



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Planning Committee

Date: **Wednesday 24 February 2021**

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Time: **6.00 pm**

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Place: **Virtual Meeting**

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For any further information please contact:

**Cayte Goodall**

Democratic Services Officer

0115 901 3961

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# Planning Committee

## Membership

**Chair** Councillor John Truscott

**Vice-Chair** Councillor Paul Wilkinson

Councillor Michael Adams  
Councillor Peter Barnes  
Councillor Chris Barnfather  
Councillor David Ellis  
Councillor Rachael Ellis  
Councillor Andrew Ellwood  
Councillor Mike Hope  
Councillor Rosa Keneally  
Councillor Meredith Lawrence  
Councillor Barbara Miller  
Councillor Marje Paling  
Councillor John Parr  
Councillor Alex Scroggie  
Councillor Henry Wheeler

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## **AGENDA**

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Construction and operation of a hand car wash and valeting business to include construction of canopies and welfare building; new access and fencing.

Russell Coughtrey, a local resident, spoke against the application.

The Principal Planning Officer introduced the report. He informed Members that further to publication of the report an additional five letters of representation had been received that expressed concern about the recommendation, but that the comments had raised no new issues to those covered within the report.

Following debate, the Committee resolved not to grant permission for the proposed development. An alternative proposal to refuse planning permission was moved and duly seconded and it was

**RESOLVED:**

To refuse the application for the following reasons:

1. The proposed development would, by reason of its form and appearance in this prominent location, have a detrimental impact upon the visual amenity of the surrounding area. The development would therefore be contrary to Part 12 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy.
2. The proposed development would, by reason of the intensification of the use of the site, have an adverse impact upon the residential amenity of adjoining residents and would therefore be contrary to Policy LPD32 – Amenity.

**82 APPLICATION NO. 2020/0484 - 56 MEADOW ROAD, NETHERFIELD**

Single storey extension to rear elevation and change of use from C3 to sui-generis, 6 bedrooms, 7 occupants House in Multiple Occupation

A written representation from Clare Selwood, a local resident in objection to the application, was read by Alec Dubberley, Service Manager – Democratic Services.

Matthew Edwards–Silk, Director of Silk Projects (The Applicant), spoke in support of the application.

The Head of Development and Place introduced the report. He informed Members that further to the publication of the report he had received 11

representations, however they raised no new material planning considerations to those already contained within the report.

Following debate, the Committee resolved not to grant permission for the proposed development. An alternative proposal to refuse planning permission was moved and duly seconded and it was

**RESOLVED:**

To Refuse the application for the following reason:

1. The proposed development would, by reason of the intensification of the use of the site, have an adverse impact upon the residential amenity of adjoining and nearby residents and the character of the area. The proposal would also result in additional demands for very limited on street car parking, to the detriment of existing residents. The development would therefore be contrary to Policy LPD32 – Amenity

**83 APPLICATION NO. 2020/0630 - 45 ASHWELL STREET, NETHERFIELD**

Change of use from C3 dwellinghouse to seven bedroom (Sui-generis) HMO including loft dormer extension.

Russell Whiting, a local resident, spoke against the application.

Rae Murphy, the applicant, spoke in support of the application.

The Head of Development and Place introduced the report. He informed Members that 37 letters of objection were summarised in the report and that a petition, signed by 57 residents had also been received. Further to the publication of the report, he had received eight letters of representation, however they raised no new material considerations.

Following debate, the Committee resolved not to grant permission for the proposed development. An alternative proposal to refuse planning permission was moved and duly seconded and it was

**RESOLVED:**

To Refuse the application for the following reason:

1. The proposed development would, by reason of the intensification of the use of the site, have an adverse impact upon the residential amenity of adjoining and nearby residents and the character of the area. The proposal would also result in additional demands for very limited on street car parking, to the detriment of existing residents. The development would therefore be contrary to Policy LPD32 – Amenity

**APPLICATION NO. 2020/1110 - CONWAY ROAD RECREATION GROUND, CARLTON**

Install 12m cabinet style galvanised column including concrete base for CCTV camera.

The Head of Development and Place introduced the report.

**RESOLVED:**

To Grant Conditional Planning Permission.

**Conditions**

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 This permission shall be read in accordance with the application form and following list of documents and approved drawings:  
Application Form, received 5th November 2020 and amended Certificates, received 13th November 2020  
Site Location and Block Plan, received 18th November 2020  
Drawing no. TC.10.400.01 entitled 400 Sq Cabinet Based 10 Mtr Pole, received 5th November 2020  
Appendix One Image of CCTV Dome Type Camera, received 5th November 2020  
Appendix Two Image of Proposed Transmitter, received 5th November 2020  
Appendix Three Diagram of CCTV Column, received 5th November 2020  
Drawing no. WEC-467586A1 entitled CS2000 showing Plastic Bung, received 18th November 2020

The development shall thereafter be undertaken in accordance with these plans/details.

**Reasons**

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt

**Reasons for Decision**

The proposed development is consistent with Gedling Borough planning policies. The proposal represents an acceptable form of development which seeks to reduce crime, the detection of crime and the fear of crime. The proposal is not considered to have an unacceptable impact

on the visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of the occupiers of neighbouring properties. The proposal will not increase flood risk in the area. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 8 and 12), Policy 10 of the GBCAS (2014) and Policies LPD 3 and 32 of the LPD.

### **Notes to Applicant**

The applicant is advised that all planning permissions granted on or 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

The applicant should be aware that the site is within a flood zone and therefore it would be advisable to set any control equipment as high as possible to offset the risk of any control equipment becoming damaged.

Date Recommended: 16th December 2020

### **85 ENFORCEMENT REF: 0182/2020 - 9 GEDLING ROAD, CARLTON**

The construction of an unauthorised building.

The Head of Development and Place introduced the report.

#### **RESOLVED:**

That the Head of Development and Place, be authorised to take all enforcement action including the service of any enforcement notices and in conjunction with the Head of Governance and Customer Services take proceedings through the courts if required to ensure the unauthorised outbuilding is removed.

### **86 ENFORCEMENT REF: 0143/2020 - LAND AT 60 WOODCHURCH ROAD, BESTWOOD**

Material change of use of residential dwelling and garden to a mixed use of residential dwelling and garden and a warehousing/storage and distribution facility.

The Head of Development and Place introduced the report. He informed Members that following the senior management restructure that took place on the 4<sup>th</sup> of January, the recommendation should be updated as follows:

The Head of Development and Place, be authorised to take all enforcement action including the service of any necessary enforcement notices and in conjunction with the Head of Governance and Customer Services take proceedings through the courts if required to ensure the cessation of the unauthorised storage and distribution use.

**RESOLVED:**

That the Head of Development and Place, be authorised to take all enforcement action including the service of any necessary enforcement notices and in conjunction with the Head of Governance and Customer Services take proceedings through the courts if required to ensure the cessation of the unauthorised storage and distribution use.

**87            ENFORCEMENT REF: 0073/2020 - LAND AT 17 UPMINSTER DRIVE, ARNOLD**

Construction of an unauthorised building.

The Head of Development and Place introduced the report.

**RESOLVED:**

That the Head of Development and Place, be authorised to take all enforcement action including the service of any necessary enforcement notices and in conjunction with the Head of Governance and Customer Services take proceedings through the courts if required to ensure the cessation of the unauthorised storage and distribution use.

**88            APPEAL DECISION - 1 SHANDWICK CLOSE, ARNOLD, NG5 8AZ**

Two-storey front extension.

**RESOLVED:**

To note the information.

**89            APPEAL DECISION - 10 NOTTINGHAM ROAD, RAVENSHEAD**

**RESOLVED:**

To note the information.

**90            FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**91 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

**92 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 8.45 pm

Signed by Chair:

Date:

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## **PLANNING COMMITTEE PROTOCOL**

### **Introduction**

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.
4. This protocol should be read in conjunction with the Council's Member's Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, briefing note on predetermination and the Council's Constitution.

### **Disclosable Pecuniary and Non- Pecuniary Interests**

5. The guidance relating to this is covered in the Council's Member's Code of Conduct and Code of Practice for Councillors in dealing with Planning Applications.
6. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

### **Pre-determination and Predisposition**

7. Councillors will often form an initial view (a predisposition) about a planning application early on in its passage through the system whether or not they have been lobbied. Under Section 25(2) of the Localism Act 2011 a Councillor is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and, the matter was relevant to the decision.
8. This provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and therefore should not

comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

9. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. The Councillor will be then not be entitled to speak on the matter at the Planning Committee, unless they register to do so as part of the public speaking provision. For advice on pre-determination and predisposition, Councillors should refer to the Code of Practice for Councillors in dealing with Planning Applications in the Council's Constitution, and seek the advice of the Council Solicitor and Monitoring Officer.

### **Lobbying**

10. The guidance relating to this is covered in the Code for dealing with Planning Applications.
11. If a Councillor requires advice about being lobbied, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

### **Roles at Planning Committee**

12. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Councillors may also request that their votes are recorded.
13. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Member Services Officer in attendance, who will provide advice on matters within their own professional expertise.
14. If they have questions about a development proposal, Councillors are encouraged to contact the case Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Committees time and more transparent decision making.

### **Speaking at Planning Committee**

15. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
16. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council

about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. Anyone intending to speak at Committee must register to do so in writing, providing name and contact details, by 5pm three working days before the Committee meeting. As most Committee meetings are currently held on Wednesdays, this is usually 5pm on the Friday before. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair of the Committee's discretion, so where more than one person wishes to address the meeting, all parties with a common interest should normally agree who should represent them or split the three minutes between them. No additional material or photographs will be allowed to be presented to the committee, and Councillors are not allowed to ask questions of speakers.

17. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
18. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

### **Determination of planning applications**

19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the application, a vote will be taken.
20. Whilst Officers will provide advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and reach a decision contrary to Officer advice. In this instance, if the Officer recommendation has been moved and seconded but fails to be supported, or if the recommendation is not moved or seconded, then this does not mean that the decision contrary to Officer advice has been approved; this needs to be a separate motion to move and must be voted on. If, in moving such a motion Councillors require advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion, which will include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that the vote be recorded and, in the event of a refusal of planning permission, record the names of Councillors who would be willing to appear if the refusal was the subject of an appeal.

Oct 2015

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**Planning Report for 2020/0822**



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright. Licence No LA100021248. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



Date: 12/02/2021

**Report to Planning Committee**

<b>Application Number:</b>	<b>2020/0822</b>
<b>Location:</b>	<b>Land Off Flatts Lane Calverton</b>
<b>Proposal:</b>	<b>Reserved matters approval (appearance, landscaping, layout and scale) for the erection of 82 dwellings and public open space pursuant to outline permission 2020/0726.</b>
<b>Applicant:</b>	<b>Belway Homes Limited.</b>
<b>Agent:</b>	<b>Pegasus Planning Group</b>
<b>Case Officer:</b>	<b>Nigel Bryan</b>

**The application is referred to Planning Committee to comply with the Councils constitution as the development proposes more than 9 dwellings.**

**1.0 Site Description**

- 1.1 The site consists of an area of mostly open land which runs north from Park Road along the west side of Flatts Lane. All of the site boundaries are formed by mature hedging and vegetation. The northern, eastern and southern boundaries are shared with the public highway (Park Road and Flatts Lane) and the western boundary with open land, Calverton Village Hall and the William Lee Memorial Park. A recent housing development is situated on the eastern side of Flatts Lane.
- 1.2 There is one residential dwelling, with associated outbuildings, located within the site, all of which would be demolished as part of the proposed development. The land rises gradually when heading in a northerly direction; however, the change is not considered to be significant.
- 1.3 There are two Oak trees on the north-eastern boundary of the site that are protected by a Tree Preservation Order. There is a Scheduled Ancient Monument, (Two Roman Camps 350m North East of Lodge Farm), and a Grade II Listed Building, Lodge Farmhouse and Adjoining Stables, located approximately 200 metres to the north of the site.
- 1.4 The site area is 2.75 hectares.

**2.0 Relevant Planning History**

- 2.1 2018-1143 - Outline planning application (all matters reserved except for means of access) for the demolition of existing buildings and structures and the erection of up to 84 no. dwellings and associated open space and infrastructure – was granted permission on the 05<sup>th</sup> March 2020 following completion of a S106 Legal Agreement securing planning obligations.
- 2.2 Section 52 of the Town and Town Country Act 1971 (Flatts Lane, Calverton) - The application was to allow the removal of an historical Section 52 agreement, which prevented the house on the application site, and adjoining land, from being sold separately. The Section 52 is no longer in force.
- 2.3 2020-0726 – An application made under Section 73 of the Town and Country Planning Act to vary a number of conditions attached to outline permission 2018/1143. The application was considered at the Planning Committee of 21<sup>st</sup> October 2020 and it was resolved to grant permission with the decision notice issued on the 23<sup>rd</sup> November. The full application title is in italics *‘Variation of conditions 8 (trees) 3, 16 and 17 (highways) of outline permission 2018/1143 - for the demolition of existing buildings and structures and the erection of up to 84 no. dwellings and associated open space and infrastructure’.*

### **3.0 Proposed Development**

- 3.1 The application seeks reserved matters approval pursuant to outline permission 2020/0726. Matters under consideration for this reserved matters approval are, layout, scale, landscaping and appearance. The application is for the erection of 82 dwellings, 16 of which will be affordable. To the north of the site will be public open space, which will include a Local Equipped Area of Play (LEAP) and have 5 pieces of play equipment on it. The dwellings to be erected will be a mixture of two and two and a half-storeys in scale, ranging from two to four bed.
- 3.2 Four vehicular access points are proposed to be from Flatts Lane, two of which are to be to an adopted standard, two of which will be private, along with a number properties fronting Flatts Lane having drives accessing direct onto the road. Access is a matter that was approved at the outline stage.

### **4.0 Consultations**

- 4.1 Nottinghamshire County Council Highways – noting that access has been approved at the outline stage raise no objection to the application, and note that full details will need to be approved under Section 38 of the Highway Act 1980.
- 4.2 Trent Valley Internal Drainage Board – note that the site falls outside of their District but is within their catchment area. Note that any drainage for the site would need to be agreed with the Lead Flood Authority.
- 4.3 Nottinghamshire County Council (Policy) – make no specific observations on the reserved matters application.

- 4.4 Gedling Borough Council Housing Strategy – The affordable housing requirement is 20% of proposed dwellings to be provided on-site, of which 70% should be affordable rent and 30% intermediate.
- 4.5 Gedling Borough Council Parks and Street Care – Following receipt of an updated LEAP scheme with regard to the play equipment provided within the LEAP, which provides 5 pieces of equipment all made of metal, they support the scheme.
- 4.6 Gedling Borough Council Scientific Officer – make no observations on the reserved matters application, with their comments and suggest conditions on the outline still pertinent.
- 4.7 Calverton Parish Council – Raise concern about the loss of the hedgerow to the front of the site as well as over the number of access points on Flatts Lane, which they believe will be harmful to highway and a deterrent to public transport accessing the north of the village.

4.8 Members of the Public

A press notice was published and two site notices erected. Furthermore, an additional round of consultation was undertaken on amended plans received during the course of the application. In total 5 letters of objection have been received, three on the original consultation and two on the re-consultation; a summary of the objections raised are summarised below:

- Calverton does not have the infrastructure to deal with the number of dwellings proposed to be erected, notably the doctors surgery is at capacity and the town centre/shopping area has inadequate parking;
- Speeding already occurs along Flatts Lane, this will only get worse and parked cars will block traffic;
- A large number of vehicles already have to park on Flatts Lane, this will only get worse if the proposed development is granted permission as parking within the site is not adequate;
- The view of existing residents along Flatts Lane will be compromised, as well as house values being detrimentally impacted;
- The close proximity of dwellings on the opposite side of the road will be harmful to the amenity/privacy of existing occupiers;
- The loss of trees will be detrimental to wildlife, with some having bats roosting in them;
- Flatts Lane is prone to standing surface water and additional built form will increase this;
- The noise from the building operations and occupiers will be detrimental to the amenity of exiting residents, particularly those that work nights.

**5.0 Assessment of Planning Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the

determination must be made in accordance with the plan unless material considerations indicate otherwise’.

## **6.0 Development Plan Policies**

6.1 The following policies are relevant to the application:

### **6.2 National Planning Policy Framework 2019 (NPPF)**

The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG). Sections 5 (Delivering a sufficient supply of homes), 11 (Making effective use of land) and 12 (Achieving well-designed places) of the NPPF are particularly relevant.

### **6.3 Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan**

Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.

Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 11: Historic Environment – sets out the criteria for assessing applications affecting the historic environmental and heritage assets and their settings.

Policy 17: Biodiversity – sets out the approach to ecological interests.

Policy 19: Developer Contributions – set out the criteria for requiring planning obligations.

### **6.4 Local Planning Document (Part 2 Local Plan)**

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 4: Surface Water Management – sets out the approach to surface water management.

LPD 7: Contaminated Land – sets out the approach to land that is potentially contaminated.

LPD 11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

LPD 18 Protecting and Enhancing Biodiversity – sets out that proposals should be supported by an up to date ecological assessment. Any harmful impact should be avoided through design, layout and mitigation or compensation. Where possible, development proposals will be expected to take opportunities to incorporate biodiversity in and around the development and contribute to the establishment of green infrastructure.

LPD 19: Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a significant adverse visual impact or a significant adverse impact on the character of the landscape.

LPD 21: Provision of New Open Space – sets out that there will be a requirement for public open space on sites of 0.4 hectares in area and above, which could be on-site or off-site.

LPD 30: Archaeology – sets out the measures to protect sites with archaeological potential.

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 33: Residential Density – states that planning permission will not be granted for proposals of less than 30 dwellings per hectare unless there is convincing evidence of a need for a different figure.

LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 36: Affordable Housing – sets out that a 20% affordable housing provision will be required in Calverton but that a lower requirement may be justified provided there is sufficient evidence which takes account of all potential contributions from grant funding sources and a viability assessment has been undertaken by the Council which demonstrates this.

LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.

LPD 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.

LPD 57: Parking Standards – sets out the requirements for parking, alongside appendix D.

LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

LPD 66: Housing Allocations– identifies the application site as housing allocation X4, for approximately 60 new dwellings.

## 6.5 Calverton Neighbourhood Plan (CNP)

The Calverton Neighbourhood Plan was adopted by Gedling Borough Council on 31 January 2018. As such the Calverton Neighbourhood Plan forms part of the Development Plan for Gedling Borough.

Policy G1: Comprehensive Development – Sets out that proposals for residential development in the North Western Quadrant Urban Extension will only be permitted where it is accompanied by an overall masterplan illustrating a high quality residential environment; highway access links including to/from the existing village road network and the feasibility of links to/from the B6386 Oxtun Road; off-site highway improvements; footpath and cycle links into the village; open spaces and structural landscaping; retention of open frontages between development and North Green and Park Road; interrelationship between the new development and the Community Hall & Sports Pavilion and William Lee Memorial Park; Housing mix; ecological corridors and health impact assessment.

Policy G2: Developer Contributions – sets out that developer contributions will be sought towards education provision (nursery, primary, secondary, 16-18), primary GP healthcare provision and village centre environmental improvements.

Policy G5: Housing Mix – states that development should include a mix of dwelling sizes, that planning permission will be granted for developments which provide bungalow and other types of accommodation for elderly and disabled people, that proposals for major development that do not include a mix of dwelling sizes and tenures and accommodation suitable for elderly and disabled people will be refused, that on all major development schemes, planning permission will be granted for the provision of plots for self-build subject to other policies in the development plan and that affordable housing should be designed and delivered to be indistinguishable from market housing and should be distributed throughout the development as a whole.

Policy ISF1: Sustainable Transport – states that opportunities for the use of sustainable modes of transport must be maximised.

Policy ISF2: Car Parking – states that any new development outside of the Village Centre will only be permitted where it has sufficient parking provision.

Policy ISF3 – Highway Impact – sets out the criteria for assessing highway impact.

Policy ISF4: Infrastructure Provision – states that residential developments will be required to provide the necessary infrastructure, such as education provision, healthcare provision, open space and drainage provision.

Policy BE1: Design & Landscaping – states that all development on the edge of Calverton must provide soft landscaping on the approach into the village and sets out criteria to achieve this.

Policy BE2: Local Distinctiveness and Aesthetics – states that development should be designed to a high quality that reinforces local distinctiveness including that buildings on the fringes of major developments should have variations in height, style and position.

Policy BE3: Public Realm – sets out the approach to the public realm and to landscaping.

Policy BE4: Parking Provision – sets out that adequate parking must be provided.

Policy BE5: Heritage Assets – sets out that development proposals should take account of their effect on Ancient Monument and their setting within Calverton and non-designated sites with potential archaeological interest.

Policy NE3: Flooding - sets out the approach to preventing flooding and to ensure that adequate drainage is provided.

Policy NE4: Green Infrastructure –sets out the approach to green infrastructure and ecological considerations.

Policy NE5: Biodiversity – sets out the approach to biodiversity.

## 6.6 Other

Parking Provision for Residential Developments – Supplementary Planning Document 2012– sets out the car parking requirements for new residential development.

Open Space Provision SPG (2001) – sets out the open space requirements for new residential development.

Affordable Housing SPD (2009) – sets out the affordable housing requirements for new residential development.

## 7.0 **Planning Considerations**

### Principle of the development

- 7.1 The site is allocated as a housing site, X6, under Policy LPD 66 of the Local Planning Document, which was adopted in July 2018. Policy LPD 66

identifies the site as providing approximately 60 dwellings and therefore the principle of residential development on this site is established. Furthermore, the proposal is a reserved matters application and, therefore, the site benefits from outline permission (2020/0726).

- 7.2 The Calverton Neighbourhood Plan (CNP) also identifies the wider area between Park Road and Oxton Road as being the location for the North East Quadrant Urban Extension Site. Policies G1 (comprehensive development) and G5 (housing mix) of the CNP are considered to be most pertinent to the determination of the application, which are addressed later in this report.
- 7.3 Having regard to the above it is apparent that the site is allocated for residential development, benefits from outline planning permission (ref: 2020/0726) and, therefore, the principle of residential development is supported and deemed to comply with policies LPD66 and G1 of the CNP.

#### Layout, scale and appearance

- 7.4 The site area is 2.75 hectares and the number of dwellings proposed to be erected is 82, the site is identified as being suitable for approximately 60 dwelling under policy LPD66; however, when the outline permission was granted it was identified that up to 84 dwellings could be erected. This application considers layout, scale, appearance and landscaping where the suitability of the design of the development can be assessed, including its density and whether or not that would respect the character of the area and residential amenity. As currently submitted the density of development would be 30.54 dwellings per hectare. Policy LPD 33 states that development in Calverton should be of a minimum density of 25 dwellings per hectare, so the proposed development would meet this requirement.
- 7.5 The layout has largely been guided by the long narrow nature of the plot and the surrounding character of the area, notably the dwellings recently erected on the opposite side of Flatts Lane. Properties facing direct onto Flatts Lane have shallow front gardens, typically with parking to the side, and sit reasonably close to the highway, similar to those opposite. Those on the western edge of the site, overlooking open countryside, which is allocated for residential development, or the William Lee memorial Park, have slightly larger front gardens with parking to the front. The rear gardens of the properties abut one another with there being four distinct blocks of residential development, the southern edge of which is at a slightly higher density and incorporates some of the affordable housing. The layout as proposed is considered to respect the character of the area in that it is similar in form to the development opposite and is outward facing, providing overlooking to the streetscape and notably the public open space to the north. The layout is also considered to comply with the design ethos identified in the Design and Access Statement submitted in support of the outline application (2018/1143), and whilst no overall masterplan has been submitted for the larger allocated site this parcel of land forms a small part of it and the layout is considered to respect the character and layout that has been previously granted on the

northeast quadrant, most notably permission 2020/0020, that was for the erection of some 351 dwellings.

- 7.6 With regard to scale, all of the dwellings will either be two-storey or two and a-half; with two-storey predominate. The larger properties are typically located at focal points within the site e.g. plots 5 and 6, a view termination at the end of Flatts Lane when heading toward the site in a northerly direction. No bungalows are to be provided; however, amended plans have been provided that alter six house types to comply with section M4(2) of the Building Regulations, which identifies that they 'meet the needs of occupants with differing needs, including some older or disabled people, and b) to allow adaption of the dwelling to meet the changing needs of occupants over time'. Policy G5 of the CNP identifies that applications would need to provide for bungalows or houses suitable for elderly and disabled people, which the application does. As a result the housing mix is considered to be appropriate and complies with policy G5 of the CNP and LPD37.
- 7.7 The appearance of the units is considered to be acceptable in that materials are indicated as being brick and tile with detailing around the windows. The mix of house type is appropriate in that there are double fronted properties to step around corners and, as noted above, larger properties are at focal points and along Flatts Lane. Samples of materials would need to be secured via condition but the external appearance of the dwellings would be appropriate in this area.
- 7.8 In respect of affordable housing provision, a total of 16 dwellings are to be provided, the housing mix of which would be 8 two-bedroom, 6 three-bedroom and 2 four-bedroom dwellings. In terms of tenure, there would be 5 shared ownership and 11 affordable rented properties. The planning obligations secured through a s106 agreement against the outline permission identify that 20% affordable dwellings would need to be provided with 70% affordable rent and 30% intermediate ownership; the application as submitted complies with the s106 agreement. Furthermore, the affordable dwellings would be in 2 groups of 8 toward the southern edge of the site, closer to facilities within Calverton, which is considered to be acceptable. The application is, therefore, deemed to comply with LPD36.
- 7.9 Having regard to the above, it is considered that the layout, scale and appearance is acceptable with the housing mix and affordable housing provision appropriate too. As a result the application is deemed to comply with policies 8 and 10 of the Aligned Core Strategy; policies G1 and BE1 of the CNP and guidance within the NPPF.

#### Landscaping

- 7.10 It is noted that a number of trees would be removed to the south of the site and an updated arboricultural assessment has been approved under application 2020-0726, which included the removal of a number of Poplar trees to the south of the site. In total 31 trees are proposed to be removed; 44 specimens are proposed to be planted in the public open space to the north.

Hedgerows to the western edge of the site are identified as being trimmed but retained and native planting is proposed between the dwellings and public open space, which will provide an attractive green edge to the site. To facilitate the development planting along the Flatts Lane frontage would need to be removed.

- 7.11 Indicative landscaping is shown on the layout plan, which looks acceptable, in respect of planting to the front of the dwellings; however, no planting schedule has been supplied and this would need to be secured via condition. A full planting schedule has been supplied for the Public Open Space (POS). The POS will have Local Equipped Area of Play (LEAP), covered later in this report, and will have trees sporadically located within it, as well as being largely grassed.
- 7.12 Overall, the landscaping scheme has, where possible, utilised existing vegetation and looked to replace features that need to be removed. Within the main residential areas additional planting is also proposed to break up the built form and the Public Open Space will be largely grassed with trees interspersed. Having regard to the above it is considered that the landscaping scheme is acceptable and complies with policy LPD18 and guidance within the NPPF.

#### Other considerations

- 7.13 For the avoidance of doubt, there are a number of other topics that were covered when the outline application was determined. Notably, a Section 106 Legal Agreement secured planning obligations in respect of affordable housing, a local labour agreement and maintenance of the Public Open Space and financial contributions towards health care, education and bus stop improvements. This should mitigate infrastructure concerns relating to the development. Other matters covered by condition on the outline permission include archaeology, drainage, possible contamination, a Construction Method Statement and EV charging points. Furthermore, there is no reason to consider that the application would act as a deterrent to public transport accessing this part of Calverton. Nor is there reason to consider that the application would have a material impact on parking in the town centre or access to doctors, with a financial contribution secured toward health care. Ecological matters were considered at the outline stage and the grant of planning permission would not override other legislation e.g. The Wildlife and Countryside Act.
- 7.14 With regard to residential amenity it is noted that the layout is largely based around a block structure so gardens are typically back to back and properties fronting onto Flatts Lane are opposite dwellings on the other side of the road. Garden depths are in the region of 10m in depth and given that existing and proposed dwellings fronting Flatts Lane are opposite each other across the public domain it is not considered that the amenity of existing or proposed dwellings will be compromised. Furthermore, concern has been expressed about the loss of a view; however, there is no right to a view. Therefore, it is considered that the impact on the amenity is acceptable and complies with policy LPD32.
- 7.15 In respect of play provision updated drawings have been supplied and a Local Equipped Area of Play (LEAP) has been provided to the north of the site. It

will comprise 5 pieces of equipment, which will be constructed of metal so as to be more durable and be appropriately fenced. As a result this aspect of the development is considered to be acceptable and comply with guidance within the Supplementary Planning Guidance for Public Open Space Provision.

- 7.16 Each dwelling will have off street parking provision and conditions are attached to the outline permission to ensure that these are in situ prior to each dwelling being occupied. The highway authority have raised no objection to the application and each property will have at least two off-street parking spaces; some dwellings, including the four bedroom properties, will have a garage, integral or external, along with two external parking spaces. As a result the parking provision complies with guidance contained in policy LPD57 and Appendix D – requirement for parking in residential and non-residential development.

## **8.0 Conclusion**

- 8.1 The principle of the development has been established following the grant of outline application 2020/0726 and fact that the site is allocated for residential development in the Local Planning Document. Access has already been approved with the internal access arrangements also now considered to be acceptable. The density of development is acceptable and the layout considered to respect the character of the area. The design of the dwellings is acceptable with a mixture of materials and scale of properties, with public open space overlooked and residential amenity respected. Having regard to the above it is considered that the application complies with policies A, 8 and 10 of the Aligned Core Strategy; policies 18, 19, 21, 32, 35, 48, 57 and 61 of the Local Planning Document; policies G1, G5, ISF1, ISF2, ISF3, BE1, BE2, NE3, NE4 and NE5 of the Calverton Neighbourhood Plan and guidance within the NPPF.

### **Recommendation: Grant reserved matters approval, subject to the following conditions:**

1. This permission shall be read in accordance with the application form and following list of approved drawings:

S0000/100/01/PLC Rev C Planning Layout Colour  
S0000/100/01/PLC rev C Planning Layout black and White  
House Type Pack  
P20-0044\_202 01 Lacemaker (3 bed) House type floor plans  
P20-0044\_202 02 Lacemaker (3 bed) House type elevations  
P20-0044\_201 01 Silversmith AS (4 Bed) House type floor plans/elevations  
P20-0044\_201 02 Silversmith OPP (4 Bed) House type floor plans/elevations  
GL1320 01B Leap Proposals  
Arboricultural Assessment by FPCR October 2020  
Access Note 075666-CUR-00-XX-RP-TP-001-V02

The development shall thereafter be undertaken in accordance with these plans/details.

2. No above ground works shall commence until samples of external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
3. Prior to the commencement of development, a planting schedule for planting to the front of the residential plots shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved, along with planting shown in the public open space, shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.
4. Prior to above ground works commencing details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Prior to first occupation of each dwelling, the walls (including retaining walls), fences, gates or other means of enclosure for that particular unit shall be in situ.

### **Reasons**

1. For the avoidance of doubt.
2. To ensure that the character of the area is respected and to comply with policy ACS10 of the Aligned Core Strategy.
3. To ensure that the development assimilate within the green environment and to comply with guidance within the NPPF.
4. To ensure that the development wold respect the character of the area and to assimilate within the green environment and to comply with guidance within the NPPF.

### **Informatives**

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

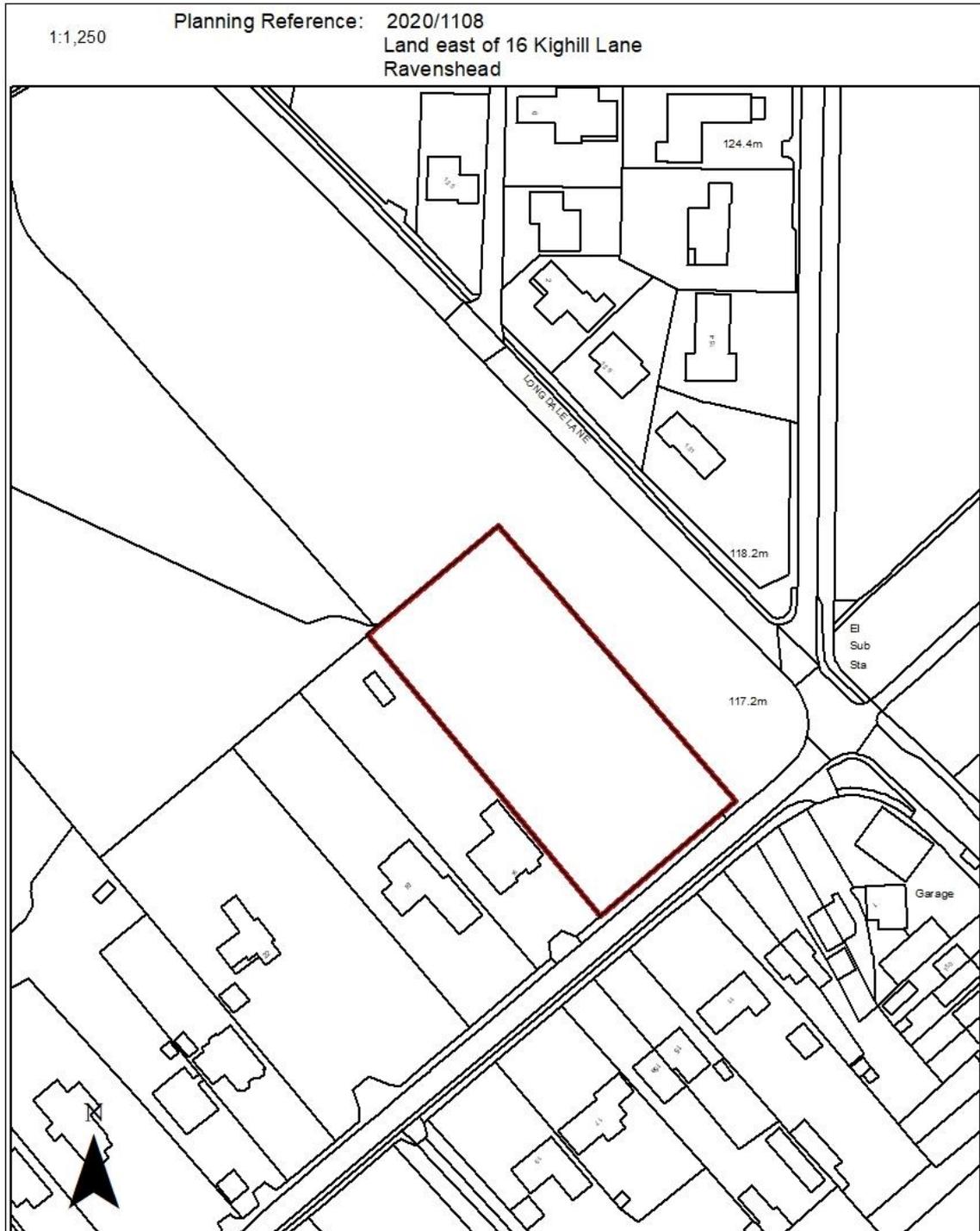
The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website.

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal:

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)



**Planning Report for 2020/1108**



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright. Licence No LA100021248. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



Date: 12/02/2021

## Report to Planning Committee

<b>Application Number:</b>	<b>2020/1108</b>
<b>Location:</b>	<b>Land East Of 16 Kighill Lane Ravenshead</b>
<b>Proposal:</b>	<b>Erection of up to 7 dwellings with (private) accesses and garaging</b>
<b>Applicant:</b>	<b>Lynne, Edwin and William Nightingale.</b>
<b>Agent:</b>	<b>Aspbury Planning Ltd</b>
<b>Case Officer:</b>	<b>Bev Pearson</b>

**The application is required to be considered by Planning Committee given that planning obligations are to secure the mitigation of the impacts of the development if planning permission were granted.**

### **1.0 Site Description**

1.1 This application relates circa 0.392 hectares of cleared scrubland land located to the north western side of Kighill Lane close to its junction with no. 16 Kighill Lane and to the southern edge of the main built up area Ravenshead. To the north-west is an area of protected woodland designated a Local Wildlife Site.

1.2 Kighill Lane comprises a mix of single and two storey dwellings of a variety of architectural styles generally arranged in a linear form facing the highway.

1.3 To the west is a modern two storey detached dwelling located close to the boundary (no. 16 Kighill Lane) which has no principal room windows to the side elevation facing the application site.

1.4 The site is adjoined to the north and east by land allocated within the Local Planning Document as a site for a housing development of circa 30 dwellings (H18 – Longdale Lane)

1.5 The development itself forms part of a wider allocated housing site (X5 – Kighill Lane as identified in the Local Planning Document) for a housing development of 20 dwellings.

### **2.0 Proposed Development**

2.1 This application is a resubmission of the previously refused scheme for 8 dwellings on the site which is currently with the Planning Inspectorate for consideration, as detailed in the planning history section of this report below (2019/1187).

2.2 Outline planning permission is now sought for the erection of up to 7 dwellings with garages. Matters of access, layout, scale and appearance are proposed for full consideration at this outline stage.

2.3 The development would comprise:-

- 7no. 2 storey detached dwellings – Plots 1-3 would be set to the front of the site some 18m back from Kighill Lane.
- Plots 1 and 2 would be accessed directly from Kighill Lane.
- Plots 4-7 would be set in a linear pattern to the rear of Plots 1-3 and together with plot 3 would be served by a shared access drive from Kighill Lane sited to the northern boundary of the site.
- Plots 1-3 would be 4 bedroom properties with integral garages which would have an irregular shaped footprint and roof scape – two mono pitch roof sections to the front and rear with central flat roof link. They would have maximum dimensions of circa 10m width and 17.7m depth. The mono pitch roofs would have a maximum eaves height of 6.3m and ridge height of 6.9m. The 5.4m central flat roof section would have a maximum height of 5.4m.
- Plots 4-7 would be 4 bedroom properties with integral garages which would have an asymmetrical roof scape. They would have maximum dimensions of 9.8m width and 17.23m depth with a maximum eaves height of 5.06m and a ridge height of 8.6m.

### **3.0 Relevant Planning History**

3.1 2019/1187 – Outline planning permission was refused in October 2020 for the erection of up to 8 dwellings on the following grounds:-

1. The development would result in a cramped, over intensive and contrived form of development given the no. of dwellings and site constraints;
2. In the absence of supporting evidence in terms of the viability of the scheme, insufficient information has been submitted to allow a full assessment of the implications of the development and its ability provide the required contributions and infrastructure (affordable housing). It has not been demonstrated that the infrastructure directly required for the proposed development would be provided;
3. By virtue of the separation distances between plots 5 and 6 which would directly face each other over the internal access road, the proposal would result in undue impact on the amenity of the future occupiers of these plots in terms of overlooking.

This is currently the subject of an appeal pending determination.

Also of relevance are recent planning applications on land to the west which forms part of the X5 housing allocation.

3.2 2018/0727 - Planning permission was refused in September 2018 for the erection of 6no. residential units with garages on the following grounds:-

1. this would prejudice the comprehensive development of the wider allocated site and would fail to provide the required infrastructure (affordable housing);
2. The proposal would result in a severely injurious impact on neighbouring residential amenity;
3. The layout and design of the proposed development fails to take the opportunity to improve the quality and character of the area and reinforce local distinctiveness and would fail to respect the layout and appearance of the surrounding area.

A subsequent appeal (APPEAL A - APP/N3020/W/19/3222258) was dismissed in December 2019.

3.3 2018/1186 – Full planning permission was refused for the construction of 6 Residential Units With Associated Garages & New Private Drive (this was a resubmission of 2018/0727) on the grounds that the layout of the proposed backland development fails to reinforce the local distinctive identity in this location. The development fails to respect the layout and appearance of the surrounding area. A subsequent appeal (APPEAL B - APP/N3020/W/19/3232090) was allowed in December 2019.

3.4 2018/1166 – outline planning permission was refused in May 2019 for the construction of 6 No. custom build residential units with the matters of access, layout and scale for determination on the grounds that the layout of the proposed backland development fails to reinforce the local distinctive identity in this location. The development fails to respect the layout and appearance of the surrounding area. A subsequent appeal (APPEAL C - APP/N3020/W/19/3232093) was allowed in December 2019.

3.5 2020/0151DOC - conditions 3 (materials) 4 (landscaping) and 5 (boundary treatments) of appeal ref. APP-N3020/W/19/3232090 in relation to planning application ref 2018/1186 were formally discharged in June 2020.

#### **4.0 Consultations**

4.1 Ravenshead Parish Council – Strongly objects to the proposal on the grounds of:-

- inappropriate, inadequate and limited access onto Kighill Lane,
- over development of the site in the Green Belt,
- traffic implications due to the additional accesses onto Kighill Lane.
- requests that environmental mitigation is put in place in terms of replacement trees and shrubbery; and
- notes that this and other developers have attempted to be non-compliant in obligations relating to CIL and affordable housing and would like the monies to be kept in the locality.

4.2 Nottinghamshire County Council Highways Authority – Following the submission of a revised plan showing the proposed bin store/collection point for the 4no dwellings on the private drive as requested no objections are now raised subject to conditions relating to the provision of verge vehicular footway crossings, the surfacing and drainage of the drives and parking areas and the construction of the bin store.

4.3 Severn Trent Water – No comments received.

4.4 Nottinghamshire County Council Lead Local Flood Authority – It is recommended that development should not increase flood risk to existing properties or put the development at risk of flooding; any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location; SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development;

4.5 Nottinghamshire County Council Education – The number of dwellings proposed is below the threshold at which the County Council would usually seek developer contributions. However, this site forms part of a wider local plan allocation which cumulatively will deliver sufficient housing to require a contribution. It is therefore anticipated that the applicant would make a relative contribution to mitigate the impact of its proportion of the development, which is 7 dwellings.

#### Primary Education

There is projected to be sufficient capacity within the planning area to accommodate further pupils and therefore the County Council would not seek a planning obligation for primary education.

#### Secondary Education

The development of 7 dwellings would yield 1 additional secondary aged pupil. Based on current data, there is projected to be insufficient capacity to accommodate the additional pupil generated. As a result, the County Council would seek a secondary education contribution of £23,875 towards additional secondary school provision in the Rainworth Secondary Planning Area.

4.7 Gedling Borough Council Parks and Open Spaces – A proportionate off site provision of open space and play the contribution would be required of £37,624.86 (Capital £26,486.46 & Maintenance £11,138.40) to be allocated within Ravenshead Parish .

4.8 Gedling Borough Council Strategic Housing - The affordable housing requirement would be for 2 affordable on site units. The conclusions of the independent Viability Assessor have subsequently been accepted in relation to the provision of onsite affordable housing units being unviable.

4.9 Gedling Borough Council Scientific Officer - recommends conditions requiring the submission of a Construction Emission Management Plan and the provision of EV charging points.

4.10 Neighbouring properties were consulted and a site notice was posted on the 25<sup>th</sup> November 2020. Following three weeks of consultation no representations have been received.

## **5.0 Assessment of Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

### **Development Plan Policies**

The following policies are relevant to the application.

5.2 The National Planning Policy Framework (2019) sets out the national objectives for delivering sustainable development. Sections 4 (Decision making), 5 (Delivering a wide choice of high quality homes), 6 (building a strong and competitive economy), 8 (promoting healthy and safe communities), 9, (promoting sustainable transport) 11 (Making effective use of land) and 12 (Achieving well-designed places)... this is not a complete sentence

5.3 The Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:

- Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals
- Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.
- Policy 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.
- Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.
- Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.
- Policy 17: Biodiversity – sets out the approach to ecological interests.
- Policy 18: Infrastructure – sets out the approach to ensure new development is supported by the required infrastructure and the appropriate stage.
- Policy 19: Developer Contributions – set out the criteria for requiring planning obligations.

5.4 The Gedling Borough Local Planning Document (LPD) (July 2018) is part of the development plan for the area. The following policies are relevant in considering this application:

- LPD 4: Surface Water Management – sets out the approach to surface water management.
- LPD 10: Pollution – sets out the criteria that development will need to meet with respect to pollution.
- LPD 11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.
- LPD 18: Protecting and Enhancing Biodiversity – encourages measures to deliver biodiversity enhancements to be included into developments.

- LPD 21: Provision of New Open Space – sets out that there will be a requirement for public open space on sites of 0.4 hectares in area and above, which could be on-site or off-site.
- LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- LPD 33: Residential Density – states that planning permission will not be granted for proposals of less than 20 dwellings per hectare in Ravenshead, unless there is convincing evidence of a need for a different figure.
- LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.
- LPD 36: Affordable Housing - sets out criteria for the provision of affordable housing.
- LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.
- LPD 57: Parking Standards – sets out the requirements for parking.
- LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.
- LPD 62: Comprehensive Development – provides that permission will not be granted for development that would prejudice the comprehensive development on any allocated site and that proposals should take into account the delivery of the whole site including the provision of supporting infra structure.
- LPD 67: Housing Allocations Ravenshead – identifies X5 Kighill Lane as being an allocated site for residential development of up to 20 homes.

## 5.5 Supplementary Planning Documents/Guidance

- Parking Provision for Residential Developments Supplementary Planning Document (SPD) (2012).
- Open Space Provision for residential developments Supplementary Planning Guidance (SPG) (2001)
- Air Quality and Emissions Mitigation Guidance (2015)
- Affordable Housing Supplementary Planning Document (SPD) (2009)

## 6.0 **Planning Considerations**

### Principle of Development

6.1 It is considered that the principle of residential development has been established on this site in its allocation as part of a larger allocated site for up to 20 dwellings (X5 Kighill Lane A) in the Gedling Borough Local Planning Document (LPD) (July 2018). The principle of residential development would therefore be entirely in accordance with the development plan and the objectives of the NPPF (2019)

### Impact on the character of the area

6.2 Kighill Lane comprises a mix of detached bungalows and 2 storey dwellings predominantly set out in a linear form with dwellings facing the highway. There is a

considerable variation in scale and design of properties along Kighill Lane which creates an aesthetically interesting streetscene.

6.3 In terms of layout the proposed development has taken account of the constraints of the site resulting in three dwellings being located to the front facing the highway and four dwellings being a located to the rear in a linear form of development. However, this is not considered to be so incongruous with the wider setting of the site as the rear plots would be significantly screened by the dwellings to the front of the site and could be further screened through the securing of appropriate boundary planting and landscaping. It is not considered that the proposed layout, although different to other sites along Kighill Lane, would be so harmful to the wider character of the area to justify refusal on these grounds particularly being mindful of the scale, design and layout of development to the west of the application site adjacent to 22 Kighill Lane approved by the Inspector in December 2019 which also forms part of the wider site allocation.

6.4 The proposed dwellings are all 2 storey in scale. Plots 1-3 are arranged such that they have a front facing street frontage and are of a modern design with regular pitched roof lines to the front and rear elevations having an asymmetric front feature gable. The mono pitched roof elements of the side elevations are broken up by a two storey flat roof link.

Plots 4-7 to the rear of plots 1-3 and again are of a modern design with asymmetric roof lines of varying heights.

6.5 Taking this into account it is considered that the proposed development would be of a layout, mass, scale and proportion that would be appropriate to the setting of the site and its wider context in accordance with section 12 of the NPPF, Policy 10 of the ACS and Policy LPD32 and LPD35 of the LPD.

### Density

6.6 In terms of density, the number of dwellings proposed would be equivalent to 17 dwellings per hectare. Although this falls below the 20 per hectare noted in Policy LPD33 for Ravenshead this policy allows for a lower density where there is a convincing need for a lower figure. In this instance the need for a lower figure is in order that the proposed development would result in harm to the character of the wider area I am mindful that the comprehensive site allocation X5-Kighill Lane A of 20 dwellings would equate to only 16 dwellings per hectare, which is more in keeping with the character of the area I am therefore of the view that the density would not be significantly different to that expected from the delivery of the housing development of the comprehensive site. Furthermore given the site constraints the proposed layout at his density would not result in the site appearing overdeveloped nor would the development appear overintensive.

6.7 Taking the above into account it is considered that the proposal would accord with Section 12 of the NPPF , Policy 10 of the ACS , and Policy LPD 33 and 35 of the LPD.

### Impact on residential amenity

6.8 The adjacent property at 16 Kighill Lane is a two storey detached dwelling. The rear gardens of Plots 4 to 7 have a depth of circa 12m and would back onto the side boundary with this property. Given the separation distances between the dwellings

occupying these plots and their distance from this dwelling and its rear private amenity space (circa 30m) it is not considered that the proposal would result in such an impact on neighbouring amenity in terms of overlooking, overbearing or overshadowing impact to justify refusal on these grounds.

6.9 The rear elevation of Plot 2 would directly face the side elevation of Plot 4. Given that no windows are proposed to this side elevation of Plot 4 it is not considered that this relationship would result in any undue overlooking impacts. Although Plots 1-3 have modest garden depths given the orientation of plots and the eaves height of Plot 4 and that its roof would be pulling away from this boundary it is not considered that there would be any significant overbearing or overshadowing impact.

6.10 Taking the above into account it is considered that on balance there would not be an unacceptable adverse impact on the residential amenities of the occupiers of neighbouring dwellings in accordance with Section 12 of the NPPF and Policy LPD 32 of LPD.

### Highway Matters

6.11 The Highway Authority have raised no objections to the proposal subject to the recommended conditions noted in the consultation section of this report which are considered reasonable.

6.12 Appropriate levels of off street parking would be provided to serve the proposed dwellings and the revised layout plan deposited on the 1<sup>st</sup> February (Nightingale drawing no. 02 RevB) indicates that appropriate visibility splays, bin store and fire appliance turning areas would be provided.

6.13 It is therefore considered that the proposal would not result in an undue impact on highway safety. Each 4 bedroom dwelling would be served by either a single or double integral garage and each would have 2 no. off street parking spaces. This would comply with the requirements of LPD57 of the LPD

6.14 As such accords with Highways Standing Advice, Section 9 of the NPPF and Policies LPD 57 and LPD 61 of the LPD and the Parking Provision for Residential Developments SPD (2012)..

### Viability of Development and Infrastructure and Developer Contributions

6.15 As noted above the site forms part of the comprehensive site allocation for residential development X5 – Kighill Lane A. While it is a comprehensive site allocation, it is in multiple ownership and was in July 2018 when the Local Planning Document was adopted. This would be expected to deliver as a whole the following infrastructure and financial contributions to be a policy compliant scheme as provided in Policy 18 of the ACS, Policy LPD 36 of the LPD and the Affordable Housing SPD and Policy LPD 21 of the LPD:-

- 30% Affordable Housing provision - on site 6 dwellings**
- Education £71,625 (3 pupils x £23,875 per place)**
- Open Space - £119,627.76**
- A Local Labour Agreement**

6.16 Policy 62 of the Local Planning Document is clear that planning permission will not be granted for development which would prejudice the comprehensive development of a site allocated for housing in the Local Planning Document. Proposals should take account of the delivery of the whole site including provision of supporting infrastructure on site where appropriate in a timely manner.

6.17 Given that this current outline application seeks to deliver 7 dwellings on part of the whole site allocation X5 - Kighill Lane A and only a proportion of the 20 dwellings expected to be delivered through the comprehensive development of the site it is considered that it would be a consistent and reasonable approach that infrastructure (affordable housing) and financial contributions should be sought which are proportionate to the size of this current application site and the number of dwellings being proposed. This was a scheme specific position taken in relation to the 2018 application for the development of 22 Kighill Lane for 6 dwellings (2018/1186) which was allowed on appeal in December 2019 and the 2019 application (2019/1187) for 8 dwellings on this application site which has been refused and is currently at appeal as noted in the Planning History section of this report. Viability evidence of the proposed development demonstrates that it would not be viable with policy compliant obligations.

6.18 Taking this into account and taking a consistent approach the current outline proposal for the provision of 7 dwellings would therefore be expected to deliver the following proportionate infrastructure/contributions :-

- Affordable housing** – 30% would equate to **2 affordable on site units**
- Education contribution** - based on the 7 units the County Council seeks towards **£23,875** an additional secondary school place in the Rainworth Secondary Planning Area
- Public Open Space** – Based on the site area of this application of 3.9ha ha a proportionate financial contribution of **£37,624.86** (Capital £26,486.46 & Maintenance £11,138.40) for use within Ravenshead Parish.

The comprehensive development of 20 dwellings would fall below the threshold of 25 dwellings which would require any health contribution.

6.19 The applicant has sought to challenge the level of developer contributions by way of the provision of affordable housing on the basis that the level of affordable housing required at 2no. on site units would render the development economically unviable.

6.20 An independent viability assessment has been commissioned by the Borough Council to determine whether the policy based contributions are viable and, if not, the level of contributions that can be delivered whilst maintaining economic viability. The independent assessor is content that the costs assigned to the proposed scheme are appropriate and in reaching their conclusion has assessed two scenarios each with different assumptions of profit on gross development value (GDV) between the 15-20% which paragraph 18 of the NPPG identifies may be considered a suitable return to developers in order to establish the viability. Each scenario is outlined below:-

Scenario 1 – with an assumed profit on GDV of 17.5% and £23,875 education contribution, £37,625 Open Space Contribution, CIL at £192,471 and 2 onsite

affordable units at 28.57% the scheme shows a residual land value below the benchmark land value of £200,000 and as such the scheme is unviable. Even should the 2no. affordable units be removed the residential land value of £79,057 is still below the benchmark land value and is therefore technically unviable.

Scenario 2 –with an assumed profit on GDV of 15% with an education contribution, £37,625 Open Space Contribution, CIL at £192,471 and 2 affordable on site units this returns a residual land value below the benchmark land value and therefore can be regarded as being unviable. Even with no affordable on site units but with the aforementioned contributions the residual land value is £188,997 which is again slightly below the benchmark land value of £200,000.

The independent assessment concludes that the development is unable to viably support affordable housing in either scenario.

6.20 Gedling Borough Council's Local Planning Document was adopted on 18th July 2018 and Nottinghamshire County Council's Planning Obligations Strategy on 12th September 2018. Accordingly, both documents and the policies contained within them are considered to be up to date. The key matter for consideration is therefore whether the development can be supported on this basis and whether such development could be considered to be sustainable development, the delivery of which is a key objective of national and local planning policies.

Paragraph 5.3 of the Gedling Borough Council Affordable Housing SPD sets out the requirements for negotiations on the content of S106 agreements in respect of affordable housing with input for Housing Strategy and Development Management.

6.21 In this instance, Housing Strategy have been consulted on the conclusions of the independent assessment and it is accepted that affordable housing would make the development unviable. It would therefore be unreasonable to insist on its inclusion, given the reference in paragraph 11.2.6 of local planning policy LPD 36 which identifies that the Affordable Housing SPD confirms that a lower requirement of affordable housing contribution may be justified provided that there is sufficient evidence provided and a viability assessment has been undertaken by the Council which demonstrates this. I am satisfied that without the affordable housing provision the development would still be considered sustainable.

6.22 As noted earlier in this section of the report, financial contributions are sought by Nottinghamshire County Council towards additional secondary school provision in the Rainworth Secondary Planning Area and an Open Space contribution towards open space in the Parish. The Viability Appraisal submitted by the applicant has taken account of these contributions and concludes that these payments in themselves would not render the development unviable. The independent assessment concurs with this conclusion. The contributions are deemed to comply with the tests set out in paragraph 56 of the NPPF, Policy 19 of the ACS and the tests set out in the CIL Regulations. This will be secured by way of a planning obligation.

6.23 The proposal therefore accords with Section 4 of the NPPF (2019), Policy 18 and 19 of the ACS and policies LPD21, LPD36, LPD62 and LPD 67 of the LPD and the Open Space Provision for residential developments SPG (2001)

## Other matters

6.24 Comments have been received with regards to the proposed development being over development of the site within the Green Belt. The site does not fall within the Nottinghamshire Green Belt and as such would not be subject to Green Belt policies.

## **7.0 Conclusion**

7.1 The development is considered to be visually acceptable, results in no undue impact on neighbouring properties or the area in general. There are no highway safety or parking issues arising as part of the proposal. Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with Sections 4, 9, and 12 of the NPPF (2019), Policies 10, 18 and 19 of the Aligned Core Strategy (2014) and Policies LPD 21, 32, 33, 35, 36, 57, 61, 62 and 67 the Local Planning Document Part 2 Local Plan (2018) and the Parking Provision for Residential Developments SPD (2012) and Open Space Provision for residential developments SPG (2001)

7.2 The proposal would not be viable if the required planning obligation in relation to Affordable Housing Contribution were to be provided. However financial contributions towards additional secondary school provision in the Rainworth Secondary Planning Area and an Open Space contribution towards open space in the Parish would not render the development unviable.

7.3 Planning obligations are therefore sought in respect of a financial contribution towards education and off-site open space which is in accordance with the requirements of the NPPF (2019) and CIL Regulations.

**Recommendation: Grant Outline Planning Permission with the matters of Access, Layout, Scale and appearance approved: Subject to the owner entering into planning obligations with the Borough Council as Local Planning Authority and with the County Council as Local Education Authority for financial contributions towards off-site open space and its future maintenance and education; and subject to the following conditions for the reasons set out in the report.**

## **Conditions**

- 1 Details of landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 The development hereby permitted shall be completed in accordance with the submitted documents and plans received on the 5th November 2020 - the Application Form; Site Location Plan; Plots 1-3 Layout and Elevations drg. no.

03 Rev B; Plots 4-7 Layout and Elevation drg. no. 04 Rev A; and revised Proposed Site Plan with Visibility Splay and Highways drg. no 02 Rev B deposited on the 1st February 2021. For the avoidance of doubt

- 4 No above ground construction works shall commence on the development hereby approved until samples of the proposed external facing and roofing materials to be used in the construction of the development have been submitted to, and approved in writing by the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 5 Prior to the dwellings being first occupied complete details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the dwellings the, the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and retained thereafter.
- 6 No part of the development hereby permitted shall be brought into use until the visibility splays shown on no. drg. no 02 Rev B (Proposed Site Plan with Visibility Splay and Highways) deposited on the 1st February 2021 are provided. The area within the visibility splays as identified on the drawing shall thereafter be kept free of all obstructions, structures or erections.
- 7 The dwellings shall not be brought into use until the verge vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- 8 The dwellings shall not be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.
- 9 The dwellings shall not be brought into use until the access driveway / parking / turning area (s) is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 10 The dwellings shall not be brought into use until the bin store has been constructed and positioned in accordance with drg. no 02 Rev B (Proposed Site Plan with Visibility Splay and Highways) deposited on the 1st February 2021.
- 11 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The

CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

- 12 From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/ or a garage shall be provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.

## Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 For the avoidance of doubt.
- 4 In the interests of visual amenity in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and policy LPD 40 of the Local Planning Document (2018).
- 5 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and policies LPD 32 and LPD 40 of the Local Planning Document (2018).
- 6 In the interests of highway safety.
- 7 In the interests of Highway safety.
- 8 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
- 9 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 10 To enable the bins to be collected by the refuse team on collection day.
- 11 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.

- 12 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Council's Local Plan.

### **Reasons for Decision**

The development is visually acceptable, results in no undue impact on neighbouring properties or the area in general. There are no highway safety or parking issues arising as part of the proposal. The proposal would not be viable if the required affordable planning obligations are provided. However, financial contributions towards education and open space provision and maintenance would not render the development unviable. Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with Sections 2, 4, 5, 6, 8, 9, 11 and 12 of the NPPF (2019), Policies A, 1, 2, 8, 10, 17, 18 and 19 of the Aligned Core Strategy (2014) and Policies LPD 4, 10, 11, 18, 21, 32, 33, 35, 36, 37, 40, 48, 57, 61, 62 and 67 the Local Planning Document Part 2 Local Plan (2018). There are no material considerations that indicate otherwise although conditions have been attached

### **Notes to Applicant**

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

The proposal makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80 to arrange for these works to be carried out.

The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy

Framework (2019). Negotiations have taken place during the assessment of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

# **Viability Appraisal**

**prepared on behalf of Nightingale Family in  
respect of planning application reference  
2020/1108  
at  
Kighill Lane, Ravenshead, Notts.**

**23 November 2020**

**Development Viability Appraisal of Land Adjacent to 16 Kighill Lane Ravenshead NG15  
9HN  
For The Nightingale Trust – Planning Application 2020/1108**

**Introduction and Context**

This report is prepared in response to Gedling B.C.'s stated requests for social infrastructure contributions (affordable housing and S106 contributions for education and open space) in respect of the development of this part of Housing Allocation X5 as reflected amongst the Reasons for Refusal of Planning Application 2019/1187.

A previous viability assessment was carried out by Freeths in December 2018 in respect of a 6 dwelling development on land at 22 Kighill Lane (also forming part of X5) and reported on by the DVS on 13<sup>th</sup> May 2019 which verified that applicant's position that provision of such infrastructure was unviable. Given the similarities between the two applications, it was not considered necessary for GBC to seek a further viability for this site particularly as the wider X5 allocation is no longer capable of being developed comprehensively and this residual site development fell below the thresholds for affordable housing and S106 contributions.

Notwithstanding the above, and without prejudice to our position, we have reviewed the content of that DVS report, applied up to date valuations and costs relevant to the current 7 dwelling application on the same format as the earlier viability, and generated appraisal outcomes which clearly demonstrates that the delivery of affordable housing alongside S106 contributions would not be viable, whereas if S106 contributions for education and public open space were justified (without affordable housing) the developer return would fall within the profit range deemed to deliver a suitable return for the developer with due reference to PPG guidance at Paragraph: 018 Reference ID: 10-018-20190509.

**Situation/location**

The subject property is located at the southern periphery of the commuter settlement of Ravenshead, approximately nine miles north of Nottingham City Centre in a primarily residential location. From the south-west Kighill Lane is accessible from the A60/Mansfield Road and from Longdale Lane to the north-east.

**Description**

The property comprises a rectangular-shaped site extending to a gross area of 0.392 hectares/0.97 acres. The site abuts Kighill Lane to the south-east (which has housing fronting it on the other side), 16 Kighill Lane and the balance of the X5 housing allocation to the south-west, open land comprising the un-developed housing allocation H18 to the north-west and north-east.

**Nature of Interest**

The subject property is freehold with Vacant Possession being available.

## Easements, Rights of Way and Restrictions affecting Value

There are no restrictions, outgoings or charges adversely affecting the subject site and it is not ransomed.

## Planning

Planning application 2019/1187 for the construction of 8 dwellings with private accesses and garaging was refused on 23<sup>rd</sup> October 2020 on design and amenity grounds and lack of provision of social infrastructure.

Planning application 2020/1108 for the construction of 7 dwellings with private accesses and garaging is currently under consideration and in the applicant's, view addresses the design and amenity issues raised in the previous application. This report seeks to address the reason for refusal relating to viability evidence to demonstrate that the scheme cannot support both affordable housing and S106 contributions.

No further planning history exists for the planning site other than it forms part of X5 housing allocation in the current Gedling Local Plan.

## Proposed Scheme

Type	No.	Size per Unit (Square Metres)	Size per Unit (Square Feet)
4-bed House	3	293	3154
4-bed House	4	272	2928
Total units	7		
Total area		1967	21174

## Affordable Housing and Section 106 contributions

We are informed that policy requires for the provision of 30% affordable housing (confirmed by GBC as 2 dwellings). The submitted application layout does not plot affordable units yet for the purposes of viability assessment Appraisals 2 and 3 assume that plots 3 and 4 are affordable dwellings valued respectively at around 47% and 39% of the open market value applied in Appraisals 1 & 1A. This is in line with the approach that the DVS adopted on the previous viability assessment.

The Section 106 contribution requests are detailed below: -

Education	£23,875
Open Space	£37,625
<b>Total</b>	<b>£61,490</b>

## **Site Area**

The following land area is calculated on a gross site area basis: -

<b>Acres</b>	<b>Hectares</b>
0.97	0.392

## **Mineral Stability**

It is assumed that the property is not affected by any mining subsidence and will not be in the future, and that the site is stable and will not occasion any extraordinary costs with regard to mining subsidence.

## **Flooding**

Based on the Environment Agency's flood map for planning, the subject site is located in Flood Zone 1.

## **Contamination**

The site is not affected by contamination.

## **Archaeology**

The site is not affected by archaeology.

## **Ecology**

The site is not affected by any ecological matters.

## **Development Appraisals 1 – No affordable or S106 Contributions and 1A - Assuming no affordable housing yet including Section 106 contributions.**

These Appraisals have been prepared in the same format as the Freeths Appraisal dated 12<sup>th</sup> December 2018 to support the six-unit scheme ultimately approved at appeal under reference 2018/1186. Adjustments have been made to deal with square meterage of the schemes and inflation in the period since December 2018.

## **Gross Development Value**

The first appraisal in line with the Freeths appraisal makes no allowance for affordable housing or S106 financial contributions

The second appraisal (1A) makes no allowance for affordable housing but includes the requested education and open space contributions. These two appraisals assess the total sales value at £5,125,000 (£2,605/m<sup>2</sup>/£242ft<sup>2</sup>) which equates to an increase of 6% above the

rate agreed by the DVS in their report of May 2019. The Nationwide house price index for the East Midlands shows an increase in house prices of 5.68% between Q4 2018 and Q3 2020. An extract of the House Price Index Calculator for that period is attached.

### **Construction and Abnormal Costs**

The Appraisals assess total construction costs including externals at £1,680 per m<sup>2</sup>/£156 per ft<sup>2</sup> which equates to an increase of 5.7% since the Freeths Appraisal of December 2018, which is in line with BCIS reported increases since Q4 2018.

Again, in line with the Freeths appraisal these first two appraisals make no allowances for abnormal cost.

The appraisals allow for 2.5% contingency which was confirmed to be reasonable by the DVS in May 2019.

### **Professional Fees**

Appraisals 1 & 1A allow for 6% which is in line with what the DVS agreed was reasonable in May 2019.

### **Finance Costs/Development Programme**

The applicant doesn't have access to the software that Freeths have used and has therefore produced its own Cash Flow. The assumptions made in the cashflow in terms of development period and interest rates concur with what was agreed to be reasonable by the DVS in May 2019 and in fact a quicker build out is assumed than was allowed for in the Freeths's appraisal.

### **Sales and Marketing Costs**

The appraisals allow for 2% agent and marketing fees and £500 per unit legal conveyancing costs which is in line with what the DVS agreed was reasonable in May 2019.

### **Affordable Housing and Section 106 Contributions**

No Allowance has been made for affordable housing in either appraisal. However, in appraisal 1A the requested £61,490 section 106 contributions for education and open space have been allowed for.

### **Community Infrastructure Levy**

The Appraisals make allowance for the above at the 2020 rate of £97.85 which represents an increase of 40% over the 2018 rate that was used in the Freeths appraisal and, as will be seen from the cashflow, has been allocated to the periods that tie in with Gedling's adopted CIL instalment policy for liabilities in excess of £100,000

## **Developer's Profit**

Appraisal 1 with no affordable housing or S106 contributions shows a developer profit of 18.71% which is within the range deemed a 'reasonable return' within the NPPG.

Appraisal 1A allows for a Developer's profit of 17.47% which is in line with the level of profit (17.5%) that the DVS deemed acceptable in May 2019.

## **Residual Land Value and Conclusion- Appraisal 1 and 1A**

The Appraisal has been run at a Land Value of £200,000 in line with what the DVS agreed was acceptable in May 2019.

The development is viable at profit levels of 18.71% and 17.48% and could, if justified, support S106 Contributions for Education and Public Open Space.

## **Development Appraisal (2) with Affordable Housing and Section 106 contributions – Land value fixed – Residual Profit Margin**

## **Development Appraisal (3) with Affordable Housing and Section 106 contributions – Profit level fixed at 17.47% – Residual Land Value**

The applicant has made similar assumptions as the DVS did in May 2019 in assessing the impact of providing affordable housing on site. The DVS in that appraisal assumed 1 no. social rent unit and 1 no. shared ownership unit but didn't allocate specific revenues to those 2 chosen units. What is evident from the DVS report is that the overall impact on GDV was to reduce average sales revenue to £2,062 per m<sup>2</sup>/£192 per ft<sup>2</sup>. On this basis it was decided to run the second and third appraisals at an average revenue of £2,186 per m<sup>2</sup>/£203 per ft<sup>2</sup> (representing an increase of 6% on the DVS figures used in their 2019 report). Appraisals 2 and 3 have therefore been run with plots 3 and 4 at reduced revenues of around 47% and 39% of their open market sales value. This results in overall average revenues for the scheme reducing from £2605m<sup>2</sup> ( In appraisals 1 /1A) down to £2186 per m<sup>2</sup>/£203/ft<sup>2</sup> in appraisals 2/3.

Appraisal 2 and Appraisal 3 have also made allowance for the requested Section 106 contributions and timings of these payments in terms of the second and third cash flows have followed similar assumptions to those made by the DVS in May 2019.

The only other adjustments to Appraisal 2 and Appraisal 3 are a reduction in sales and marketing costs to reflect that only 5 of the units will be private sale. No reduction to the overall development period has been made as it is felt that speed of build will dictate the overall development period rather than speed of sale and in any event the overall development period is still similar to that assumed by the DVS in May 2019.

### **Conclusions - Appraisals 2 and 3**

The impact of providing 30% affordable housing equating to 2 dwellings on site is shown in Appraisal 2 and Appraisal 3, with the former showing the impact on developer profit with land value remaining at £200,000 and the latter showing the impact on land value with the margin remaining at circa 17.47%.

The applicant is therefore of the view that it is clearly evident that at a Developer Profit of 0.49% (Appraisal 2) or a negative land value of £-509,500 (Appraisal 3) that the demands for both Section 106 together with affordable housing cannot be reasonably justified on economic/viability grounds.

December 7,

## House Price Index calculator

Please enter the details of your last valuation

Property value:

£100,000

Min: £0

Max: £2,000,000

Valuation year 1

2018

Valuation quarter 1

Q4

Property region:

East Midlands

What Region?

Valuation year 2

2020

Valuation quarter 2

Q3

Calculate

Valuation date 1 (Q4 2018): **£100,000**

Valuation date 2 (Q3 2020): **£105,680**

Percentage change: **5.68%**

## Legal Information

The Nationwide House Price Indices are prepared from information that we believe is collated with care, but no representation is made as to their accuracy or completeness. We reserve the right to vary our methodology and to edit or discontinue the indices at any time, for regulatory or other reasons.

Persons seeking to place reliance on the Indices for any purpose whatsoever do so at their own risk and should be aware that various factors, including external factors beyond Nationwide Building Society's control might necessitate material changes to the Indices.

RESIDUAL VALUATION 1  
No Affordable allowed OR Section 106  
contributions allowed for

plot	Total	1	2	3	4	5	6	7 %age of GDV	rate/m2	rate/ft2	Total	Check	
meterage	1967.00	293.00	293.00	293.00	272.00	272.00	272.00	272.00			1967.00	£ -	
Land	£ 200,000.00	£ 28,571.43	£ 28,571.43	£ 28,571.43	£ 28,571.43	£ 28,571.43	£ 28,571.43	£ 28,571.43	3.90%	£ 101.68	£ 9.53	£ 200,000.00	£ -
legals	£ 1,000.00	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	0.02%	£ 0.51	£ 0.05	£ 1,000.00	£ -
SDLT	£ 1,000.00	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	0.02%	£ 0.51	£ 0.05	£ 1,000.00	£ -
professional fees	£ 198,273.60	£ 29,534.40	£ 29,534.40	£ 29,534.40	£ 27,417.60	£ 27,417.60	£ 27,417.60	£ 27,417.60	3.87%	£ 100.80	£ 9.45	£ 198,273.60	£ -
Build costs	£ 3,304,560.00	£ 492,240.00	£ 492,240.00	£ 492,240.00	£ 456,960.00	£ 456,960.00	£ 456,960.00	£ 456,960.00	64.48%	£ 1,680.00	£ 157.45	£ 3,304,560.00	£ -
contingency	£ 82,614.00	£ 12,306.00	£ 12,306.00	£ 12,306.00	£ 11,424.00	£ 11,424.00	£ 11,424.00	£ 11,424.00	1.61%	£ 42.00	£ 3.94	£ 82,614.00	£ -
CIL	£ 192,470.95	£ 28,670.05	£ 28,670.05	£ 28,670.05	£ 26,615.20	£ 26,615.20	£ 26,615.20	£ 26,615.20	3.76%	£ 97.85	£ 9.17	£ 192,470.95	£ -
section 106 costs	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	0.00%	£ -	£ -	£ -	£ -
Selling costs	£ 102,500.00	£ 15,500.00	£ 15,500.00	£ 15,000.00	£ 14,000.00	£ 14,000.00	£ 14,200.00	£ 14,300.00	2.00%	£ 52.11	£ 4.88	£ 102,500.00	£ -
conveyancing costs	£ 3,500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	0.07%	£ 1.78	£ 0.17	£ 3,500.00	£ -
Finance costs	£ 80,339.64	£ 11,477.09	£ 11,477.09	£ 11,477.09	£ 11,477.09	£ 11,477.09	£ 11,477.09	£ 11,477.09	1.57%	£ 40.84	£ 3.83	£ 80,339.64	£ -
Total Costs	£ 4,166,258.19	£ 619,084.68	£ 619,084.68	£ 618,584.68	£ 577,251.03	£ 577,251.03	£ 577,451.03	£ 577,551.03		£ 2,118.08	£ 198.51	£ 4,166,258.19	£ -
Revenue	£ 5,125,000.00	£ 775,000.00	£ 775,000.00	£ 750,000.00	£ 700,000.00	£ 700,000.00	£ 710,000.00	£ 715,000.00		£ 2,605.49	£ 244.19	£ 5,125,000.00	£ -
average price per m2	£ 2,605.49												
average price per ft2	£ 242.15												
Profit	£ 958,741.81	£ 155,915.32	£ 155,915.32	£ 131,415.32	£ 122,748.97	£ 122,748.97	£ 132,548.97	£ 137,448.97	18.71%	£ 487.41	£ 45.68	£ 958,741.81	£ -
Profit as %age of GDV	18.71%	20.12%	20.12%	17.52%	17.54%	17.54%	18.67%	19.22%	100.00%			18.71%	

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Cash flow	Total	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Total	Check
Land	£ 200,000.00	£ 200,000.00										£ 200,000.00	£ -
legals	£ 1,000.00	£ 1,000.00										£ 1,000.00	£ -
SDLT	£ 1,000.00	£ 1,000.00										£ 1,000.00	£ -
professional fees	£ 198,273.60	£ 83,274.91	£ 83,274.91	£ 3,965.47	£ 3,965.47	£ 3,965.47	£ 3,965.47	£ 3,965.47	£ 3,965.47	£ 3,965.47	£ 3,965.47	£ 198,273.60	£ -
build costs	£ 3,304,560.00	£ 165,228.00	£ 413,070.00	£ 413,070.00	£ 413,070.00	£ 330,456.00	£ 413,070.00	£ 330,456.00	£ 330,456.00	£ 330,456.00	£ 165,228.00	£ 3,304,560.00	£ -
contingency	£ 82,614.00	£ 4,130.70	£ 10,326.75	£ 10,326.75	£ 10,326.75	£ 8,261.40	£ 10,326.75	£ 8,261.40	£ 8,261.40	£ 8,261.40	£ 4,130.70	£ 82,614.00	£ -
CIL	£ 192,470.95		£ 48,117.74		£ 48,117.74			£ 48,117.74		£ 48,117.74		£ 192,470.95	£ -
section 106	£ -						£ -					£ -	£ -
Selling costs	£ 102,500.00				£ 15,500.00	£ 15,500.00	£ 15,000.00	£ 14,000.00	£ 14,000.00	£ 14,200.00	£ 14,300.00	£ 102,500.00	£ -
Conveyancing costs	£ 3,500.00				£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 3,500.00	£ -

<b>Profit</b>	£	958,741.81				£	155,915.32	£	155,915.32	£	131,415.32	£	122,748.97	£	122,748.97	£	132,548.97	£	137,448.97	£	<b>958,741.81</b>	£	(0.00)				
<b>Total Costs</b>	£	4,166,258.19	£	454,633.61	£	554,789.40	£	427,362.22	£	491,479.96	£	358,682.87	£	442,862.22	£	405,300.61	£	357,182.87	£	405,500.61	£	188,124.17	£	<b>4,085,918.55</b>			
<b>Income</b>	£	5,125,000.00	£	-	£	-	£	-	£	775,000.00	£	775,000.00	£	750,000.00	£	700,000.00	£	700,000.00	£	710,000.00	£	715,000.00	£	<b>5,125,000.00</b>	£	-	
<b>Profit</b>	£	958,741.81																		£	(243,741.81)	£	(715,000.00)	£	<b>(958,741.81)</b>	£	(0.00)
<b>net costs in Quarter</b>			£	454,633.61	£	554,789.40	£	427,362.22	£	(283,520.04)	£	(416,317.13)	£	(307,137.78)	£	(294,699.39)	£	(342,817.13)	£	(60,757.58)	£	188,124.17					
<b>cumulative net cost</b>			£	454,633.61	£	1,009,423.01	£	1,436,785.23	£	1,153,265.19	£	736,948.07	£	429,810.29	£	135,110.90	£	(207,706.23)	£	(268,463.81)	£	(80,339.64)					
<b>interest</b>	£	80,339.64	£	6,819.50	£	15,141.35	£	21,551.78	£	17,298.98	£	11,054.22	£	6,447.15	£	2,026.66	£	-	£	-	£	-	£	<b>80,339.64</b>	£	(0.00)	

RESIDUAL VALUATION 1A  
No Affordable allowed for  
Section 106 contributions allowed for

plot	Total	1	2	3	4	5	6	7 %age of GDV	rate/m2	rate/ft2	Total	Check	
meterage	1967.00	293.00	293.00	293.00	272.00	272.00	272.00	272.00			1967.00	£ -	
Land	£ 200,000.00	£ 28,571.43	£ 28,571.43	£ 28,571.43	£ 28,571.43	£ 28,571.43	£ 28,571.43	£ 28,571.43	3.90%	£ 101.68	£ 9.53	£ 200,000.00	£ -
legals	£ 1,000.00	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	0.02%	£ 0.51	£ 0.05	£ 1,000.00	£ -
SDLT	£ 1,000.00	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	0.02%	£ 0.51	£ 0.05	£ 1,000.00	£ -
professional fees	£ 198,273.60	£ 29,534.40	£ 29,534.40	£ 29,534.40	£ 27,417.60	£ 27,417.60	£ 27,417.60	£ 27,417.60	3.87%	£ 100.80	£ 9.45	£ 198,273.60	£ -
Build costs	£ 3,304,560.00	£ 492,240.00	£ 492,240.00	£ 492,240.00	£ 456,960.00	£ 456,960.00	£ 456,960.00	£ 456,960.00	64.48%	£ 1,680.00	£ 157.45	£ 3,304,560.00	£ -
contingency	£ 82,614.00	£ 12,306.00	£ 12,306.00	£ 12,306.00	£ 11,424.00	£ 11,424.00	£ 11,424.00	£ 11,424.00	1.61%	£ 42.00	£ 3.94	£ 82,614.00	£ -
CIL	£ 192,470.95	£ 28,670.05	£ 28,670.05	£ 28,670.05	£ 26,615.20	£ 26,615.20	£ 26,615.20	£ 26,615.20	3.76%	£ 97.85	£ 9.17	£ 192,470.95	£ -
section 106 costs	£ 61,490.00	£ 8,784.29	£ 8,784.29	£ 8,784.29	£ 8,784.29	£ 8,784.29	£ 8,784.29	£ 8,784.29	1.20%	£ 31.26	£ 2.93	£ 61,490.00	
Selling costs	£ 102,500.00	£ 15,500.00	£ 15,500.00	£ 15,000.00	£ 14,000.00	£ 14,000.00	£ 14,200.00	£ 14,300.00	2.00%	£ 52.11	£ 4.88	£ 102,500.00	£ -
conveyancing costs	£ 3,500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	0.07%	£ 1.78	£ 0.17	£ 3,500.00	£ -
Finance costs	£ 82,184.34	£ 11,740.62	£ 11,740.62	£ 11,740.62	£ 11,740.62	£ 11,740.62	£ 11,740.62	£ 11,740.62	1.60%	£ 41.78	£ 3.92	£ 82,184.34	£ -
<b>Total Costs</b>	£ 4,229,592.89	£ 628,132.50	£ 628,132.50	£ 627,632.50	£ 586,298.85	£ 586,298.85	£ 586,498.85	£ 586,598.85		£ 2,150.28	£ 201.53	£ 4,229,592.89	£ -
Revenue	£ 5,125,000.00	£ 775,000.00	£ 775,000.00	£ 750,000.00	£ 700,000.00	£ 700,000.00	£ 710,000.00	£ 715,000.00		£ 2,605.49	£ 244.19	£ 5,125,000.00	£ -
average price per m2	£ 2,605.49												
average price per ft2	£ 242.15												
<b>Profit</b>	£ 895,407.11	£ 146,867.50	£ 146,867.50	£ 122,367.50	£ 113,701.15	£ 113,701.15	£ 123,501.15	£ 128,401.15	17.47%	£ 455.21	£ 42.66	£ 895,407.11	
<b>Profit as %age of GDV</b>	<b>17.47%</b>	<b>18.95%</b>	<b>18.95%</b>	<b>16.32%</b>	<b>16.24%</b>	<b>16.24%</b>	<b>17.39%</b>	<b>17.96%</b>	<b>100.00%</b>			<b>17.47%</b>	

Cash flow	Total	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Total	Check
Land	£ 200,000.00	£ 200,000.00										£ 200,000.00	£ -
legals	£ 1,000.00	£ 1,000.00										£ 1,000.00	£ -
SDLT	£ 1,000.00	£ 1,000.00										£ 1,000.00	£ -
professional fees	£ 198,273.60	£ 83,274.91	£ 83,274.91	£ 3,965.47	£ 3,965.47	£ 3,965.47	£ 3,965.47	£ 3,965.47	£ 3,965.47	£ 3,965.47	£ 3,965.47	£ 198,273.60	£ -

build costs	£ 3,304,560.00	£ 165,228.00	£ 413,070.00	£ 413,070.00	£ 413,070.00	£ 330,456.00	£ 413,070.00	£ 330,456.00	£ 330,456.00	£ 330,456.00	£ 165,228.00	£ 3,304,560.00	£ -
contingency	£ 82,614.00	£ 4,130.70	£ 10,326.75	£ 10,326.75	£ 10,326.75	£ 8,261.40	£ 10,326.75	£ 8,261.40	£ 8,261.40	£ 8,261.40	£ 4,130.70	£ 82,614.00	£ -
CIL	£ 192,470.95		£ 48,117.74		£ 48,117.74			£ 48,117.74		£ 48,117.74		£ 192,470.95	£ -
section 106	£ 61,490.00						£ 61,490.00					£ 61,490.00	£ -
Selling costs	£ 102,500.00				£ 15,500.00	£ 15,500.00	£ 15,000.00	£ 14,000.00	£ 14,000.00	£ 14,200.00	£ 14,300.00	£ 102,500.00	£ -
Conveyancing costs	£ 3,500.00				£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 3,500.00	£ -
Profit	£ 895,407.11				£ 146,867.50	£ 146,867.50	£ 122,367.50	£ 113,701.15	£ 113,701.15	£ 123,501.15	£ 128,401.15	£ 895,407.11	£ (0.00)
Total Costs	£ 4,229,592.89	£ 454,633.61	£ 554,789.40	£ 427,362.22	£ 491,479.96	£ 358,682.87	£ 504,352.22	£ 405,300.61	£ 357,182.87	£ 405,500.61	£ 188,124.17	£ 4,147,408.55	
Income	£ 5,125,000.00	£ -	£ -	£ -	£ 775,000.00	£ 775,000.00	£ 750,000.00	£ 700,000.00	£ 700,000.00	£ 710,000.00	£ 715,000.00	£ 5,125,000.00	£ -
Profit	£ 895,407.11									£ (180,407.11)	£ (715,000.00)	£ (895,407.11)	£ (0.00)
net costs in Quarter		£ 454,633.61	£ 554,789.40	£ 427,362.22	£ (283,520.04)	£ (416,317.13)	£ (245,647.78)	£ (294,699.39)	£ (342,817.13)	£ (124,092.28)	£ 188,124.17		
cumulative net cost		£ 454,633.61	£ 1,009,423.01	£ 1,436,785.23	£ 1,153,265.19	£ 736,948.07	£ 491,300.29	£ 196,600.90	£ (146,216.23)	£ (270,308.51)	£ (82,184.34)		
interest	£ 82,184.34	£ 6,819.50	£ 15,141.35	£ 21,551.78	£ 17,298.98	£ 11,054.22	£ 7,369.50	£ 2,949.01	£ -	£ -	£ -	£ 82,184.34	£ (0.00)

**RESIDUAL LAND VALUATION 2**

includes 2 affordable units and section 106 contributions  
Fixed Land Value/Residual Profit Margin

plot	Total	1	2	3	4	5	6	7 %age of GDV	rate/m2	rate/ft2	Total	Check	
meterage	1967.00	293.00	293.00	293.00	272.00	272.00	272.00	272.00			1967.00	£ -	
Land	£ 200,000.00	£ 28,571.43	£ 28,571.43	£ 28,571.43	£ 28,571.43	£ 28,571.43	£ 28,571.43	£ 28,571.43	4.65%	£ 101.68	£ 9.53	£ 200,000.00	£ -
legals	£ 1,000.00	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	0.02%	£ 0.51	£ 0.05	£ 1,000.00	£ -
SDLT	£ 1,000.00	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	0.02%	£ 0.51	£ 0.05	£ 1,000.00	£ -
professional fees	£ 200,634.00	£ 29,886.00	£ 29,886.00	£ 29,886.00	£ 27,744.00	£ 27,744.00	£ 27,744.00	£ 27,744.00	4.67%	£ 102.00	£ 9.56	£ 200,634.00	£ -
Build costs	£ 3,343,900.00	£ 498,100.00	£ 498,100.00	£ 498,100.00	£ 462,400.00	£ 462,400.00	£ 462,400.00	£ 462,400.00	77.77%	£ 1,700.00	£ 159.33	£ 3,343,900.00	£ -
contingency	£ 83,597.50	£ 12,452.50	£ 12,452.50	£ 12,452.50	£ 11,560.00	£ 11,560.00	£ 11,560.00	£ 11,560.00	1.94%	£ 42.50	£ 3.98	£ 83,597.50	£ -
CIL	£ 192,470.95	£ 28,670.05	£ 28,670.05	£ 28,670.05	£ 26,615.20	£ 26,615.20	£ 26,615.20	£ 26,615.20	4.48%	£ 97.85	£ 9.17	£ 192,470.95	£ -
section 106 contributions	£ 61,490.00	£ 8,784.29	£ 8,784.29	£ 8,784.29	£ 8,784.29	£ 8,784.29	£ 8,784.29	£ 8,784.29	1.43%	£ 31.26	£ 2.93	£ 61,490.00	£ -
Selling costs	£ 73,500.00	£ 15,500.00	£ 15,500.00		£ 14,000.00	£ 14,200.00	£ 14,300.00		1.71%	£ 37.37	£ 3.50	£ 73,500.00	£ -
conveyancing costs	£ 3,500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	0.08%	£ 1.78	£ 0.17	£ 3,500.00	£ -
Finance costs	£ 117,925.68	£ 16,846.53	£ 16,846.53	£ 16,846.53	£ 16,846.53	£ 16,846.53	£ 16,846.53	£ 16,846.53	2.74%	£ 59.95	£ 5.62	£ 117,925.68	£ -
Total Costs	£ 4,279,018.13	£ 639,596.50	£ 639,596.50	£ 624,096.50	£ 583,307.15	£ 597,307.15	£ 597,507.15	£ 597,607.15		£ 2,175.40	£ 203.88	£ 4,279,018.13	£ -
Revenue	£ 4,300,000.00	£ 775,000.00	£ 775,000.00	£ 350,000.00	£ 275,000.00	£ 700,000.00	£ 710,000.00	£ 715,000.00		£ 2,186.07	£ 204.88	£ 4,300,000.00	£ -
average price per m2	£ 2,186.07												
average price per ft2	£ 203.17												

<b>Profit</b>	£	20,981.87	£	135,403.50	£	135,403.50	£	(274,096.50)	£	(308,307.15)	£	102,692.85	£	112,492.85	£	117,392.85		<b>0.49%</b>	£	<b>10.67</b>	£	<b>1.00</b>	£	<b>20,981.87</b>
<b>Profit as %age of GDV</b>																		<b>100.00%</b>						<b>0.49%</b>

Cash flow	Total	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Total	Check
Land	£ 200,000.00	£ 200,000.00										£ 200,000.00	£ -
legals	£ 1,000.00	£ 1,000.00										£ 1,000.00	£ -
SDLT	£ 1,000.00	£ 1,000.00										£ 1,000.00	£ -
professional fees	£ 200,634.00	£ 84,266.28	£ 84,266.28	£ 4,012.68	£ 4,012.68	£ 4,012.68	£ 4,012.68	£ 4,012.68	£ 4,012.68	£ 4,012.68	£ 4,012.68	£ 200,634.00	£ -
build costs	£ 3,343,900.00	£ 167,195.00	£ 417,987.50	£ 417,987.50	£ 417,987.50	£ 334,390.00	£ 417,987.50	£ 334,390.00	£ 334,390.00	£ 334,390.00	£ 334,390.00	£ 167,195.00	£ 3,343,900.00
contingency	£ 83,597.50	£ 4,179.88	£ 10,449.69	£ 10,449.69	£ 10,449.69	£ 8,359.75	£ 10,449.69	£ 8,359.75	£ 8,359.75	£ 8,359.75	£ 8,359.75	£ 4,179.88	£ 83,597.50
CIL	£ 192,470.95		£ 48,117.74		£ 48,117.74			£ 48,117.74		£ 48,117.74		£ 192,470.95	£ -
section 106 contributions	£ 61,490.00						£ 61,490.00					£ 61,490.00	£ -
Selling costs	£ 73,500.00				£ 15,500.00	£ 15,500.00			£ 14,000.00	£ 14,200.00	£ 14,300.00	£ 73,500.00	£ -
Conveyancing costs	£ 3,500.00				£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 500.00	£ 3,500.00	£ -
<b>Profit</b>	£ 20,981.87				£ 135,403.50	£ 135,403.50	£ (274,096.50)	£ (308,307.15)	£ 102,692.85	£ 112,492.85	£ 117,392.85	£ 20,981.87	£ (0.00)
<b>Total Costs</b>	£ 4,279,018.13	£ 457,641.16	£ 560,821.21	£ 432,449.87	£ 496,567.61	£ 362,762.43	£ 494,439.87	£ 395,380.17	£ 361,262.43	£ 409,580.17	£ 190,187.56	£ 4,161,092.45	
<b>Income</b>	£ 4,300,000.00	£ -	£ -		£ 775,000.00	£ 775,000.00	£ 350,000.00	£ 275,000.00	£ 700,000.00	£ 710,000.00	£ 715,000.00	£ 4,300,000.00	£ -
<b>Profit</b>	£ 20,981.87										£ (20,981.87)	£ (20,981.87)	£ -
<b>net costs in Quarter</b>		£ 457,641.16	£ 560,821.21	£ 432,449.87	£ (278,432.40)	£ (412,237.57)	£ 144,439.87	£ 120,380.17	£ (338,737.57)	£ (300,419.83)	£ (503,830.58)		
<b>cumulative net cost</b>		£ 457,641.16	£ 1,018,462.36	£ 1,450,912.23	£ 1,172,479.83	£ 760,242.26	£ 904,682.13	£ 1,025,062.30	£ 686,324.73	£ 385,904.90	£ (117,925.68)		
interest	£ 117,925.68	£ 6,864.62	£ 15,276.94	£ 21,763.68	£ 17,587.20	£ 11,403.63	£ 13,570.23	£ 15,375.93	£ 10,294.87	£ 5,788.57		£ 117,925.68	£ 0.00

**RESIDUAL LAND VALUATION 3**

with 2 affordable units and section 106 contributions  
Fixed Profit Margin/Residual Land Value

plot	Total	1	2	3	4	5	6	7 %age of GDV	rate/m2	rate/ft2	Total	Check	
meterage	1967.00	293.00	293.00	293.00	272.00	272.00	272.00	272.00			1967.00	£ -	
Land	£ (509,500.00)	£ (72,785.71)	£ (72,785.71)	£ (72,785.71)	£ (72,785.71)	£ (72,785.71)	£ (72,785.71)	£ (72,785.71)	-11.85%	£ (259.02)	£ (24.28)	£ (509,500.00)	£ -
legals	£ 1,000.00	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	0.02%	£ 0.51	£ 0.05	£ 1,000.00	£ -
SDLT	£ 1,000.00	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	£ 142.86	0.02%	£ 0.51	£ 0.05	£ 1,000.00	£ -
professional fees	£ 200,634.00	£ 29,886.00	£ 29,886.00	£ 29,886.00	£ 27,744.00	£ 27,744.00	£ 27,744.00	£ 27,744.00	4.67%	£ 102.00	£ 9.56	£ 200,634.00	£ -
Build costs	£ 3,343,900.00	£ 498,100.00	£ 498,100.00	£ 498,100.00	£ 462,400.00	£ 462,400.00	£ 462,400.00	£ 462,400.00	77.77%	£ 1,700.00	£ 159.33	£ 3,343,900.00	£ -
contingency	£ 83,597.50	£ 12,452.50	£ 12,452.50	£ 12,452.50	£ 11,560.00	£ 11,560.00	£ 11,560.00	£ 11,560.00	1.94%	£ 42.50	£ 3.98	£ 83,597.50	£ -
CIL	£ 192,470.95	£ 28,670.05	£ 28,670.05	£ 28,670.05	£ 26,615.20	£ 26,615.20	£ 26,615.20	£ 26,615.20	4.48%	£ 97.85	£ 9.17	£ 192,470.95	£ -

section 106 contributions	£	61,490.00	£	8,784.29	£	8,784.29	£	8,784.29	£	8,784.29	£	8,784.29	£	8,784.29	£	8,784.29	1.43%	£	31.26	£	2.93	£	61,490.00	£	-	
Selling costs	£	73,500.00	£	15,500.00	£	15,500.00			£	14,000.00	£	14,200.00	£	14,300.00			1.71%	£	37.37	£	3.50	£	73,500.00	£	-	
conveyancing costs	£	3,500.00	£	500.00	£	500.00	£	500.00	£	500.00	£	500.00	£	500.00			0.08%	£	1.78	£	0.17	£	3,500.00	£	-	
Finance costs	£	97,111.51	£	13,873.07	£	13,873.07	£	13,873.07	£	13,873.07	£	13,873.07	£	13,873.07			2.26%	£	49.37	£	4.63	£	97,111.51	£	-	
Total Costs	£	3,548,703.96	£	535,265.91	£	535,265.91	£	519,765.91	£	478,976.56	£	492,976.56	£	493,176.56				£	1,804.12	£	169.08	£	3,548,703.96	£	-	
Revenue	£	4,300,000.00	£	775,000.00	£	775,000.00	£	350,000.00	£	275,000.00	£	700,000.00	£	710,000.00				£	2,186.07	£	204.88	£	4,300,000.00	£	-	
average price per m2	£	2,186.07																								
average price per ft2	£	203.17																								
Profit	£	751,296.04	£	239,734.09	£	239,734.09	£	(169,765.91)	£	(203,976.56)	£	207,023.44	£	216,823.44	£	221,723.44		17.47%	£	381.95	£	35.80	£	751,296.04	£	-
Profit as %age of GDV		17.47%		30.93%		30.93%		-48.50%		-74.17%		29.57%		30.54%		31.01%		100.00%						17.47%		-

Cash flow	Total	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Total	Check													
Land	£	(509,500.00)										£	-	£	(509,500.00)											
legals	£	1,000.00	£	1,000.00								£	1,000.00	£	-											
SDLT	£	1,000.00	£	1,000.00								£	1,000.00	£	-											
professional fees	£	200,634.00	£	84,266.28	£	84,266.28	£	4,012.68	£	4,012.68	£	4,012.68	£	4,012.68	£	4,012.68	£	4,012.68	£	4,012.68	£	4,012.68	£	200,634.00	£	-
build costs	£	3,343,900.00	£	167,195.00	£	417,987.50	£	417,987.50	£	417,987.50	£	334,390.00	£	417,987.50	£	334,390.00	£	334,390.00	£	334,390.00	£	167,195.00	£	3,343,900.00	£	-
contingency	£	83,597.50	£	4,179.88	£	10,449.69	£	10,449.69	£	10,449.69	£	8,359.75	£	10,449.69	£	8,359.75	£	8,359.75	£	8,359.75	£	4,179.88	£	83,597.50	£	-
CIL	£	192,470.95		£	48,117.74		£	48,117.74		£	48,117.74		£	48,117.74		£	48,117.74		£	48,117.74			£	192,470.95	£	-
section 106 contributions	£	61,490.00							£	61,490.00													£	61,490.00	£	-
Selling costs	£	73,500.00				£	15,500.00	£	15,500.00			£	14,000.00	£	14,200.00	£	14,300.00	£	14,300.00	£			£	73,500.00	£	-
Conveyancing costs	£	3,500.00				£	500.00	£	500.00	£	500.00	£	500.00	£	500.00	£	500.00	£	500.00	£			£	3,500.00	£	-
Profit	£	751,296.04				£	239,734.09	£	239,734.09	£	(169,765.91)	£	(203,976.56)	£	207,023.44	£	216,823.44	£	221,723.44	£			£	751,296.04	£	-
Total Costs	£	3,548,703.96	£	257,641.16	£	560,821.21	£	432,449.87	£	496,567.61	£	362,762.43	£	494,439.87	£	395,380.17	£	361,262.43	£	409,580.17	£	190,187.56	£	3,961,092.45		
Income	£	4,300,000.00	£	-	£	-	£	432,449.87	£	775,000.00	£	775,000.00	£	350,000.00	£	275,000.00	£	700,000.00	£	710,000.00	£	715,000.00	£	4,300,000.00	£	-
Profit	£	751,296.04																					£	(751,296.04)	£	-
net costs in Quarter			£	257,641.16	£	560,821.21	£	432,449.87	£	(278,432.40)	£	(412,237.57)	£	144,439.87	£	120,380.17	£	(338,737.57)	£	(300,419.83)	£	226,483.60				
cumulative net cost			£	257,641.16	£	818,462.36	£	1,250,912.23	£	972,479.83	£	560,242.26	£	704,682.13	£	825,062.30	£	486,324.73	£	185,904.90	£	412,388.49				
interest	£	97,111.51	£	3,864.62	£	12,276.94	£	18,763.68	£	14,587.20	£	8,403.63	£	10,570.23	£	12,375.93	£	7,294.87	£	2,788.57	£	6,185.83	£	97,111.51	£	0.00

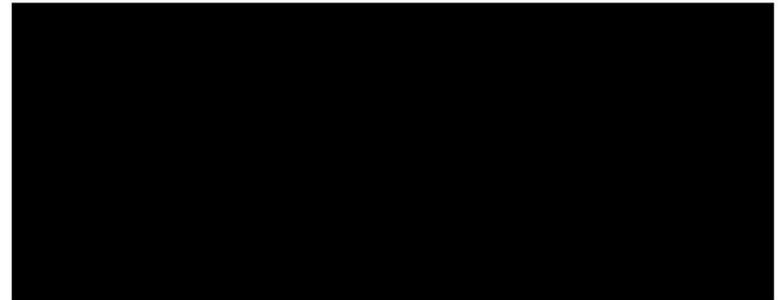
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*Independent Viability Experts*

FAO [REDACTED]  
Planning Officer  
Gedling Borough Council

Sent by email only



**Our ref:** DN-0448  
**Your ref:** 2020/1108  
**Date:** 22<sup>nd</sup> January 2021

Dear [REDACTED]

**PROPERTY ADDRESS:** Land East Of 16 Kighill Lane, Ravenshead NG15 9HN  
**INSTRUCTING BODY:** Gedling Borough Council  
**APPLICANT:** L, E & W Nightingale



Further to your instructions and our terms of engagement dated 4 January 2021, we are pleased to report as follows.

## 1. Property Overview

- 1.1. The site is located to the north of Kighill Lane, just to the south of the built-up area of Ravenshead village, which itself lies about 4 miles to the south of Mansfield and 4 miles to the north east of Hucknall. Nottingham is situated just less than 9.5 miles to the south. The A60 Mansfield to Nottingham trunk road is a quarter of a mile to the west of the site where Kighill Lane joins it. The nearest connection to the strategic road network is Junction 27 of the M1, circa 4.75 miles to the west. Ravenshead offers a mix of amenities and local facilities including a Post Office, library, pubs, Sainsburys Local and other retail stores, most of the latter being located in Milton Court, a 1960/1970s shopping precinct, about three quarters of a mile to the north of the subject site. The nearest rail connection is at Newstead, 2.75 miles to the west.
- 1.2. More specifically, the subject site is located close to the junction of Kighill Lane and Longdale Lane, slightly separated from the edge of the settlement by agricultural fields and other undeveloped land. Kighill Lane itself is characterised by mainly large detached dwellings of varying ages and styles but higher quality. To the north is an area of woodland and a field; to the east is a further area of undeveloped land adjoining Longdale Lane; to the west is a 2 storey, recently built large detached dwelling (16 Kighill Lane itself) and to the south is the frontage with Kighill Lane. Access to the site is via Kighill Lane (although there is no physically formed access into the site currently).
- 1.3. The site itself consists of an area of undeveloped grassland. The site is generally flat, apart from a slight slope from south west to north east in the northern part of the site. Although a footpath is shown crossing the northern part of the site diagonally from the eastern boundary to the north west corner on some maps, this is not a public footpath and the Ordnance Survey map shows the footpath running around the edge of the site.

- 1.4. The site is rectangular and, according to the applicant's Viability Appraisal dated 23<sup>rd</sup> November 2020, extends to circa 0.39 Ha (0.97 acre), on a gross basis.
- 1.5. Recent / ongoing new build activity in the locality includes:
- Dukeries Homes Berkley Grange scheme (at 22 Kighill Lane) of 6 detached (3 and 4 bed) 2 storey houses and bungalows, on the same side of Kighill Lane, only 90 yards to the south west of the subject site. (Ongoing)
  - 16 Kighill Lane itself, a 5 bed 2 storey dwelling built by DDM Homes and occupied with no public sale recorded.
- 1.6. Other relatively recent developments have all mainly taken place over 5 years ago.
- 1.7. In terms of relevant planning background, the subject site forms one of a series of allocated sites, all adjoining one another, in the Council's Part 2 Local Plan housing allocation, with the subject site forming part of site X5 as identified within Policy LPD67. The two developments noted above also form part of this allocation.
- 1.8. As a result of separate landholdings and piecemeal submission of applications for different parts of site X5, the Council considers that the proposed scheme is still liable for an affordable housing and other developer contributions.
- 1.9. In terms of past applications relating to the subject site we note the following:

- *2019/1187 Erection of up to 8 dwellings with (private) accesses and garaging.*  
This was refused by Gedling Borough Council on 23 October 2020 on several grounds, including the development’s “...cramped, over intensive and contrived...” nature and the lack of a viability assessment to support the scheme’s inability to support the “...required contributions...”. This is now the subject of an appeal which challenges (amongst other items) the Council’s requirement for the site to be considered alongside adjacent plots (within site X5) in terms of developer contributions.

1.10. The current application (2020/1108) is for:

*“Erection of up to 7 dwellings with (private) accesses and garaging”*

1.11. According to the Viability Appraisal dated 23<sup>rd</sup> November 2020 prepared and submitted by the applicant (in support of the planning application and a proposed change in policy), the scheme will comprise the following schedule of accommodation:

Type	Beds	Units	Sq ft	Total sq ft
Plots 1 to 3 - 2s detached	4	3	3,154	9,462
Plots 4 to 7 - 2s detached	4	4	2,928	11,712
		<b>7</b>		<b>21,174</b>

## 2. Scope of Assessment and General Assumptions

- 2.1. The applicant has submitted a Financial Appraisal dated 23<sup>rd</sup> November 2020. The applicant has indicated that their adopted assumptions builds on a previous viability undertaken by Freeths in December 2018, which was submitted in connection with a nearby 6 dwelling scheme at 22 Kighill Lane (planning ref 2018/1186). Based on their report and its accompanying appraisal, the applicant concludes that “...demands for both Section 106 together with affordable housing cannot be reasonably justified on economic/viability grounds.”
- 2.2. We have been instructed to provide an independent viability assessment of the scheme, with a view to advising the Council as to the appropriate level of affordable housing and S106 contributions that the scheme can viably deliver.
- 2.3. In accordance with the RICS Financial viability in planning: conduct and reporting 1<sup>st</sup> Edition (May 2019) we can confirm that in completing this instruction CP Viability Ltd have acted with objectivity, impartiality, without interference and with reference to all appropriate available sources of information.
- 2.4. In accordance with the RICS Financial viability in planning: conduct and reporting 1<sup>st</sup> Edition (May 2019) we can confirm that prior to accepting this instruction we undertook a conflict of interest check. It is stressed that as an organisation we only provide independent viability reviews upon the instruction of Local Authorities and therefore can guarantee that we have not provided viability advice on behalf of the applicant for this scheme. Within this context and having undertaken a review we are unaware of any conflict of interest that prevents CP Viability from undertaking this instruction. If, at a later date, a conflict is identified we will notify all parties to discuss how this should be managed.

- 2.5. In accordance with the RICS Financial viability in planning: conduct and reporting 1st Edition (May 2019) we can confirm that the fee agreed to undertake this review is a fixed rate (covering the elements set out in our fee quote / terms of engagement) and is not performance related or a contingent fee.
- 2.6. In accordance with the RICS Financial viability in planning: conduct and reporting 1<sup>st</sup> Edition (May 2019) we can confirm that CP Viability Ltd is not currently providing ongoing advice to Gedling Borough Council in area-wide financial viability assessments to help formulate policy.
- 2.7. As stated within the RICS Financial viability in planning: conduct and reporting 1st Edition (May 2019) it is now a mandatory requirement to provide sensitivity analysis of the viability results. This is to demonstrate to the applicant and decision maker the impact that changes to inputs have on the viability outcome and also to help the assessor reach an informed conclusion. We have subsequently undertaken sensitivity testing as part of this review.
- 2.8. We have assessed the viability of the scheme as at 11<sup>th</sup> January 2021.
- 2.9. This assessment does not provide a critique of the proposed development design (i.e. we have not commented on the efficiency of design, density etc). Our role is limited to testing the viability of the proposals as detailed in the relevant planning application.
- 2.10. We have relied on the information provided to us by the instructing body and the applicant and in particular information publicly available through the Council's planning portal website.

- 2.11. We have not met either of the Instructing Body or the applicant and subsequently have not partaken in any negotiations regarding the scheme.
- 2.12. In accordance with the RICS Guidance on Viability (Guidance Note 1, 2012), our appraisal assumes a hypothetical landowner and a hypothetical developer. The intention of a viability assessment is therefore to identify the approach a 'typical' or 'average' developer / landowner would take to delivering the site for development. A viability assessment does not therefore seek to reflect the specific circumstances of any particular body (whether landowner or developer).
- 2.13. In undertaking our appraisals, we have utilised the ARGUS Developer toolkit. This is an industry approved cash-flow model, designed specifically for residual appraisals and has also been used the applicant is preparing their own appraisal.
- 2.14. This report reflects the independent views of CP Viability, based on the research undertaken, the evidence identified and the experience of the analysing surveyor.

### **3. The Applicant's appraisal – summary**

- 3.1. As stated in 2.1 above, the applicant's assessment is based on providing a 7 dwelling scheme of 4 bedroom detached houses, for which they consider 3 scenarios, namely:
- Scenario 1 – non-target policy compliant, with 100% market value for sale dwellings and no S.106 or affordable housing contributions. This delivers a residual rate of return on revenue of 18.71%. A variation (1A) shows that the scenario could support "requested" contributions to education and open space amounting to £61,490, as well as CIL at £192,471.

- Scenario 2 - target policy compliant, with (circa) 30% affordable housing (2 dwellings) and all “requested” contributions to education and open space amounting to £61,490, as well as CIL at £192,471. This delivers a residual rate of return of 0.49%.
  - Scenario 3 – identical to Scenario 2, but presented showing the residual appraisal target as the land value rather than the rate of return on revenue. This shows a negative residual land value of -£509,500.
- 3.2. The applicant’s planning consultant, Aspbury, subsequently conclude in their covering email dated 25<sup>th</sup> November 2020 that the scheme “...remains viable at 17.47% if agreement were to be reached that contributions towards education and open space were to be justified by the council or potentially offered by the applicant.”
- 3.3. For the purposes of this section we have focused on Scenario 2 (i.e. a policy compliant scheme).
- 3.4. In looking to summarise the applicant’s assumptions we have categorised the costs provided under what we consider to be the most common sections of a viability appraisal. For example, all costs which we believe relate to the basic construction of a dwelling (including a contractor’s margin or developer’s overhead) have been allocated under “Plot construction”. Likewise, those costs which are considered to relate to typical external works, such as highways, drainage, general services etc are allocated under “Externals / infrastructure”. Any unusual costs are referred to as “Abnormals”, and so on. This categorisation approach allows us to undertake a comparison between the subject scheme and other developments we have assessed.

### Gross Development Value (Revenue)

Type	No.	Average £ per sq ft	Total
Plots 1 & 2 - 4 bed detached	2	£246	£1,550,000
Plots 5 to 7 - 4 bed detached	3	£242	£2,125,000
Plot 3 - 4 bed detached (affordable)	1	£103	£350,000
Plot 4 - 4 bed detached (affordable)	1	£103	£275,000
<b>Total</b>	<b>7</b>		<b>£4,300,000</b>

### Gross Development Cost (Outgoings)

Type	Notes	Total
Estate housing	£158 psf (inc externals)	£3,343,900
Contingency	2.5% of build costs	£83,598
Professional fees	6% of build costs	£200,634
S.106 costs	Education/open space	£61,500
CIL	1,967 sq m @ £97.85 per sq m	£192,471
Sales & marketing	2.0% of revenue	£73,500
Sales legal fee	£500 per unit	£3,500
Finance		£117,926
Land value	£206,477 per gross acre	£200,000
Acquisition costs	SDLT/legal	£2,000
<b>Total</b>		<b>£4,279,028</b>

- 3.5. Based on the applicant's appraisal assumptions, the scheme delivers a residual rate of return on revenue of 0.49% (blended). On that basis, the scheme is therefore shown to be unviable.

- 3.6. The applicant then considers an alternative scenario (Scenario 1a) which excludes the affordable housing provision and concludes that the removal of the affordable housing provision will enable the scheme to deliver a residual rate of return on revenue of 17.47% together with all other assumed planning policy contributions/CIL.
- 3.7. However, please note that since the submission of their original appraisal on 23<sup>rd</sup> November 2020 the applicant has received further evidence on the sales values (from a key comparable at 22 Kighill Lane, close to the subject property) which points to the values adopted by the applicant as being too high. This would have a negative impact on the scheme viability, compared to that shown in the applicant's appraisal above. This updated evidence has been submitted to us / the Council via email on 12<sup>th</sup> January 2021. This is considered in more detail below in Section 4.

#### **4. CP Viability's appraisal**

##### Gross Development Value (Revenue)

- 4.1. We have based our assessment of value for the completed dwellings on the mix detailed above (see 1.11).
- 4.2. As stated above, in their appraisal the applicant assumes an average value equivalent to £246 per sq ft (£775,000) for the larger detached dwellings and £242 per sq ft (£708,333) for the smaller detached dwellings. Their adopted values have been assessed by referring to the District Valuer Services report on the scheme at 22 Kighill Lane and applying an indexation factor from the Nationwide for the East Midlands of 5.68% (Q4 2018 to Q3 2020). The applicant's overall adopted sales revenue (assuming no affordable housing) total £5,125,000 (equivalent to £242.04 per sq ft).

4.3. However, since completing their original viability assessment on 23<sup>rd</sup> November 2020, the applicant has been provided with actual sales evidence achieved at 22 Kighill Lane (known as 'Berkley Grange' and being brought forward by Dukeries Homes). This scheme is very similar to the subject scheme and is therefore considered to be the strongest comparable evidence currently available. The current status of the scheme, as per the sales information identified, is as follows:

- Plot 1: 3 bed bungalow (1,226 sq ft GIA) sold £410,000 (£334 psf)
- Plot 2: 3 bed bungalow (1,226 sq ft GIA) sold £399,950 (£326 psf)
- Plot 3: 4 bed detached (3,091 sq ft GIA) asking price £725,000 (£234.55 psf)
- Plot 4: 4 bed detached (2,948 sq ft GIA) asking price £649,950 (£220 psf)
- Plot 5: 4 bed detached (2,240 sq ft GIA) under offer at £519,950 (£232 psf)
- Plot 6: 4 bed detached (2,950 sq ft GIA) under offer at £649,950 (£220 psf)

4.4. The most comparable dwellings to the subject property are Plots 3, 4 and 6 (each being very similar to what is being proposed at the subject site).

4.5. As this is considered to be strong evidence of the market for this type of product in this location we accept that the values applied to the subject scheme should be in keeping with those at 22 Kighill Lane. In light of this, for the 4 bed detached dwelling of 3,154 sq ft we consider a rate of £235 per sq ft to be appropriate (equivalent to £741,190). For the 4 bed detached of 2,928 sq ft a rate of £220 per sq ft is deemed reasonable (equivalent to £644,160 per dwelling).

4.6. For affordable rented dwellings, the applicant has applied a discount to market value consistent with their interpretation of the figures in the DVS report referred to in 4.2 above, adopting an average figure of £103 per sq ft for the 2 units. This is considered to be reasonable and therefore we have adopted the same in our appraisal.

## Build costs

- 4.7. For the basic construction costs the applicant has adopted a rate of £157.92 per sq ft, which is understood to cover external works. The applicant states that the costs compare favourably to the increase in build costs since Q4 2018 reported by the Build Cost Information Service (“BCIS”). An additional allowance is made for contingency equivalent to 2.5% of these construction costs.
- 4.8. BCIS is a database regularly used in the construction industry. Like all databases the BCIS does have its limitations, however the majority of the data relates to schemes of 20 dwellings or less (i.e. a similar scale to the subject property). For this reason, the BCIS is considered to be a reasonable point of comparison for the construction costs.
- 4.9. However, please note that the BCIS data includes plot construction costs, preliminaries and contractor’s margin, however it does not include external costs, abnormals and contingency (and therefore these items need to be allowed for separately).
- 4.10. We have reviewed the relevant BCIS data (rebased to Gedling), which shows the following:
- New build Estate housing detached Median £1,390 per sq m (£129.13 per sq ft)
- 4.11. Using the applicant’s construction cost of £157.92 per sq ft this would equate to an external cost equivalent to 22.29% above the BCIS rate. In our experience, we typically see external costs in the region of 15% on the BCIS rate. Within this context the applicant’s construction cost allowance appears high.

- 4.12. Having considered the above, for the purposes of our review we have applied the BCIS median rate of £129.13 per sq ft, plus an additional allowance of 15% to cover external works.
- 4.13. In terms of the contingency allowance, the applicant's rate (which is equivalent to 2.5% of the construction costs) is considered to be in line with expectations for a scheme of this nature. We have subsequently adopted the same in our appraisal.

#### Professional fees

- 4.14. Based on the proposed scheme the applicant's allowance for professional fees is equivalent to 6% of build costs. This is also considered to be in line with expectations for a scheme of this nature. We have subsequently adopted the same in our appraisal.

#### S106 / Other Council Policy Requirements

- 4.15. We understand there is a policy requirement for 30% of the dwellings to be provided as on-site affordable units, which in this case equates to 2 dwellings.
- 4.16. As well as the 30% affordable housing requirement, we understand from the applicant's assessment that there is a requirement for contributions to education (£23,875) and public open space (£37,625), totalling £61,500.
- 4.17. The subject property is also subject to a Community Infrastructure Levy ('CIL'). The subject property falls in "Residential Zone 3". According to the Council's webpage on its CIL charges the current rate, including inflation, equates to £97.85 per sq m. Applied to the overall scheme (which totals 1,967 sq m) this equates to a total CIL charge of £192,471. We have applied this to our appraisal.

#### Marketing / legal costs

- 4.18. For marketing the applicant has allowed the equivalent of 2% of revenue for sales and marketing and a fixed rate of £500 per dwelling for the sales legal fees. These are considered to be reasonable costs for a scheme of this size and nature in this location, and we have adopted the same in our appraisal.

#### Finance

- 4.19. The applicant has allowed for finance costs totalling £117,926, although it is not specifically stated what percentage rate has been used. However, assuming that the rate follows the DVS report referred to in 4.2, this would be a debit rate of 6.5%. This is considered to be in line with our expectations and has been accepted in our report.
- 4.20. To calculate the finance we have inputted our appraisal data into ARGUS Developer, an industry approved discounted cash flow model.

#### Developer's profit

- 4.21. For a scheme of this size and nature we believe it is appropriate to apply a profit margin expressed as a percentage of the revenue.
- 4.22. The applicant has indicated that they consider a developer profit of circa 17.5% on revenue to be viable.

- 4.23. In our experience, and for a scheme of this size, profit margins fluctuate depending on the nature of the scheme and the type of developer implementing the project. However, and only as a broad guide, we tend to see profit margins in the region of 15% to 20% of revenue for market value dwellings. This is supported by the Planning Practice Guidance on viability ('PPG'), which refers to a range of 15% to 20% on revenue (albeit within the context of plan wide viability testing).
- 4.24. However, for affordable dwellings the risk is considered to be reduced when compared to a market value sale. This is because a market value dwelling is sold speculatively in the market place, whereas an affordable dwelling is typically 'presold' and transferred upon completion of the construction works. To reflect this reduced risk a lower developer profit is typically applied (for a small scheme we have seen this in the region of 8% on revenue).
- 4.25. In the District Valuer Berkley Grange viability assessment a developer profit equivalent to 17.5% on revenue was accepted as being viable.
- 4.26. In light of the above we are of the view that a developer profit equivalent to 17.5% on revenue is reasonable for the market value dwellings. However, for any affordable units a reduced profit of 8% on revenue is considered to be appropriate.
- 4.27. That said, and given the RICS' mandatory requirement for sensitivity testing, we have also run a Scenario 2 at 15% profit, reflecting the minimum requirement as set out in the guidance.

## Benchmark land value

- 4.28. The Benchmark Land Value (“BLV”) attempts to identify the minimum price that a hypothetical landowner would accept in the prevalent market conditions to release the land for development. Whilst a relatively straight forward concept in reality this is open to interpretation and is generally one of the most debated elements of a viability appraisal. It is also often confused with market value, however the guidance stresses that this is a distinct concept and therefore is different to market value assessments.
- 4.29. The standard approach is to run an initial appraisal based on all of the above fixed inputs to arrive at a site value for the site. In accordance with the RICS guidance, this residual site value can then be compared to the “benchmark land value” (which is the minimum price that a hypothetical landowner would accept and a hypothetical developer would pay for the scheme to be delivered). If the residual site value is above this “benchmark” then the scheme is viable. If the residual site value falls below this figure then the scheme is deemed to be unviable.
- 4.30. Viability assessors are provided some guidance through the National Planning Policy Framework (‘NPPF’) and Planning Practice Guidance (‘PPG’), as published on 24<sup>th</sup> July 2018. One area which the PPG deals with is in relation to assessing BLV, stating the following:
- 4.30.1. To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land.
- 4.30.2. The EUV should disregard any hope value.

- 4.30.3. Benchmark land value should reflect the implications of abnormal costs, site specific infrastructure costs and professional site fees.
- 4.30.4. Benchmark land value should be informed by market evidence including current uses, costs and values wherever possible.
- 4.30.5. Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.
- 4.30.6. Under no circumstances will the price paid for land be a relevant justification for failing to accord with the relevant policies in the plan.
- 4.30.7. Alternative Use Value of the land may be informative in establishing benchmark land value. However, these should be limited to those uses which have an existing implementable permission for that use. Valuation based on AUV includes the premium to the landowner. If evidence of AUV is being considered the premium to the landowner must not be double counted.
- 4.31. In other words, the Council should not subsidise (through a loss of planning policy contributions) any overbid made when acquiring the site. Any overbid (or indeed underbid) for a site should therefore be disregarded when considering the BLV. As part of the process of reviewing viability it is down to the assessor to determine whether a price paid is an appropriate figure (or not) to use as a BLV.

- 4.32. In their assessment, the applicant has included a land value of £200,000, which is the figure adopted by DVS in their report on 22 Kighill Lane for a site of 0.33 Ha (0.82 acres).
- 4.33. Given the size of the parcel this is considered to be a reasonable allowance for the benchmark land value. We have subsequently adopted the same in our appraisal.

## **5. Appraisal results and conclusions**

- 5.1. As stated above, we have run 2 scenarios as follows:

Scenario 1 - developer profit on market value 17.5% on revenue

Scenario 2 - developer profit on market value 15% on revenue

- 5.2. Please see attached our Scenario 1. We have run an initial appraisal based on a policy compliant scheme (which includes the education contribution £23,875, open space £37,625, CIL £192,471 and 2 onsite affordable dwelling 28.57%). This returns a residual land value below the benchmark land value and therefore can be regarded as being unviable. We have subsequently removed the affordable housing provision to see how this impacts on the viability outcome. Please see attached our appraisal. This shows that with the education contribution £23,875, open space £37,625, CIL £192,471 and nil onsite affordable dwellings the residual land value is £79,057. As this is below the benchmark land value of £200,000 this scenario is technically unviable.

- 5.3. Please see attached our Scenario 2. We have again run an initial appraisal based on a policy compliant scheme (which includes the education contribution £23,875, open space £37,625, CIL £192,471 and 2 onsite affordable dwelling 28.57%). This returns a residual land value below the benchmark land value and therefore can be regarded as being unviable. We have subsequently removed the affordable housing provision to see how this impacts on the viability outcome. Please see attached our appraisal. This shows that with the education contribution £23,875, open space £37,625, CIL £192,471 and nil onsite affordable dwellings the residual land value is £188,997. This is only slightly below the benchmark land value of £200,000 so this scenario can be regarded as being marginally viable.
- 5.4. Based on our appraisal testing we agree that the scheme is unable to viably support any affordable housing.
- 5.5. In terms of the S106 contributions, the testing shows that the education and open space (as well as CIL) can be provided if the applicant is willing to accept a profit in line with the bottom end of the range (i.e. 15%) as set out in the Planning Practice Guidance on viability.
- 5.6. Having considered all of the above, we therefore conclude that the applicant's offer to provide the education and open space (as well as CIL), but no affordable housing, is justifiable based on the viability testing. We would therefore recommend acceptance.
- 5.7. Our conclusions remain valid for 6 months beyond the date of this report. If the implementation of the scheme is delayed beyond this time-frame then market conditions may have changed sufficiently for our conclusions on viability to be adjusted. Under this scenario we would strongly recommend the scheme is re-appraised.

Yours sincerely





**Planning Report for 2020/1015**



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Date: 12/02/2021

**Report to Planning Committee**

**Application Number:** 2020/1015

**Location:** Arnot Hill House Arnot Hill Park Arnold

**Proposal:** Installation of a 16” diameter cast aluminium plaque on southern elevation of Arnot Hill House

**Applicant:** Gedling Borough Council

**Agent:**

**Case Officer:** Cristina Dinescu

**This application has been referred to the Planning Committee to comply with the Council constitution as the application is submitted by the Council and the property is owned by the Council.**

**1.0 Site Description**

1.1 The application site relates to Arnot Hill House, a grade II Listed building situated within Arnot Hill Park. The park comprises of numerous mature trees and open stretches of grassland through which a number of hard surfaced footpaths provide pedestrian walkways.

**2.0 Planning History**

2.1 Recent planning history, relating to listed building consent for internal/external alterations, comprises:

- 2012/1075 Listed Building Consent granted for works to first floor including removal of stud partition and addition of new stud partition to amend office layout.
- 2013/0728 Listed Building Consent granted for alterations and improvements to the first floor, including works to windows and internal layout, floor finishes, doors and electrical services.
- 2015/0750 Listed Building Consent granted for a joint security system.
- 2016/0612 Listed Building Consent granted for internal alterations in conjunction with change of use of Room 3 to marriage ceremonies (Permission for change of use to marriage ceremonies granted under ref.no.2016/0611).

### **3.0 Proposed Development**

3.1 The proposal seeks Listed Building Consent to install a cast aluminium plaque on rock faced stonework on the southern elevation of Arnot Hill House. The plaque would measure 40cm in diameter, it would be mounted on a circular hardwood base plate that would be attached to the mortar of the building with screws. The plaque would be painted in blue (Pantone 2935C).

### **4.0 Consultations**

4.1 Conservation and Heritage Officer – The blue plaque will highlight the birth place of Thomas Hawksley, water engineer and follows the traditional approach taken by Historic England in their Blue Plaques scheme to highlight the birth places of famous people. Minor harm to the setting of the listed building will result, however the public benefits outweigh the harm caused and the proposal therefore complies with relevant local and national policy criteria. The plaque shall be non-illuminated and non-ferrous screws shall be utilised. It is recommended that the application is approved.

4.2 Neighbouring properties have been notified through a Site and Press Notice. No letters of representation have been received as a result.

### **5.0 Relevant Planning Policy**

5.1 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

5.2 The following policies/documents are relevant to this proposal:  
- National Planning Policy Framework (2019): 16. Conserving and enhancing the historic environment;  
- Gedling Borough Aligned Core Strategy: Policy 11 – The Historic Environment.

5.3 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:  
- LPD 26 – Heritage Assets;  
- LPD 27 – Listed Buildings.

### **6.0 Planning Considerations**

6.1 The main consideration in determining this application is the impact of the proposed installation of the plaque on the special architectural and historic interest of the grade II listed building.

6.2 Significance is described in the NPPF as being the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting. The building is a grade II listed building for its special interest.

- 6.3 Paragraph 193 of the NPPF advises that 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.
- 6.4 Paragraph 194 of the NPPF advises that 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.
- 6.5 Paragraph 196 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.6 The proposal seeks to erect a blue plaque in memory of Thomas Hawksley, water engineer who was a prominent local and nationally important engineer in the pioneering supply of clean water to households in Nottingham. In later life Thomas Hawksley designed and had built two water pumping stations to serve the local population, one at Papplewick and one at Bestwood, both being listed buildings. He was born in Arnot Hill House in 1807 and the blue plaque is a reference to the blue plaque scheme which was initiated by Historic England (formerly English Heritage). This scheme supported the commemoration of famous people by locating plaques to their memory on a building they had association with, either through birth or living there or similar. As such, the principle of placing the plaque proposed on the southern elevation is acceptable.
- 6.7 Given the plaque would be installed on a hardwood base plate which would be fixed on to the elevation utilising the mortar joints, it is considered the proposal would not harm the significance of the listed building.
- 6.8 The proposed plaque would affect the setting of the listed building however the level of harm would be minor and in my view it would be outweighed by the wider public benefit of providing social and recreational benefits within a public Park, to highlight the birth place and career of the region's most eminent water engineer.
- 6.9 As such, the proposal would comply with the NPPF Section 16 and policies LPD 26 and LPD 27 of the Local Planning Document.

**Recommendation: GRANT Listed Building Consent** subject to conditions:

## **Conditions**

- 1 The works authorised by this consent shall be carried out within 3 years from the date of this consent.
- 2 This consent shall be read in accordance with the application form, site location plan and details of the plaque received on 8th October 2020. The works shall thereafter be undertaken in accordance with these details.
- 3 The plaque hereby permitted shall be non-illuminated at all times.
- 4 Non-ferrous screws shall be utilised to fix the hardwood base plate on to the southern elevation of Arnot Hill House and the base plate shall only be fixed utilising the mortar joints.

## **Reasons**

- 1 In order to ensure that the works are commenced in a timely manner, as set out in Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2 For the avoidance of doubt.
- 3 In order to preserve the special architectural and historic interest of the listed building.
- 4 In order to preserve the special architectural and historic interest of the listed building.

## **Reasons for Decision**

In the opinion of the Local Planning Authority the proposed installation of the plaque on the southern elevation of Arnot Hill House is acceptable and would not result in harm to the historic fabric and the minor harm that would result on the setting of the listed building would be outweighed by the public benefit of providing social and recreational benefits within a public Park, to highlight the birth place and career of the region's most eminent water engineer. The proposal would comply with the NPPF Section 16 and policies LPD 26 and LPD 27 of the Local Planning Document.

## **Notes to Applicant**

Positive and Proactive Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

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**Planning Enforcement Report for 0156/2020**



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Date: 12/02/2021

## Report to Planning Committee

**Reference Number:** 0156/2020

**Location:** Land at 5 Station Road Carlton.

**Breach of Planning Control:** Breach of Planning Conditions; Upper floor window not obscured glazed or non-opening.

### 1 Background

- 1.1 No. 5 Station Road, Carlton is a large detached property which has historically been converted into four flats. The site is accessed via a private drive off Station Road that presently serves 'The Cottage', No.5 and No.7 Station Road. The private drive incorporates a steep gradient which leads up to the property and the property is set back from Station Road and is elevated from the street. To the frontage of property is garden land.
- 1.2 To the south west is another residential property, No. 11 Wallace Avenue, whose rear elevation directly faces the south west elevation of No. 5 and whose rear garden boundary abuts this side elevation of No. 5.
- 1.3 In August 2020, the Council received a complaint about the replacement of an existing obscured glazed window in the south west side elevation of No. 5 Station Road, Carlton for a window which is clear glass and opening. This window is the kitchen window of Flat 1.
- 1.4 The kitchen window is level with two bedroom windows of No 11 Wallace Avenue and looks down into the kitchen and dining room windows of this property and the rear garden.
- 1.5 The property is owned by a limited company. The Company Secretary has been written to and the tenant of the flat has been written to twice to request the window is obscured, advising this can be done easily with plastic film which can be purchased from any of the large hard-ware stores but the request has been ignored.

### 2 Planning History

- 2.1. There is no relevant planning history for this property

### 3 Assessment

- 3.1 The General Permitted Development Order (GPDO) allows for new windows to be inserted without planning permission. However, windows inserted after 2015 must comply with certain conditions in the GPDO which states;
- (b) any upper floor window located in a wall or roof slope forming a side elevation of the dwelling must be –
- (i) Obscure glazed, and
- (ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;
- 3.2 Although the window was existing, it was obscured glazed and non-opening. The change of the window to clear glass and opening means it is now in breach of the conditions in the GPDO and is therefore unauthorised.
- 3.3 Local planning authorities are required to consider government guidance when deciding whether to take planning enforcement action. Government guidance is found in the National Planning Policy Framework (NPPF) (Paragraph 58) and states that although effective enforcement is important as a means of maintaining public confidence in the planning system, ultimately enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.
- 3.4 The main considerations when deciding whether to take enforcement action in this case are;
- i) Whether the window has any detrimental effect on the amenities of the occupiers of nearby properties or on character of the property.
- ii) whether the Local Planning Authority is within the ten year statutory time limit for taking action for breach of conditions.

#### Planning policy considerations

- 3.5 The fundamental aim of the NPPF is that the planning system should achieve sustainable development by three overarching objectives and in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. It attaches great importance to positive improvements in the conditions which people live and work and paragraph 124 of the NPPF states “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 130, of the NPPF further states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...”

At the local level, Policy 10 of the Greater Nottinghamshire Aligned Core Strategy (2014) seeks to proactively promote good design and reinforce valued local

characteristics. In order to achieve this, the policy approach sets out a number of criteria to reinforce valued local characteristics.

- 3.6 Policy LPD 32 of the Local Plan Document seeks to protect the amenity of nearby residents or occupiers.

#### Design / Visual Amenity

- 3.7 The window is small and insignificant on the side elevation of this property in terms of its character and therefore has no detrimental impact on the character of the property.

#### Impact on Residential Amenity

- 3.8 The rear elevation of No. 11 Wallace Avenue, faces directly onto the south west elevation of No. 5. There is about a 10 – 12m separation between the two properties. The unobscured kitchen window of Flat 1, No. 5 Station Road is directly opposite two bedroom windows of No. 11 Wallace Avenue and looks down directly into the kitchen and dining room and rear garden of the neighbouring property.
- 3.9 The neighbour has taken a video of the window of Flat 1 and the occupier can be seen clearly in the kitchen walking past the window. The neighbour feels a complete loss of privacy in the main rooms of their property.
- 3.10 Taking into account the location of the window, it is considered that there is an unacceptable adverse impact on the residential amenities of the occupiers of neighbouring property with a loss of privacy and overlooking in accordance with Section 12 of the NPPF (2019), and Policy LPD 32.

#### Time Limits

- 3.11 The statutory time limit for taking action for a breach of planning conditions is 10 years. In this case it is considered the Council is within time to commence enforcement proceedings such as issuing an breach of condition notice requiring the window to be obscured glazed and non-opening unless the opening part of the window is higher than 1.7m above floor level.

#### Human Rights

- 3.12 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public

safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- 3.13 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing breach of condition notice, or pursuing formal proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing a notice in the first instance would be a proportionate response to rectifying the breach of planning control taking place and depending on compliance with the notice it might well be justified to take court action.

#### Equalities

- 3.14 The Council's Planning Enforcement team operates in accordance with the Council's Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.
- 3.15 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

#### Crime and disorder

- 3.16 The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

3.17 In light of all the facts it is now considered expedient to serve an enforcement notice to require the window to be obscured glazed and non-opening unless the opening part of the window is more than 1.7m from the floor level.

#### **4 Conclusion**

4.1 The clear glazed opening window presents an overlooking and loss of privacy issue and has a detrimental impact on the amenities of the occupiers of a neighbouring property.

4.2 The breach conflicts with both national and local policies. The owners have failed to rectify the breach and failure of the Council to act in these circumstances may leave a dwelling with an unauthorised window which is detrimental to amenity of the occupiers of a neighbouring property and which is beyond the control of the Council.

4.3 The Council should now commence enforcement action without delay by issuing a Breach of Condition Notice requiring the window to be obscured glazed and non-opening unless the opening parts of the window are more than 1.7m from floor level. If the notice is not complied with proceedings should be taken in the courts if necessary.

#### **5 Recommendation**

**5.1 The Head of Development and Place, be authorised to take all enforcement action including the service of any necessary enforcement notices and in conjunction with the Head of Governance and Customer Services take proceedings through the courts if required to ensure the window to be obscured glazed and non-opening unless the opening parts of the window are more than 1.7m from floor level.**



**Planning Enforcement Report for 0139/2020**



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Date: 12/02/2021

## Report to Planning Committee

<b>Reference Number:</b>	<b>0139/2020</b>
<b>Location:</b>	<b>Land at 2 Rowan Avenue Ravenshead.</b>
<b>Breach of Planning Control:</b>	<b>Construction of an unauthorised rear dormer extension and unauthorised boundary fence to the front of the property.</b>

### Background

- 1.1 In August 2020, the Council received a complaint about the construction of a rear dormer extension at 2 Rowan Avenue, Ravenshead. The unauthorised dormer extension measures 4.2m in depth, 9.2m width and 3.4m in height with a flat roof. The dormer has been constructed with a render finish and with a fibreglass roof.
- 1.2 The property is a detached chalet bungalow with a flat roof dormer to the principal elevation as well as an integral garage and off-street parking to the front of the site.
- 1.3 The site is located at the end of Rowan Avenue and perpendicular to 14 Oakwood Drive which lies immediately to the north of the site. Other dwellings lie to the south and west as well as across the highway to the east.
- 1.4 The Council's Enforcement Officer attended the site and assessed the dormer extension to be too large to be permitted development and advised the owner to stop work and make a planning application. Eventually a valid planning application was submitted at the beginning of January 2021 but it was refused on the 15<sup>th</sup> January 2021 (Reference 2020/0951).
- 1.5 It should also be noted that as part of an earlier planning application, (Reference 2020/1164) the Planning Officer raised issue with a proposed rear dormer window of the same dimensions as that now constructed. Given the concerns raised, the applicants omitted this dormer window from the earlier scheme but the applicant has since constructed the dormer window without consent, knowing permission was required.
- 1.6 A fence which exceeds 1m in height, has also been erected to the front of the site without the benefit of planning permission and this was not included in either planning application.

## **2 Planning History**

- 2.1. Reference - 2020/1164 - Proposed porch and new dormer windows to the front elevation and single storey rear extension to the dwelling along with the application of render to the whole property (permitted 16.03.2020)

## **3 Assessment**

- 3.1 Although the construction of the dormer extension and front boundary fence has occurred without planning permission and is therefore unauthorised, local planning authorities are required to consider government guidance when deciding whether to take planning enforcement action. Government guidance is found in the National Planning Policy Framework (NPPF) (Paragraph 58) and states that although effective enforcement is important as a means of maintaining public confidence in the planning system, ultimately enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.
- 3.2 The main considerations when deciding whether to take enforcement action in this case are;
- i) Whether the extension and fence has any detrimental effect on the amenities of the occupiers of nearby properties, on character of the area or the environment, or highway safety.
  - ii) whether the Local Planning Authority is within the four year statutory time limit for taking action for built development.

### Planning policy considerations

- 3.3 The fundamental aim of the NPPF is that the planning system should achieve sustainable development by three overarching objectives and in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. It attaches great importance to positive improvements in the conditions which people live and work and paragraph 124 of the NPPF states “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 130, of the NPPF further states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...”
- 3.4 At the local level, Policy 10 of the Greater Nottinghamshire Aligned Core Strategy (2014) seeks to proactively promote good design and reinforce valued local characteristics. In order to achieve this, the policy approach sets out a number of criteria to reinforce valued local characteristics.
- 3.4.1 Policy LPD 32 of the Local Plan Document seeks to protect the amenity of nearby residents or occupiers.

- 3.5 Policy LPD 43 advises planning permission will be granted to extensions not in the Green Belt but in urban and key settlements, providing the proposal is in keeping with the character of the area and it does not cause a significant adverse impact on the amenity of nearby occupiers.
- 3.6 Policy LPD 61 states that “Planning permission will only be granted for development proposals which do not have a detrimental effect on highway safety...”

#### Principle

- 3.7 The site is located outside of the Green Belt within an urban area where the principle of a residential extension is considered to be acceptable through Policy LPD43 subject to it complying with certain criteria and other relevant planning policies.

#### Design / Visual Amenity

- 3.8 The dormer is of a significant size, extending across the full width of the dwelling and forward from the rear elevation of the approved single storey rear extension thus appearing more as a large first floor extension than a subservient dormer window.
- 3.9 In addition to the above, the dormer has a flat roof that extends across the full width of the dwelling; the use of flat roofs, particularly at this scale is usually not considered to be good design principle.
- 3.10 The use of the flat roof on a build of this scale, combined with the existing rear single storey flat roof extension, is viewed as an incongruous addition that does not reflect the character or appearance of the dwelling. Furthermore, the proposal is viewed from Oakwood Drive and as such would have some prominence within the street scene.
- 3.11 In addition, a fence which exceeds the 1m permitted development height has been erected to the front of the property which is also out of character with other front boundary treatments of other dwellings in the neighbourhood and it appears as a hostile barrier against the view from the street to the property.
- 3.12 The dormer extension and the front boundary fence adjacent to the highway are both detrimental to the character of dwelling and the immediate area and are overly prominent within the street scene. As such, the extension and fence are in conflict with Section 12 of the NPPF (2019), Policy 10 of the GBACS (2014), and Policies LPD 32 and LPD 43 of the LPD

#### Impact on Residential Amenity

- 3.13 Properties either side of the site are bungalows/chalet bungalows and as such a first floor addition has the ability to impact upon neighbouring properties. The dwelling to the north extends beyond the proposed addition with a blank roof slope facing onto the proposed development and as such the addition is unlikely to have an adverse impact upon this neighbour.
- 3.14 Furthermore, due to the orientation of the plots and the distance from the dormer extension to the neighbouring dormer window, there is not an adverse overshadowing impact and the neighbouring property has an existing extension at first floor level which already limits sunlight to the rear ground floor windows of it.
- 3.15 However, to the south the neighbour would have a clear view of the addition and the dormer which would, in my view, have an overbearing impact given the scale and bulk of the addition. Taking into account the location and scale of proposal, it is considered that there would be an unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Section 12 of the NPPF (2019), and Policies LPD 32 and LPD 43 of LPD (2018).

#### Highway Safety

- 3.16 Parking and access are not affected by the development.

#### Time Limits

- 3.17 The statutory time limit for taking action for built development is 4 years. In this case it is considered the Council is within time to commence enforcement proceedings such as issuing an enforcement notice requiring the extension to be removed and fence to be removed or reduced in height.

#### Human Rights

- 3.18 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 3.19 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice, or pursuing formal

proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing a notice in the first instance would be a proportionate response to rectifying the breach of planning control taking place and depending on compliance with the notice it might well be justified to take court action.

### Equalities

3.20 The Council's Planning Enforcement team operates in accordance with the Council's Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.

3.21 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

### Crime and disorder

3.22 The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

3.23 In light of all the facts it is now considered expedient to serve an enforcement notice to require the removal of the unauthorised dormer extension and the removal or reduction in height of the front boundary fence to 1m.

## **4 Conclusion**

4.1 The dormer extension and the fence has a detrimental impact upon the character of the area, failing to reflect the form and layout of the dwelling, and it also has an adverse impact upon the amenities of the occupiers of neighbouring properties.

- 4.2 The breach conflicts with both national and local policies. The owners have failed to rectify the breach and failure of the Council to act in these circumstances may leave a dwelling with an unauthorised extension and fence which is out of character and detrimental to the character and amenity of the area and which is beyond the control of the Council.
- 4.3 The Council should now commence enforcement action without delay by issuing a planning enforcement notice requiring the extension to be removed and the fence to be removed or reduced in height to 1m. If the notice is not complied with proceedings should be taken in the courts if necessary.

## 5 Recommendation

- 5.1 The Head of Development and Place, be authorised to take all enforcement action including the service of any necessary enforcement notices and in conjunction with the Head of Governance and Customer Services take proceedings through the courts if required to ensure the removal of the unauthorised dormer extension and the removal of the fence or alternatively the reduction in height of the fence to 1m.**

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**Planning Enforcement Report for 0113/2020**



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Date: 12/02/2021

## Report to Planning Committee

**Reference Number:** 0013/2020

**Location:** Land at 63 Catfoot Lane Lambley.

**Breach of Planning Control:** Construction of wall, pillars and gates to the frontage of the site together with the retention of engineering works to increase the land levels to the front of the site.

### 1 Background

- 1.1 No. 63, Catfoot Lane, Lambley is a single storey dwelling positioned in a rural location within the Nottinghamshire Green Belt. Access to the site is via Catfoot Lane with a driveway to the frontage of the site. There is a front and rear garden area to the property, while the side and rear boundaries of the site adjoin open fields.
- 1.2 In December 2019, planning permission (reference 2019/0824) was refused for the construction of a wall, pillars and gates to the front boundary of the property because it was considered to be inappropriate development within the Green Belt and it would have an adverse impact on the open character and appearance of the locality.
- 1.3 Following the refusal of planning permission, the works to erect the wall, pillars and gates on site were commenced and completed without consent. In addition, works have taken place to raise the land level between the boundary and the highway and these works are considered to be engineering works which also require planning permission.
- 1.4 On the 13<sup>th</sup> January 2021, an appeal to overturn the Council's decision to refuse permission was dismissed by the Planning Inspectorate.

### 2 Planning History

- 2.1. An application, ref: 79/1189, which sought permission for the construction of a pitched roof, was granted permission on the 29th August 1979.
- 2.2 On the 6th September 1990 conditional permission was again granted to erect a pitched roof under application ref: 90/1288.

- 2.3 Planning permission was refused in April 2019, ref: 2019/0095, for the demolition of the bungalow and the erection of two detached dwellings on the site.
- 2.4 A Certificate of Lawfulness for proposed development was submitted in June 2019, ref: 2019/0598, seeking confirmation that two single storey side extensions could be erected at the property under permitted development. The Certificate was granted on the 23rd September 2019.
- 2.5 A Prior Notification Larger Home Extension ref: 2019/0612PN was submitted for a single storey extension to the rear, on the 21st June 2019. It was determined on the 2nd August 2019 that Prior Approval was not required.
- 2.6 A further Certificate of Lawfulness, ref: 2019/0911, was submitted for a proposed householder extension and outbuilding on the 28th September 2019. This application was granted on the 3rd December 2019.
- 2.7 Planning application reference 2019/0824 was refused for the construction of a wall, pillars and gates to the front boundary of the property in December 2019

### **Assessment**

- 3.1 Although the construction of the wall, pillars and gates and the raising of land levels has occurred without planning permission and is therefore unauthorised, local planning authorities are required to consider government guidance when deciding whether to take planning enforcement action. Government guidance is found in the National Planning Policy Framework (NPPF) (Paragraph 58) and states that although effective enforcement is important as a means of maintaining public confidence in the planning system, ultimately enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.
- 3.2 The appeal site is located within the designated Nottinghamshire Green Belt and so the main considerations when deciding whether to take enforcement action in this case are;
  - whether the development constitutes inappropriate development in the Green Belt;
  - the effect of the development on the openness of the Green Belt and the character and appearance of the surrounding area; and
  - whether the harm caused by inappropriateness and any other harm are clearly outweighed by other considerations and if so, whether very special circumstances exist that justify the granting of planning permission.
  - whether the Local Planning Authority is within the four year statutory time limit for taking action for built development.

### Planning policy considerations

- 3.3 The fundamental aim of the NPPF is that the planning system should achieve sustainable development by three overarching objectives and in doing so should take local circumstances into account to reflect the character, needs and

opportunities of each area. It attaches great importance to positive improvements in the conditions which people live and work and paragraph 124 of the NPPF states “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 130, of the NPPF further states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...”

- 3.4 Part 13 of the NPPF seeks to protect Green Belt land. Paragraph 133 of the Framework, outlines that great importance should be attached Green Belts while Paragraph 143 goes on to state that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.
- 3.5 At the local level, Policy 10 of the Greater Nottinghamshire Aligned Core Strategy (2014) seeks to proactively promote good design and reinforce valued local characteristics. In order to achieve this, the policy approach sets out a number of criteria to reinforce valued local characteristics.
- 3.6 The site is situated in a rural location within the Green Belt and is predominantly surrounded by open fields delineated by hedgerows and other vegetation. There are a small number of residential dwellings within the locality however, the curtilages of these properties are typically defined with open frontages or 3 or 4 bar timber fences which retain some degree of openness. The unauthorised development consists of a solid brick wall with brick columns and gates and raised land levels and in my opinion, the development conflicts with the existing open nature of the surrounding area.

#### Green Belt – Inappropriate development

- 3.7 Boundary treatments of up to 1 metre in height can be constructed under Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 without permission. However, the development, which is already completed, comprises of a wall, pillars and gates to the frontage of No 63 which are measured at between 1.20 – 1.30m depending where they are measured from and engineering works to raise the land level between the boundary and the highway.
- 3.8 Paragraph 145 of the National Planning Policy Framework states that the construction of new buildings and structures is inappropriate in the Green Belt, with some defined exceptions but the wall, pillars and gates do not fall within any of the exceptions set out in Paragraph 145 of the Framework.
- 3.9 The Inspector in his appeal decision letter states, “The infilling to raise the land levels in front of the boundary treatment has resulted in a loss of openness by its artificial nature in comparison to the natural land levels and also appears to have

been done to mitigate the effect of the wall and columns. Openness is an essential characteristic of the Green Belt, and whilst the engineering operations may be an exemption, they do not preserve the openness of the Green Belt and are therefore inappropriate”.

- 3.10 Given the overall visual impact of the walls, pillars and gates and the engineering works involving the raising of land levels, the Inspector agrees that the development is an inappropriate form of development in the Green Belt, which by definition is harmful to the Green Belt.

#### Openness

- 3.11 The Government attaches great importance to Green Belts. The fundamental aim of the policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. The previous boundary has been replaced by a solid wall which forms a continuous means of enclosure. The Inspector in the appeal decision is of the opinion “The development has a harmful effect upon openness of the Green Belt given the wall’s location, height and scale”.

- 3.12 Owing to their size and siting, the introduction of the boundary walls and columns has had an impact on the openness of the Green Belt by introducing a structure which has had a ‘hard’ enclosing effect on the area. Whilst this loss of openness is not significant for this aspect, it nevertheless has a negative impact.

- 3.13 For the above reasons, given the loss of openness to the Green Belt and in accordance with the Framework, the development is inappropriate development which impacts on the Green Belt purpose of safeguarding the countryside from encroachment and is in conflict with the NPPF and Policy 10 of the Aligned Core Strategy.

#### Very Special Circumstances

- 3.14 The Inspector has considered the appellants’ arguments relating to a number of other boundary treatments at other nearby properties. The Inspector stated, “On balance, other considerations advanced by the Appellant in support of granting planning permission, whether taken individually or cumulatively, do not clearly outweigh the inappropriate nature of the development in the Green Belt and the other identified harm. Consequently, the very special circumstances necessary to justify the development do not exist in this case”.

#### Time Limits

- 3.15 The statutory time limit for taking action for built development and engineering works is 4 years. In this case it is considered the Council is within time to commence enforcement proceedings such as issuing an enforcement notice.

## Human Rights

- 3.16 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 3.17 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice, or pursuing formal proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing a notice in the first instance would be a proportionate response to rectifying the breach of planning control taking place and depending on compliance with the notice it might well be justified to take court action.

## Equalities

- 3.18 The Council's Planning Enforcement team operates in accordance with the Council's Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.
- 3.19 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

## Crime and disorder

- 3.20 The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.
- 3.21 In light of all the facts it is now considered expedient to serve an enforcement notice to require the removal of the raised land levels and return the land to its previous level before the development took place and the removal or reduction in height of the front boundary treatment to 1m.

#### **4 Conclusion**

- 4.1 The unauthorised development represents inappropriate development in the Green Belt. It also reduces the openness of the Green Belt and there is an adverse impact on the character and appearance of the area. There are no very special circumstances to justify the development.
- 4.2 The breach conflicts with both national and local policies. The owners have failed to rectify the breach and failure of the Council to act in these circumstances may leave a development which is in conflict with Green Belt policies and is out of character and detrimental to the area, which is beyond the control of the Council and which sets a precedent for other inappropriate development in the Green Belt.
- 4.3 The Council should now commence enforcement action without delay by issuing a planning enforcement notice requiring the land levels to be returned to the levels before the unauthorised engineering works took place and for the wall, pillars and gates to be removed or reduced in height to 1m. If the notice is not complied with proceedings should be taken in the courts if necessary.

#### **5 Recommendation**

- 5.1 The Head of Development and Place, be authorised to take all enforcement action including the service of any necessary enforcement notices and in conjunction with the Head of Governance and Customer Services take proceedings through the courts if required to ensure the land levels are restored to their original level before the development took place and the removal or reduction in height of the wall, pillars and gates to 1m.**

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**Planning Enforcement Report for 0171/2020**



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Date: 12/02/2021

## **Report to Planning Committee**

**Reference Number:** 0171/2020

**Location:** Land at 95 First Avenue Carlton.

**Breach of Planning Control:** Construction of an unauthorised extension.

### **1 Background**

- 1.1 No. 95 First Avenue is a semi-detached residential property located within the built-up area of Carlton. It is located on a prominent corner plot between First Avenue and Third Avenue. The neighbouring properties are all residential.
- 1.2 In September 2020, it was brought to the Council's attention that a single storey wooden clad lean to side extension had been constructed without planning permission at the property.
- 1.3 Planning permission is required because the enlarged part of the dwelling extends beyond a wall which fronts a highway and forms a side elevation of the original dwelling house.
- 1.4 The owners' of the property were contacted and they submitted a retrospective planning application seeking permission to retain the extension. (Reference 2020/1071). The application was refused on the 22<sup>nd</sup> December 2020.

### **2 Planning History**

- 2.1. There is no other planning history for this property

### **3 Assessment**

- 3.1 Although the construction of the extension has occurred without planning permission and is therefore unauthorised, local planning authorities are required to consider government guidance when deciding whether to take planning enforcement action. Government guidance is found in the National Planning Policy Framework (NPPF) (Paragraph 58) and states that although effective enforcement is important as a means of maintaining public confidence in the planning system, ultimately enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.

3.2 The main considerations when deciding whether to take enforcement action in this case are;

i) Whether the extension has any detrimental effect on the amenities of the occupiers of nearby properties, on character of the area or the environment, or highway safety.

ii) whether the Local Planning Authority is within the four year statutory time limit for taking action for built development.

#### Planning policy considerations

3.3 The fundamental aim of the NPPF is that the planning system should achieve sustainable development by three overarching objectives and in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. It attaches great importance to positive improvements in the conditions which people live and work and paragraph 124 of the NPPF states “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 130, of the NPPF further states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...”

3.5 At the local level, Policy 10 of the Greater Nottinghamshire Aligned Core Strategy (2014) seeks to proactively promote good design and reinforce valued local characteristics. In order to achieve this, the policy approach sets out a number of criteria to reinforce valued local characteristics.

3.6 Policy LPD 32 of the Local Plan Document seeks to protect the amenity of nearby residents or occupiers.

3.7 Policy LPD 43 advises planning permission will be granted to extensions not in the Green Belt but in urban and key settlements, providing the proposal is in keeping with the character of the area and it does not cause a significant adverse impact on the amenity of nearby occupiers.

3.8 Policy LPD 61 states that “Planning permission will only be granted for development proposals which do not have a detrimental effect on highway safety...”

#### Principle

3.9 The site is located outside of the Green Belt within an urban area where the principle of a residential extension is considered to be acceptable through Policy LPD43 subject to it complying with certain criteria and other relevant planning policies.

### Design / Visual Amenity

- 3.10 Dwellings in the immediate vicinity are predominantly brick with some render. By contrast this lean-to structure is timber built and the materials used in the extension are not considered to be in keeping with either the host dwelling or surrounding properties.
- 3.11 Furthermore, there are no windows to either of the elevations facing the road resulting in blank elevations of no interest. Again, this is in contrast to the rest of the host dwelling and neighbouring properties, all of which have windows and doors on prominent elevations.
- 3.12 This situation is further exacerbated by the fact that the lean-to is in an extremely prominent location, on a corner plot and built up to the edge of the public highway. The land level slopes upwards resulting in the site also being elevated from both public highways.
- 3.13 For the reasons stated above, it is considered that the development by virtue of its design and materials is out of keeping with both the host dwelling and surrounding properties and as such has a detrimental impact on the visual amenity of the area. The development is considered contrary to the NPPF (Section 12), Policy 10 of the Core Strategy and Policy LPD 43 of the Local Plan.

### Impact on Residential Amenity

- 3.14 The extension is not in close proximity to any neighbouring occupiers and therefore it does not have a detrimental impact on the residential amenity of neighbouring properties in terms of massing, overshadowing or overlooking.

### Highway Safety

- 3.15 Parking and access are not affected by the development.

### Time Limits

- 3.16 The statutory time limit for taking action for built development is 4 years. In this case it is considered the Council is within time to commence enforcement proceedings such as issuing an enforcement notice requiring the extension to be demolished.

### Human Rights

- 3.17 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public

safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- 3.18 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice, or pursuing formal proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing a notice in the first instance would be a proportionate response to rectifying the breach of planning control taking place and depending on compliance with the notice it might well be justified to take court action.

#### Equalities

- 3.19 The Council's Planning Enforcement team operates in accordance with the Council's Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.
- 3.20 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

#### Crime and disorder

- 3.21 The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

3.22 In light of all the facts it is now considered expedient to serve an enforcement notice to require the removal of the unauthorised extension.

#### **4 Conclusion**

4.1 It is considered that the development is out of keeping with both the host dwelling and surrounding properties and it has a detrimental impact on the visual amenity of the area.

4.2 The breach conflicts with both national and local policies. The owners have failed to rectify the breach and failure of the Council to act in these circumstances may leave a dwelling with an unauthorised extension which is out of character and detrimental to the character and amenity of the area and which is beyond the control of the Council.

4.3 The Council should now commence enforcement action without delay by issuing a planning enforcement notice requiring the extension to be demolished. If the notice is not complied with proceedings should be taken in the courts if necessary.

#### **5 Recommendation**

**5.1 The Head of Development and Place, be authorised to take all enforcement action including the service of any necessary enforcement notices and in conjunction with the Head of Governance and Customer Services take proceedings through the courts if required to ensure the removal of the unauthorised extension.**



Report to Planning Committee



TPO Reference: 000133	Document Type:
Address 15 Birchwood Drive, Ravenshead, Nottinghamshire, NG15 9EE	Date: 17/09/2020
	Scale: 1:500
	Size: m <sup>2</sup>
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**Location:** 15 Birchwood Drive, Ravenshead, Nottinghamshire, NG15 9EE

**Proposal:** Protection of 2 no. Oak trees by a Tree Preservation Order (TPO)

**Case Officer:** Lewis Widdowson

### **1.0 Purpose**

1.1. To request authorisation to confirm Tree Preservation Order (TPO) No. 000133 '15 Birchwood Drive'.

### **2.0 Background**

2.1. Following a request to protect 2 Oak trees at 15 Birchwood Drive, Ravenshead, a TEMPO Assessment was carried out by the Council's arborist on the 26th August 2020. The Oak trees were given a TEMPO score of 18/25 and as such it was recommended that an emergency TPO be made.

2.2. Gedling Borough Council made an emergency provisional TPO, protecting 2 no. Oak Trees at 15 Birchwood Drive, Ravenshead, Nottinghamshire, NG15 9EE, on the 18<sup>th</sup> September 2020.

2.3. Under the Town and Country Planning Tree Regulations 2012 the Council served a copy of the notice on the owners and occupiers of the land directly affected by the TPO. Interested parties had until the 15<sup>th</sup> October 2020 to submit any representations to the Council which would then be taking into consideration when deciding whether to confirm the TPO. No representations were received by the Council during the consultation period.

2.4. In accordance with the Council's Constitution, all new Tree Preservation Orders must be considered by Planning Committee.

### **3.0. Proposed Action**

3.1. Taking the above into consideration, authorisation is sought from Planning Committee to confirm TPO 000133 '15 Birchwood Drive' without modification and to notify interested parties of the Councils decision.

**Recommendation: Confirm Tree Preservation Order - 000133 '15 Birchwood Drive' without modification.**

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Report to Planning Committee



TPO Reference: 000134		Document Type:	
Address 557 Moor Road, Bestwood, Nottinghamshire, NG6 8SZ		Date: 08/01/2021	
		Scale: 1:500	
		Size: m <sup>2</sup>	
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**Location:** 555 - 557 Moor Road, Bestwood, Nottinghamshire, NG6 8SZ  
**Proposal:** Protection of 2 no. Silver Birch trees by a Tree Preservation Order (TPO)  
**Case Officer:** Lewis Widdowson

## **1.0 Purpose**

1.1. To request authorisation to confirm Tree Preservation Order (TPO) No. 000134 '555 - 557 Moor Road, Bestwood' with modifications.

## **2.0 Background**

2.1. A TEMPO (Tree Evaluation Method for Preservation Orders) Assessment was carried out on the 23rd September 2020 in relation to 2 x Silver Birch trees situated to the front of 555 – 557 Moore Road, Bestwood, following a review of the Conservation Areas within Gedling Borough. The trees were given a score of 15/25 and as such a TPO was recommended.

2.2. Gedling Borough Council made an emergency provisional TPO, protecting the 2 no. Silver Birch Trees at 555 - 557 Moor Road, Bestwood, Nottinghamshire, NG6 8SZ, on the 13<sup>th</sup> October 2020.

2.3. Under the Town and Country Planning Tree Regulations 2012 the Council served a copy of the notice on the owners and occupiers of the land directly affected by the TPO. Interested parties had until the 10<sup>th</sup> November 2020 to submit any representations to the Council which would then be taking into consideration when deciding whether to confirm the TPO.

2.4 In total one representation was submitted following the consultation. The main comments raised are summarised below:

- Both Silver Birch trees are situated within the curtilage of 555 Moor Road, Bestwood, Nottinghamshire, NG6 8SZ.
- T1 is incorrectly labelled on the associated map and is actually situated in the western corner of 555 Moor Road and should be amended accordingly prior to confirmation. Photographs have been provided as evidence.

- 2.4. Following the above comments, the location of both Silver Birch trees was checked with the officer who carried out the TEMPO Assessment on site. It was confirmed that both trees are in fact situated within the curtilage of 555 Moor Road, T1 adjacent to the shared boundary with 557 Moor Road.
- 2.5. In accordance with the Council's Constitution, all new Tree Preservation Orders must be considered by Planning Committee.

### **3.0. Proposed Action**

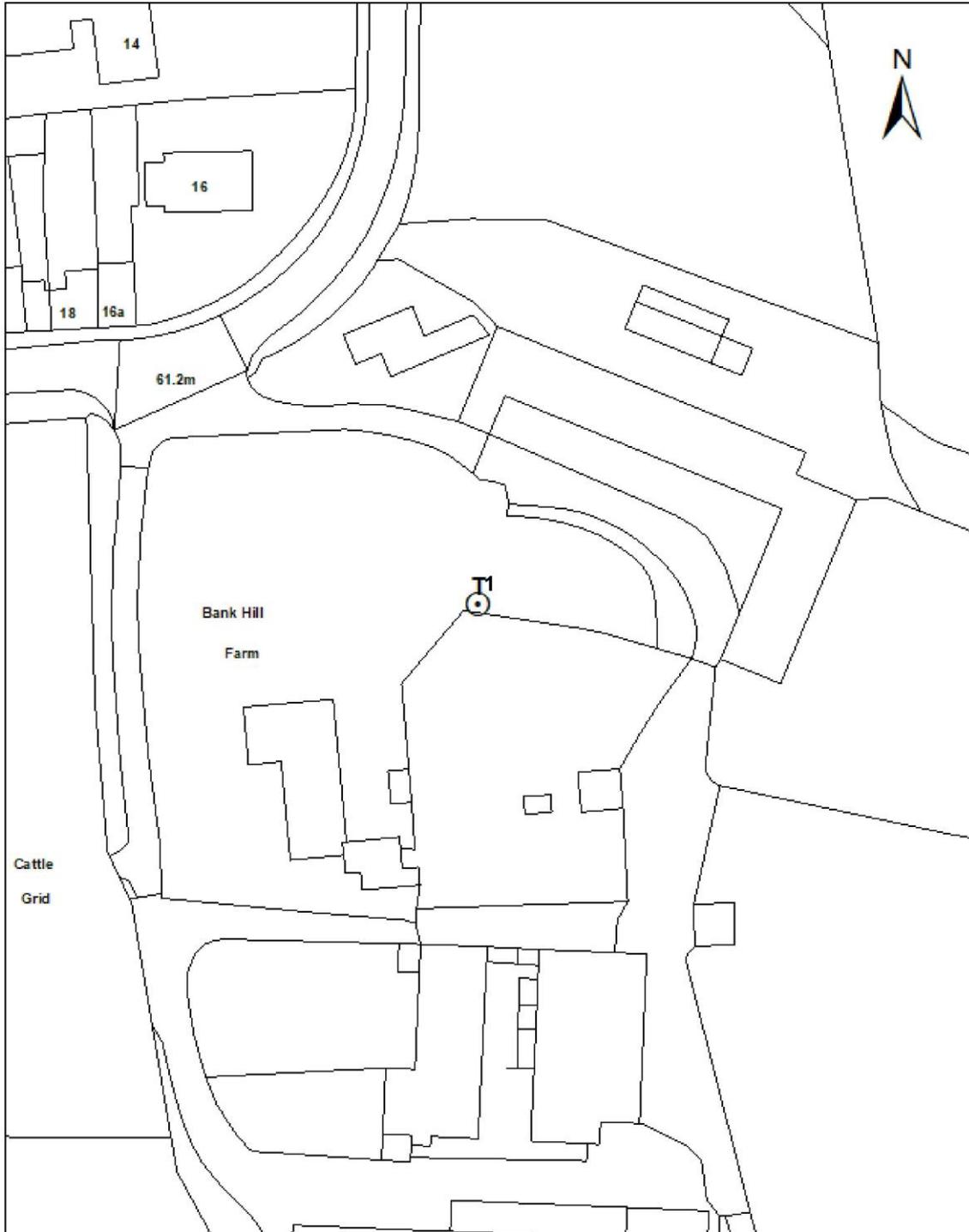
- 3.1. In light of the above I am satisfied that the trees remain worthy of protection but would advise that the Schedule and associated Map should be modified prior to the TPO being confirmed. Taking the above into consideration, authorisation is sought from Planning Committee to confirm TPO 000134 with the following Modifications:
- The Title of the Order be changed from '555 - 557 Moor Road, Bestwood' to '555 Moor Road, Bestwood', and
  - The associated Map be amended to show the correct locations of the 2 no. Silver Birch trees.

### **4.0 Recommendation: to confirm the Tree Preservation Order 000134 with modifications to the title of the Order to '555 Moor Road, Bestwood' omitting any reference to 557 Moor Road, and to modify the associated Map to correctly display the location of the Silver Birch tree (T1).**

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Report to Planning Committee



TPO Reference: 000137	Document Type:
Address The Farm House Bank Hill Farm, Bank Hill, Woodborough, Nottinghamshire, NG14 6EF	Date: 23/10/2020
	Scale: 1:750
	Size: m <sup>2</sup>
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**Location:** The Farm House Bank Hill Farm, Bank Hill, Woodborough,  
Nottinghamshire, NG14 6EF

**Proposal:** Protection of 1 no. Copper Beech tree by a Tree  
Preservation Order (TPO)

**Case Officer:** Lewis Widdowson

## **1.0 Purpose**

1.1. To request authorisation to confirm Tree Preservation Order (TPO) No. 000137  
'The Farm House, Bank Hill Farm'.

## **2.0 Background**

2.1. A TEMPO (Tree Evaluation Method for Preservation Orders) Assessment was  
carried out on the 14th October 2020, following the submission of an  
application ref: 2020/0952TCA to carry out works to a tree at The Farm House,  
Bank Hill Farm. The tree was given a score of 13/25 and as such a TPO was  
recommended.

2.2. Gedling Borough Council made an emergency provisional TPO, protecting the  
Copper Beech tree at The Farm House, Bank Hill Farm, on the 2<sup>nd</sup> November  
2020.

2.3. Under the Town and Country Planning Tree Regulations 2012 the Council  
served a copy of the notice on the owners and occupiers of the land directly  
affected by the TPO. Interested parties had until the 30<sup>th</sup> November 2020 to  
submit any representations to the Council which would then be taking into  
consideration when deciding whether to confirm the TPO. No representations  
were received by the Council during the consultation period.

2.4. In accordance with the Council's Constitution, all new Tree Preservation Orders  
must be considered by Planning Committee.

**3.0. Proposed Action**

3.1. Taking the above into consideration, authorisation is sought from Planning Committee to confirm TPO 000137 'The Farm House, Bank Hill Farm' without modification and to notify interested parties of the Councils decision.

**4.0 Recommendation: Confirm Tree Preservation Order - 000137 'The Farm House, Bank Hill Farm' without modification.**

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## Report to Planning Committee

**Application Number:** 2020/0340

**Appeal Ref:** APP/N3020/W/20/3262309

**Location:** Land Adjacent 34 Marlborough Road Woodthorpe Nottinghamshire NG5 4GB

Proposal: 4 no new build dwellings.

Case Officer: Bev Pearson

Outline planning permission was refused by the Borough Council on the 11<sup>th</sup> September 2020 on the following grounds:

1. 'In the opinion of the Local Planning Authority the proposed dwelling would represent a form of backland development that would appear overintensive and incongruous with the established layout and urban form of the area, which is predominantly characterised by properties directly facing the highway with no clear tandem or back land development present. The proposal would therefore fail to accord with Sections 2, 5, 9, 11 and 12 of the NPPF (2019), Policies 2, 8 and 10 of the GBACS (2014) and Policies, 35 and 40 of the LPD (2018).'

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

This appeal has been dismissed.

The Planning Inspector considered that the proposed layout would be at odds with the existing spatial pattern of development in the immediate area with the 2 no. dwellings to the rear conflicting with the linear built form of adjacent buildings fronting onto the road. The Inspector concluded that, the proposed development would have a harmful effect on the character and appearance of the surrounding area. The proposal would be contrary to Policies 2, 8 and 10 of the Gedling Borough Aligned Core Strategies Part 1 Local Plan 2014, Policies 35 and 40 of the Gedling Borough Local Planning Document Part 2 2018 and the National Planning Policy Framework which, amongst other things, seeks development to make a positive contribution, reinforce valued local characteristics and not adversely affect the area by reason of form or layout.

**Recommendation:** To note the information.

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## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 12/02/2021

The following planning applications or details have been submitted and are receiving consideration. They may be reported to a future meeting of the Planning Committee and are available for inspection online at: <http://pawam.gedling.gov.uk:81/online-applications/>

Alternatively, hard copies may be viewed at Gedling1Stop or by prior arrangement with Development Management.

<b>App No</b>	<b>Address</b>	<b>Proposal</b>	<b>Possible Date</b>
2019/0560	Land At Teal Close Netherfield	Reserved matters application for the erection of 277no. dwellings	31/03/2021
2019/1180	34 Main Street Calverton	Proposed Demolition of existing dwelling & erection of 3 retail units at ground floor with 8 apartments over	31/03/2021
2020/0050	Land at Top wighay Farm	Outline planning application for mixed-use development comprising; 805 homes, land for employment purposes (up to 49,500m <sup>2</sup> of B1/B8 uses), a Local Centre comprising A1-A5, B1(a) and D1 uses (up to 2,800m <sup>2</sup> ), a 1.5 form entry Primary School and associated infrastructure, open space and landscaping (EIA Development)	31/03/2021
2020/0953	Carlton Le Willows Academy	Two storey teaching block comprising 20 classrooms and associated accommodation, assembly hall, dining hall with kitchen; new access to Burton Road and highway improvements; creation of car park; replacement football pitch and alterations to existing building to create lift access and canteen pod	31/03/2021
2020/0954	The Phoenix, Shelford Road, Gedling	Demolition of the existing buildings on the site (former pub and outbuilding); construction of a three-storey apartment block containing 26 self-contained flats, a secure	

		cycle and bin store and ancillary landscaping; the stopping up of the two existing vehicular accesses, the creation of a new vehicular access to Wollaton Avenue and creation of a 21 space car park	31/03/2021
2019/0613	Land At Teal Close Netherfield	Approval of reserved matters in relation to access, appearance, landscaping, layout and scale of the Local Centre comprising of Public House, Commercial/Retail Terrace and Childrens Day Nursery pursuant to outline planning permission 2017/0999	31/03/2021
2020/1292	Land At Teal Close Netherfield	Erection of a retail store (Class E) with associated car parking, landscaping and other infrastructure	31/03/2021
2019/1080	Land At Broad Close Woodborough	Outline application for 11 no. residential properties	Unknown

Please note that the above list is not exhaustive; applications may be referred at short notice to the Committee by the Planning Delegation Panel or for other reasons. The Committee date given is the earliest anticipated date that an application could be reported, which may change as processing of an application continues.

## **ACTION SHEET PLANNING DELEGATION PANEL 8th January 2021**

2020/0528

Workshop Old Manor Farm Lowdham Lane Woodborough  
Demolish existing industrial unit and erection of bungalow.

The proposed development is appropriate development within the Green Belt that would have no undue impact on openness and there would be no undue impact on the residential amenity of neighbouring occupiers or highway safety.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission subject to Conditions.**

2020/0951

2 Rowan Avenue Ravenshead NG15 9GA  
Extension to 1st floor to rear of Dormer Bungalow.

The proposed development would have an undue impact on the character and appearance of the host property and have an overbearing impact on the adjacent property.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Refuse Planning Permission.**

2020/0976

Land Adjacent To Hopping Hill Farm Hucknall Road Newstead  
Retention of equestrian development consisting of the erection of 2No Stable Blocks, Turnout Pen, Manege Area (20x40m) and Paddock Fencing.

The proposed development is appropriate development within the Green Belt which would not have any undue impact on openness. It would not have any undue impact on the character of the area, residential amenity or highway safety.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission subject to Conditions.**

2020/0978

7 Colwick Manor Farm Colwick NG4 2DP  
Change of use of land to garden land and re-siting of 2m high boundary wall

The proposed development would have an undue impact on the character and appearance of the area.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Refuse Planning Permission.**

2020/0982

21 Homefield Avenue Arnold NG5 8FZ

Erection of an extension to the side of the dwelling to include first floor extension above existing garage and 3-storey extension to replace an existing conservatory.

The proposed development would have an undue impact on the character and appearance of the street scene and the host property and the residential amenity of the neighbouring occupiers.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Refuse Planning Permission.**

2020/1033

31 Church Crescent Daybrook Nottinghamshire

Porch & two storey rear extension

The proposed development would have an undue impact on the character and appearance of the area, host property and the amenity of the neighbouring occupier.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Refuse Planning Permission.**

2020/1049

72 Southdale Drive Carlton NG4 1BZ

Erection of a two storey side; single storey rear extension, rear roof terrace and addition of a rear facing roof dormer.

The proposed development would have no undue impact on the character and appearance of the area or the amenity of neighbouring occupiers.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission subject to Conditions.**

2020/1078

12 Vernon Crescent Ravenshead NG15 9BH

Two storey side extension, additional sky lights, front elevation alterations.

The proposed development would have no undue impact on the character and appearance of the street scene, host property or the amenity of neighbouring occupiers.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission subject to Conditions.**

2020/1113TPO

The Farm House Bank Hill Farm Bank Hill Woodborough

T1 Copper Beech - overall reduction by 3.0 metres.

The proposed tree works would have no undue impact on visual amenity or health of the tree.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Consent subject to Conditions.**

2020/1130

112-114 Coppice Road Arnold

1 set of fascia illuminated letters and refurbishment of existing double sided internally illuminated totem sign

The proposed advertisements would have no undue impact on the visual amenity of the area or public/highway safety.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Advertisement Consent subject to Conditions.**

2020/1147

Land To the Rear Of 14 Main Street Linby Nottinghamshire

Alterations and Extensions to Detached Garage to Form a New Dwelling

The proposed development would be inappropriate in the Green Belt that would result in harm to openness and contrary to Policy LPD 12.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Refuse Planning Permission.**

**8th January 2021**

**Video Conference Call Meeting due to Covid-19**

Cllr John Truscott  
Cllr Paul Wilkinson  
Cllr Marje Palling  
Cllr David Ellis  
Cllr John Parr  
Cllr Meredith Lawrence

Kevin Cartwright – Principal Planning Officer  
Nigel Bryan – Principal Planning Officer

## ACTION SHEET PLANNING DELEGATION PANEL - 15th January 2021

2020/0603

23 Wood Lane, Gedling, NG4 4AD

Erection of a first floor extension to the dwelling, along with the erection of a porch to the NE elevation and changes to external materials and fenestration. Replacement wall to the front and SW side of the dwelling and alterations to the driveway.

The proposed development would respect the character of the area, residential amenity and not have a detrimental impact on highway safety.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission subject to Conditions.**

2020/0619

7 Forester Road, Carlton, Nottinghamshire

Two storey and single storey rear extension

The proposed development would respect the character of the area, residential amenity and not have a detrimental impact on highway safety.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission subject to Conditions.**

2020/1142

19 Wellington Road, Burton Joyce, Nottinghamshire

Construct new timber carport; form new vehicular opening in existing boundary wall & construct new piers to replicate existing.

The proposed development would respect the character of the area, residential amenity and not have a detrimental impact on highway safety.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission subject to Conditions.**

2020/1153

145 Simkin Avenue, Carlton, Nottinghamshire

Construction of single detached dwelling and associated works.

The proposed development would respect the character of the area, residential amenity and not have a detrimental impact on highway safety.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission subject to Conditions.**

2020/1193TPO

133C Main Street, Woodborough, NG14 6DD

Fell yew tree (T1); reduce height of yew by 4ft and remove lower branch (T2); reduce height of yew by 12 ft and remove 2 low branches (T3); reduce height of yew by 4 feet (T4) and reduce height of yew by 4ft (T5).

The proposed works would have a detrimental impact on the visual amenity of the trees and wider area with no arboricultural justification for the works proposed.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Refuse Consent.**

2020/1203

8 Cragmoor Road, Burton Joyce, Nottinghamshire

Single storey outbuilding.

The proposed development would respect the character of the area, residential amenity and not have a detrimental impact on highway safety.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission subject to Conditions.**

**15th January 2021**

**Video Conference Call Meeting due to Covid-19.**

Cllr John Truscott  
Cllr Paul Wilkinson  
Cllr Marje Palling  
Cllr David Ellis  
Cllr John Parr  
Cllr Barbara Miller  
Cllr Meredith Lawrence

Kevin Cartwright – Principal Planning Officer  
Nigel Bryan – Principal Planning Officer

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## **ACTION SHEET PLANNING DELEGATION PANEL - 22nd January 2021**

2020/0586TPO  
27 Shelt Hill, Woodborough, NG14 6DG  
Fell yew tree (T1)

The tree has a high visual amenity and contributes to the character of the area with no arboricultural justification for its felling.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: That the application be refused consent.**

2020/0626  
1 Beck Avenue, Calverton, NG14 6JG  
Log cabin to form garden room and garden storage.

The proposed outbuilding would have a detrimental impact on the character of the area given its prominent location forward of the principal elevation of the dwelling and its size.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: That the application be refused permission.**

2020/0885  
228 Nottingham Road, Burton Joyce, NG14 5BD  
Proposed re-use of existing building to form an independent residential dwelling

The proposed conversion of the building to a dwelling is acceptable in that it is capable of conversion without significant alteration and extension, it would respect the character of the area and residential amenity, nor would highway safety be compromised.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission subject to conditions.**

2020/0993

14 Glen Parva Avenue, Redhill, NG5 8LZ

Two storey side extension, single storey rear extension and canopy roof and porch to the front elevation

The proposed development would have a detrimental impact on the amenity of 12 Glen Parva Avenue given the scale of the extension proposed and relationship with the neighbouring property.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: That the application be refused permission.**

2020/1170

11 Dale Avenue, Mapperley, NG3 6BU

Side extension to ground and lower ground floors.

The proposed development would respect the character of the area and residential amenity.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission subject to conditions.**

2020/1205

1 Oxtan Road Calverton NG14 6NU

Single storey rear extension.

The proposed development would have a detrimental impact on the openness of the Green Belt (GB) and be contrary to GB policy given the cumulative extensions to the property.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: That the application be refused permission.**

2020/1207  
3 Woburn Rise, Woodthorpe, NG5 4PS  
Extension and alteration

The proposed development would have a detrimental impact on the character of the area and residential amenity.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: That the application be refused permission.**

**22nd January 2021**

**Video Conference Call Meeting due to Covid-19.**

Cllr John Truscott  
Cllr Paul Wilkinson  
Cllr Marje Palling  
Cllr John Parr  
Cllr Meredith Lawrence  
Cllr Boyd Elliott

Kevin Cartwright – Principal Planning Officer  
Nigel Bryan – Principal Planning Officer

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## **ACTION SHEET PLANNING DELEGATION PANEL - 29th January 2021**

2020/0421TPO

Land Adjacent Gedling Manor, Wood Lane, Gedling

Proposed works to Trees T6, T23 and T24 (as per submitted amended Arboricultural Report received 23.12.20)

The application, as amended, would respect the character of the area and not have a detrimental impact on the longevity of protected trees.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant consent subject to conditions.**

2020/0710

81 Crosslands Meadow, Colwick, NG4 2DJ

First floor front extension; two storey rear extension and loft conversion

The proposed development would respect the character of the area and residential amenity.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission subject to conditions.**

2020/1062TPO

32 Main Street, Woodborough, Nottinghamshire

T1 (sycamore) prune; T2 (cedar) crown reduction; T3 (pine) remove; T6 (pine) remove deadwood and T10 (oak) crown reduction

The application would respect the character of the area and not have a detrimental impact on the longevity of the trees whilst being carried out in accordance with good arboricultural advice.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant consent subject to conditions.**

2020/1086

Wildacre, 5 Haggnook Wood, Ravenshead

Single storey front extension to the western side of the dwelling to create a sun room and a front and side extension to the eastern side of the dwelling with the creation of a balcony above, along with changes to fenestration detail and application of render and timber cladding to the dwelling.

The proposed development would result in a disproportionate extension to the host dwelling and be detrimental to the open character of the Green Belt.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: That the application be refused permission.**

2020/1159

15 Paddock Close, Calverton, NG14 6GJ

Erection of dwelling.

The proposed development would be at odds with the character of the area given its small plot as well harmful to the amenity of neighbouring properties.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: That the application be refused permission.**

**29th January 2021**

**Video Conference Call Meeting due to Covid-19.**

Cllr John Truscott

Cllr Paul Wilkinson

Cllr Marje Palling

Cllr John Parr

Cllr Meredith Lawrence

Cllr Mike Hope

Kevin Cartwright – Principal Planning Officer

Nigel Bryan – Principal Planning Officer

## **ACTION SHEET PLANNING DELEGATION PANEL - 5th February 2021**

2020/1048

Tipsy T, 908 Woodborough Road, Mapperley

Retention of rear extension with covered sides and smoke shelter with mock bar and change of use to gin bar/pub (sui generis).

The proposed development would have a detrimental impact on the character of the area and residential amenity through an overlooking impact and noise that is generated from the use of the beer garden.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: That the application be refused permission.**

2020/1236

Land to the rear of 106 Bridle Road, Burton Joyce

Application for change of use and part demolition of existing barn to form a single dwelling along with associated garage, parking, amenity space and boundary treatments.

The proposed development would respect the character of the area and residential amenity without having a detrimental impact on the openness of the green belt. Furthermore, the building is capable of conversion.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant consent subject to conditions.**

2020/1239

14 Vernon Avenue, Carlton, NG4 3FX

Outline planning application for erection of two storey dwelling (all matters reserved except access)

The proposed development would be out of character with the area and have a detrimental impact on the amenity of neighbouring properties.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: That the application be refused permission.**

2020/1259

24 Lowdham Road, Gedling, NG4 4JP

Single storey side and two-storey rear extension (amendment to planning permission 2018/0612).

The proposed development would respect the character of the area and residential amenity.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant consent subject to conditions.**

**5th February 2021**

**Video Conference Call Meeting due to Covid-19.**

Cllr John Truscott

Cllr Paul Wilkinson

Cllr Marje Palling

Cllr Meredith Lawrence

Cllr David Ellis

Cllr Bob Collis

Kevin Cartwright – Principal Planning Officer

Nigel Bryan – Principal Planning Officer

## **ACTION SHEET PLANNING DELEGATION PANEL 12th February 2021**

2020/0556

5 Midland Crescent Carlton NG4 2HB

Construct two, three bedroomed dwellings and one, two bedroom dwelling with parking provisions.

The proposed development would have no undue impact on residential amenity, visual amenity, highway safety or protected species.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission with Conditions**

2020/1160

Land Adjacent To 41 Clovelly Drive Mapperley NG3 5NJ

Retrospective change of use of land to garden land and erection of fence.

The proposed development would have an undue impact on the character and appearance of the street scene.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Refuse Planning Permission.**

2020/1162

2 Stewarton Close Arnold NG5 8DJ

Retrospective Planning Permission for the re-alignment of a garden wall measuring 1.9-2.1m in height.

The proposed development would have an undue impact on the character and appearance of the street scene.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Refuse Planning Permission.**

2020/1226

50 Patterdale Road Woodthorpe Nottinghamshire

Double storey side extension, single storey rear extension and loft conversion with rear dormer.

The proposed development would have no undue impact on the character and appearance of the street scene, residential amenity or highway safety.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission with Conditions.**

2020/1233

57 Jermyn Drive Bestwood NG5 9PN

Retention of games room outbuilding in the rear garden.

The proposed development would have no undue impact on the character and appearance of the street scene or residential amenity of neighbouring occupiers.

**The Panel recommended that the application be determined under delegated authority.**

**Decision: Grant Planning Permission with Conditions.**

**12th February 2021**

**Video Conference Call Meeting due to Covid-19**

Cllr John Truscott

Cllr Paul Wilkinson

Cllr Marje Palling

Cllr David Ellis

Cllr John Parr

Cllr Meredith Lawrence

Kevin Cartwright – Principal Planning Officer

Nigel Bryan – Principal Planning Officer