilkeston Road, the variation in heights would not have a detrimental impact on the established rhythm of buildings in this part of the street scene. The density is also considered to be acceptable and would not result in a cramped development. Details of materials to be secured by condition.
- 6.3.2 The new buildings would be set forward of the front elevation of the cottage, and as such would restrict views of the cottage. However, it is noted that the cottage is currently screened from view by the mature trees and vegetation on the site, and additionally, if the dwellings were to be set further back into the site this would have a negative impact on the amenities of the occupiers of 1A to D Oakland Court, as they would be closer to these apartments. This would also result in smaller rear gardens, to the detriment of the amenities of the future occupiers.
- 6.3.3 The development would result in the loss of part of the amenity area to the north west, which would facilitate the building of the detached dwelling, and in order to



provide off-street parking for the development. It is considered that this is an acceptable loss in order to achieve a workable layout in the interests of highway safety, and that part of the amenity area would be retained along with two of the existing three trees.

6.3.4 Pedestrian access to serve each property would be provided to both the front, to Ilkeston Road, and to the rear, for access to the bin collection points. This is considered to be acceptable and would provide a choice of access to the occupiers.

6.3.5 The proposed layout shows that the hedge enclosing the current site will be retained where possible, and where not, a new hedge is proposed both to the front and rear of the properties, with a 1.8m high fence to the rear gardens, behind the hedges, for privacy. Some trees will be retained, notably to the south east corner and three to the frontage. New landscaping is also proposed, which includes trees within the rear gardens of two of the dwellings and to the parking area. The gardens are shown to be laid to lawn. Notwithstanding the details submitted, a detailed landscape scheme would need to be agreed prior to above ground works being commenced, to be secured by condition, in order to ensure that any planting is appropriate for the site.

#### **6.4 Heritage**

6.4.1 Fishpond (aka Farm) Cottage is undoubtedly a building of local significance and has been part of the streetscape since around 1830 at the earliest. Indeed, it is the oldest property in the immediate area, with surrounding housing dating from the 1930's and 1960's. The Heritage Statement concludes that the cottage lacks a sufficient level of historic significance to be identified as a non-designated heritage asset and its setting as it has a negligible/very low level of heritage significance or the ability to appreciate significance.

6.4.2 The existing cottage is not a listed building nor is it identified by the Council as a Local Interest Building. Given the conclusion of the Heritage Statement, and the Conservation Officer considers that a positive approach to conserving the cottage has been taken, and that the cottage will be retained and put to a viable use, it is considered that the retention and refurbishment of the cottage is acceptable.

6.4.3 The new buildings either side of the cottage are considered to be of a scale and design that compliments the character of the cottage.

#### **6.5 Amenity**

6.5.1 The closest properties to the development would be 1 A to D Oakland Court and 1 and 2 Ashbourne Close.

6.5.2 1A to D Oakland Court are the block of apartments to the south west of the site. There are two flats per floor and these face the site. The site is generally level, and level with the apartments to the rear, which would directly face the two semi-detached dwellings. There would be a minimum distance of 19.5m between the two facing elevations. It is considered that this is an acceptable relationship, given that the new dwellings would be north east of these apartments and as such there

would be no significant impact on neighbour amenity in terms of loss of light, outlook or privacy.

6.5.3 1 and 2 Ashbourne Close are a pair of semi-detached bungalows and are to the south of the site. As these bungalows are at an angle to the site, they would not have a direct face to face relationship with the proposed two storey apartment block, to the south east end of the site. There would be a minimum of 12m between the southernmost corner of the proposed apartments and the front elevation of no. 1. There would be a 1.5m high fence behind the hedge which would safeguard privacy. The rear windows of the apartments would face south west, with no direct views towards these bungalows. It is considered that there would be no significant impact on neighbour amenity in terms of loss of light, outlook or privacy.

6.5.4 Concerns have been raised in regard to noise and disturbance resulting from the occupation of the dwellings by families, and to the unsuitability of the use, given the demographic of the residents in the immediate vicinity. Concerns have also been raised in regard to the perception of increased crime and anti-social behaviour. These matters are not material planning considerations as tenancy of the dwellings cannot be controlled through the planning system.

6.5.5 Concerns have been raised in regard to smells, in respect of the siting of the bin collection points. It should be noted that these are areas for bin collection only and that bins would normally be expected to be taken back to the respective properties once the refuse has been collected.

6.5.6 It is considered that the proposed dwellings would provide the future occupiers with satisfactory access to natural light and to an outlook. Whilst not adopted planning policy, it is noted that each dwelling would exceed the minimum requirement in respect of internal space standards.

## 6.6 Biodiversity

6.6.1 It is acknowledged that the existing garden to the cottage has mature trees and shrubs, particularly to the southern part of the site. Many of these have been rated as being of low quality, having been unmanaged for a number of years. Some of the high quality trees are to be retained although some would need to be removed in order to facilitate the development, including one of the group of three on the amenity land. The layout has taken the trees into consideration and been designed so as to lose as few high quality trees as possible. The site is not identified as being of high quality in terms of habitat, being a domestic garden and a grassed amenity area.

6.6.2 It is considered that the proposed development would not have a significant impact on biodiversity and that the landscaping details could incorporate enhancements as mitigation for the loss, including, where appropriate, replacement trees.

6.6.3 Additionally, conditions in respect of Construction Ecological Management Plan (CEMP) and Landscape Ecological Management Plan (LEMP) will ensure that the

development is carried out in a manner sensitive to and with the aim of safeguarding and enhancing biodiversity.

6.6.4 Measures to ensure mitigation recommendations in regard to protected/priority species should be implemented would be secured by condition.

6.6.5 Cookies Pond, to the north west of Oakland Court and the development site, is an informal open space, allocated as a Green Infrastructure Asset in the Part 2 Local Plan. Whilst it is considered that the development would not, in itself, have a significant impact on the open space, it is considered that the CEMP would ensure that the development is carried out with regard to safeguarding this space from unnecessary damage.

## **6.7 Access and Highway Safety**

6.7.1 It is considered that the development is acceptable in terms of access onto Ilkeston road, following amendments to the visibility splay from the existing cottage. The Highways Authority have no objections subject to conditions outlined in paragraph 5.1 above.

6.7.2 Concerns have been raised in regard to the number of parking spaces proposed to serve the development. A total of eight new spaces to serve the five new dwellings have been provided and it is considered that this is a satisfactory amount of parking provision. Parking by visitors to the park opposite appear to be problematic on Oakland Court and this is acknowledged, however it would be unreasonable to require additional parking to serve the development over and above that which is deemed to be acceptable, and overflow parking from the park would need to consider alternatives or visit at a quieter time.

6.7.3 It is considered that the additional five dwellings would not have a significant impact on traffic conditions in the locality.

6.7.4 The layout has been designed so as to have pedestrian access both to Ilkeston Road and to the rear, so that the occupiers could chose to use either should they have concerns in regard to children accessing Ilkeston Road directly.

## **6.8 Other Matters**

6.8.1 There have been concerns raised in respect of consultation as the neighbours were previously consulted, prior to the application being submitted, by the Estates team as to their thoughts on how the site could be developed, which entailed plans and letters being distributed more widely than the statutory requirements of a planning application notification. The notification letters were sent to all adjoining or adjacent properties, as per the statutory requirements. Additionally, a site notice was posted in the vicinity, and, additional to the statutory requirements, a notice board with details and plans of the proposal was erected outside the site in order to give information to the wider public. The notification letter gave details of who to contact by telephone to discuss the proposal.

6.8.2 There may also have been a letter sent to local residents by a third party, canvassing residents to object to the development. The description used on this

letter may have differed from that used in the notification letters and site notice issued by the Planning section. It is considered that the description of development, as per the title of this report, adequately and correctly describes the proposal.

- 6.8.3 The site is not in Flood Zone 2 or 3 and as such it is considered that the new development, which would need to be built to Building Regulations in force at that time, would not result in added pressure in terms of flooding.
- 6.8.4 The state of the garden (attracting rats and flytipping) is not considered to be a material planning matter.
- 6.8.5 The artist's impression (3D views) are indicative only and would not form part of the approved plans.
- 6.8.6 Should planning permission be granted, any material changes to the approved plans may require a further planning application to be submitted, and whilst it cannot be guaranteed that the plans would not change, any amendments would need careful consideration against adopted local plan policies.
- 6.8.7 Monies made by the Council through the sale of the land is not a planning consideration, however it would be for the Council to determine where the revenue would be spent and would, of course, be to the benefit of Broxtowe Borough Council residents as Council Tax payees.
- 6.8.8 Other sites in the area are due to be or are being developed for residential units (including the site at Cemetery Road in Stapleford, and at Field Farm nearby).
- 6.8.9 Whilst the comment regarding loss of view to the park are noted, there is no right to a view over third party land.

## **7 Planning Balance**

- 7.1 The benefits of the proposal that the new dwellings would contribute to the provision of much needed social housing suitable for a range of persons including families and elderly or disabled occupants. The proposal also sees the existing cottage, which is of local interest, renovated and made habitable. The proposed housing is in a sustainable location, being close to facilities such as retail, health, education and recreation/leisure. The development would be in accordance with the policies contained within the development plan. This is given significant weight.
- 7.2 The negative impacts are on neighbour amenity and biodiversity.
- 7.3 On balance, it is considered that the benefits outweigh the negative impacts of the scheme.

## **8 Conclusion**

- 8.1 Recommend that planning permission be granted, subject to conditions.

<b><u>Recommendation</u></b>	
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 and drawing numbers 5310-DR-01 rev P3, RSE_3314_TCP rev V1, 10903-S8-P3, 01401-S8-P2 and 01408-S8-P2 received by the Local Planning Authority on 19.01.21, drawing number 10905-S8-P1 received by the Local Planning Authority on 28.01.21, drawing number 10410-S8-P1 received by the Local Planning Authority on 11.02.21, drawing numbers 01601-S8-P3, 01608-S8-P4, and 10904-S8_P3 received by the Local Planning Authority on 19.03.21, and drawing numbers 10409-S8-P4, 10609-S8-P5, 01630-S8-P3 received by the Local Planning Authority on 13.05.21.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No part of the development hereby approved shall be commenced until an investigative survey of the site 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><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
4.	<p>No part of the development hereby approved shall be commenced until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of safeguarding ecological features on and adjacent to the site, in accordance with the aims of Policy 17 of the Broxtowe Aligned Core Strategy (2014) and Policy 31 of the</i></p>

	<b><i>Broxtowe Part 2 Local Plan (2019).</i></b>
5.	<p>No above ground works shall be carried out until details of the manufacturer, type and colour of the bricks, tiles and cladding to be used in facing elevations have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: Limited details were submitted and 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) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
6.	<p>No above ground works shall be carried out until details of a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of safeguarding ecological features on and adjacent to the site, in accordance with the aims of Policy 17 of the Broxtowe Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
7.	<p>No above ground works shall be carried out until a landscaping scheme 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"> <li>(a) trees, hedges and shrubs to be retained and measures for their protection during the course of development</li> <li>(b) numbers, types, sizes and positions of proposed trees and shrubs</li> <li>(c) proposed boundary treatments</li> <li>(d) proposed hard surfacing treatment</li> <li>(e) proposed lighting details</li> <li>(f) planting, seeding/turfing of other soft landscape areas</li> </ul> <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 Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
8.	No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossing/s are available

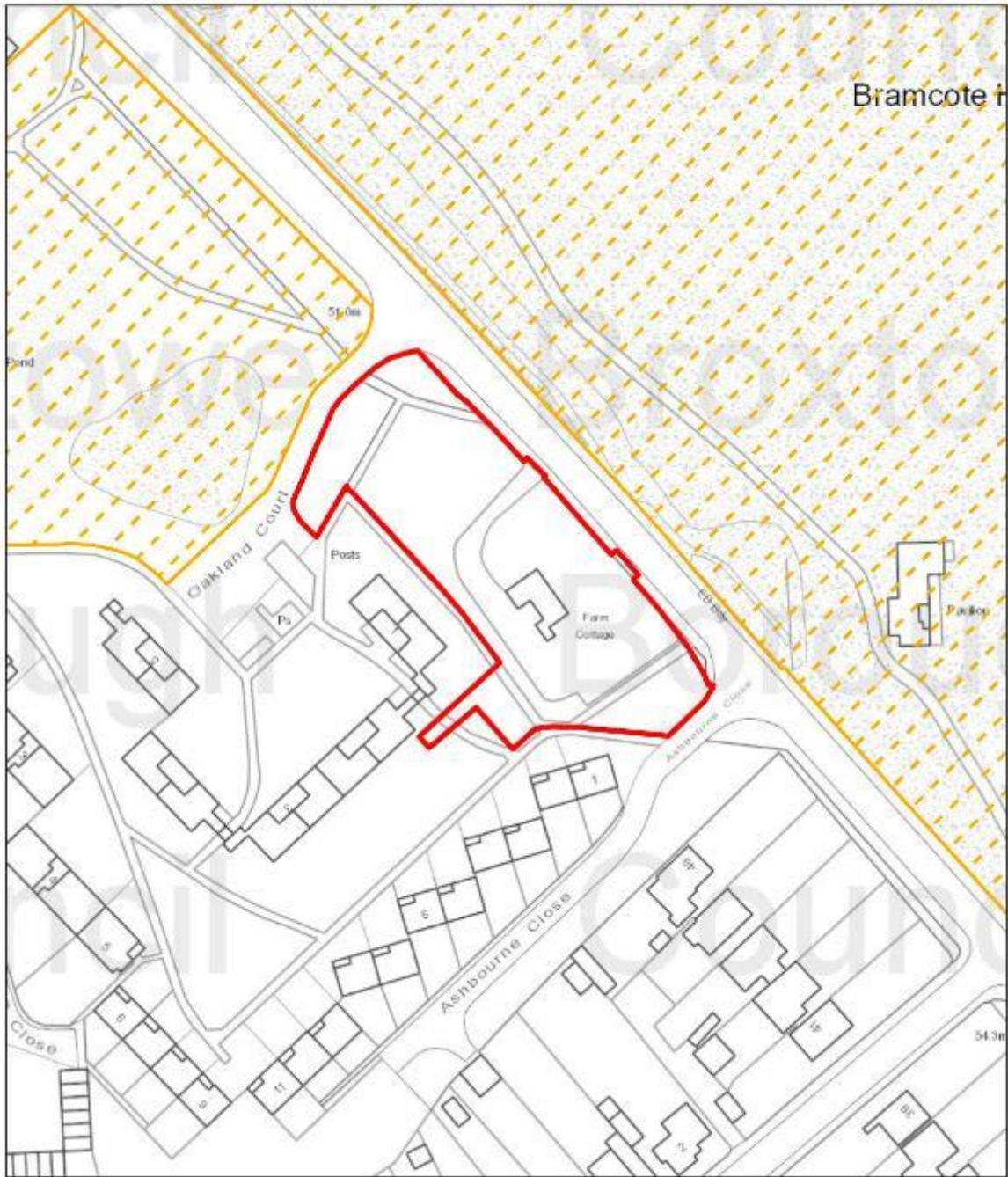
	<p>for use on Ilkeston Road and Oakland Court.</p> <p><i>Reason: In the interests of highway safety in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
9.	<p>No part of the development hereby permitted shall be brought into use until the parking areas on Oakland Court are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 12112-WMS-ZZ-DR-A 109014 S8 P3. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.</p> <p><i>Reason: In the interests of highway safety 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).</i></p>
10.	<p>The new driveway serving Fishpond Cottage shall not be brought into use until the visibility splays shown on drawing no. 12112-WMS-ZZ-DR-A 109014 S8 P3 have been provided. The driveway shall be surfaced in hard bound material (not loose gravel) for a minimum of 5.5m behind the highway boundary and shall be maintained in such hard bound material for the lifetime of the development. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or hedges.</p> <p><i>Reason: In the interests of highway safety 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).</i></p>
11.	<p>No part of the development hereby permitted shall be brought into use until the access driveway on Ilkeston Road and parking areas on Oakland Court are constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.</p> <p><i>Reason: In the interests of highway safety 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).</i></p>
12.	<p>No part of the development hereby permitted shall be brought into use until the existing site access on Ilkeston Road that has been made redundant is permanently closed and the access crossing is reinstated as footway and full height kerbs.</p> <p><i>Reason: In the interests of highway safety in accordance with the</i></p>

	<i>aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i>
13.	<p>No new dwelling hereby approved shall be occupied until:</p> <p>i) all the necessary remedial measures 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 have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
14.	<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, 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: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	<b>NOTES TO APPLICANT</b>
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 a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at:  <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p>
3.	As this permission relates to the creation of a new unit(s), please



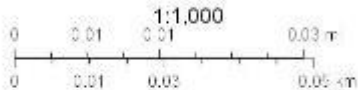
	<p>contact the Council's Street Naming and Numbering team: <a href="mailto:3015snn@broxtowe.gov.uk">3015snn@broxtowe.gov.uk</a> to ensure an address(es) is(are) created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>
4.	<p>Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.</p>
5.	<p>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.</p>
6.	<p>There is a confirmed bat roost within the existing building and as such the developer should first secure a European Protected Species Mitigation Licence (EPSML) from Natural England, which is a mandatory requirement, prior to any works being carried out on the existing building. Works to remove trees should also take place outside of the bird breeding season (March to September). Further information is available: <a href="https://www.gov.uk/guidance/wild-birds-protection-surveys-and-licences">https://www.gov.uk/guidance/wild-birds-protection-surveys-and-licences</a></p>
7.	<p>Nottinghamshire Wildlife Trust advise that the survey results contained in the Ecological Impact Assessment report, submitted as part of this application, are considered accurate for approximately two years, notwithstanding any considerable changes to the site conditions, and as such the developer would need to undertake updated surveys after the two-year period has elapsed.</p>
8.	<p>The development makes it necessary to construct vehicular crossings on Ilkeston Road and Oakland Court over the verge and footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <a href="http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities">http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities</a></p>

Fishpond Cottage 51 Ilkeston Road Bramcote NG9 3JP



5/6/2021, 9:51:21 AM

-  Open Spaces
-  Site



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Photographs



Existing garden of the cottage, to the south east of the site



Fishpond Cottage, 51 Ilkeston Road



Existing garden to cottage and land adjacent, to the north west



Land to north west of the cottage, part of the application site



View along Ilkeston Road, looking north west, with application site on the left



Amenity area, to the north west and adjacent to the cottage, and part of the application site



Informal open space, to the north west of the site, on the opposite side of Oakland Court. The open space contains a body of water known as Cookies Pond



1 A to D Oakland Court, which are flats located to the rear (west) of the cottage



2 A to D and 3 A to D Oakland Court, to the right of the photo, and bungalows on Ashbourne Close, to the left. The properties are to the south west of the site



Rear elevation of Fishpond Cottage



Ashbourne Close – view from south of the application site looking south west



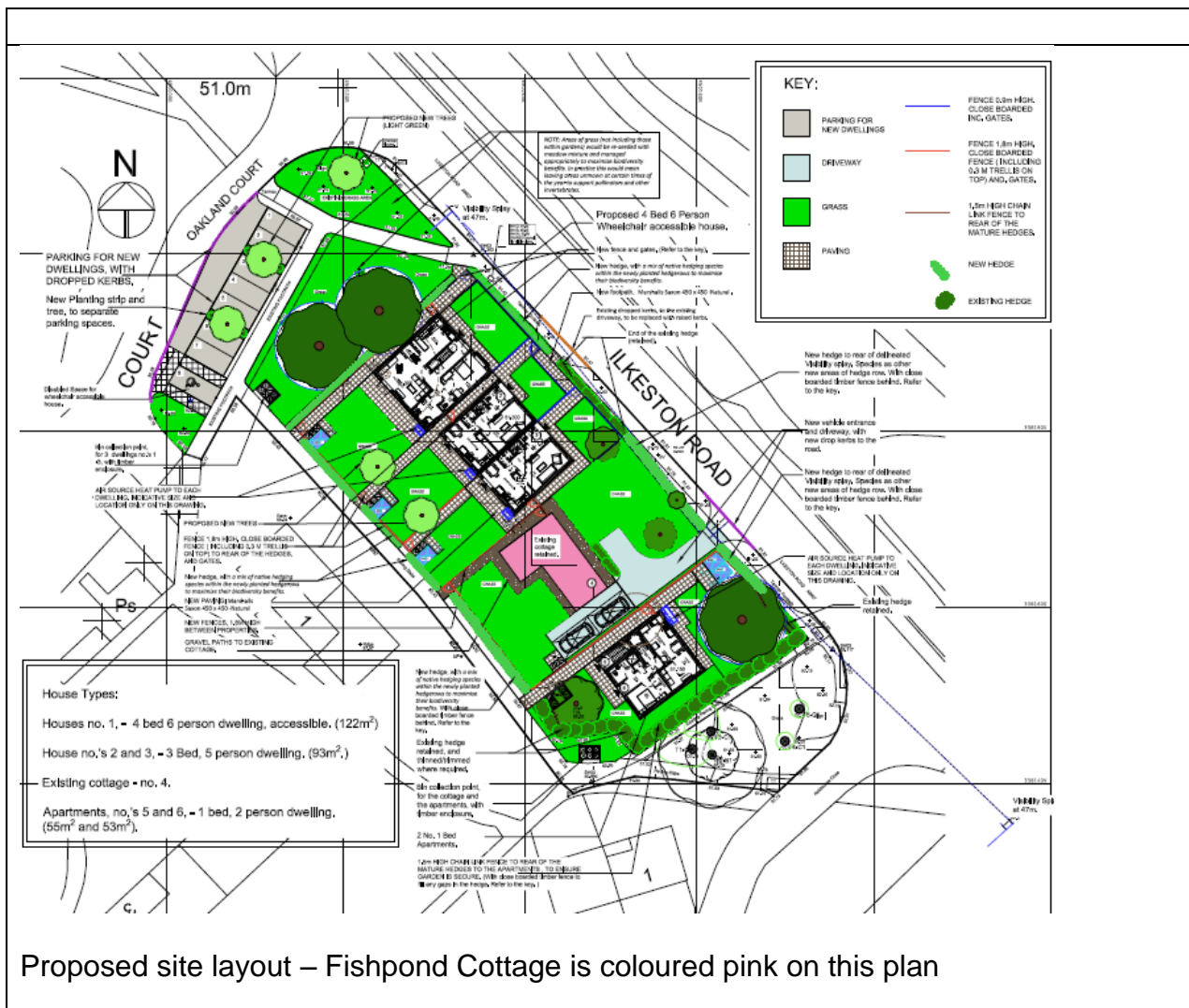
Ashbourne Close, view from junction with Ilkeston Road





Parking area to the north west of 1 A to D Oakland Court

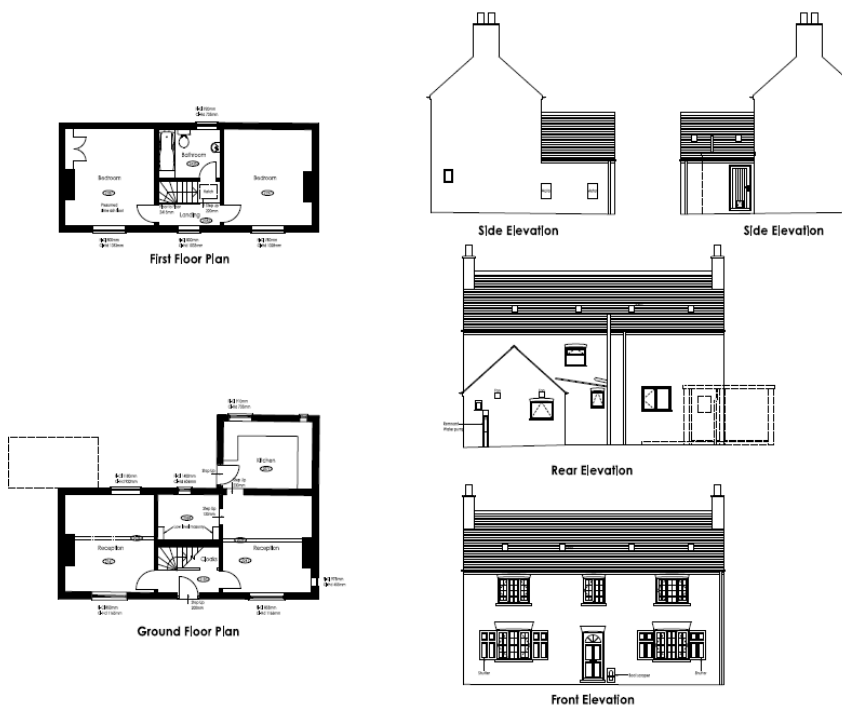
### Plans (not to scale)



Proposed site layout – Fishpond Cottage is coloured pink on this plan



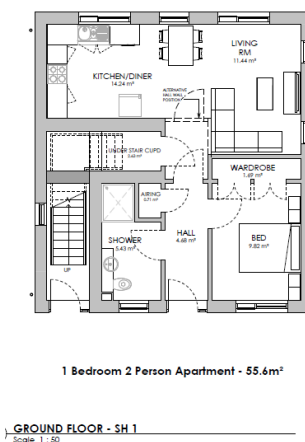
Proposed street elevation



Proposed floor layout and elevations – Fishpond Cottage

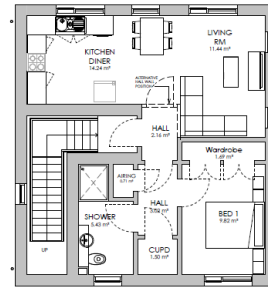


Proposed elevations – apartment building



1 Bedroom 2 Person Apartment - 55.6m<sup>2</sup>

GROUND FLOOR - SH 1  
 Scale: 1:50



1 Bedroom 2 Person Apartment - 52.4m²

2 FIRST FLOOR - SH 1  
Scale 1 : 50

Proposed floor layout – apartment building

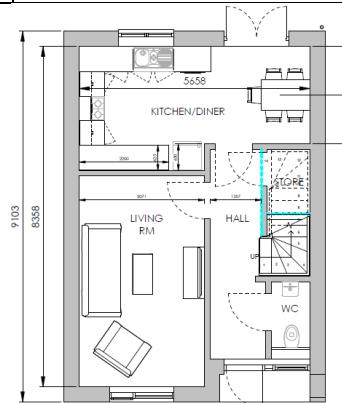


2 FRONT ELEVATION - PROPOSED  
Scale 1 : 50

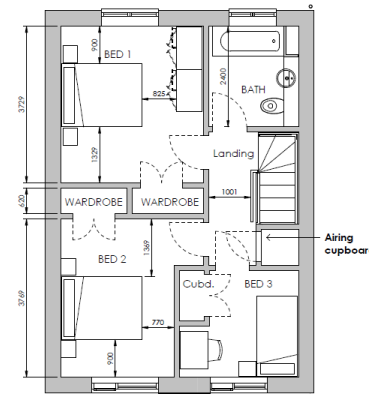


3 REAR ELEVATION - PROPOSED  
Scale 1 : 50

Proposed elevations – 3 bed dwelling

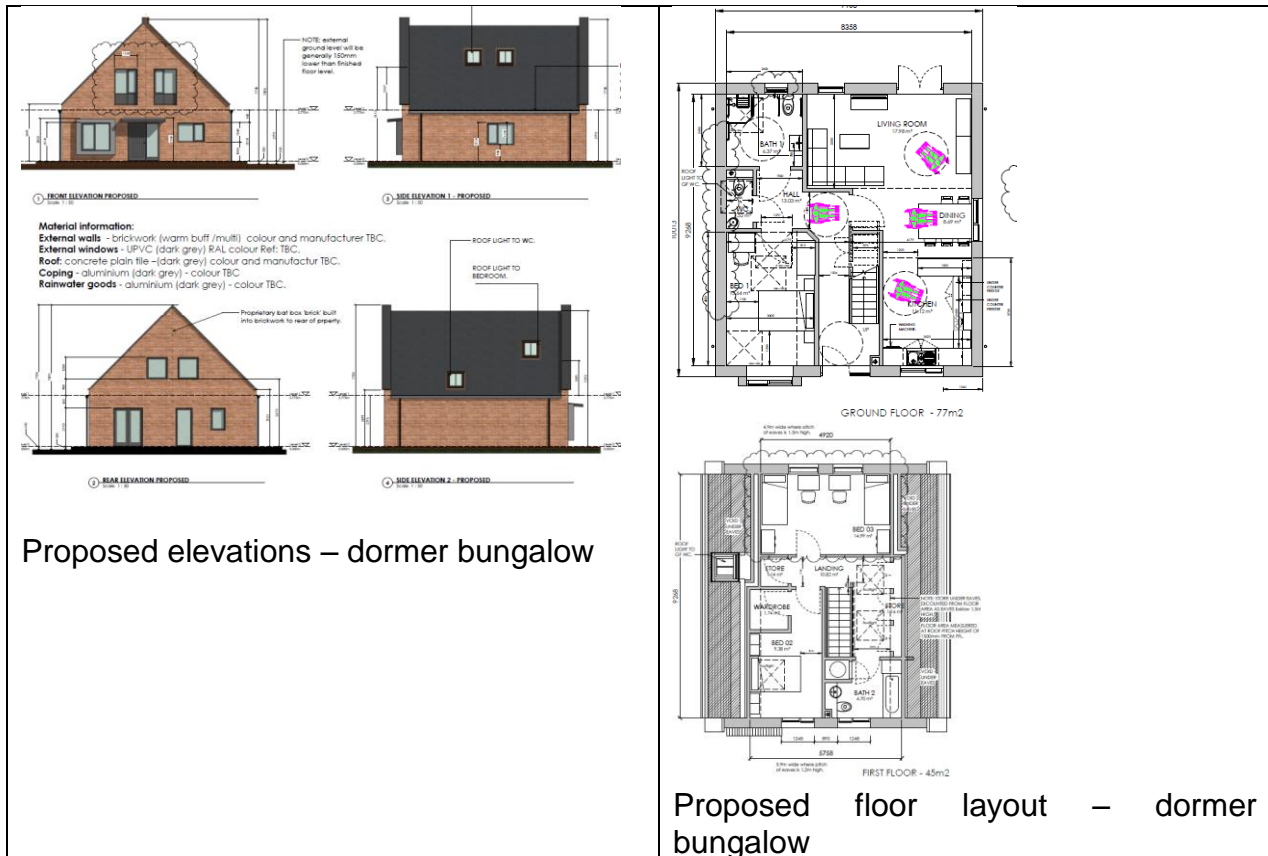


1 GROUND FLOOR PLAN - sh 1  
Scale 1 : 50



2 FIRST FLOOR PLAN - sh 1  
Scale 1 : 50

Proposed floor layout – 3 bed dwelling



Proposed elevations – dormer bungalow

Proposed floor layout – dormer bungalow