

SUBJECTS COPY

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## 1 Introduction

This document supports a full planning application for the design and implementation of a new, high end apartment scheme in Bramcote, Nottingham.

Five, low-rise apartments with subterranean storage/car park will occupy a small footprint of the 7 acres of land adjacent to The Lawns, Moss Drive, Bramcote. It is intended as a modern interpretation of Bramcote Hall which stood nearby until 1969.

The site has the potential to be a very beautiful area of mature landscape that, as part of its development, would be formally and permanently accessible to the public, including disabled access.

The proposals utilise a small footprint of land, within the north west of the woodland. This stands two and a half storeys of accommodation tall over a largely subterranean car park storey. As such, and as per the original Bramcote Hall, the proposals adhere to a single edifice of sensitive scale.

This new apartment scheme has vehicle access via the existing access road on the site which serves the Lawns apartment scheme. It has pedestrian access from Town Street and Moss Drive.

The development is explained in the CPMG Architects' plans and notes attached with the following key advantages being:

- Creating a presence on site to stop the current vandalism, fly tipping, drug abuse etc.
- Creating public rights of way where none currently exist
- Creating woodland walks through areas, most of which are currently inaccessible
- Creating circular safe links to existing woodland trails
- Creating a safe environment for all to enjoy
- Creating a further supply of housing stock in a sensitive way that preserves and enhances the woodlands
- Creating local construction jobs
- Husbanding the woodland to maintain it in prime condition

## 2.1 Site location, description & context

The site is located in Bramcote in Nottingham and within the boundary of Broxtowe Borough Council. The site lies about five miles west of Nottingham City Centre and south of the arterial route (the A52) into the city from the west.

The A52, Brian Clough Way, runs to the north and west of the site severing Bramcore village, where the site is situated, since its construction in the 1960's. The site is hidden from view and the noise of the A52 by the woodland to the north and west.

The site itself is enclosed by Moss Drive to the north with The Lawns apartments to the east, two storey residences along Town Street to the south and the former site of Bramcote Hall to the west.

The context comprises largely C19th residential, with the exception of:

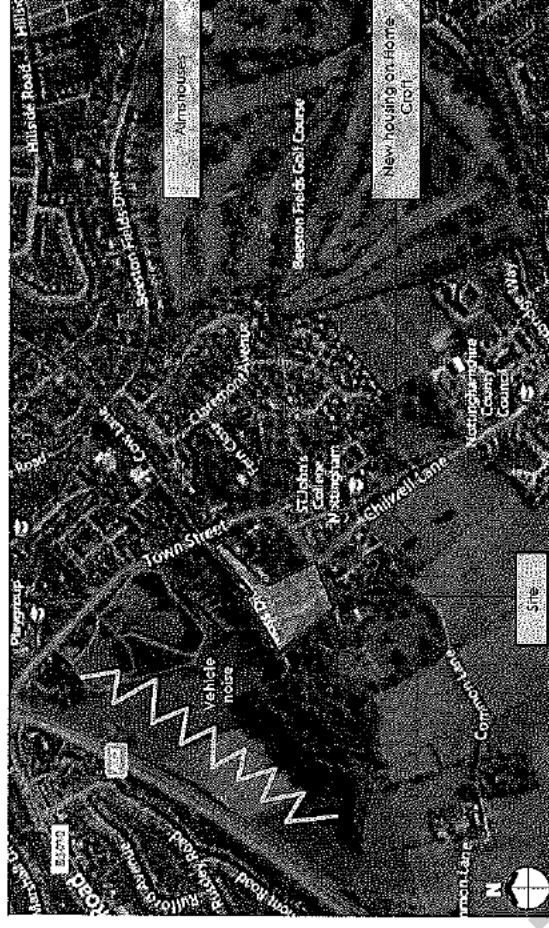
Recent;

- The Lawns apartment scheme (constructed in the last decade),
- New residences built to the south on Home Croft

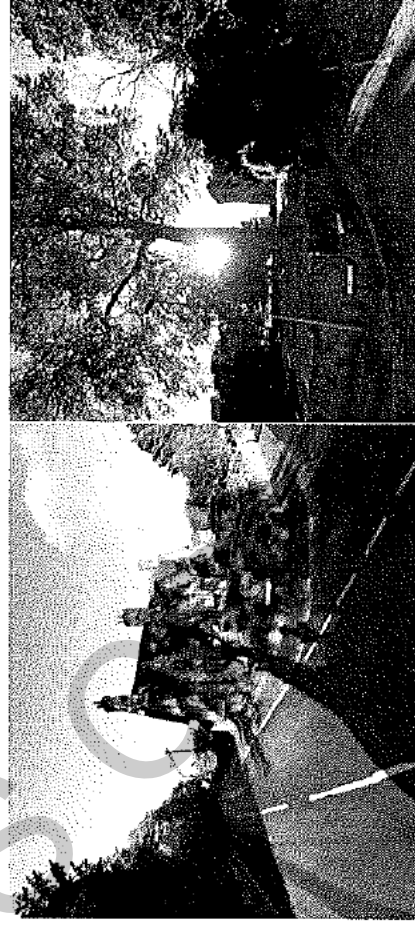
### Historic:

- The Alms-houses at the junction of Cow Lane and Moss Drive
- The Church Tower

The Church Tower is known locally as the Sunken Church, based on the local folklore that the remainder of the church sank into the ground leaving only the tower standing. The Tower is C13th.  
(See: Brimcote Conservation Society <http://www.brimcoteconservation.org.uk/oldchurch.html>).



**Figure 1:** Aerial satellite view showing the location of Site. Source: Bing maps, 2015.



**Figure 3:** Church Tower on Moss Drive. Source: Street View, Google Maps

**Figure 2:** Almshouses on Cow Lane. Source: Street View, Google Maps

The site is owned privately by David Bardens, Eileen Bardens, Bill Crampin, Karen Crampin and Carol Scott - all residents of The Lawns.

The site lies to the west of The Lawns and is clocked from the main thoroughfare of Town Street and Chilwell Lane by woodlands. The Lawns stands three and a half stories high with external car parking off Moss Drive to the north.

The site slopes from the high point in the north to a point of 2.5m lower in the south.

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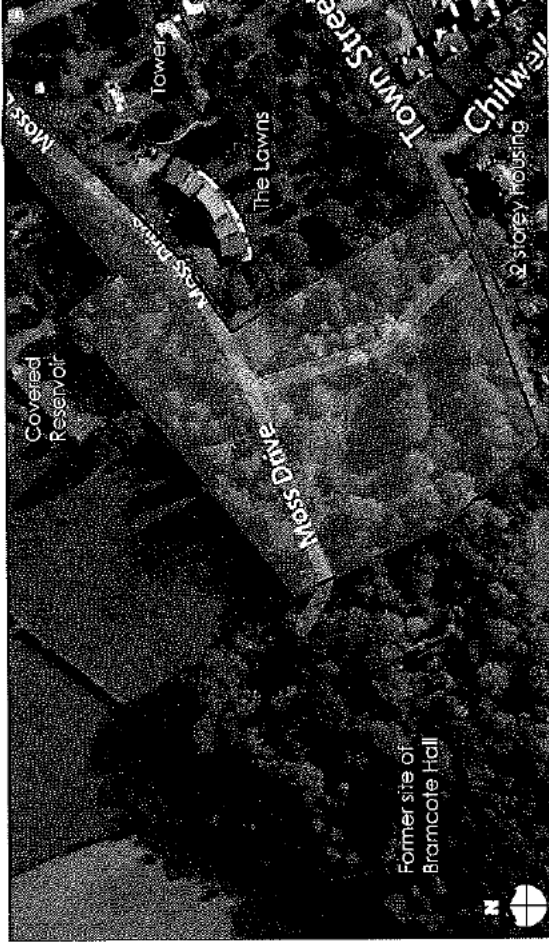


Figure 4: Aerial satellite view showing features of the adjacent sites. Source: Bing Maps, 2015.



Figure 5: The Lawns apartment scheme viewed from the south. Source: <https://www.madaboutthehouse.com/wp-content/uploads/2012/06/6-The-Lawns-Bramcote-Nottingham-EXT.jpg>

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## 2.2 Historical context

The site is part of Bramcote Hall which used the land and structures within its grounds for various uses including schools, squash courts, swimming pools, tennis courts, student accommodation and residential.

The earlier map (figure 6 - 1910) shows the original footprint of Bramcote Hall, the Vicarage, the remains of the Church, the almshouses on Cow Lane and several larger scale residential buildings; for example The Grange on Town Street.

The 1930 map (figure 7) shows the extension of Bramcote Hall to the east, including the construction of the hard standing which exists on the development site today and a further two structures to the southeast which exist on the development site.

The 1950 map (figure 8) clearly shows the introduction of an electricity substation to the south east corner of the development site and new housing to the south of the site on Town Street.

The plans do not show the student residences John Player House and Atlantic House which were later demolished and replaced by The Lawns.



Figure 6: Extract from Nottinghamshire insight mapping (historical underlay). Yr 1910

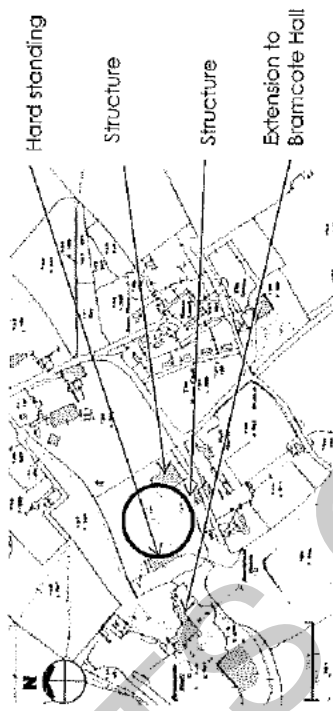


Figure 7: Extract from Nottinghamshire insight mapping (historical underlay). Yr 1930

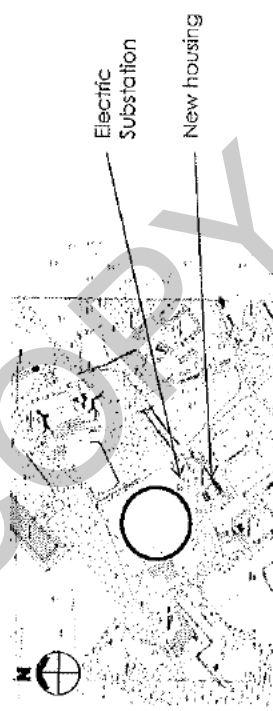


Figure 8: Extract from Nottinghamshire insight mapping (historical underlay). Yr 1950

### Bramcote Hall

Bramcote Hall was a substantial Victorian Gothic edifice and the home of Frederick Chatfield Smith, founder of Smiths Bank in the Market Square, Nottingham. He lived there from the mid-19<sup>th</sup> Century with his family and entourage, although the Hall was built a few years earlier by one Mr Wright. Frederick Chatfield Smith is now honoured with a blue plaque recently fixed to the stone pillars at the entrance to the site.

Following later use as a school, it was acquired by the University of Nottingham which considered it unsuitable for its purposes and clearly a maintenance nightmare. Hence the Hall was demolished in 1969. At this point there ceased to be a presence on site and the lack of passive surveillance has led to the regular occurrence of illicit behaviour in and around the site.

It was Bramcote Hall that gave the clue to a form of development which did not detract from the beauty of the area, and it was this principle that has been followed throughout – a single edifice of sensitive scale – if you like a modern interpretation of Bramcote Hall.

Further design drivers taken from the hall precedent are:

- The incorporation of a 'tower' to demarcate the epitome of the design. At Bramcote Hall a belfry marks the main pedestrian entrance into the tallest and therefore most important space in the building. Similarly, within the proposed development the stair tower accentuates the hierarchical importance of the main entrance and main social space
- As per Bramcote Hall, the proposal's main social space is a double height, fully glazed, south facing 'Orangery' that connects to the grounds
- The Gothic aesthetic which articulates space with tall thin elements, fenestration and deep reveals
- The undulating roof slope and high parapets, further breaking down the mass into more human scale, befitting of the residential typology
- Solar Shading to the south façade, see next page



Figure 9: Bramcote Hall, west entrance, adjacent to stables and parking. Source: Courtesy of A. P. Knighton and Picture the Past, c.1905.  
[http://www.picturethepast.org.uk/frontend.php?keywords=Ref\\_No.Increment:EQUALS:DC:HQ:500845&pos=19&action=zoom&pos=17&id=18618&continueUrl](http://www.picturethepast.org.uk/frontend.php?keywords=Ref_No.Increment:EQUALS:DC:HQ:500845&pos=19&action=zoom&pos=17&id=18618&continueUrl)

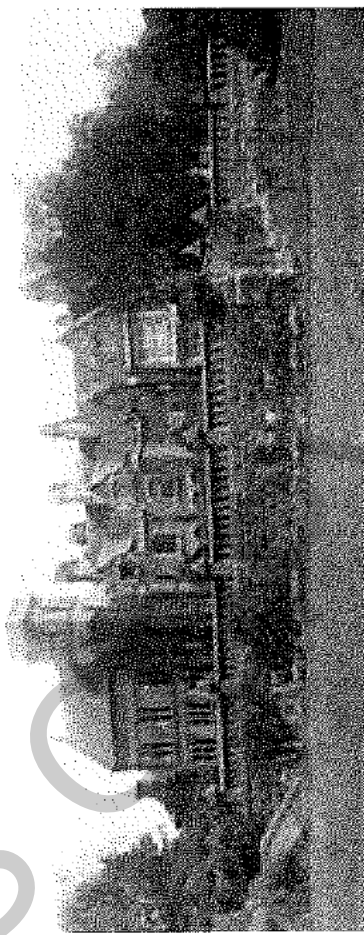


Figure 10: Bramcote Hall, south elevation, from grounds. Source: Courtesy of A. P. Knighton and Picture the Past, Early C19th.  
[http://www.picturethepast.org.uk/frontend.php?keywords=Ref\\_No.Increment:EQUALS:DC:HQ:500842&pos=19&action=zoom&id=18615](http://www.picturethepast.org.uk/frontend.php?keywords=Ref_No.Increment:EQUALS:DC:HQ:500842&pos=19&action=zoom&id=18615)



## 2.3 Policy context

The site was designated Green Belt in The Nottingham Green Belt Plan of 1989 and had been similarly included in the 1956 Sketch Plan Green Belt which was founded on the principle of restricting urban growth.

The Local Plan also designates this as a Conservation Area, a Prominent Area for Special Protection and Mature Landscape Area (MLA)

Approximately five years ago, the land was offered for sale to residents of The Lawns, in order to protect their own boundaries. In response five residents of The Lawns, neighbours of the proposed site purchased the land.

More recently the site was being considered as an area for possible residential development alongside other regional opportunities. See Strategic Housing Land Availability Assessment (SHLAA) 2012.

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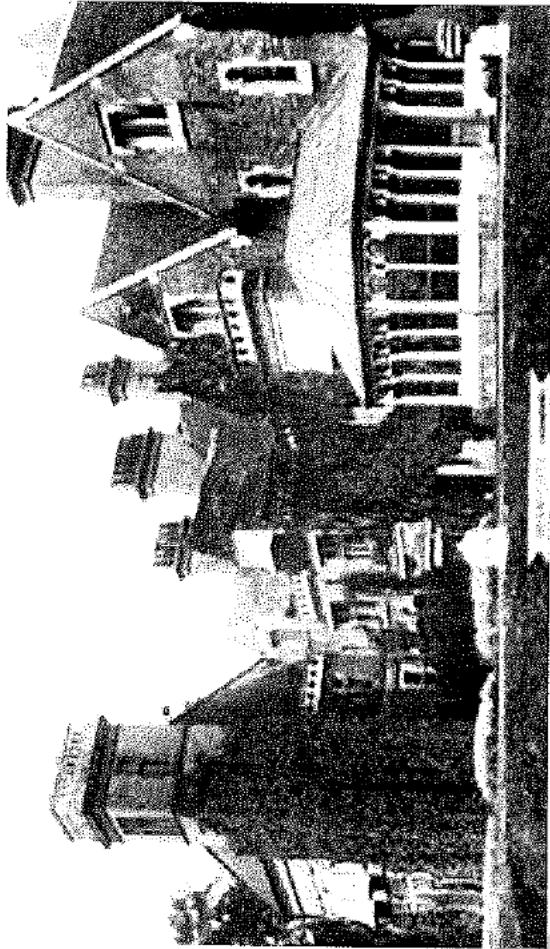


Figure 11: Solar Shading and Orangery. Source: Courtesy of L Cripwell and Picture the Past. 1915. [http://www.picturethepast.org.uk/frontend.php?keyword=Ref\\_No\\_increment&EQJAL\\$NTGM015512&pos=1&action=zoom&id=70405](http://www.picturethepast.org.uk/frontend.php?keyword=Ref_No_increment&EQJAL$NTGM015512&pos=1&action=zoom&id=70405)

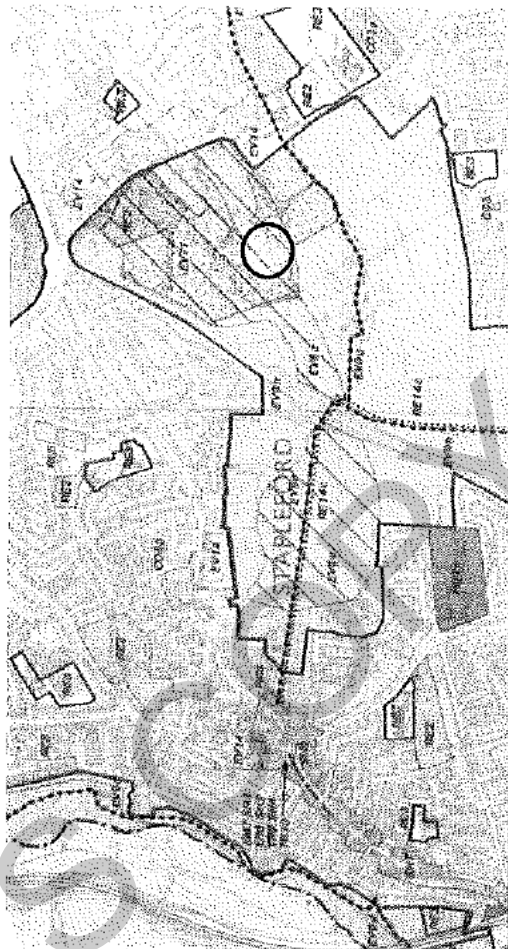


Figure 12: The Green Belt. Site located by red circle. Source: Broxtowe Borough Council Local Plan (2004) <http://www.broxtowe.gov.uk/CHTfbhandler.aspx?id=13692&p=0>

## 2.4 Current buildings & use

The 2.3 hectare site contains a tarmac road surface, one outbuilding, an electricity substation (presumably to service the former site of Bramcote Hall) and the remnant of a tennis court constructed as part of Bramcote Hall.

The current owners have found the site to be encumbered with neglect and abuse; the problems include fly tipping, arson, vandalism, drug abuse, danger from falling trees, and lack of surveillance for the safety of residents and the public. See images on the next page, taken between 30.01.13-18.04.13 with more recent inclusions from the past two months.

Development of the site would solve the current acute problems of illicit behaviour and this is key generator in needing to develop the site. Security would be enormously enhanced with modern, unobtrusive, security technology and perhaps the ability to close the site to public access at night. The level of human activity creates natural surveillance/policing, reducing the risk of crime and a promoting a sense of safety. There is none at the moment.

Currently, there are no public Rights of Way over this land although walkers are allowed access on a 'grace and favour' basis, which allows further access to the University's land, Town Street, and the Local Authority Park to the north-west. The clients' also allow the local Scouts to use the land for some of their functions. The site is closed completely one day each year



Figure 12A: Map extract illustrating existing buildings and uses

Key:

1. Bramcote Hall foot print. Hall demolished in 1969
2. Remnants of tennis court under dense vegetation
3. Outbuilding
4. Electricity Sub station
5. The Lawns





Figure 13: Fly tipping



Figure 14: Alcohol



Figure 17: Fly tipping (18.02.15)



Figure 18: Drug Abuse (18.02.15)



Figure 15: Fly tipping



Figure 16: Fly tipping (18.02.15)

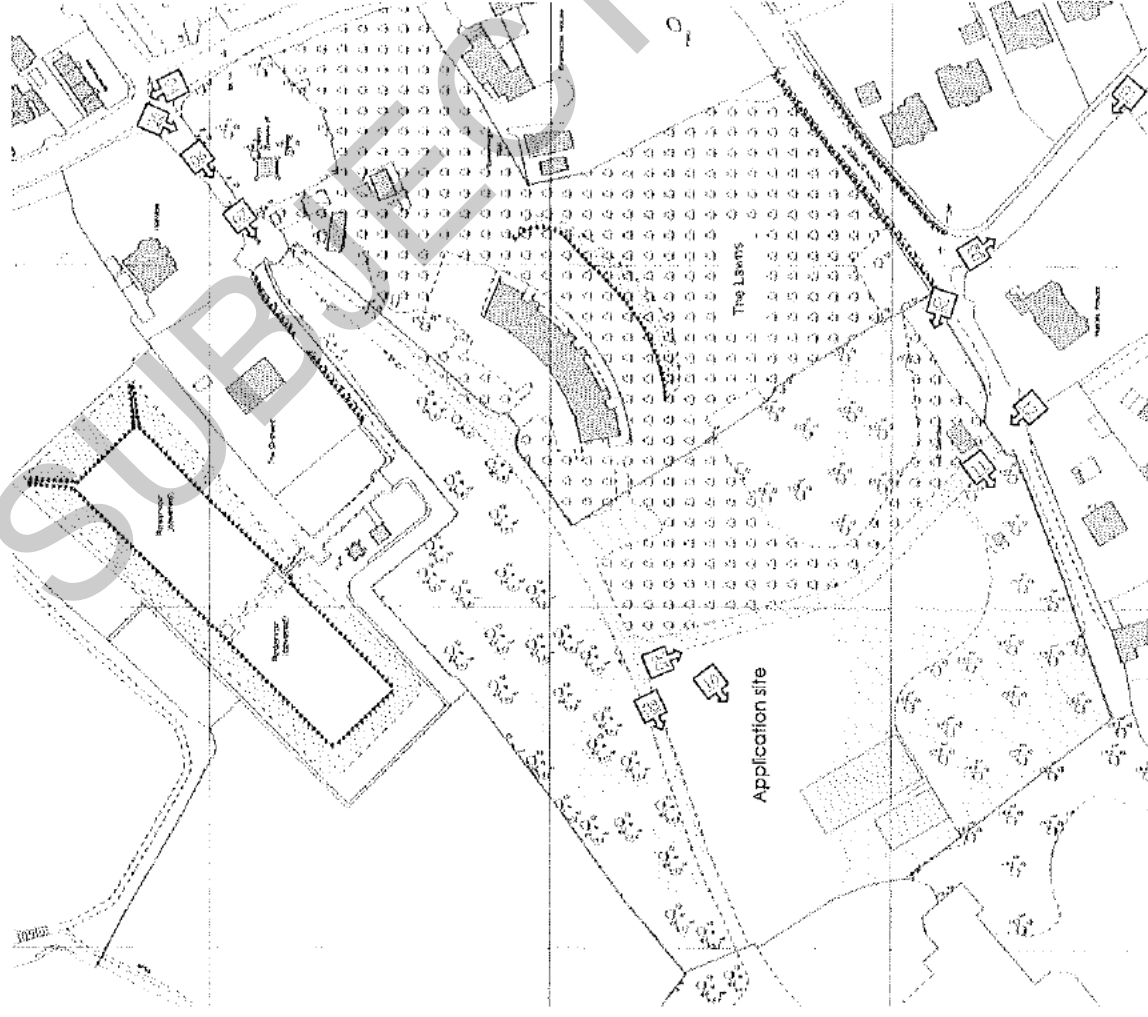


Figure 19: Fly tipping (18.02.15)

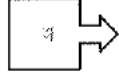


Figure 20: Drug abuse. Police attending the site after cannabis plants were found dumped on the site (25.02.15)





Key:



Arrow locates the viewpoint for the photos over leaf

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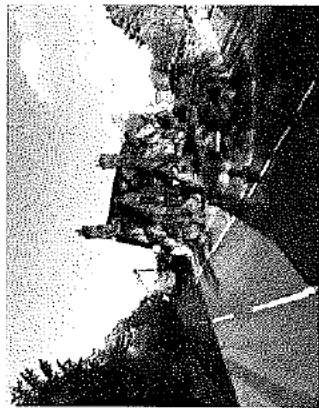
1. View north up Chilwell Lane; no footpath



2. Junction of Chilwell Lane and Town Street; no footpath



3. View south down Chilwell Lane



4. Alms-houses on Cow Lane/Town Street junction



5. Corner of Moss Drive and Town Street; 'Sunken Church' Tower



6. Moss Drive; sense of enclosure



7. Entrance to The Lawns apartments



8. Moss drive - farmac roadway and trees to edge



9. Site from north east looking south



10. Site within clearing



11. Outbuilding, over grown with ivy



12. South entrance to site looking north

## 2.6 Planning history

Relevant planning submissions are:

No previous applications found on the site.

### Planning policy

Relevant planning policy has been listed in this section and addressed in the planning statement. Many of these policies were highlighted by the Planning Officer as pertinent to the proposals. They have each been addressed in section 2.9.

- In the first instance the proposals are considered in the context of the 'saved' policies. These are the policies from the Broxtowe Local Plan (2004) which are still in use as identified in Appendix E of the Adopted Aligned Core Strategy.
- Further, the proposals are reviewed under the policies outlined in the recently adopted Aligned Core Strategy (ACS). The Local Authority's Gedling Borough Council, Broxtowe Borough Council and Nottingham City Council have prepared new aligned and consistent planning strategy for their part of greater Nottingham.
- Overarching all of these policies are the policies set out by Central Government as the National Planning Policy Framework (NPPF). These too will be considered in assessing the proposals.
- Under the NPPF Local Authority's were encouraged to positively seek out development sites within their area. These feasibility are referred to as Strategic Housing Land Availability Assessment or the SHLAA (2012). These proposals are also considered in relation to these assessments.

### Broxtowe Local Plan saved policies

The Broxtowe Local Plan (2004) is a statutory local plan for the Borough of Broxtowe and provides the basis for decisions related to land use planning. Certain policies have been saved until replaced by a replacement local plan. The following policies were considered in this application:

- **Policy E1: Good Design.** This is not identified as a Saved Policy in the Adopted Local Plan and will be replaced with ACS Policy 10 'Design and Enhancing Local Identity'. See Below.
- **Policy E8: Development in Green Belt.** This policy has been retained and must be read alongside the ACS Policy 3 the Green Belt.
- **Policy E9: Visual Impact of Development in the Green Belt.** This policy ceased to form part of the Development Plan from 28.09.07; the policy has 'expired'. The essence of the policy is that development will not 'by reason of its siting, design or materials, harm the open character, or visual amenities' of the Green Belt.
- **Policy E13: Prominent Area for Special Protection.** The Local Plan map states that the site falls within an area which is a 'Prominent Area for Special Protection'.
- **Policy E14: Mature Landscape Areas (MLA).** MLAs are a local countryside designation, which seeks to identify and protect those parts of Nottinghamshire's landscape which have been least affected by adverse change.
- **Policy H7: Land not allocated for housing purposes.** Residential development on sites within existing built-up areas will be permitted provided that the certain criteria are all satisfied

### Aligned Core Strategy (2014)

- **Policy 2: Spatial strategy.** Sustainable development in the plan area will be achieved through a strategy of urban concentration with regeneration.
- **Policy 3: The Green Belt.** This policy should be read alongside NPPF Chapter 9: Protecting Green Belt Land.
- **Policy 8: Housing size, mix and choice.** Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create mixed and balanced communities.

- **Policy 10: Design and Enhancing Local Identity.** This policy should be read alongside NPPF Chapter 7: Requiring Good Design.
- **Policy 11: The Historic Environment.** This policy should be read alongside NPPF Chapter 12: Conserving and enhancing the historic environment.

### National Planning Policy Framework (NPPF)

In addition to statutory local plans government advice in the form of National Planning Policy was also consulted by the applicant. The National Planning Policy Framework sets out government's planning policies for England and how these are expected to be applied. Alongside the NPPF policy listed above the scheme should take into consideration:

- NPPF Core principles, specifically with regard to sustainability
- Safer Places: The Planning System and Crime Prevention



## 2.8 Consultation

### Planning consultation

At an early stage it was decided that pre-planning advice would be sought to realise the potential for development on this site. A consultation document was issued in September 2013 which formed the basis for dialogue with Broxtowe Borough Council. A response to our enquiry was received from Planning Officer #2 in conjunction with Broxtowe Borough Council's conservation adviser. See Appendix A.

A preliminary submission was formulated in May 2014 and followed by a site meeting with #2. An update was provided for Broxtowe's Planning Councillors in July 2014.

### Neighbourhood consultation

Over the last year we have consulted with all neighbours in close proximity to the proposed development, relevant community groups and representatives. They all have copies of the consultation document that the Broxtowe Planning Team was made privy to in September 2013. They have had the opportunity to ask questions, provide opinions and feedback. We have amended our proposal as a result of the insight and combined wisdom of that feedback.

We attach a diary of the outcomes of those meetings. See Appendix B. The consultation diary shows that the proposals were met with a warm understanding response.

### Aim

As a result of the consultation with the clients' neighbours and Broxtowe Borough Council, we have amended the design to five rather than three apartments. The footprint remains similar in area to that originally envisaged and the change addresses community, costing and safety concerns.

Further to these pre application consultation's, we were prompted to outline how necessary these proposals are to the enhancement and preservation of the site as an accessible, well-managed woodland for the enjoyment of future generations. The minimal harm to the site which may be incurred as a result of the proposal outweighs by the positive contribution to the local community of the proper woodland husbandry, rights of way and the inherent passive surveillance. The latter of which will stop the current abuse of the site. As residents themselves, the clients remain confident that they can professionally manage those important and sensitive goals.

## 2.9 Planning statement

Planning approval is requested for the design and implementation of a new luxury apartment scheme on land adjacent to Moss Drive

Reference is made to relevant policy below; demonstrating that the proposals do not adversely affect the existing and forms the main substance of this planning policy evaluation. Further reference should also be made to Section 3 'Access Statement' where design proposals are explained, evaluated and justified further.

### Housing:

#### **Broxtowe Local Plan Policy H7: Land not allocated for housing purposes**

Residential development on sites within existing built-up areas will be permitted provided that certain criteria are satisfied. The site is considered a 'built up area' as is recognised by the density awarded in the SHLAA of 30 dwellings per hectare, see section below.

1. Occupiers of the new dwelling(s) would have a satisfactory degree of privacy and amenity; the proposal will sit in a clearing in the woodland. There is more than sufficient woodland to all sides to buffer potential overlooking and the woodland provides a good level of amenity to residents.
2. The development, by itself or by the precedent it would set, would not result in an undesirable change in the character or appearance of the area: The proposal is set back from the road and, in comparison to the SHLAA (2012) recommendations, there are minimal units proposed, five rather than 44.
3. The development would not be piecemeal in character and likely to prejudice the potential for the satisfactory development of a larger area: The proposal is an extension of the existing residential area. The Conservation Area Appraisal states that part of the character of the area, in all likelihood this residential area of Bramcote will increase substantially with the development of the SHLAA site of Bramcote Hall. The proposals will not prejudice potential for growth, in fact, the secure preservation of woodland around the minimal development is likely to make the development of the adjacent woodland more palatable; there will still be woodland amenity for the public to enjoy.

4. Satisfactory arrangements can be made for access and parking; the access to the development already exists as a farmac road. This will be extended to access the building and the basement car parking and upgraded to enable access for all.

5. The development would not have an unacceptable effect on the privacy and amenity of the occupiers of nearby properties: The woodland buffer to the perimeter of the proposals ensures that no overlooking or overshadowing will occur. In addition, many of the residents of the Lawns have approved the principle of this proposal. Where overlooking was queried the residents were reassured by a site visit that this would not be an issue. Several of the residents of The Lawns have welcomed the potential for the new apartment owners to share some of the maintenance costs for the access road. Refer to Appendix B.

6. The site is not of significant value to nature conservation or local visual amenity; the proposals will not infringe on these benefits, they will enhance and ensure future woodland husbandry. See proposals.

7. The site is not identified or required to be retained for another purpose within the local plan. The site is identified as Green Belt and, as per the earlier section on Green Belt policy; the proposals will enhance the setting and ensure future viability. The only other reference to the site use is made by the Local Authority in the SHLAA 2012 where the site has been identified for residential use, see Local Plan Policy 8.

## **ACS Planning Policy 8: Housing size, mix and choice**

Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create mixed and balanced communities. All residential developments should contain adequate internal living space, and a proportion of homes should be capable of being adapted to suit the lifetime of its occupants

As per the statement in response to ACS Policy 2 (below), the proposals offer a type of housing that is in short supply in Broxtowe. The proposals are fully accessible, with generous living space which can support occupants of all stages of life. With a particular view to more senior residents the proposals are designed to Lifetime Homes Standards. The principles of Lifetime Homes are apparent within this scheme, negating many of the usual parameters by the omission of internal stairs and provision of community space; this development may help resolve the 'problem' of the ageing population as identified in this policy.

It is recognised in the DPD that none Green Belt opportunities to expand in this area 'are extremely limited' and therefore the boundaries of the Green Belt are to be reviewed to meet development requirements of the Aligned Core Strategies. The Local Authority has begun this review in the form of the Strategic Housing Land Availability Assessment (SHLAA) outlined below.

### **SHLAA (2012)**

Policy states that where other sites, identified in policy, fail to deliver in envisaged timescales the housing requirement the Local Authority will look to make up the shortfall from the sites identified in the SHLAA 2012. The SHLAA 2012 identified the clients' site (referred to therein as Site 110) as a site with potential for 10 or more dwellings whose delivery could be counted towards the housing requirement for the settlement area (as set out in the Broxtowe Aligned Core Strategy). The analysis cites a potential for 44 developments on this site. See Figure 22.

### Other potential sites recognised in the SHLAA

Putting aside the fact that the client owns the site and has a vested interest in developing the site at a lower density, to increase passive surveillance while preserving the character, we have reviewed the alternative sites within Bramcote. The DPD states that there should be 'no suitable none Green Belt' sites available for development before a review of Green Belt boundaries will be held. There are only two sites identified in the SHLAA in Bramcote which can be developed without a change in policy. The site of the Brethren Meeting Hall is 0.29 hectares and a density of 20 dwellings would be expected. The other is the site of St Johns College which has 3.5 hectares of land and an expectation of 35 dwellings.

### Summary

We have drawn the conclusion that neither of the offerings would be suitable for the discerning purchaser of a high end, luxury apartments both due to the size of the project and the context. The setting was the reason the residents of the Lawns were attracted to Bramcote, this context is not evident in the other sites identified in the SHLAA 2012.

Broxtowe Borough Councils Local Plan 2004 stipulates that the housing objectives of the Strategic Aim are 'the provision of a wide range of housing types and tenure', in particular to address the 'problem' of housing for an ageing population. In addition to this the design must be 'high quality design' which 'protects the amenity and character of the existing residential areas. The development therefore satisfies the above requirements.

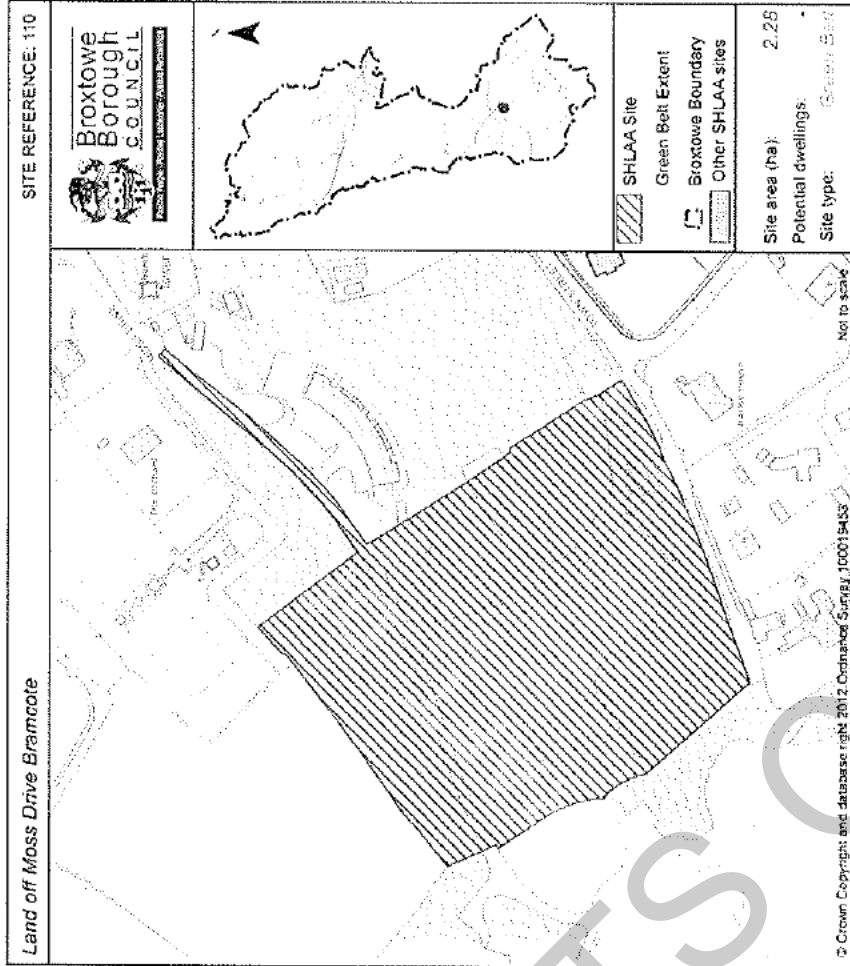


Figure 22: Site 110 from the SHLAA 2012. Source: <http://www.broxtowe.gov.uk/index.csp?&qrid=4222>

The Inspector concluded that the site represented an underused asset and that with junction improvements could be suitable for development. The Local Plan Review 2003 Inspector considered the development of the southern part of the site would not create any risk of sprawl/encroachment or sporadic development; the proposal is described as 'could be suitable if policy changes'. Notwithstanding this other policy would still apply, i.e.: Prominent Area for Special Protection and Conservation Area. Other issues to be considered would include the access arrangements.



## Green Belt:

Below we will run through the criteria set out in each of the relevant Green Belt policies and provide justification for the proposals.

### Local Planning Policy E8: Development in Green Belt

Policy E8 states that planning permission will not be granted for development in the Green Belt except where it constitutes appropriate development. It defines appropriate development as:

1. Buildings appropriate to agriculture and forestry;
2. Essential facilities for outdoor sport and outdoor recreation;
3. Essential facilities for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it;
4. Limited extension, alteration or replacement of existing dwellings, provided that it does not result in disproportionate additions over and above the size of the original building;
5. Limited infilling or redevelopment of major developed sites;
6. Changes of use of agricultural and other buildings to employment and tourism uses which help to diversify the economy;
7. Mineral working subject to high environmental standards and a high standard of restoration.

### Viability of other Green Belt 'appropriate development'

It is not possible to implement other 'appropriate' uses, such as sport or as a cemetery without widespread detriment to the mature landscape. Neither of these proposals would offer 24 hour passive surveillance of the site and may increase the incidence of crime to the unsupervised structures and tomb stones.

### Our proposals objective

Through the proposals the applicant is offering protection and further enhancement of the woodland setting. In many respects, their proposal is similar to that of an owner of a fishery or farm wishing to build a dwelling to give around the clock supervision to live stock, or a forester protecting the woodland from trespass and thievery. Proper husbandry would return the woodland to its former glory and, through passive surveillance and occupation, by the tenants and their interest in the woodland, it would continue to thrive.

As per the planning officer's advice, the installation of an adequate number of dwellings to ensure the future residents also have the amenity of feeling safe is essential. The increase in numbers from three to five apartments reflected in this application also spreads maintenance costs; more palatable costs ensure continued supply of residents.

Available guidance, as seen in The Broxtowe Local Plan Planning Policy H6, suggests 35 dwellings per hectare is an acceptable level of development for an area where amenities are more than 400 meters away. However, lower density is acceptable where it is undertaken to preserve the character of the area.

There is a balance in this proposal between retaining the woodland and bringing the passive surveillance and funding required maintaining the land sufficiently.

In addition, should the development of the neighbouring Bramcote Hall site be pursued at the density set out in the SHLAA (150 dwellings on 23 hectares) the preservation of this woodland as proposed would allow the public access to the good quality woodland amenity on our site and provide a buffer between the conservation area and the dense housing development of Bramcote Hall. The proposals that form part of this application will therefore enhance the existing woodland setting and reduce the amount the neglect and antisocial abuse that currently takes place. See Figure 23 adjacent.

### Aligned Core Strategy Policy 3: The Green Belt

Section 9 of this policy refers to the fundamental aim of the Green Belt 'to prevent urban sprawl by keeping land permanently open'. This continues that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The response to this policy is much the same as to Local Planning Policy E8. In addition, the proposal is both sited in the clearing of the woodland to enhance and preserve the surrounding trees and dense vegetation and in doing so purports to retain and enhance the special character of this area. See Policy 11 below.

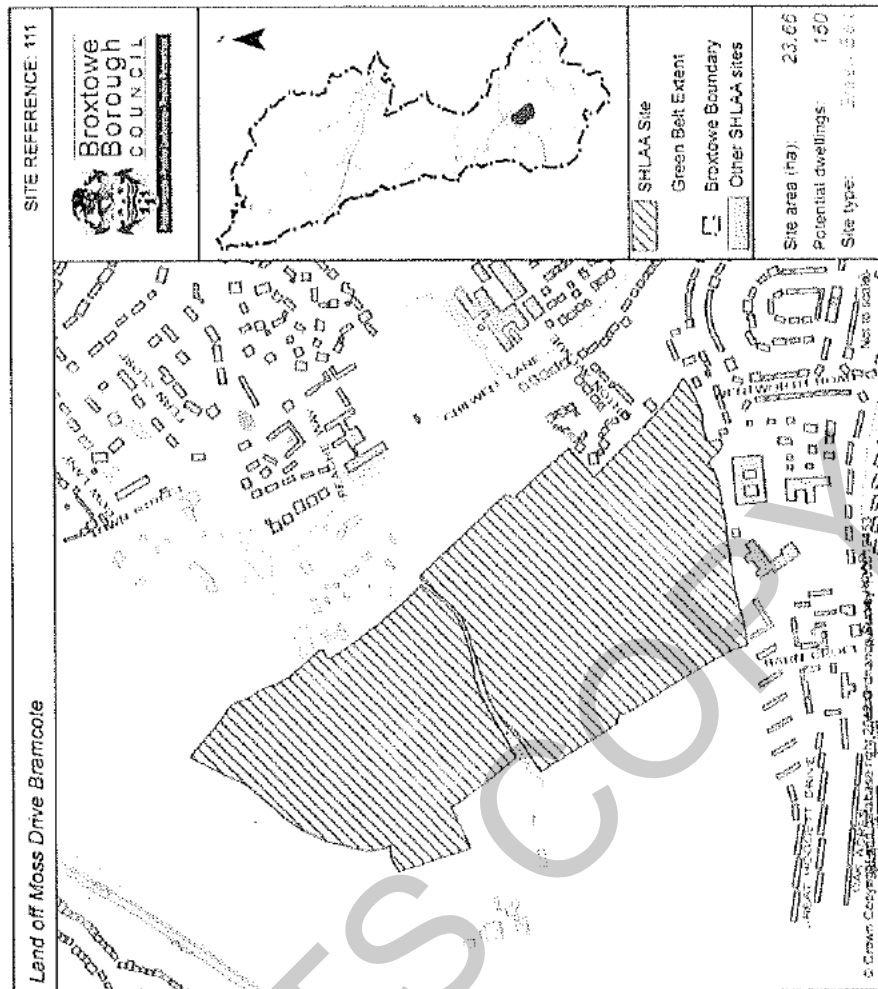


Figure 23: Site 111 from the SHLAA 2012. Source: <http://www.broxtowe.gov.uk/index.aspx?articleid=422>

## Development Plan Documents reference to Policy 3 Green Belts

Green Belt is released in line with need set out in the Aligned Core Strategy which informs the site specific Development Plan Documents. The Development Plan Documents recognise that the boundary to land allocated to Green Belt will be reviewed if there are no suitable non-Green Belt sites to meet the other development land requirements of the Aligned Core Strategy. No Green Belt sites in the locality were reviewed previously in the response to ACS Policy 8.

Where there are no suitable non-Green Belt sites consideration must be given to:

1. The statutory purposes of the Green Belt. In particular the need to maintain the openness and prevent coalescence between Nottingham, Derby and the other surrounding settlements; we have discussed previously the minimal impact this development will have on the woodland and therefore the continued prevention of coalescence.
2. Establishing a permanent boundary which allows for development in line with the settlement hierarchy and / or to meet local needs: the site has its own boundary and proposals in keeping with the piece of land nature of residential in the south of Bramcote (as per the Bramcote Conservation Analysis).
3. The appropriateness of defining safeguarded land to allow for longer term development needs: the proposals are balanced in favour of preserving the woodland. The clients' are willing to negotiate ownership of much of the woodland to the Local Authority to safeguard the land from further development.
4. Retaining or creating defensible boundaries. The development will include restoration of the existing boundaries, however access will be granted to the public. As seen in the proposed drawings below the residents will have private terraces and defensible space to the perimeter of the building.

Further within the DPD, reference is made to ACS Policy E10 suggesting that planning permission will be granted for 'uses of land in the Green Belt which provide opportunities for access to the open countryside, and retain or enhance the attractiveness of landscapes and secure nature conservation interests'. This development serves all of these purposes:

- the provision of apartments, which serve to produce a sustainable site
- the upkeep of the woodland
- the gifting of public rights of way through the site

As such, the scheme appears supported by policy.

### Summary

At present the land is not sufficiently maintained and suffers from the abuse outlined previously. Access to the site must be prohibited through securing the boundary because of this misuse. Unfortunately, it is not possible to appreciate the site from the boundary. Ultimately, continuing the status quo will see the deterioration of the site, this aspect of the Bramcote Conservation Area and Green Belt.

The site offers a sustainable solution to retaining a high quality woodland setting. The 'harm' will be minimal and greatly outweighs the benefits of enhancement and preservation. Further, the retention of this woodland setting may prove necessary should the remaining woodland to Bramcote Hall be developed to high density residential use, see Figure 23.



### Policy E13: Prominent Area for Special Protection

Where this applies development will not be permitted which would 'affect the character or function of the prominent areas' shown on the Proposals Map.

The Local Plan refers to the site as being a 'Prominent Area for Special Protection' however the locations identified in E12 are not part of the site. The closest Prominent Area for Special Protection is Bramcote Ridge and Hills which sits to the north of the A52 and has no physical or visual link with the site.

### Policy E14: Mature Landscape Areas

The Broxtowe Local Plan (2004) identifies in hatch that the site and adjacent area are considered Mature Landscape Areas (MLA's). The policy E14 seeks to identify and protect parts of Nottinghamshire that have been least affected by adverse change, regardless of aesthetic quality. Appendix 7 of the Local Plan refers to the selection of MLA's stating that this 'involved a judgement concerning an area's historical, ecological and physical features, and the continuity of its landscape character and setting within the local context'. Further, the appendix surmises that Bramcote is: 'An interesting landscape of mixed woodland, meadow, improved pasture and amenity grassland'.

Preservation of these qualities of the site is paramount to the proposals. These are the steps which will retain the woodland environment for The Lawns occupiers, the new residents of the development and the general public utilising the site. The development would be sited in a clearing in the north west of the site and would remain enclosed by woodland. Indeed, the ecological and arboreal surveys (see additional consultant reports) show that very little of the existing mature landscape would be 'disturbed' by the development and that the ecological impacts of the works are likely to be minimal. Few trees will be removed and any that are will be replaced appropriately. Building will be limited beneath the arboreal canopy.

It has been noted, by the ecologist, that the site borders the Bluebell Wood Local Wildlife Site (LWS) on the western boundary. The LWS is a non-statutory designation used to identify high quality wildlife sites at a county level but has no legal restrictions. The purpose of this designation of the former Bramcote Hall grounds as an LWS is that it is 'deciduous sandstone scarp woodland'. Nonetheless, no protected or notable species were recorded within the survey area. The ecology report is enclosed and forms part of this application.

The ecologists recommends that a section of scrub land to the south west of the site should be retained 'to provide shelter and nesting habitat' for the potential fauna. This has been incorporated.

The development provides for proper husbandry, boundary and tree maintenance. It fulfils the potential of the area to be a safe, beautiful piece of woodland to be enjoyed by all.

## ACS Policy 2: Spatial strategy

While the site is not within one of the area's identified for development it will provide new housing for 'local housing requirements. Therefore to elaborate on the guidelines established in ACS Policy 2, proposals will provide new luxury accommodation for:

- the existing occupants of Broxtowe who aspire to high end luxury
- as a result, releasing existing housing for use of other residents of the locality
- new commuter residents, as a consequence of the High Speed Rail 2 railway line

The implications of this proposal align with the sentiment in Policy 2 (section 3.2.20) 'that housing numbers and distribution 'reflect a strong desire to see a broad mix of housing provided within the Broxtowe's boundaries'. This type of housing, high end contemporary fully accessible apartments, for the (often more senior) affluent buyer, is not in abundance in Broxtowe.

## ACS Policy 10: Design and Enhancing Local Identity & NPPF Chapter 7: Requiring Good Design

Good design is a key aspect of sustainable development. It is indivisible from good planning, and should contribute positively to making places better for people.

The site is well serviced, as outlined in NPPF core principles, below, and vehicular movement is restricted to the north end of the site. In short, the site has good access and vehicles are concealed in a semi-basement car park.

The proposals will be high specification, bespoke architecture which integrates with the context: offering private terraces, semi private internal terraces, an integral community space and public rights of way through the grounds. In particular the scheme seeks to 'create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion by eliminating the opportunity for the existing abuse to continue and creating a pleasant environment.

The proposal will respond to local character by retaining as much as possible. Its value lies in its woodland context, and by the sensitive scale and use of materials. The proposals are visually attractive and of high quality, see design proposals.

Further the development will be constructed to Passivhaus standards ensuring a fabric first approach, a reduced demand on services and healthy living for occupants. While being a contemporary prerequisite of good sustainable design it is also seen favourably by planning policy 1: Climate Change and more specifically the Nottinghamshire Structure Plan Review.

In addition, and as a consequence of the borough council not having a five year housing land supply, para 49 of the NPPF would be engaged i.e. 'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

## ACS Policy 11: The Historic Environment & NPPF Chapter 12: Conserving and Enhancing the Historic Environment

This policy states that proposals will be supported where heritage assets and their setting are conserved and enhanced in line with their interest and significance. Further consideration should be given to the contribution the heritage assets has to the 'delivery of wider social, cultural, economic and environmental objectives'.

In assessing the site's 'interest and significance' we refer to The Bramcote Character Appraisal which present the Moss Drive/Cow Lane crossroads as such:

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'Moss Drive leads off west to the extensively wooded grounds of Bramcote Hall, where the high quality "Lawns" development of modern apartments is concealed. The dominance of the woodland here creates a strong feeling of enclosure.

See figure 24 below; a photo demonstrating how the Lawns scheme is concealed from the south by the existing woodland. This image was taken in January when foliage is reduced. Clearly this would not be visible during the summer months.



**Figure 24:** View from south to existing Lawns scheme. Source: CPMG, January 2015.

It is important to note that the proposed development would be similarly 'concealed' within the woodland setting, preserving a sense of enclosure along this route. The woodland to the northern boundary will be retained to create a screen between Moss Drive and the development. Access to the site would be via the north-south axis through the site, concealing the vehicular movement with parking below the building.

Nonetheless, even if the woodland were removed this development would not be visible from the view point noted in the Character Appraisal and therefore would not have any impact on the quality of space experienced at the main road junction.

The Bramcote Character Appraisal also refers to 'the elevated wooded grounds formerly belonging to Bramcote Hall which provide long views out to the north, west and south'. This section of the grounds of Bramcote Hall is on a south facing slope and does not benefit from views to the north and west. The proposals terminate within the level of the tree canopy and therefore views to the south will largely be of the woodland, particularly in the summer time when the deciduous trees are in foliage.

The proposals may well be visible from the south from higher vantage points such as the Home Croft and potentially from the beginning of the ascent of Chitwell Lane but otherwise the view in should remain intact.

The proposal would contribute to the objectives highlighted above by:

1. The preservation and enhancement of the woodland and returning the habitat to a professional standard
2. Provide access through the site via a public right of way; see response to NPPF core principles below.
3. In doing so, provide an extension of the public realm for the people of Bramcote
4. Provide safe pedestrian route for the residents of Town Street to access amenities
5. Help towards meeting the local authority's housing targets and increase the supply of high end apartments
6. Provide sensitive architecture built to Passivhaus principles.

We believe these varied objectives can only be met by the proposal of a less dense residential scheme. The densities proposed in the SHLAA (2012) run the risk of destroying the site completely while our proposal preserves the Bramcote Conservation Area. Further, this departure from guidance densities is supported in Policy H3 where the result is the preservation of the Conservation Area. These changes will preserve the significance of the heritage asset of the Conservation Area and ensure the site remains viable.

Similarly, the NPPF Chapter 12: Conserving and Enhancing the Historic Environment requires the heritage asset to be conserved in a manner appropriate to its significance and to put the asset to viable use consistent with their conservation'.

In addition, the policy states that proposals that 'preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. Further where development that would otherwise conflict with planning policy but would secure the future conservation of a heritage asset should be assessed by local authority's; whether the proposals 'outweigh the disbenefits of departing from these proposals' (clause 140).

The developmental proposal would lead to 'less than substantial harm' to the heritage asset and this would be outweighed by the advantages outlined in the introduction of this statement and pursuant detail.

In short, the least disruption to this site would be made through conservation; to preserve the site as woodland. However this is not possible due to the illicit behaviour on a solitary site. Woodland is damaged, stolen, set fire to and soiled with refuse from fly tipping and drug and alcohol abuse. The optimum viable use is to retain the woodland setting with integral guardians; around the clock residents to offer passive surveillance to the site.

The development of the site would include the future conservation through a maintenance contract which would ensure proper husbandry to the woodland ensuring the heritage asset is a positive contribution to the environment for all. The gifting of public access through the site would serve to better reveal the significance of the asset.

As demonstrated by the neighbouring Lawns apartment scheme, the market for these apartments will demand high quality bespoke architecture which is contextually sensitive. The Bramcote Conservation Appraisal states that 'high quality architecture of varied design' is befitting of the context. The proposals will be an addition to the high quality of the local architecture and be a worthy contribution to the future history of the site.

The proposal will not be a pastiche representation of C19th residences in the area. However, drawing on the Appraisal's assessment of local materials we anticipate use of Sandstone walling, with herringbone coursing, for retaining features within the site, a sensitive approach to level changes, and black painted railings at the boundary (to close off access at night). See design proposals.

As a result, the development will bring new (high value) residents to the area who will contribute to the economic vitality of the area and are also, stereotypically, likely to be involved with conservation and preservation of the many local heritage assets within the area.

## Safer Places: The Planning System and Crime Prevention

Reference to this guidance is indicated in NPPF Chapter 7: Requiring Good Design ensuring that developments 'create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'. The main design driver of the proposal is to create a safe and accessible environment.



**NPPF Core Principle**

Bullet point 11 of paragraph 17 refers to actively engaging patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which can be made sustainable. Assuming this proposal of five dwellings was considered 'significant development' the site is sustainable in terms of accessibility.

The site's connections to the urban area and its amenities are excellent. Within easy walking distance, are several bus stops, several post boxes, a doctors' surgery, schools, nurseries, an excellent pub, churches, a leisure centre, tennis courts, parks and two comprehensive shopping areas with myriad cafes and restaurants. Using the BREEM comprehensive criteria for amenities we have formulated a table which substantiates the assumption that the site is well serviced. See table below.

Previously, residents of Town Street had been unable to access facilities by foot to the west of the site. This is due to a lack of pavements around the bend of Chilwell Lane and Town Street. The client intends to open up the site to enable these residents to walk to the facilities via Cow Lane and to provide safe access to bus stops to take the resident to the south of the site and further afield. See Pedestrian routes through site map on next page.

Figure 25: Proximity to Amenity

Amenity (as Defined by BREEM)	Distance from site (miles)	Name
Grocery shop	0.7	Sainsbury's Local, Blenheim Drive, NG9 5ES (1.3m to full store NG9 2LA)
Post box	0.5	Town Street, approx., NG9 3HA
Cash Machine	0.6	Premier Food, 181 Bramcote Lane, NG9 4EU
Pharmacy	1.8	Boots, Bramcote Lane, Wallaton, NG8 2QP
GP	0.4	Bramcote Surgery, 2A Hanley Avenue, Bramcote, NG9 3HF
Sports facilities	0.7	Bramcote Leisure Centre, Derby Road, NG9 3GF
Library	2.2	Beeston Library, Foster Ave., Beeston, NG9 1AE
Outside public access	0	Woodland outside
Pub	0.3	The White Lion, Town Street, NG9 3HH
Students Union	3.1	University of Nottingham, NG7 2RD
Community centre	2.3	St Leonards Community Centre, NG8 2ND
Place of worship	0.4	Methodist Church and St Michaels, Church Street, NG9 3HD

The tram will provide excellent access to the whole of Nottingham. The closest stop will be on Bramcote Lane, 0.9 miles away. The site is highlighted below with a red circle and stop with a red marker.

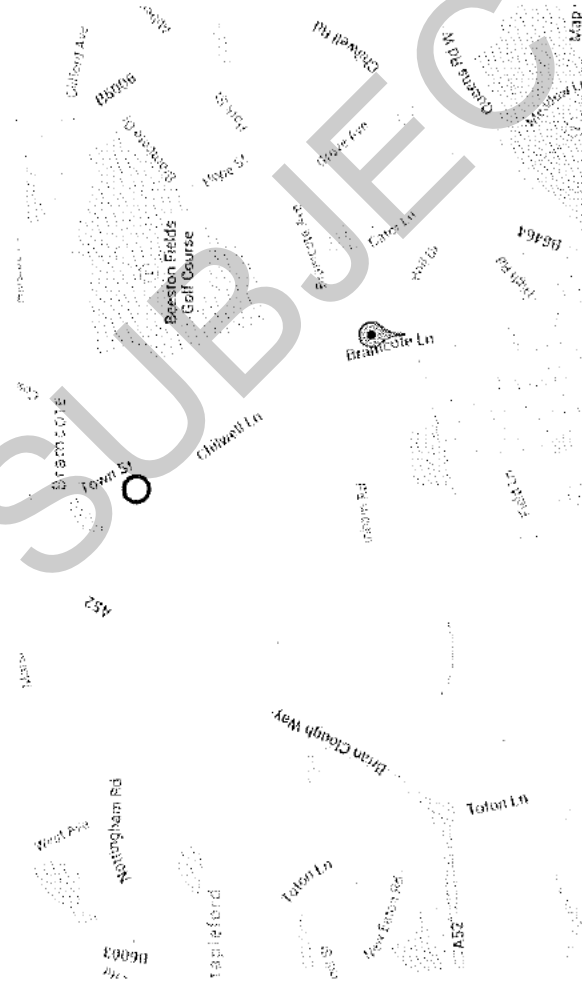


Figure 26: Nearest future tram stop. Source: Nottingham Express Transit (NET), 2015.

HS2, with a proposed stop in Toton (or Breston), some 2.8 miles away, will increase the demand for executive quality homes of which this development is an exemplar.

Currently there is no public right of way across the land. The new rights of pedestrian access shown on the plan opposite and the heritage trails will be granted as part of the development. Also the development would make the area safe and complete a network of woodland trails for the walking public. Connectivity to other footpaths would create a circular link and assist the disabled.

The clients currently allow permissive access to the woodland and that would be greatly improved. The residents to Town Street have no safe pedestrian access out of their road since there are no footpaths to the sharp double bend of Chilwell Lane and Town Street. The proposed pedestrian right of way will allow these residents safe access to the Cow Lane Junction with Moss Drive and the bus stops on the northern section of Town Street.

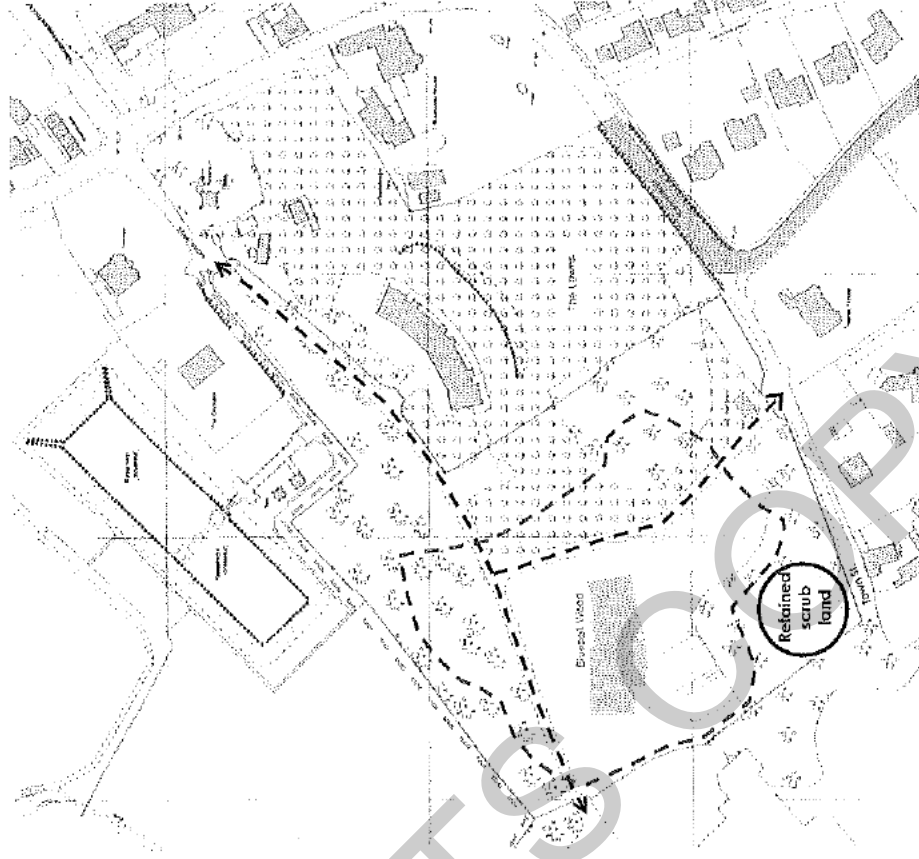
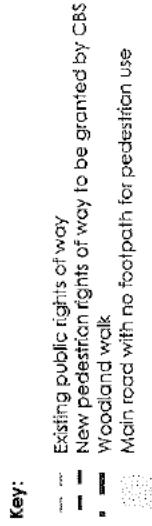


Figure 27: Pedestrian routes through site

In addition, the clients have agreed to provide a circular woodland walk as part of the works, which would be of great benefit to the public. See Figure 25.

## Summary

The Local Authority has analysed the site for residential development. Should they fail to reach their housing targets they will review the Green Belt boundary and have pre-empted this by undertaking the SHLAA in 2012 which identifies potential sites for housing.

The SHLAA 2012 identifies the site as potential area for 44 dwellings. The proposal offers only five dwellings located within the clearing of the site; retaining the mature woodland. This balance will maintain the character of the area identified in the Bramcote Conservation Appraisal document and comply with the preservation of Mature Landscape Areas set out in Policy E1.4.

We have reviewed the other available sites identified in the SHLAA and found none that would appeal to the high end market. It is the low density, private setting that commands the interest of this group.

Should the Local Authority fail to meet housing targets the site of Bramcote Hall will be considered set out in the SHLAA 2012 for future development. Density is proposed at 150 dwellings on 23.66 hectares of land. If it is the local authority's intention to retain the conservation area boundary and the feel of the area this density may have to be tempered.

Alternatively, the construction of a quality piece of architecture with guardianship over an aspect of Bramcote Hall grounds would ensure that some woodland remained in this area; that some of the Green Belt would endure, regardless of the local authority's future intentions with Bramcote Hall. This low density development would retain the character and charm of the former grounds to the now demolished Bramcote Hall.

Notwithstanding the local authority view on this, the site has the potential to be beautiful and a joy to many. Unfortunately it is under attack and suffering as a result. The clients' have little option but to close the site to public access to prevent further illicit behaviour. The site needs the benefit of all day long supervision and professional woodland husbandry, as per the exemplar of the Lawns. A 'do nothing' approach will inevitably lead to the continued, gradual and inexorable deterioration of the site.

The proposals will be of high architectural quality with a contextually sensitive aesthetic and built to an environmentally sensitive Passivhaus standard.

## 3.0 Design Proposals

## 3.1 Use &amp; proposals

The proposed use of the site is two-fold: as luxury residences in a woodland setting and as new woodland walks in the form of new public rights of way through and encircling the site. The residences will be fully accessible with secure visitor and residents parking and cycle store in the semi-basement car park.

Both the site and the local community will benefit from this development which will both improve this section of Bramcote Conservation Area and provide public access not previously possible.

The site will include five new apartments, located in the clearing in the north-west corner and a bin store to the north to service the new apartments.

The use and proposal as stated above has been fully considered and carefully planned in terms of massing, form, layout, scale and aesthetic appearance. This will become more evident further on in this document.

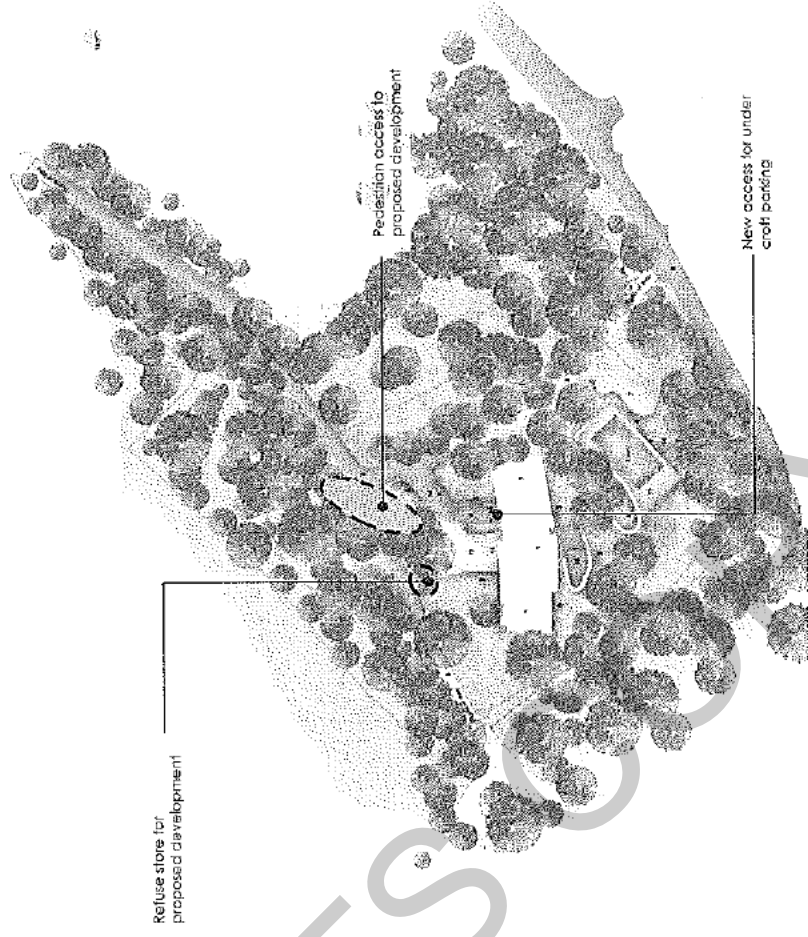


Figure 28: Site map illustrating the proposed site use

### 3.2 Site layout

The existing site consists of predominantly woodland and is enclosed on three boundaries by further woodland. On the south side the boundary is with a public road: Town Street. The sun tracks the site from Town Street to the former site of Bramcote Hall with Town Street being the principle southern elevation of the site.

The proposed woodland husbandry will tidy up the overall aesthetic of the site and improve the interface with the public at the boundary.

Early design proposals demonstrated the main mass of the apartments in a similar location, responding to:

- The need for minimum disturbance to the mature landscape (MLA)
- Sensible balance between optimum passive surveillance over the site and retention of the woodland
- The south west orientation (for Passivhaus purposes)
- Providing vehicular access from the north-south axis through the site, providing opportunity to separate and conceal the vehicular movement from the woodland walks

Originally the waste and recycling area was to the east of the north-south axis but this was felt to be too far away from the proposed occupants of the site. The current proposal sites this low level timber faced structure to the north of the building mass. As such, this is:

- Directly accessible from the track (extension of Moss Drive) by refuse lorries
- Far enough away from the scheme to avoid disturbances (as is the present experience at The Lawns)
- Benefiting from passive surveillance from the main entrance, circulation core and the apartments
- Hidden from site upon approach from Moss Drive by both existing trees and the new landscape buffer, types to match those typical of the locality (see arboreal report).

The proposal was encircled by car parking to the north and east and had integral garages to a semi-basement storey for the three apartments. Although this option had a reduced mass, which was presumed favourable, it was argued that the residents may feel too isolated in too little a number. In response the proposal was increased to five apartments; the maximum we feel the woodland site can hold and retain the balance in favour of woodland.

The parking was also removed from the woodland floor and hidden within a basement, along with storage and plant. As a result the impact on the views from the north of the site from the extension of Moss Drive has been reduced.

The new rights of way across the north-south axis and the extension to Moss Drive (which connects to the former site of Bramcote Hall) will provide access for the public to an area designated a Mature Landscape Area.

Furthermore, the provision of amenity space within the woodland context proposes a private space for its residents and a semi-private south facing terrace to the scheme's social space, the Orangery. The terrace is constructed in timber, to match the building, and is suspended above the ground on a timber structure. An integral part of this feature is the provision of wheelchair access along a designated pathway along the north-south access.



### 3.3 Concept, mass & scale: including design development

The design of the apartments has evolved over two to three years and has been finessed to grace the special character of the area, and to ensure that it settles comfortably within existing landscaping. Its aesthetics are designed to benefit generations of community to come.

This will be a building of special architectural interest that is scaled and sympathetic to its environment and an icon of design within Bramcote. The apartments will be carbon neutral and will aim to set new standards for intelligent and sustainable design through using 'Passivhaus' principles. CPMG Architects Ltd. is in the national forefront of this technology.

The design embraces the special characteristics of the area and takes advantage of the natural site contours to enhance views out and to conceal the practicalities of parking and storage and plant (a prerequisite of Passivhaus). Parking for residents, (two per apartment) visitors and for people with disabilities will be under the building in a semi-basement area decreasing the amount of hardstanding required for these vehicular areas.

The vast majority of the landscaping will be preserved and enhanced. The building will be clad in dark-stained sustainable wood to allow it to nestle into its surroundings with the fenestration providing subtle jewelled highlights.

The architectural language of this building draws on the precedent of Bramcote Hall and the wooded context. Bramcote Hall, as seen in the photos, had substantial floor area, it sat low to the ground at 3 storeys creating strong horizontal lines across the landscape. In the spirit of the Gothic style, the mass was made to feel taller through the subdivision of the horizontal mass into adjoining vertical bays with height suggested by the high parapets and windows. The consequent undulating roof scope further broke down the horizontal mass. While the building had presence it was subdivided to create a more human scale.

In our modern reinterpretation of Bramcote Hall we retain this language but also respond to the woodland context. We have provided several precedents where timber cladding demonstrates the use of horizontal timber cladding to sink a building into its context. Vertical screens and cladding is used to reflect surrounding woodland context and emphasise elements with hierarchy, such as the circulation tower. This element stands tall to identify the public entrance to the building and resonates with both the tower of Bramcote Hall and the Grade II Listed Church Tower of the local 'Sunken Church'. The vertical modules of timber rainscreen cladding offer a further sympathetic nod to the woodland.

This scheme will be finished for the main stay in horizontally laid timber rainscreen cladding which will reduce the impact of the height of the proposals. This is juxtaposed with areas of vertically laid timber screens which draw on the verticality of the surrounding woodland. Where the building is concealed by the woodland to the north, this verticality is apparent as a reflection of context. On the south of the building, where the development is exposed to distant views, the building draws heavily on the horizontality.

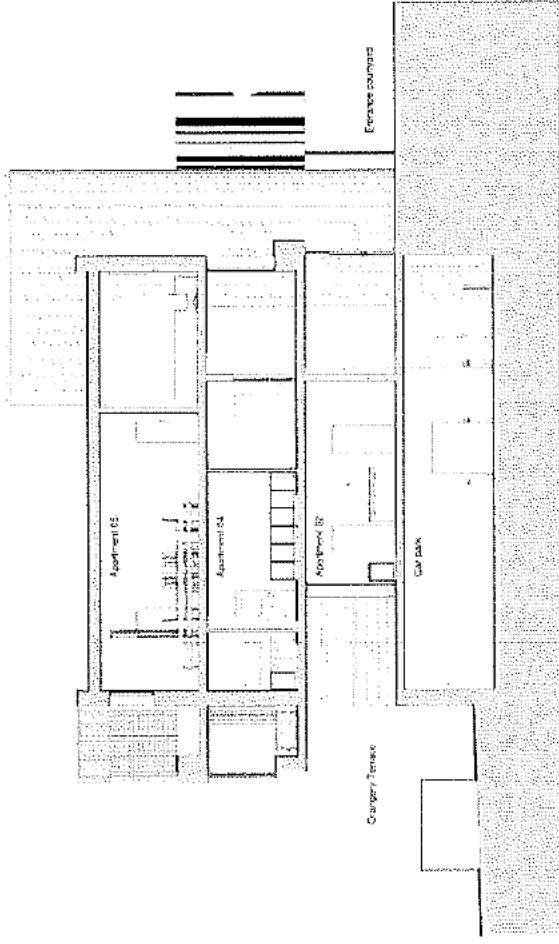
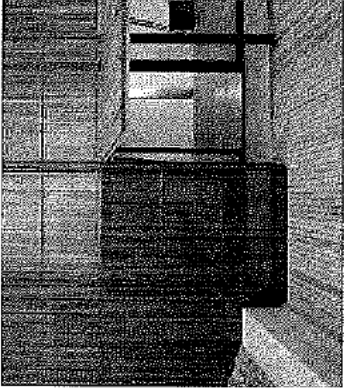


Figure 29: Section demonstrating semi-basement car parking

### 3.4 Precedents

Precedent was taken from contemporary buildings that used timber as a main driver for aesthetic form and function whilst responding to its context. This was found to be appropriate for a woodland context used by a building which wishes to remain sensitive and part of the context.

In addition, the adherence to Passivhaus principles can be supported by the use of timber, principally through the use of timber brise soleil, horizontal on the south façade and vertical to the east and west.



Peninsula House, Australia,  
Sean Goddell Architects



Water Villa, Framework Architecten and Studio

11.03.2015

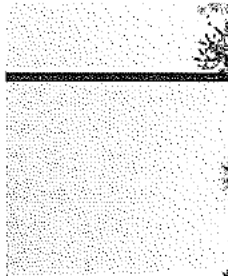
### 3.5 External appearance

The principle façades of the apartments are finished in 'timber board rain screen' to reflect the woodland setting. Generally, the boards are laid horizontally to reduce the impact of the development on the site by ensuring the building will appear shorter and more landscape in nature. This is reinforced by the brise solei to the southern façade which, for efficient shading from excessive solar gain, are fixed horizontally. To the east and west façades the timber brise solei are vertically fixed in a less regular rhythm to replicate the woodland encircling the site.

The use of vertical timber boards is used to exaggerate the height of the circulation tower, to replicate the use of towers and belfry in Bramcote Hall and the Sunken Church to signpost the entrance to pedestrians.

Where the façade to the semi buried car parking basement is exposed it is proposed to be constructed in polished 'toughened mirrored glass' to both conceal the car parking within and reflect the context: camouflaging the storey further. The first, second and set back pent house floors are externally clad in timber as described previously.

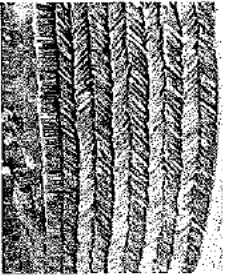
The roofs are generally finished with a roof top terrace. Where this is not the case the roof will be sedum.



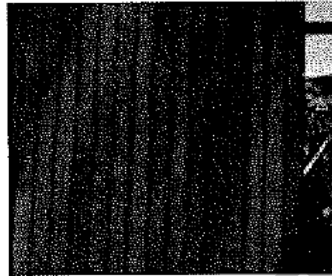
Toughened mirrored glass



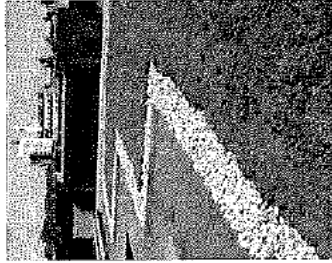
Timber brise solei



Herringbone sandstone wall



Timber cladding



Sedum Roof



Black painted fencing

### 3.6 Internal layout & appearance

The ground floor, upon entry into the building comprises: a main entrance, entrance lobby and circulation core. Immediately in front of the entrance core is the Orangery is the social space of the building. To either side of the orangery are apartment one and two, each a mirror of the other. Similarly: at first floor apartments two and three sit either side of the orangery. The fifth apartment straddles the roof of the orangery.

With each change of floor level the apartment forms twist above the footprint below, forming interesting terrace shapes and overhangs which provide relief to the elevations and protection from solar glare in the summer months (as part of the Passivhaus Strategy).

Each of the five apartments contains three bedrooms, one master suite and two double bedrooms with en-suite. These are located to the perimeter of the open plan kitchen, dining and living area: the heart of the home.

Each living space and master suite opens via folding sliding doors onto a terrace with glass balustrading. The main spaces are supported by a utility room, study and separate WC.

The scheme is designed to "Lifetime Homes" standard. See: Life Time Homes (LTH) Revised Criteria [http://www.lifetimehomes.org.uk/data/files/For\\_Professionals/accessible\\_revisedstandard\\_final.pdf](http://www.lifetimehomes.org.uk/data/files/For_Professionals/accessible_revisedstandard_final.pdf)

As such the following are incorporated:

- Provision of accessible car parking space to Part M standards
- Access route from car park to lift core maintains a clear width of 1200mm
- Level access to entrances
- Level thresholds throughout (internal and external including terraces)
- Illuminated entrance
- 300mm clear ribs to the leading edge of the pull side of all doors
- Doors to have effective clear width of 800mm
- The circulation core will comprise a ambulant disabled part m compliant stair case i.e. closed riser stair case with a maximum 170mm rise, a going of 250mm, handrails that extend 300mm beyond the top and bottom and are 900mm higher than each nosing. The nosings are to be of contrasting brightness.
- A communal hallway width exceed the minimum of 1200mm in all case
- Internal hallway widths exceed 800mm
- Wheelchair turning circles in dining, living and circulation spaces
- Entrance level living space
- Entrance level bed-space, wc and shower
- Walls in bathrooms and WC capable of carrying firm fixings of grab rails
- Structure above a main bedroom and bathroom ceiling should be capable of supporting ceiling hoists to provide reasonable route between bedroom and bathroom
- Bathrooms 2.1m x 2.1m to allow for future refurbishment
- Window's in the living room should allow views out from a seated position
- At least one opening light should be approachable and usable by a wide range of people
- Service control should be within a height band of 450-1200mm from the floor and at least 300mm from the internal corner

The interior will be completed to a high standard of finish. Bathrooms and kitchens will be a high specification.



### 3.7 Surface water, foul sewage and utilities

As part of the Passivhaus credentials, this scheme will provide rain water harvesting. As a matter of course all surface water runoff will be collected from roofs and terraces and be reused in a grey water system within the apartments. The water collection will be below ground.

The scheme will provide heating through underfloor heating pipes on a closed loop system with a ground source heat pump. In addition, the mechanical ventilation to each unit will have heat recovery capability to recoup the warm air lost through ventilation.

### 3.8 Flood risk assessment

The Environment Agency illustrates this site and surrounding areas as not at risk of flooding. Threshold drains to door openings are advised where run-off would otherwise enter the building in the event that the external drainage system fails.

The drainage proposals ensure that sufficient attenuation storage is provided in the critical storm events for the 1 in 100 year return period (plus 30% climate change) to prevent flooding of any buildings within the redline boundary and ensure that properties off site are not exposed to an increase in flood risk as a consequence. Further testing to BRE345 guidelines will be required before the construction begins on site. The drainage proposals ensure that no surface flooding occurs in the critical storm events for the 1 in 30 year return period.

### 3.9 Sustainability statement

The clients aspire to Passivhaus principles: which a growing energy performance standard in the world with 30,000 buildings realised to date. The Passivhaus standards' strengths lie in the simplicity of its approach: to build a house that has an excellent thermal performance, exceptional airtightness with mechanical ventilation.

The heating requirement in a Passivhaus is reduced to the point where a traditional heating system is no longer considered essential. Cooling is also minimised by the same principles and through the use of shading and in some cases via the pre-cooling of the supply air. Night purging and the use of natural cross-ventilation through open windows is encouraged during the summer months'. (Data taken from [www.passivhaus.org.uk](http://www.passivhaus.org.uk))

As such, Passivhaus is a key design driver. In adherence the following have been implemented in the proposals:

- Orientation: the building form faces the south west to increase passive solar gain. Glazing forms 60% of the south west façade.
- To prevent over heating in the summer months the south façade has deep reveals and horizontal louvers.
- To reduce heat loss on the colder north side, the glazing is restricted to 20% of the façade. Floor to floor distance of 3.3m with full height glazing to allow for maximum solar gain and space for efficient heat dissipation.
- Exposed concrete soffits in the main living spaces for thermal mass
- Plant rooms for:
  - grey water storage (basement)
  - ground source heat pumps to supply the under floor heating (basement and west façade)
  - air recirculation pumps (circulation areas)
- Heavily insulated, far surpassing the requirements of Building Control.
- Air tightness finishing, for efficiency.
- Materials have been chosen that are robust, that age gracefully and have a long life expectancy, to reduce the need for constant maintenance and repair.

### 3.10 Site waste management

This is a preliminary Site Waste Policy and shall be revised following appointment of the building contractor.

The successful contractor will prepare a detailed Site Waste Policy Document, that will incorporate our aims as follows, and which will explain the plan and detail their procedures and approach to site waste management:

- The segregation, reduction, minimisation and reuse of waste generated is to be the first priority for the service
- Partnerships with waste efficiency providers will be explored at design stage, to source innovative ways of material and waste reuse, e.g. the National Industrial Symbiosis Programme (NISP) [www.nisp.org.uk](http://www.nisp.org.uk) during the demolition and build stages
- Where possible Sub-contractors and Suppliers that operate 'take-back' for unused materials and unwanted packaging will be used
- Organised, clean and secure material storage areas must be established on site to minimise the damage to new materials, risk of vandalism and to prevent pollution
- A site pollution prevention plan, detailing areas of on / off-site drainage and onsite / neighbouring sensitive receptors, will accompany the site waste management plan, to ensure that materials (including oils and fuels) and wastes are stored and handled in appropriate locations.
- Segregation on site will be implemented where there is sufficient working room and where the facilities exist locally in order to process the various waste streams segregated on site. Consideration to the above point will be made when siting these areas
- Only waste disposal (skip) companies with their own Waste Transfer Station / MRF facility and with the facilities to report on the quantities of waste being recycled shall be used.
- Correct documentation must be provided to support all waste transfer activity including EWC codes, detailed descriptions and licence information. Licence documentation will include as a minimum: Duty of Care paperwork, Waste Carriers Licences, and Environmental Permits (formerly Waste Management Licence) for each waste collector
- Site waste activities will be conducted with regard to maintaining full environmental compliance at all times. Exemptions from Environmental Permitting, for waste treatment activities (e.g. chipping, baling, shredding) and consents for discharge, in particular shall be obtained prior to starting work activities
- All Controlled Waste Transfer Notes will be kept for 2 years and all Hazardous Waste Consignment Notes will be kept for 3 years. Copies of all Duty of Care documentation will be provided to the client post-construction
- Audits tracking progress against the site waste management plan shall be made at frequent intervals (monthly as a minimum) with any falling performance issues corrected prior to the next audit. Non-conformance reports shall be maintained, and signed off once corrective actions have been fulfilled



**3.11 Key views****View of the pond and the proposed building from southeast corner of the site**

#2



View from south with the building set into the enhanced woodland context



#2



View from northeast looking towards the main entrance of the building



#2

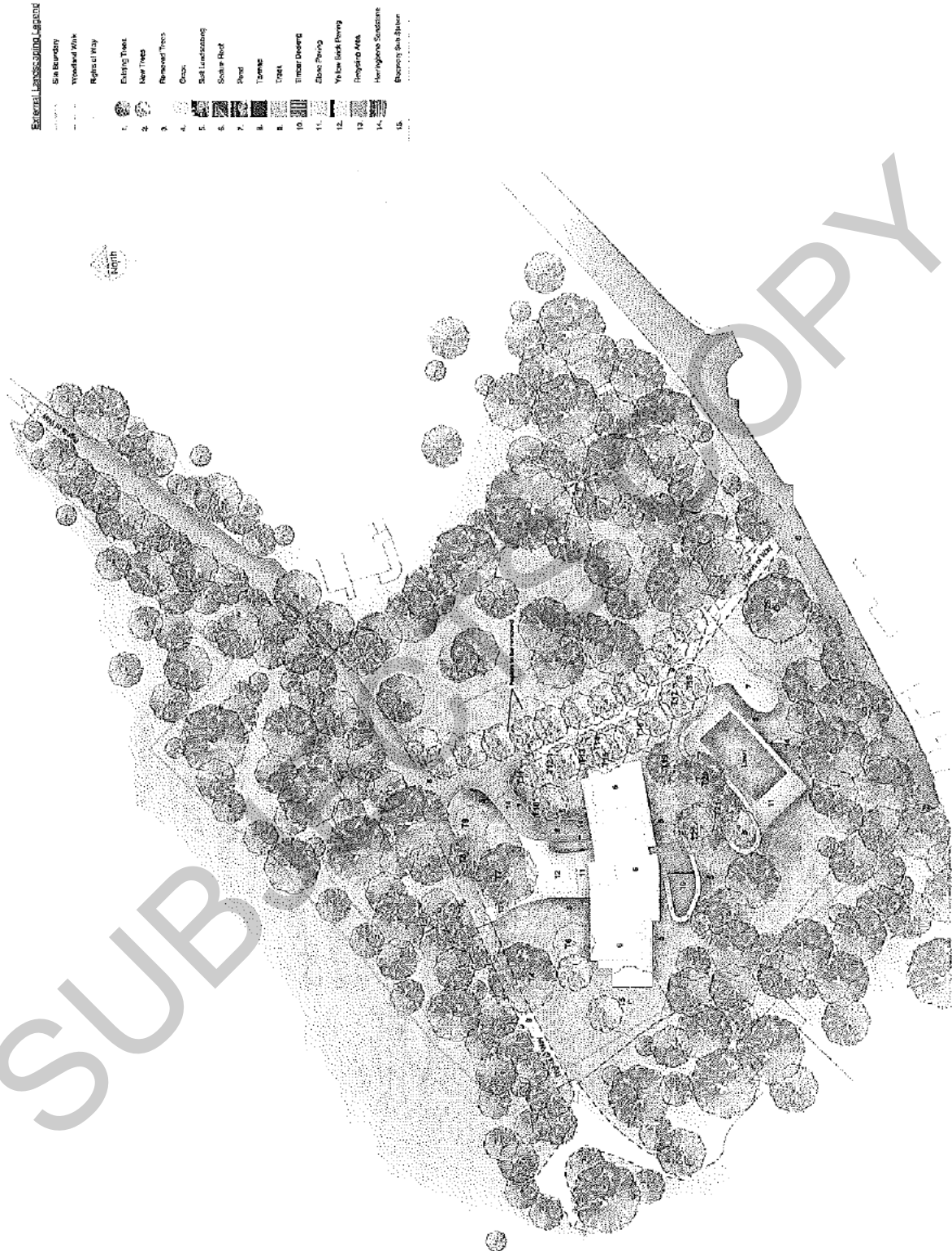


Dust view from the southeast corner of the site



#2





### 3.13 External lighting

All external lighting will be in accordance with CIBSE Lighting Guide and BSEN 13201 and BS 5489. External lighting shall be provided to areas including pedestrian and fire access routes, circulation routes, main entrance, building façade and any external illuminated signs.

The entire external lighting scheme shall provide a uniform and visually attractive environment to emphasise the architectural features of the building but in keeping with the NPPF needs.

There shall be various control methods for the external lighting which shall be developed with the client at a later stage, but shall include time clock and photocells, manual override and call out signal override.

Compliance with dark sky criteria is to be achieved using precise light control from luminaire head/optic. Luminaires installed shall have no upward light component in accordance with dark sky compliance. The local authority's dark sky policy shall be consulted prior to installation of external lighting. Control of external lighting shall be sympathetic with the dark sky criteria but shall also include the operational control associated with the requirements of a live fire station.

The following design principles shall be adopted: -

- Light the areas we need to only
- External lights and their light distribution shall be positioned so as to avoid light spill into the sky and onto neighbouring properties

In addition, and as per the ecologist's advice, any lighting which is used on the site will be bat friendly. Lighting should face away from trees and hedgerows. The lighting scheme will utilise either low or high pressure sodium lamps and minimise light scatter using light spill accessories (Bat Conservation Trust 2008).



#### 4 ACCESS STATEMENT

##### 4.1 Vehicular access, parking & cycles

The primary access route for residents and visitors will be from an extension of Moss Drive, as used currently by the residents of The Lawns. This will be of an adoptable road standard with two lanes. A secondary pedestrian access will enter the site from the existing gate on Town Street, see proposed routes plan.

Parking is hidden in the basement storey of the building. There will be two car parking spaces per apartment (ten in total), one space for people with disabilities and four spaces for visitors. See the proposed plan L-Q, 7542-20-004.

To supplement vehicular parking, 2 secure cycle enclosures are located within the site. The calculation is based on guidance obtained from the NCC Local Plan – Appendix 1/Section 7 where 1 secure cycle loop is required for every 10 car parking spaces. Based on 15 car parking spaces 1.5 hoops would be required; therefore it is assumed that the provision of 2 cycle enclosures will satisfy this requirement.

One of these will be within the proposed development basement storey. See drawing 7542-20-004 for more information on proposed cycle location.

##### 4.2 Access for people with disabilities

Disabled parking spaces will have a level approach from the basement storey to the lift. There will also be a drop off point to the front of the building with dropped kerbs and a ramp ensuring suitable access.

The proposed building is designed to Part M recommended regulations, including a minimum 300mm ribs to all leading edges of doors. Internal circulation is generous giving sufficient room for the passage and movement of people throughout.

The apartments will be designed to Lifetime Homes standard as per planning policy 8: Housing size, mix and choice.

##### 4.3 Refuse (storage & collection)

The proposed development would maintain access for refuse collection off Moss Drive in a gated enclosure with dual access from within the site and from the road.

Collection and storage would be retained in secure storage bins in close proximity to the road giving sufficient area for a refuse lorry to collect and manoeuvre away from the site. This refuse area is clearly shown on the proposed site plan; drawing: 75642-70-001.

The proposal provides the passive surveillance with views out over the land designed to every facade alongside good lighting and sensitive use of CCTV. The site is already, and will continue, to be locked up overnight to prevent the worst of misuse. Just as the presence of The Lawns in the woodland setting provides a visible sign of occupation so too will the proposal.

Appendix A: Response from Local Planning Officer Miss Mc Elwain

#2  
 Alt 10  
 Est: 3500  
 #2  
 Date: 26 September 2013

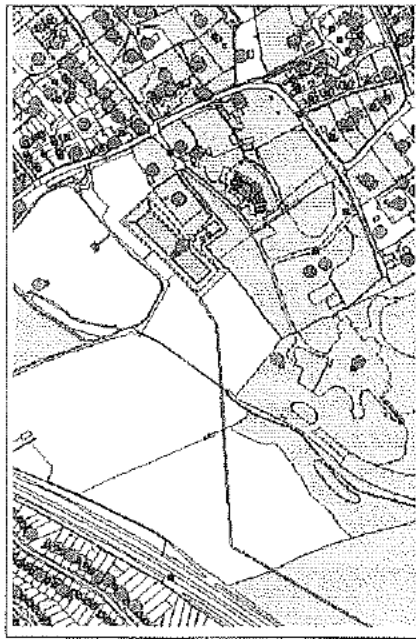


#2  
 - 1 OCT 2013

PROPOSED APARTMENTS  
 LAND NORTH WEST OF HALL GARDENS MOSS DRIVE BRAMCOTE

I refer to your enquiry regarding the above which was received on 13 September 2013.

Site Plan



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Recent relevant planning history from the council's database since 1974 (this may not be a complete site history and is not a substitute for a Local Land Charges Search):

010013963664	Land North West Of Hall Gardens Moss Drive Bramcote Nottinghamshire
No planning history	

Policy context

Key planning policies relevant to the enquiry appear to be:

Broxtowe Local Plan (2004):

- E1 – Good Design
- E8 – Development in the Green Belt
- E9 – Visual Impact of Development in the Green Belt
- E14 – Mature Landscape Areas
- H7 – Land not allocated for housing purposes.

Publication Version Core Strategy:

- Policy 2 – Spatial Strategy
- Policy 3 – The Green Belt
- Policy 8 – Housing Size Mix and Choice
- Policy 10 – Design and Enhancing Local Identity
- Policy 11 – The Historic Environment

Government Planning Policy Guidance or Statements:

- NPPF Chapter 7 – Requiring Good Design
- NPPF Chapter 9 – Protecting Green Belt Land
- NPPF Chapter 12 Conserving and Enhancing the historic environment.
- Safer Places: The Planning System and Crime Prevention.

It is understood from the evidence provided that following a series of illicit behaviour on the site including, fly tipping, arson and vandalism that the owners have put forward a proposal for three apartments as a possible solution to the issues. It is considered that by establishing a presence on the site natural surveillance and maintenance will deter the continuance of such activities.

The site was subject to an assessment as part of our Strategic Housing Land Availability Assessment in which the conclusion was that the site is 'non deliverable' or 'developable'. The final reasoned judgement given was:

'this site forms part of a narrow and important Green Belt gap between Bramcote, Beeston, Cullwell and Stapleford. Other policy constraints would still apply i.e. Prominent Area for Special Protection and Conservation Area. Other issues to be considered would include the access arrangements.'

The site is located within the Green Belt and there is no strategic plan to alter the boundary in this location. Local and National policies aim to avoid harmful impacts on the permanently open characteristics of the Green Belt. Policy E8 of the Broxtowe Local Plan has a strong presumption against 'inappropriate development' except in 'very special circumstances'. The Green Belt chapter in the National Planning Policy Framework echoes this message. Standalone residential development in the Green Belt would not be considered as an appropriate use and therefore the proposal is contrary to local and national policy. In limited circumstances where 'very special circumstances' can be evidenced, permission may be granted for inappropriate uses however I am far from convinced that the recent undesirable activities on the site would constitute sufficient reason to allow such an infringement to the openness of the Green Belt.

In addition to the Green Belt constraints, the site is a designated mature landscape which is substantially intact. Development may be harmful to the landscape and Policy E14 of the Broxtowe Local Plan strongly advises that development should be resisted unless the need for the proposals clearly outweighs the remaining harm to the special qualities of the site. As other sites, which are not designated, are available to meet the housing needs of the Borough, I do not consider that there is a demonstrable need to develop the site.

The site is also located within Bramcote conservation area which puts a further constraint on the development. The site is a substantially wooded area which lies within the setting of the former Bramcote Hall. I have consulted with our conservation adviser on the proposal who is concerned that the apartments would have a detrimental impact on the 'setting and special character' of Bramcote and the mature landscape which is recognised as being a key characteristic of the Bramcote Conservation Area. The Bramcote Character Appraisal states that the grounds of the former hall, make a positive contribution to the character of the area. Of particular note the Character Appraisal mentions the dominance of the woodland and its creation of a strong feeling of enclosure. I therefore consider that the development of the site would also be strongly resisted on conservation grounds.

Another major issue with the development of the site is the accessibility. The site is not within easy walking distance of local facilities which causes concerns as it is the aim of the Publication Version of Broxtowe's Aligned Core Strategy, which sets out the strategic aims for Broxtowe over the next 15 years, to achieve sustainable development through a strategy of urban concentration, with regeneration coupled with a strategy to reduce the need to travel, especially by private car. Development of this site which does not have good connections to urban areas is at odds with this aim. Although there are bus stops within walking distance, it would be difficult to walk to access local facilities and this is not considered to be adequate to meet policy aims. Therefore as a standalone development, this proposal is also likely to fail on accessibility grounds.

Another point I would like to raise is that, there is no guarantee that the proposed development would provide a solution to the problems which have occurred on the site. Although the proposed apartments may provide natural surveillance at the centre of the site this would not apply to the wider area. In addition, being in isolation, there would be no natural surveillance over the apartments or the surrounding publically accessible spaces which causes concerns for the safety and amenity of any future occupiers. The National Planning Policy Framework suggests that new development should create safe

and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In addition Government guidance suggests that the level of human activity creates a reduced risk of crime and a sense of safety and this development fails to accord with this.

Our conservation adviser suggests that an alternative solution, to the issues, other than development or closure of the site, may be to substantially reduce the tree cover in order to return the site to its previous form. This would also enhance the significance of the designated landscape and potentially offer better natural surveillance.

In conclusion, although I can clearly see that substantial effort and resources has been put into marketing the site for use as residential and the plans, of the apartments, submitted with the enquiry have high architectural merit and form, in this location the principle of a residential development is not in line with current policy and I cannot support such a proposal or recommend that the site owner's submit a planning application.

Please contact me if you require any clarification or if you would like to discuss anything further.

**Further advice:** Before submitting any planning application you are advised to check the Validation Requirements (on the Council's website or on the Planning Portal [www.planningportal.gov.uk](http://www.planningportal.gov.uk)) as these are revised from time to time.

Your proposed development may require approval under the Building Regulations. If planning permission is granted for a development on this site, the Council does provide a high quality Building Control service which works closely with the planning/development control side of this department. Andy Limb (Tel: 0115 9173470) is the head of that team - he would be happy to talk to you about the service his team offers, and discuss likely fees.

#### Disclaimer:

**IMPORTANT:** The advice contained in this response is given in good faith but is not binding on the Council. The formal decision of the Council can only be given as a decision on a planning application. Notwithstanding the advice given, there is no guarantee that planning permission will be granted, or refused, for a future planning application relating to the matter which is subject to this enquiry.

Yours sincerely

#2



#2

Notes of informal consultations with neighbours about development of Woodland Lodge

Updated 11/05/14

Date	Who seen	Who by	Comments/outcome	Likely to succeed?
23/11/13 and various subsequent updates	#2	Bill/Karen/Carol met at 7 The Lawns	<ul style="list-style-type: none"> <li>Indicated strong support.</li> <li>Particular interest in extra parking + bike storage.</li> <li>Asked if garages could be built and showed interest in buying one.</li> </ul>	#2
20/11/13	#2	Carol met at Lawns Pavilion and on site	<ul style="list-style-type: none"> <li>Indicated strong support.</li> <li>Wanted 2<sup>nd</sup> meeting to view site.</li> <li>Suggested 5 apartments = better balanced community.</li> <li>Asked if we didn't get 'planning' could we still do parking (Carol answered = yes if we can fund it somehow).</li> <li>Mentioned the farmer beyond our land had got planning permission to build more housing.</li> </ul>	#2
30/11/13	#2	Bill/Karen/Carol met at Lawns Pavilion	<ul style="list-style-type: none"> <li>Important to keep value of new apartments higher than The Lawns so we don't compete in same market.</li> <li>Include covenants to ensure no more development than 5 apartments.</li> <li>Suggested making new owners liable for Moss Drive maintenance.</li> </ul>	#2

1

	#2		<ul style="list-style-type: none"> <li>Queried if development below the threshold for including affordable housing – Bill confirmed well below.</li> <li>Koen on increased parking spaces.</li> <li>Asked about noise etc from construction traffic – Bill acknowledged the point and said it would be well managed.</li> </ul>	#2
11/12/13	#2	Carol – site meeting	<ul style="list-style-type: none"> <li>Reiterated do 5 not 3 apartments – safety, affordability, apartments as drawn probably too big to be cosy. (proposal amended to include 5 units on same size footprint).</li> <li>Don't lose control – for example sell as leasehold and spell out what is and isn't allowed (Carol confirmed this was the intention).</li> <li>Still very much in favour + wished us well.</li> </ul>	#2
12/12/13	#2	Email 12/12/13 and meeting 06/03/14 (Don not at mtg) David Carol Bill and Karen present	<ul style="list-style-type: none"> <li>once the land is designated development land, want a guarantee that the current freehold owners will remain owners and a developer is not left free to put separate and less sympathetic plans to the Planning Authorities. Bill replied that LBMC would benefit from restrictive covenants within the lease.</li> <li>appreciate parking is a problem but do not feel the Lawns needs more grounds as do not think collectively we can afford another increase in Service Charge to cover the additional maintenance required. Bill explained costs unlikely to increase as result of new car park and more spaces can be provided if we extend slightly into the woodland that is flat with no trees.</li> </ul>	#2

2

			<ul style="list-style-type: none"> <li>expressed interest in pavilion being developed as part of the deal and additional parking within Lawns existing grounds.</li> <li>expressed interest in cycle store and car park being an opportunity to create much needed income for The Lawns.</li> <li>want good control over building noise/disruption – Bill said some of this is possible eg no deliveries before 9.30.</li> </ul>
17/12/13	#2	Carol met at 15 The Lawns	<ul style="list-style-type: none"> <li>Very supportive and wished us good luck.</li> </ul>
05/01/14		Carol met at Harley House and follow up emails 12 and 16 Jan 2014	<ul style="list-style-type: none"> <li>Concerned about balconies facing their properties and want assurance will not be overlooked (Bill said this was too far away to be a problem and Carol emailed #2 12/01/14 to that effect and suggested a site visit). Further email from Carol 16/01/14 to confirm final designs will ensure no overlook.</li> <li>Asked for vehicular access over road leading up front Town Street and out through Moss Drive. Carol emailed 16/01/14 to confirm final roadway will not go down to Town St due to prohibitive cost - so right of way to Harley House (to be granted as part of the development) will be pedestrian only.</li> <li>If Town Street to be used by new development it should be maintained by the development to a better standard.</li> <li>Keen that most of the area is preserved as woodland.</li> </ul>

3

			<p>space – they are regular users for dog walking. Carol confirmed this was an important part of the proposal.</p> <ul style="list-style-type: none"> <li>Overall positive response and pleased to have been consulted. Will read booklet and comment further if more points occur.</li> </ul>
09/01/14	#2	Bill wrote Dec 2013 with consultation document	<ul style="list-style-type: none"> <li>Happy to support the scheme although I envisage much disruption to the Lawns re the actual building work whilst being constructed albeit just a small development.</li> <li>Would the new residents all be using the same entrance as the Lawns or will it be accessed from the alternative road off Town St.</li> <li>The finished article looks very smart</li> </ul> <p>Bill's response 09/01/14:</p> <ul style="list-style-type: none"> <li>Thanks for your positive response.</li> <li>We can do quite a bit to minimize disruption during construction.</li> <li>1. We can restrict delivery hours.</li> <li>2. We can limit vehicle sizes.</li> </ul> <ul style="list-style-type: none"> <li>Regarding access by future residents, we have a choice here. I would prefer to use the Lawns Moss Drive access if everyone agrees. That way the new owners share the upkeep costs of Moss Drive which currently falls on the Lawns alone. Increased traffic negligible with such a small development.</li> </ul>
12/01/14		Bill wrote Dec 2013 with consultation	<ul style="list-style-type: none"> <li>I haven't had time to study the proposals for The Lawns yet so will reserve my judgement on that one for now.</li> </ul>

4

		document and Carol asked for response in social email	
13/01/14 and 29/01/14	#2	Carol met at Lawns Pavilion and site visit	Two representatives could see the sense in our proposals and provided the new build was 'architecturally interesting would not object. Taken 6 copies of our proposal document and will speak to the Conservation Society at its next meeting in a couple of weeks. Will also mention it to the 'friends' and trustees of the old church tower and will report back to us. Know we are happy to go along to talk to their membership.
and 03/02/14		David, Eileen and Carol met at Pavilion and site	29/01/14 - #2 chairman of the Conservation society rang to say the committee had discussed it. Whilst the proposed building design was liked the committee was concerned that it is 'green belt'. Carol asked for the opportunity to sit down with some of the committee to discuss the proposal and #2 agreed to ring back with some dates for a weekend daytime meeting when the site could be viewed. Carol explained there are no rights of way currently and that we close the woodland annually and will be doing so in again in March 2014. 03/02/14 - We talked them through the proposal and visited the site. They are very influenced by not wanting to build on green belt. But they have a keen interest in opening up a Bramcote conservation/heritage trail
			They like the drawings but on a majority vote advise they will formally object as they believe the land is within green belt

5

	#2	visit	maybe in collaboration with the Woodland Trust. Our proposal dovetails with that. They like the proposed building and observed that few trees, if any, would be removed. They are to speak again with the full committee and come back to us.	
14/01/14		Email from Carol 12/01/14	Email reply from Mrs #2 - we will soon be moving house and so I don't think I can be much help to you. I will be glad to pass on your email to the future occupants - with your permission. (Carol agreed for contact details to be passed on).	Awaits new owner
16/01/14		Letter and consultation document from Bill		Awaits reply
15/01/14		Letter and consultation document from Carol	#2 rang Carol 16/01/14 to say she already knew of the proposal via #2. #2 former owner of apartment #2 #2 could see the merit in the proposal and has no hesitation in giving us her full support. #2 wishes us well.	Yes
18 & 19/01/14		Letter and consultation document from Carol 15/01/14 email replies from Alison	Alison emailed to express concerns that the new development might worsen the parking/access problems in Moss Drive. But added that parking on Moss Drive for the most part isn't an issue. Advised that we should consult with Southwell diocese that owns the vicarage and nearby glebe land.	Neutral. Will want reassurances that parking near the vicarage will not become a problem

6



			<p>Carol responded by email:</p> <ol style="list-style-type: none"> <li>1. Currently at The Lawns there is very limited visitor car parking - only 2 spaces for visitors that has to cater for 14 apartments. Whilst we try and accommodate as many within our car park it is inevitable that some visitors park outside and we know that includes the little bay opposite the Vicarage near the Church Tower.</li> <li>2. The development proposal includes a small section of the woodland (shown in the proposal) being 'gifted' to The Lawns for extra parking. So, if that is agreed, there should be no need for visitors to The Lawns to park in Moss Drive.</li> <li>3. Having said that we think most of the problems are caused when there are heritage events at the Church Tower (although the organisers are sensitive to this and are very good at trying to contain parking) or people who live on Town Street or visit The Grange and decide to colonise Moss Drive for parking. Taxi drivers often park there waiting for their next call and dog walkers can sometimes arrive in droves.</li> <li>4. The proposed, new development will have considerable garage space underneath the apartments (even though we now plan 5 not 3 apartments on the same sized site). Also there will be some hard standing to cater for their visitors - that has all been thought through and</li> </ol>	
--	--	--	--	--

7

	#2		built into the design.	
04/02/14		Phone call to Carol	The diocese is neutral about our proposal. They will want reassurances that parking near the vicarage will not be a problem	
15/01/14 and 03/02/14		Letter and consultation document from Carol	#2 came round to discuss the proposal with Carol 03/02/14. He has no objections.	Yes
28/01/14		Letter and consultation document from Carol 15/01/14	#2 rang 28/01/14 to say he would have no problems supporting the planning application.	Yes

Ends

#2

8

SUBJECTS COPY

DATED

2017

(1) CAROL ANN SCOTT, DAVID CHARLES BARDENS and  
BILL CRAMPIN

to

(2) BROXTOWE BOROUGH COUNCIL

(3) NOTTINGHAM COUNTY COUNCIL

---

**DEED OF UNDERTAKING**

Section 106 of the Town and Country Planning Act 1990  
relating to proposed residential development at land to the  
north of Town Street Bramcote Beeston

---



SHAKESPEARE MARTINEAU

1 Meridian South  
Meridian Business Park  
Leicester  
LE19 1WY  
T: 0116 289 2200  
F: 0116 289 3733  
DX: 710910 Leicester Meridian

File Ref: SH/1071004-1



**THIS DEED OF UNDERTAKING** is given the                      day of                      Two  
Thousand and Seventeen

BY:

1.                      **CAROL ANN SCOTT, DAVID CHARLES BARDENS and BILL CRAMPIN** of 15 The Lawns, Moss Drive, Bramcote. Nottingham, NG9 3NF ("the Owner")

TO:

2.                      **BROXTOWE BOROUGH COUNCIL** of Foster Avenue, Beeston, Nottingham, NG9 1AB ("the Borough Council")
3.                      **NOTTINGHAM COUNTY COUNCIL** of County Hall, West Bridgeford, Nottingham, NG2 7QP

**RECITALS:**

- A.                      The Borough Council is the local planning authority for the purposes of the Act for the Parish of Bramcote within which the Application Land is situated and is a Principal Council within the meaning of the Local Government Act 1972 and the County Council is the local highway authority responsible for overseeing footpaths within the County of Nottingham
- B.                      The Owner is the freehold owner of the Application Land registered at the Land Registry under title number NT350170
- C.                      The Planning Application was submitted by the Owner to the Borough Council for outline planning permission for the Development as described in the Planning Application
- D.                      The Owner has agreed to enter into this Undertaking with the intent that their interest in the Application Land shall be subject to the covenants and obligations entered into by them and with the intention

that the covenants and obligations entered into by them should create planning obligations pursuant to Section 106 of the Act

- E. [Blue pencil recital and clause to be inserted in the event the matter proceeds to an appeal]

#### **OPERATIVE PROVISIONS:**

### **1. DEFINITIONS AND INTERPRETATION**

- 1.1 In this Undertaking the following expressions shall have the following meanings:

"Act" means the Town & Country Planning Act 1990 as amended

"Application Land" means the land to the north of Town Street, Bramcote, Beeston Nottingham and which land is shown edged red on the Plan appended hereto

"CIL" has the meaning ascribed in the CIL Regulations

"CIL Regulations" means the Community Infrastructure Levy Regulations 2010 as amended from time to time

"Commencement of Development" and "Commence the Development" means the earliest date on which any of the material operations (as defined by Section 56(4) of the Act) pursuant to the implementation of the Development is begun save that irrespective of the provisions of Section 56 (4) of the Act none of the following operations shall constitute a material operation for the

purposes of constituting Commencement of Development

- i. trial holes or other operations to establish the ground conditions of the Application Land, site survey work, or works of remediation
- ii archaeological investigations on the Application Land
- iii any works of demolition or site clearance
- iv any structural planting or landscaping works
- v. ecological or nature conservation works associated with the Development
- vi. construction of site compounds boundary fencing or hoardings
- vii. construction of access or highway works or provision of services (including drainage and media)
- viii. any other preparatory works agreed in writing with the Borough Council

"Development"

means the development described in the Planning Application and to be carried out pursuant to the Planning Permission

"Dwelling"

means a dwelling built pursuant to the Planning Permission

"Occupation"

means in relation to the Development beneficial occupation of any part of it for residential purposes but shall not include:  
(i) daytime occupation by workmen involved in the erection fitting out or



decoration of any part of the Development; or

(ii) the use of any Dwellings for the marketing of the Development; or

(iii) the storage of plant and materials and "Occupy" and "Occupied" shall be construed accordingly

"Permissive Path Agreement"

means the Permissive Path Agreement to be entered into between the Owner and the County Council which will be largely in accordance with the heads of terms annexed hereto at Annex 1

"Permissive Path"

means a permissive footpath for pedestrian use only as shown on the Plan which is to be provided by the Owners for use by the public in accordance with the Permissive Path Agreement the heads of terms of which are annexed to the Undertaking at Annex 1

"Plan"

means the plan appended hereto

"Planning Application"

means the Planning Application submitted to the Borough Council and allocated reference number [ ] applying for outline planning permission for residential development for up to 5 dwellings with associated infrastructure on the Application Land

"Planning Permission"

means planning permission for the Development granted by the Borough Council pursuant to the Planning

Application including reserved matters pursuant to the outline permission or agreed amendments to the Planning Permission

- 1.2 Words in this Undertaking importing the singular meaning shall where the context so admits include the plural meaning and vice versa
- 1.3 Words in this Undertaking of the masculine gender shall include the feminine and neuter genders and vice versa and words denoting natural persons shall include corporations and vice versa
- 1.4 References in this Undertaking to any statutes or statutory instruments shall include and refer to any statute or statutory instrument amending consolidating or replacing them respectively from time to time and for the time being in force
- 1.5 Where in this Undertaking reference is made to a Clause or Plan such reference (unless the context otherwise requires) is a reference to a Clause or Schedule of or in the case of a Plan attached to this Undertaking
- 1.6 The expression "the Owner" shall where the context so admits include their respective successors (in title or otherwise) and assigns and references to "the Borough Council" shall in successors to their respective statutory functions

## **2. GENERAL PROVISIONS**

### **Statutory Authority**

- 2.1 This Undertaking and each of the covenants given by the Owner contained herein is a planning obligation and is made pursuant to Section 106 of the Act and the covenants by the Owner contained herein shall be enforceable by the Borough Council
- 2.2 This Undertaking is capable of and may be registered as a local land charge by the Borough Council

## **Liability**

- 2.3 The covenants given by the Owner contained herein are made with the intent that the covenants will bind the Application Land and be binding on and enforceable against their successors in title or assignees and subject to clause 2.5 those deriving title under the Owner PROVIDED THAT without prejudice to the enforcement of covenants against successors in title no person shall be liable for any breach or non-performance of the covenants contained herein or for the performance of any obligations which arise from the carrying out of the Development on and in respect of any land of which he no longer owns save in respect of any prior subsisting breach
- 2.4 Nothing in this Undertaking shall prohibit or limit the right to develop any part of the Application Land in accordance with a planning permission (other than the Planning Permission as defined herein or any renewal thereof or any reserved matters approval with respect thereto) granted (whether or not on appeal) after the date of this Undertaking in respect of which development this Undertaking will not apply PROVIDED THAT the obligations in this Undertaking can be applied to any planning permission granted subsequent to the grant of the Planning Permission as herein defined by agreement (entered into pursuant to the provisions of Section 106 of the Act) between the Owner and the Borough Council
- 2.5 The covenants contained in this Undertaking shall not be enforceable against individual purchasers or lessees of Dwellings on the Application Land constructed pursuant to the Planning Permission having a roof windows and doors and being in a state of readiness for Occupation or against statutory undertakers in relation to any parts of the Application Land acquired by them for electricity sub-stations gas governor stations or pumping stations or against anyone whose only interest in the Application Land or any part of it is in the nature of the benefit of an easement or covenant
- 2.6 In the event that the Owner disposes of its interest in the Application Land or any part thereof (other than a disposal to a purchaser as



described in clause 2.5) it shall within twenty-eight days of such disposal give written notice of the name and address of its successors in title (together with a plan) to the Borough Council together with sufficient details of the land included in the disposal to allow its identification

### **Contingencies**

- 2.7 The obligations in clause 3 of this Undertaking are conditional upon the Commencement of Development and until such time as this condition is satisfied those obligations in clause 3 shall be of no effect
- 2.8 In the event of the Planning Permission expiring before the Commencement of Development or in the event of the quashing, revocation or withdrawal of the Planning Permission the obligations under this Undertaking shall cease absolutely and the Owner may request that the Borough Council procure that any entry referring to this Undertaking in the Register of Local Land Charges shall be removed forthwith

**[Blue pencil clause to be inserted here if the matter proceeds to appeal]**

### **Commencement of Development**

- 2.9 The Owner shall give the Borough Council fourteen (14) days notice in advance of the Commencement of Development and the first Occupation of the first Dwelling PROVIDED THAT default in giving notice shall not prevent Commencement of Development occurring or the payment triggers specified in this Undertaking arising

### **Determination by Expert**

- 2.10 Notwithstanding any specific provision in this Undertaking in the event of any dispute between the Owner and the Borough Council concerning this Undertaking including any dispute as to whether or not an obligation has been performed or matter to be agreed under any of the provisions of this Undertaking the matter may at the written option of any relevant party (notice of which shall be given to the other party

or parties) be referred to such expert as they may agree save that for the avoidance of doubt this clause shall only apply if the Borough Council agree to expert determination and such appointment shall be conducted on the following terms

- 2.10.1 The person to be appointed pursuant to this Clause 2.10 shall if possible be a person having ten years or more relevant post-qualification experience of the issue in dispute and projects comprising works of the scale and nature of the Development and of the particular issue in dispute
- 2.10.2 The reference to the expert shall be on terms that:
  - 2.10.2.1 the expert shall afford the parties to the dispute an opportunity to make representations to him/her in writing and if he/she so directs to make submissions on one another's representation;
  - 2.10.2.2 the expert shall be able to stipulate periods of time for the making of such submissions and representations;
  - 2.10.2.3 the expert shall be bound to have regard to the said submissions and representations;
  - 2.10.2.4 the expert shall have the power to award the costs of the determination in favour of either party at the expense of the other in the event that the expert shall consider that the said other party has acted unreasonably and the extent of the costs awarded shall reflect the extent and effect of said unreasonable behaviour;
  - 2.10.2.5 the expert shall be limited in his findings to the proposals put by either party or a proposal falling between both of them; and
  - 2.10.2.6 the findings of the expert shall save in the case of manifest material error be final and binding on the Owner or the Borough Council save that the parties retain the right to refer to the Courts on a matter of law

#### **Time Periods**

- 2.11 Any of the periods specified in the Undertaking may be extended by

mutual agreement (should the Borough Council choose to agree) in writing between the Owner and the Borough Council SAVE THAT any party to this Undertaking who requires time to be of the essence in any period extended shall serve notice on any other relevant party stating that time is of the essence in relation to any time period so extended

#### **Approvals**

- 2.12 In recognition that this Undertaking comprises a unilateral undertaking where it is stated that any documents scheme submission or the like must be agreed or approved by either the Borough Council then the Owner shall take such reasonable steps as are necessary to secure such approval or agreement including making revisions to such document scheme or submission in order to secure such agreement or approval but in seeking such agreement or approval the Owner shall be entitled to rely on the engagement and reasonable co-operation of the Borough Council in securing such agreement or approval within the time frame specified where a time limit is imposed

#### **Notices**

- 2.13 The service of notices and communications pursuant to this Undertaking shall be sent to the addressee at the address stated in this Undertaking or at such other address as the addressee shall have notified to the others in writing
- 2.14 Notices and communications under this Undertaking may be sent by personal delivery or by First Class Post (recorded delivery) and any notice or communication sent by First Class Post (recorded delivery) and correctly addressed shall be conclusively deemed to have been received by the addressee on the second business day following the date of posting

#### **Exclusion of the Contracts (Rights of Third Parties) Act 1999**

- 2.15 Nothing herein contained or implied shall give or be construed as giving rights, privileges, powers or enforceability other than to the specific parties executing this document and their successors (if any)



as defined herein and the provisions of the Contracts (Rights of Third Parties) Act 1999 and any benefits or rights which could arise therefrom are expressly excluded to the intent that no third party within the meaning of that Act shall have any rights of enforcement in respect of any matter herein contained

#### **Void Provisions**

- 2.16 If any provision of this Undertaking is declared by any judicial or other competent authority to be void voidable illegal or otherwise unenforceable the remaining provisions of this Undertaking shall continue in full force and effect and the parties shall amend that provision in such reasonable manner as achieves the intention of the parties without illegality provided that any party may seek the consent of the other or others to the termination of this Undertaking on such terms as may in all the circumstances be reasonable if the effect of the forgoing provisions would be to defeat the original intention of the parties

#### **Application of this Agreement**

- 2.17 If the Borough Council agrees pursuant to an application under Section 73 of the Act to any variation or release of any condition contained in the Planning Permission or if any such condition is varied or released following an appeal under Section 78 of the Act the covenants or provisions of this Undertaking shall be deemed to bind the varied permission and to apply in equal terms to the new planning permission

#### **No Fetter of Discretion**

- 2.18 Save as permitted by law in equity nothing contained or implied in this Undertaking shall prejudice or affect the respective rights powers duties and obligations of the Borough Council under all public and private statutes bylaws and regulations which may be as fully and effectually exercised as if the Borough Council were not a party to this Undertaking

### **Effect of any Waiver**

- 2.19 No waiver (whether express or implied) by the Borough Council of any breach or default by the Owner in performing or observing any of the terms or conditions of this Undertaking shall constitute a continuing waiver and no such waiver shall prevent the Borough Council from enforcing any of the said terms or conditions or from acting upon any subsequent breach or default in respect thereof by the Owner

### **CIL**

- 2.20 If after the date of this Undertaking a fresh planning permission is issued for the Application Land which attracts a CIL charge the Borough Council will seek where possible to avoid any double charging in respect of the Development both in terms of the said CIL charge and the obligations contained within this Undertaking

## **3. THE OWNER'S COVENANTS TO THE DISTRICT COUNCIL AND THE COUNTY COUNCIL**

### **Permissive Path**

- 3.1 The Owner hereby undertakes to provide the Permissive Path as part of the Development in accordance with the Permissive Path Agreement prior to first Occupation of the first Dwelling

**Annex 1**  
**Permissive Path Agreement Heads of Terms**

**1. Maintenance**

Maintenance of Permissive Path to be the responsibility of the Owner including responsibility for provision of public liability insurance.

**2. Terms and Conditions of Access**

2.1 Hours of Access to be limited to dawn to dusk with Owners permitted to lock entry gates outside these hours. Permissive access will be shared with Owners access requirements including Vehicular access for Owners only.

2.2 Access will be subject to the provision of appropriate lockable pedestrian gates to allow pedestrian access and any necessary styles and fencing as required by the Owners. Vehicular Gates provided will only be for Owners use and will also be lockable.

2.3 The Owners will be responsible for erecting standard signage signifying the permissive nature of the path at all ends of the Permissive Paths.

**3. Duration of Agreement**

3.1 Term 100 years from the date of commencement of the Permissive Path Agreement

3.2 Temporary closures permitted for maintenance to Permissive Paths or surrounding woodland to be kept to minimum necessary and notified in advance by writing/e-mail to the County Council and necessary signage erected at either end of the pathway informing of dates of temporary closures and re-opening of Permissive Path.

3.3 Other closures only permitted by written agreement with the County Council where necessary to protect the land or enjoyment of the land by those living on the land from repeated antisocial behaviour, flytipping or other problems to amenity arising from misuse of the Permissive Paths.

IN WITNESS whereof the Owner have executed this Undertaking on the date first above written

**SIGNED** as a **DEED** by **CAROL ANN SCOTT**

In the presence of:

Witness Signature

Witness Name

Witness Address

Witness Occupation

**SIGNED** as a **DEED** by **DAVID CHARLES BARDENS**

In the presence of:

Witness Signature

Witness Name

Witness Address

Witness Occupation

**SIGNED** as a **DEED** by **BILL CRAMPIN**

In the presence of:

Witness Signature

Witness Name

Witness Address

Witness Occupation





## Notes

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DOI: 10.1037/0893-3200.11.4.465

Estate Office

1. [www.1000000000.org](http://www.1000000000.org)  
 2. [www.1000000000.org](http://www.1000000000.org)  
 3. [www.1000000000.org](http://www.1000000000.org)  
 4. [www.1000000000.org](http://www.1000000000.org)

Fax: 011-5291-3660  
E-mail: 011-5291-1818

*Journal of Management Education* 30(6)p. 789-804

三、四、五、六、七、八、九、十、十一、十二、十三、十四、十五、十六、十七、十八、十九、二十、二十一、二十二、二十三、二十四、二十五、二十六、二十七、二十八、二十九、三十、三十一、三十二、三十三、三十四、三十五、三十六、三十七、三十八、三十九、四十、四十一、四十二、四十三、四十四、四十五、四十六、四十七、四十八、四十九、五十、五十一、五十二、五十三、五十四、五十五、五十六、五十七、五十八、五十九、六十、六十一、六十二、六十三、六十四、六十五、六十六、六十七、六十八、六十九、七十、七十一、七十二、七十三、七十四、七十五、七十六、七十七、七十八、七十九、八十、八十一、八十二、八十三、八十四、八十五、八十六、八十七、八十八、八十九、九十、九十一、九十二、九十三、九十四、九十五、九十六、九十七、九十八、九十九、一百。

## Notes

Approx Area  
6 acres  
2.5 Ha

Rev. Date	Description	By	Chk'd
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Client:

Project

Bramcote Estate

Drawing Title

Question from Notts County Council	University of Nottingham response
Can you please confirm the date when you sold the land containing the estate road Moss Drive and who did you sell it to?	The land defined as Bluebell Wood, was sold by the University to Catesby Estates, on 13th March 2000. Please see attached are outlined in red, for the avoidance of doubt
Prior to selling the land were you aware that members of the public were using Moss Drive to access the site of the old Bramcote Hall?	Unfortunately this is not detailed within the records we keep.
If so, did you give permission to allow access along Moss Drive i.e. by right? If so, did you let the public know that it was by permission? For example, placing signs, informing them verbally, putting up notices etc.	
Was anyone questioned or challenged about using the path or turned away by university staff?	Unlikely, but one could not say for certain.
Was there any infrastructure provided to allow access to the public on foot? For example, gates, stiles or a gap provided at the side of a field gate. If so, please mark on the attached plan.	No alterations have been made by the University, our works have been limited to our obligation to maintain.
Was there any infrastructure to stop people using the path (fencing, gates, barriers etc.) or to prevent motor vehicles but allow those on foot to pass? If so, please mark the attached plan.	I understand there was barrier erected denying access to the site from Moss Drive at the start of 2016.
Currently on the entrances to Bramcote Hall woods there are green signs with white text and the University's logo acknowledging permissive access. When were these signs erected? Did they replace older signs? Were any signs erected along Moss Drive?	Unfortunately we have no records on file for this, the permissive access stands for our land which I trust is not part of the enquiry.
We're aware that the scouts used (and still do?) the university land for their activities and occasionally promoted public events such as the annual firework display. Did the scouts gain permission from the university to use the land, did the university also give permission to use Moss Drive? At the public events did the public use Moss Drive as part of the permission granted by the university to the scouts when attending these events or was it assumed that the public had access anyway to the woods?	The Scouts have a licence to use our land, they would be best to answer any questions
When the land (Moss Drive) was sold to the new owners (approx. 2000?) were the new owners made aware of public access, access either by right or as of right?	This is not within the records kept.
Did the university undertake any maintenance on Moss Drive and if so for what purpose (e.g. university estate vehicles, members of the public walking, general access)?	We have a liability to maintain the woodland and boundaries until 14th March 2021, and do therefore undertake maintenance on an adhoc basis
On site it looks like there was a one way system for vehicles (there are some old signs)? Was this for university access, residents at Atlantic House and John Player House, deliveries, royal mail etc. or did members of the public drive on the roads?	The route was primarily for vehicular access to the two properties, driving up to them and down away from them in a one-way loop.
Did the university provide any facilities for those walking down Moss Drive, e.g. litter bins, seats, picnic tables etc.?	Unlikely, but one could not say for certain.
Was Moss Drive street lit?	Unsure, there are electricians who recall some lighting being fixed to the buildings, but not whether there were specific lamp standards.
Was Moss Drive temporary closed at any time by the university? Possibly maintenance, safety reasons, utility repairs or to stop members of the public claiming it as a public right of way (i.e. s31 of the Highways Act)?	The University were asked by the current owners to padlock the gate 18th October 2017 to prevent access. The request was complied with and the padlock remains in place.
Do you have any further information which may assist with proving the existence of public footpath rights on Moss Drive?	Please see attached letter from Lawnsco, the current beneficiaries of an agreement made with Catesby and transferred to the current owners, acknowledging the land use





## Notes

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Journal of Internal Medicine 260: 395–403

Estate Office

**Abstract**

Tel.: +1 408 251 3636  
 Fax: +1 408 251 3638

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## Notes

Approx Area  
6 acres  
2.5 Ha

Rev. Date	Description	By	Chk'd
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Client:

Project

Bramcote Estate

Drawing Title

Neil Lewis

From:

Sent:

To:

Subject:

Attachments:

#2

06 January 2016 17:17

#2

Land beyond the Lawns, Moss Drive, Bramcote  
X2 LAWNSCO WOODLAND 24 DEC 2015.doc

Dear Tim,

Please find attached a note regarding our adjacent woodland.

We are in the process of closing the land as it now presents a real danger and public liability.  
The note explains the current position of which we give you priority notice as a courtesy.

You are welcome to continue using this access informally to reach your adjoining land.  
However, this must be entirely at your risk as we cannot entertain public liability issues.

With kind regards,

#2



X2 LAWNSCO WOODLAND 24 DEC 2015  
24<sup>th</sup> December 2015

**BRAMCOTE  
INFORMATION CIRCULAR REGARDING THE FUTURE OF THE  
WOODLAND, BEYOND MOSS DRIVE AND ADJACENT TO THE LAWNS**

As you may be aware, Lawnsco has experienced many problems with this site, originating from the demolition of Bramcote Hall. This left no presence on the site, which in turn has led to many abuses. The problems experienced are as follows.

- Litter and fly tipping.
- Fires, on several occasions involving the Fire Brigade.
- Vandalism to boundary fences.
- Damage to trees and theft of wood.
- Drug residue, syringes left in the open.
- Danger from falling boughs, branches and trees.

In addition, early in December 2015 a woman suffered a broken leg having encountered a rather boisterous dog which was not on a lead. The ambulance had great difficulty in reaching her.

We suggested to the Council that if our application for five apartments – a tiny development on a site of this size – were approved, the problems could not only be solved, but permanent Rights of Way and Woodland Walks could be made available to the public. Proper husbandry of the landscape could also be established at the same time.

In its wisdom Broxtowe Borough Council rejected our application, simply not recognising the common sense of our proposal. Indeed some Councillors were strongly in favour, but not enough. We did state in our application that in this eventuality we would have no option but to close the site because of danger to the public, and public liability issues.

That then is the current position. We are not giving up on this and have employed planning consultants to assist us with establishing a way forward.

Our hope therefore is that the site will be open to the public as soon as the various issues can be resolved. The current situation benefits no-one.

If you feel able to give us a letter of support, that would be extremely useful.

This matter is being dealt with by:  
**Neil Lewis**  
Reference: Moss Drive Case No.1172  
T 0115 977 3169  
E Neil Lewis  
W [nottinghamshire.gov.uk](http://nottinghamshire.gov.uk)

Bramcote Conservation Society  
15 Cow Lane  
Bramcote  
NG9 3DJ

Dear Sirs

3<sup>rd</sup> January 2017

**APPLICATION FOR A MODIFICATION ORDER TO ADD A PUBLIC FOOTPATH ALONG  
MOSS DRIVE, BRAMCOTE**

Thank you for your Modification Order Application as above.

In due course the Council will examine the evidence submitted and also make further investigations into the matter before deciding whether to accept or reject the application. If no decision has been made within 12 months, you may make a request to the Secretary of State who can direct the Authority to come to a decision within a specified period of time.

In the meantime, if you wish to submit any further evidence please send it to the address below.

Once the investigations have been completed a decision will be taken as to whether the application is accepted or turned down. I shall write to you at the appropriate time to give you more details concerning this.

If you require any further information concerning this matter please do not hesitate to contact me.

Yours faithfully



Neil Lewis  
Countryside Access Team Manager  
Nottinghamshire County Council

30 SEP 2016



## APPLICATION FOR A MODIFICATION ORDER

### WILDLIFE AND COUNTRYSIDE ACT 1981 NOTTINGHAMSHIRE DEFINITIVE MAP AND STATEMENT

To: COUNTRYSIDE ACCESS TEAM (TBH)  
NOTTINGHAMSHIRE COUNTY COUNCIL  
COUNTY HALL  
WEST BRIDGFORD  
NOTTINGHAMSHIRE NG2 7QP

I/We, BRAMCOTE CONSERVATION SOCIETY  
of #2 hereby apply for  
an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Nottinghamshire  
Definitive Map and Statement for the District of BROXTOWE by

- \*1. deleting the route known as \_\_\_\_\_  
\_\_\_\_\_ and running from  
\_\_\_\_\_ to \_\_\_\_\_
- \*2. Adding the (footpath) (bridleway) (~~restricted byway~~) (~~byway open to all traffic~~) situated in the  
Parish/Town of BRAMCOTE and running from  
MOSS DRIVE to  
BRAMCOTE WOOD
- \*3. (upgrading) (downgrading) to a (footpath) (bridleway) (~~restricted byway~~) (~~byway open to all traffic~~) the route known as \_\_\_\_\_  
and running from \_\_\_\_\_  
to \_\_\_\_\_
- \*4. (varying) (adding to) the particulars relating to the route known as \_\_\_\_\_  
\_\_\_\_\_ and running from \_\_\_\_\_  
to \_\_\_\_\_  
by \_\_\_\_\_  
\_\_\_\_\_ and shown on the map accompanying this application.

\* Please complete the appropriate section.

I/We attach copies and list below the following documentary evidence (including statements of witness(es)) in support of this application, and acknowledge that the information submitted will be made publicly available.

#### DOCUMENTS

Dated 30/9/16 Signed \_\_\_\_\_

CHAIRMAN  
VICE CHAIRMAN

# CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

## WILDLIFE AND COUNTRYSIDE ACT 1981 NOTTINGHAMSHIRE DEFINITIVE MAP AND STATEMENT

To: COUNTRYSIDE ACCESS TEAM (TBH)  
NOTTINGHAMSHIRE COUNTY COUNCIL  
COUNTY HALL  
WEST BRIDGFORD  
NOTTINGHAMSHIRE NG2 7QP

We BRAMCOTE CONSERVATION SOCIETY

#2  
of

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with by serving a notice of application for a Definitive Map and Statement Modification Order on each of Owners/Occupiers, listed below, affected by the route in the Parish of

BROXTONE running from MOSS DRIVE  
to BRAMCOTE WOOD

NAME

ADDRESS

LAWNS CO

#2

Dated 30/9/16 Signed

CHAIRMAN  
VICE CHAIR



STATEMENT BY THE SITE OWNERS 15 MAY 2017  
15<sup>th</sup> May 2017

**Site at the end of Moss Drive, Bramcote**  
**Statement by the Site Owners**

I wonder how many of the people who think there should be a right of way through the woodland are aware of the whole story.

The site was formerly part of the private grounds of Bramcote Hall, which was demolished in 1969. The remains of its tennis court, roads, kerbs and street lights are still in evidence.

Lawnsco bought the land a few years ago when the Local Authority suggested that the site could be suitable for a development of 41 houses. We thought that inappropriate and therefore sought to protect our position.

It was always made clear that there was no legal right of way, and never has been. The site has been duly closed for one day each year to assert this legal position.

Among the problems we experienced were serious fly tipping, damage to trees and boundary fences, theft of wood, drug use, dumping of the waste products of drug manufacture, use by off-road motor cycle gangs, litter, lighting of fires resulting in attendance by the Fire Brigade on more than one occasion, and the dangerous use of air guns by young people. We still have photographic records of these events.

The site was rapidly falling into disrepair, was becoming overgrown, and many trees had deteriorated to a dangerous condition whereby public liability insurance would be difficult to obtain. A later professional arboricultural report stated that most of the trees would not survive beyond a further ten years if left without remedial attention.

We are as keen as anybody for the land to be enjoyed safely by the public, and formal rights of way created. Two things are necessary for this to be achieved. First, the site needs to generate some form of income to pay for its safe reinstatement, insurance, and future maintenance. Second, it badly needs a small presence to discourage anti-social behaviour, keep the site safe, and generally 'police' the area.

Both these problems could be addressed by our proposal to build a development of five apartments in the centre of the site where they would be barely visible. A small block of five sensitively designed apartments on a site of nearly seven acres represents a miniscule development density. As a quid pro quo we would be willing to grant public pedestrian Rights of Way both through the area, and also connecting with Old Town Street. This network would integrate with existing pedestrian routes in a highly constructive manner. Critically, it would also provide an alternative pedestrian route from Old Town Street around 'Devil's Bend' where in some parts there is no footpath at all. This is obviously a highly dangerous situation. The five apartments would provide the much needed presence on the site, and the

ground rents would pay for the upkeep of the woodland and any ongoing problems that may arise. A 'natural fit' solution.

We spent a lot of money and effort in producing first, a Consultation Document containing detailed explanations and plans, and second, a full Planning Application, including professional Landscape and Impact Assessment reports. The latter concluded that the impact would be virtually nil, and that the advantages of the proposal would promote a highly favourable outcome. It also concludes that the land should be excluded from the Green Belt.

The Consultation Document was generally well received and had the approval of some Councillors and nearly half of the Conservation Society Members. However, the Broxtowe Planning Committee turned down our application, thus depriving the area of an eminently sensible solution, and leaving the land derelict and of no use to anyone.

We take this opportunity to explain to all interested parties that our offer remains open.

Yours faithfully

The Owners

*Notes from sample interviews 16<sup>th</sup> May 2017*

Walked in from church, mainly in winter months, circular walk, moved in 1984, saw other walkers, no staff and challenge, walked and picked blackberries, wife had limited mobility but no structures to climb on route, gaps at side of gate at end Moss Drive

Walked with family and dog, no challenge, no obstructions, enjoy bluebells, bin, saw garden workers – never said anything.

Family and friends, no signs, chain link fence around boundary, litter bins, Tower Trust tours, remembers annual strawberry fair, scouts campsite, never closed during development work, could physically drive to Town Street, not stopped, no camping signs,

Never stopped, walked with family, can remember a university sign before green ones, boundary fenced, never challenged, no footpath signs, saw other walkers, scout events, sound and light show.

Not stopped before Lawns Co. sign 2007?, dog walking circuit, didn't ask for permission, university cleared vegetation alongside Moss Drive, some red / white tape appeared when university were cutting trees, chain-link boundary fencing in last 20 years, no locked gates until recently, sometimes drive up and park with dog, see other walkers and dog walkers, use to report issues, called fire service, University looked upon users 'to keep an eye out', never saw any fly tipping.

Walked with family, enjoyed flora – bluebells, did a circuit using other footpaths, fencing around boundary, remember a stile on the route, never stopped, continued to use when flats were built,

Walking, dog walking, see occasional university staff, pass time of day, use to be a litter bin, gate at end of drive, sometimes open, when closed use gaps either side, very well used, always saw someone else walking.

Walking, dog walking, children playing in woods, never stopped or asked for permission, gap at side of gate.

Always see someone, street lighting, didn't ask permission, gap at both sides of gate, most of the time it was locked.

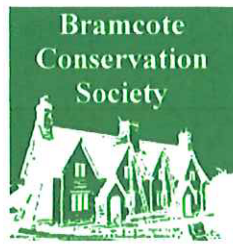
Never stopped, walking, blackberry picking, no signs, see others, bump in to students, chain-link boundary fencing, gap at side of gate, old street lighting, one way system for cars to Town Street.

Never challenged, used for walking, no permission, no camping signs around the wood, can't remember any bins, gate on town street end, not always closed, used different circuits paths in wood from Moss Drive, enjoyed full width of Moss Drive, saw other people,

Not stopped by anyone using path, walking and explore old woods / old hall site, use full width, didn't see any maintenance / works to path, no closures.

Walking, cycling and dog walking, bin near T-junction, no fly tipping, no challenge, some tree felling / work, gaps at side of gate, never closed.

Dog walking twice a day, running, used full width of drive, always open, gaps at side of unlocked gate, no obstructions, some tree-logging, no other maintenance.



Bramcote Conservation Society

# **Moss Drive Footpath**

## **Supporting Document relating to Application for Definitive Map Modification Order**



September 2016



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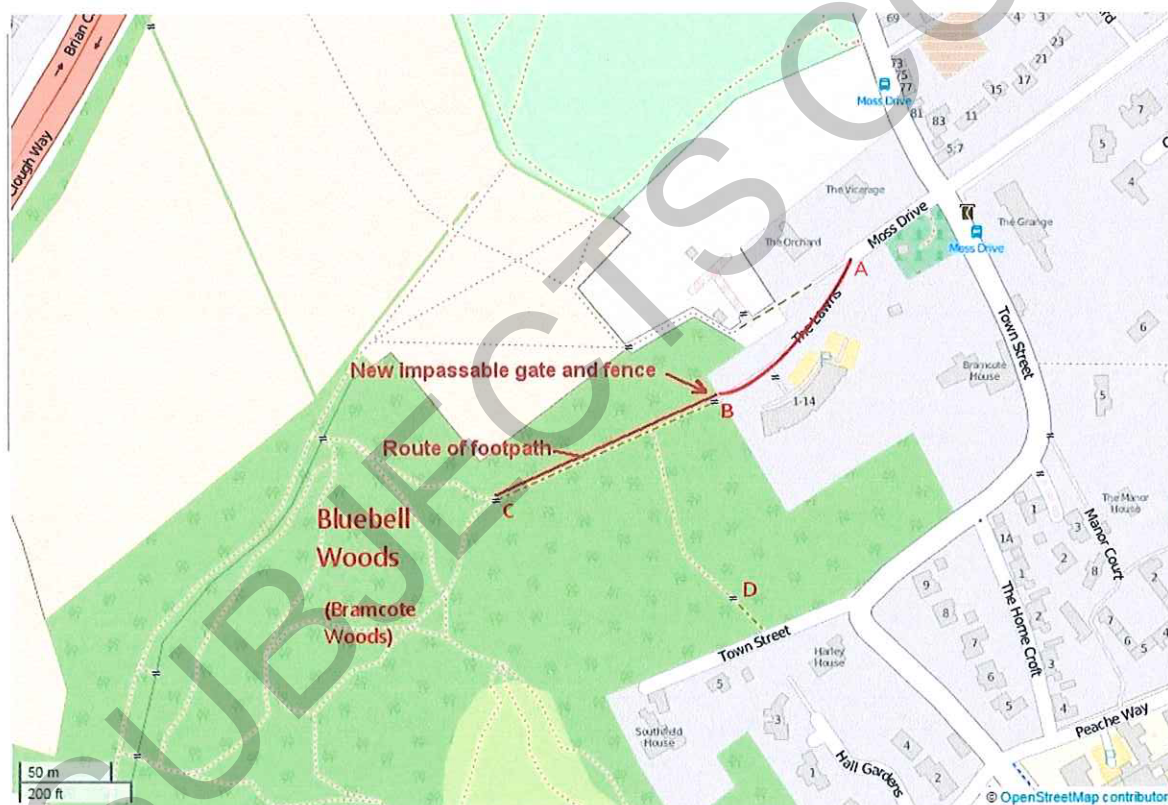
Appendix 11: Correspondence regarding the southern branch to Town Street

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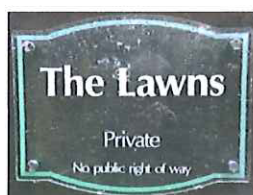
## Moss Drive Footpath: Application for Definitive Map Modification Order

### Purpose of report:

This report sets out the background and case relating to an application for a Definitive Map Modification Order (DMMO) in respect of a route in Moss Drive Bramcote. The leaflet at Appendix 1 explains the process. The Bramcote Conservation Society and local residents in the area are concerned that a gate has been erected on Moss Drive Bramcote to deliberately prevent use of a route that has been used by the public for in excess of 50 years. The plan below (Map 1) indicates the length of path in dispute. An OS Map extract marking the disputed path in detail is attached at Appendix 2. In accordance with the processes set down under the National Parks and Countryside Act 1949 the residents of Bramcote believe that the Moss Drive route as shown should be included on the definitive footpaths map maintained by Nottinghamshire County Council.



This notice, erected around 2003, could originally be found at locations B and D. These have been removed but there is now one at location C suggesting that the University still expect members of the public to access Bramcote Woods from Moss Drive.



Lawnsco put this notice up at location A in around 2007.

Over 100 forms relating to evidential use by the local residents have been completed and have been submitted to the County Council together with this document. A summary of the forms is included in Appendix 3.

### **Background:**

Moss Drive provides a link from Town Street Bramcote to The Lawns residential flats and beyond to the Bluebell Woods on Bramcote ridgeline. The whole area lies in the Nottinghamshire Green Belt and within Bramcote Conservation Area. The woods are also designated in the Broxtowe Local Plan as part of a Mature Landscape Area and Site of Interest for Nature Conservation. The footpath subject to this action is in the heart of Bramcote village. This is part of Bramcote Ridge, a sandstone ridge rising above the village with far-reaching panoramic views across the Trent Valley to the south Clifton Grove and Charnwood Forest, and to the North the start of the Peak District with Crich Stand on the distant horizon.

To appreciate the importance of this path in the wider context, and to understand the submitted evidence as to use, it is necessary to explain the development history of the area and the reason for the existence of the track from Moss Drive and why it has been used for local access generally.

### **History of the locality:**

*Please refer also to the timeline in Appendix 4.*

The whole of the land to the West of Town Street and covering what is now the Lawns, the Lawnsco Land and Bluebell Woods was once owned by the Smith family. See ownership plan, Appendix 5. A blue plaque at the start of the footpath marks the importance of "banker Smith". Mr. Smith was a wealthy man and the purchaser of the reconstructed 'Bramcote Hall' in 1860, one of the grandest houses in the village with extensive landscaped grounds. The footpath from Moss Drive was originally the carriage drive to the house. (See aerial photo and old OS plans in Appendix 6). Mr. Smith died in 1905 and the large house eventually became an expensive building for the family to run.

In May 1924 the house and grounds were sold to the Evangelical Church School Limited subsequently named Bramcote School, once part of Trent College and a boarding school for junior boys. In 1965 the school relocated to a site in North Nottinghamshire and the land was purchased by Nottingham University.

The house and outbuildings later fell into decay and were demolished by the University in 1965 with the exception of a 1930's extension. However, landscaping elements and structures remain in the form of terraces, flights of steps and grottoes, while the woods boast splendid, aged trees originating from the earlier house including Giant Sequoia and Black Pines.

The University, rather than re-use the original school buildings, obtained planning permission for three blocks of student housing to the south side of the Moss Drive link in the late 1960's. In the event only two of the blocks were constructed in 1971

(Atlantic House and John Player House). These eventually fell into disuse as students moved to more appropriate and modern accommodation on the main University Campus. The remaining 1930's building from Bramcote Hall was demolished in 1980. In the mid 1980's the University leased part of the former Bramcote House site – still relatively open but surrounded by woodland - to the local Scouts as a campsite. This was used by Beaver, Cubs and Scout groups for camping, adventure play and annual garden parties etc to which the public were always invited. On November 5<sup>th</sup> each year the Scouts continue to hold a public fireworks display.

In 2000 the University sold the area of land relating to the flats to Catesby Property Group. Catesby attempted to obtain planning permission for dwellings on land to the south of Moss Drive, which remains in Green Belt. At one point a plan to build five large detached dwellings with gardens was approved by the Council but subsequently "called in" by the Secretary of State who rejected the permission after a public inquiry. This is particularly significant in that it signaled the importance of the openness of the green belt land and the need to avoid further domestication. In 2002 however, Catesby Ltd successfully argued that the 1960's consent for the unbuilt third block remained "extant". Despite the green belt location, and after the consideration by the Secretary of State, the Council accepted that a single large development of equivalent footprint to the three blocks could be built and consent was granted in 2002 for "The Lawns". See plans showing former student blocks and "Lawns" development in Appendix 7. The concept of that development was to concentrate development on a single building footprint equivalent to the three former blocks and in open grounds. In 2003 this land was transferred to T J K Developments Limited and Drayton Estates Limited. In 2004 Atlantic House and John Player House were demolished and The Lawns building constructed. A Management Company "Lawnsco" was established in 2007 by a group of residents of the flats. Subsequently a wall, fence and gates were erected around the Lawns thus removing the open feel around the development and predicating actions to come.

The Council considered that it had fulfilled its obligations for development in the area relating to the previous consents. The landowners continued to promote further development to the west through the Local Plan process, but having consistently failed to secure any further development subsequently sold their remaining land to Lawnsco in June 2013 at a "non-residential" value.

The University continues to own the woods to which Moss Drive leads. Throughout the whole period since the ownership of the University, the woodland and footpath network in the area has been allowed unchallenged access, including the access road from Moss Drive. The University has always allowed permissive use of these woods and grounds for the general public to freely enjoy, although the University posted appropriate "non-dedication" notices on entrances to the woodland from the ridgeline path to the north.

In 2015 Lawnsco tried (as Catesby had previously) to extend residential development further to the west side of the Lawns. They applied twice in relatively quick succession and received two identical refusals for which no appeals were



lodged. (Ref: 15/00197/FUL & 15/00512/FUL) A copy of one decision notice and inset location plan is included in Appendix 8. Both applications had attempted to find favour by offering the potential for public footpath access to the wider area without having considered whether footpath access had effectively been established through time. In the event the refusal reasons for these developments were based on long standing planning policies to protect the area from development and the argument about public access carried little or no weight in planning terms. It was naïve of Lawnsco to imagine it would and tying the two issues together was inappropriate.

### **The closure of access from Moss Drive:**

In December 2015 Lawnsco, as landowners, gave notice that they intended to enclose their site and block the path on Moss Drive from public use. In a letter they explained concerns about damage to the area, safety issues and fly tipping indicating that they intended to close access until new development on their site could properly allow public access to be restored. See letter in Appendix 9. In January 2016 gates were erected preventing access on Moss Drive (west of the entrance to the Lawns) and at the southern end of the lane leading onto Town Street. Subsequent discussions with Lawnsco and the Conservation Society and an attempt to arbitrate on the matter through Nottinghamshire County Council footpaths officer have failed to resolve the situation.

### **The reasons for closure:**

The circular from Lawnsco that preceded the installation of new gates and fences gives six reasons why the land is being closed off.

- Litter and fly tipping
- Fires, on several occasions involving the Fire Brigade
- Vandalism to boundary fences
- Damage to trees and theft of wood
- Drug residue, syringes left in the open
- Danger from falling boughs branches and trees.

Evidence of the scale of such nuisances has not been provided and does not justify the closure of an established access. We dispute the claims relating to litter and fly tipping and drug taking on any material scale in the area. Such evidence is limited. In any event most fly tipping takes place from vehicles and it is not vehicular access that we seek to achieve here. We have seen no evidence to suggest that stealing wood is an issue and the evidence given of damage to trees was wind damage, not vandalism. Many locals have regularly walked through the land for years without seeing evidence of any of the reasons given. There was a woman who broke her leg in the area, but this was not on Lawnsco land and the only reason an ambulance was delayed in getting to her was because signs providing contact details for the University beside the gate on Moss Drive had been removed and not replaced with new ones. In respect of woodland safety from falling branches etc this is no different from any woodland in the world and is not reason in itself to prevent public access. In any case most of the woodland in

question is on the University owned land for which permissive access is already allowed.

For the avoidance of doubt the Bramcote Conservation Society agrees that fly tipping, drug taking and stealing wood are all unacceptable actions. However, it appears that the landowners are using this to blame a small minority to the extent of upsetting the vast majority of law abiding local residents who seek nothing more than to walk in the local countryside. The Society also accepts that controlling traffic with gates would limit the potential for fly tipping and other actions. All we seek is the inclusion of the route along Moss Drive as part of the definitive footpath map. Although we believe the full width of the path should be included, we would accept that some suitable pedestrian gate/style to control vehicular access would recognise the long history of established pedestrian use in this area without prejudicing other control.

There was a suggestion of removing access to the land if local people did not support the Lawnsco planning application for an additional block of apartments on the site. This is considered to be an inflammatory and unnecessary proposal as locals are neither responsible for the decision-making nor in any position to insist that an applicant or developer provide access even if consent were granted. The developers know full well that the key arguments against development relate to established Green Belt and area protection policies over many years and have nothing to do with public access. The planning application failed, not because of a lack of local support, but for other stated planning reasons, yet the developers have failed to challenge two similar refusals at appeal. Despite that, the threat to close the established route along Moss Drive has been implemented, hardly the actions of anyone sympathetic to the local community, interested in the value of the wider environment or understanding the historic use of the Drive and footpaths in the area.

### **Evidence of Use:**

The above history of the area provides adequate background to understand how public access to the area has been established over time and for many years before Lawnsco took ownership.

There is clear evidence from the submissions of the collected forms (over 100) that local people have walked this route for over seventy years. Almost all users walk it for pleasure and exercise, many accompanied by their dogs.

Between 1969 and about 2003 there were no gates, signs or notices along the route. Most people assumed that it was just part of the road network. Maps from 1972 and 1986 show the absence of gates that have recently been erected. While there is some map evidence of gates on Moss Drive there were no visible gateposts there until those recently erected. This was also a route bin lorries, delivery lorries and royal mail vans used to access houses in the area. There was a one-way system in operation where vehicles would enter from Moss Drive and then exit onto Town Street with no gates blocking their free movement or that of pedestrians.

Around 2003 the University, at points B and D on the map at Appendix 2, erected notices acknowledging permissive access to their land above as well as on Common Lane and along the footpath on Burnt Hill:



Around 2007, the sign on the left was put on the gateposts on Moss Drive. No attempt was made to prevent access apart from once a year (from about 2011 onwards) when notices were displayed (example photo shown at B on Map at Appendix 2) saying that the route would be closed

to the public for a single day. Again no attempt was actually made to stop access on those days.

Part of the land has been used sporadically as a campsite by the scouts (Hemlock Camp) and, in most recent years, for a firework display in November.

### The Bramcote Community:

Bramcote Village has a vibrant community engaged in many social activities. It is a suburban village with a rural heart.

Pertinent groups to the use of this footpath include the award winning Friends of Bramcote Old Church Tower group which has raised thousands of pounds to protect and enhance the tower site and its setting for the enjoyment of all.

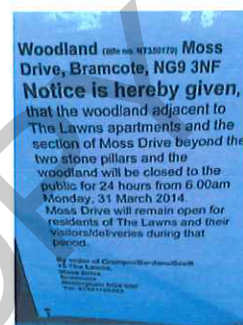
The Local History Society has created a factual account of the life of Bramcote Hall. They give regular talks tracing the lives of its inhabitants and its place within the village community. There is a scale model of the hall that is an impressive feature at many village events.

The driveway of Bramcote Hall is the historic route of a footpath to the wider area.

The Bramcote Scouts and Cubs take this path as their preferred route to the woods. Here they explore, make fires and play whilst working towards various badges of achievement. It offers access to an un-manicured landscape within safe, easy walking distance of their meeting hall.

Guy Fawkes bonfire night is an annual event organised by the Scouts that also uses this track as one of its access points through the woods to the 'Scout Field'.

The Bramcote Conservation Society, who put forward this application, was formed to raise awareness of the special qualities of Bramcote Village. Since its formation in 1971, the society strives to protect and enhance the village's visual identity, encourage involvement in local issues and offer a platform for locals within the designated conservation area and beyond.



## Planning Policies and the potential for further development:

The area and paths in dispute enjoy substantial planning controls that protect the openness of the area from new development. The plan at Appendix 10 is an extract from the Local Plan Proposals Map. Relevant controls include:

### Conservation Area:

**E3: Planning permission will only be granted for development within or in the vicinity of a conservation area, which preserves or enhances the character and appearance of the area having regard to its location, scale, design and materials**

The Lawns development in 2003 took full account of the conservation area and the setting when being considered as a replacement for the 1960's student flats.

### Green Belt

**E8: Planning permission will not be granted for development in the Green Belt except where it constitutes appropriate development.**

The land to the west of Town Street was included in the sketch plan green Belt in 1955 and confirmed as being within formal Green Belt in 1989. It remains subject to that control and has protected the area from inappropriate development on a consistent basis. The Secretary of State has previously intervened in this area to protect the openness of the area from inappropriate development.

### Prominent Area for Special protection:

**E13: Development which would adversely affect the character or appearance of the following prominent areas as shown on the Proposals Map will not be permitted:**

#### d) Burnt Hill, Bramcote □

The hill top location of Bramcote Village and the woodland in the vicinity of Moss Drive is regarded as a significant landscape setting.

### Mature Landscape Area:

**E14 Development which would harm a Mature Landscape Area will not be permitted unless it can be demonstrated that:**

- the siting, scale and design of the proposals minimises the harm to the Mature Landscape Area; and
- the need for the proposals clearly outweighs the remaining harm to the special qualities for which the area was designated.

This part of Bramcote provides an interesting landscape of mixed woodland, meadow, and improved pasture and amenity grassland.

### Site of importance for Nature conservation:

**E16 Planning permission will not be granted for development on or adjoining local nature reserves or Sites of Importance for Nature Conservation, which would damage or devalue their interest, unless there are special reasons, which outweigh the recognised value of the sites.**



This designation protects the special character of Bluebell Wood, deciduous sandstone scarp woodland with a noteworthy ground flora.

Lawnsco has attempted twice in recent years to obtain planning permission for further development to the west of The Lawns without success and due to the policies listed above. In doing so the company has sought to obtain local support on the basis that the granting of consent would be followed by their acceptance of public footpath access to the area. This ignores the context of the policies above, which do not relate to public access and which would not be a sufficiently strong argument in itself to overturn long established planning designations. The closure of Moss Drive with gates is a wholly unjustifiable action in the light of clear evidence of historic use and misguided in believing that the public access issue would be relevant to their planning ambitions. The two issues should be separated and this submission concentrates wholly on the matters relating to the status of the access paths.

### **University involvement:**

In passing it is worth acknowledging the help and support from Nottingham University, as former landowners of The Lawns area and continuing owners of the woodland, in allowing regular public access to their land.

Contact with the University estates office over the years has maintained a positive relationship with the local community. In recent months the Bramcote Conservation Society has been in discussion with the University about a proposal for a woodland arboretum as part of the Bramcote Conservation Community Trail.

Initial discussions and a walking tour had already identified aspects, which could create an interesting, informative and enjoyable experience for the local community and beyond. Representatives from the Conservation Society, the Woodland Trust and Bramcote Old Tower Trust are involved in developing a strategy for the trail, which could include a designated arboretum.

The University has already plans 'signed off' for an arboretum on the main campus and has an established arboretum at Sutton Bonnington together with an extensive new woodland plantation at Diamond Wood in the same area. However, they have suggested it should be possible for the University to undertake a feasibility study and conduct a survey and identification of tree species in Bramcote. On this, their 'ground team' plus volunteers could provide technical expertise.

In addition, the state and condition of the boundary fence, particularly along Burnt Ridge, remains under discussion and will be looked at by the Surveying Department with a view to undertaking repair.

Inevitably cost and resources becomes a major issue and ultimately there are implicit restraints. The woodland area offers no commercial benefit, only a reputational benefit from any such undertaking.

## Summary and Conclusion:

Local pedestrians and other traffic have used the footpath along Moss Drive (and the short link south to Town Street) for well over 50 years.

The Lawns flats in 2003 represented a suitable replacement development for historic student flats in the area and since that time the Local Planning Authority has been consistent in protecting the area from further development.

The Lawns itself is now a gated community and enjoys its own protection.

The closure of Moss Drive to pedestrian and vehicular traffic in 2015 is, in the view of Bramcote Conservation Society and local residents, both unnecessary and contrary to the established pedestrian use here over many decades.

The forms attached to this document provide over 100 written statements relating to evidence of that use and we believe is sufficient to justify the inclusion of this route on the Nottinghamshire County Council definitive footpath map. In addition specific letters in respect of the southern part of the route are included at Appendix 11 although that specific section of the path is not part of this submission, but may be subject to a further submission in due course. In any event the southern route was providing access to the Moss Drive route. A letter of support from Anna Soubry MP is also attached at Appendix 12.

The Society would be happy to continue discussions with the landowners to try and achieve some settlement in this matter and recognise that a gate to control vehicle movement is not an issue provided this contains suitable pedestrian access.

The Society is determined to pursue this matter, if necessary, to a public local inquiry and this document and attached evidence forms are our submission for a Definitive Map Modification Order to the Nottinghamshire County Council.

#2

Chair Bramcote Conservation Society

September 2016

## APPENDIX 1



**Nottinghamshire  
County Council**

## A Guide to Definitive Map Modification Orders (and 'claimed paths')

This guide is a simple introduction to the Definitive Map and to the Modification Orders which add paths to it. If you want to learn more about this, then some publications which go into greater detail are listed at the end of this guide.

### The Definitive Map

Nottinghamshire's Definitive Map is a map maintained by Nottinghamshire County Council which shows the public rights of way (PROW) that the County Council knows exist. There are four types of PROW recorded on the Definitive Map:-

- 1) footpath;                      2) bridleway;
- 3) restricted byway;       4) byway open to all traffic.

The Definitive Map dates back to the National Parks and Countryside Act 1949. Before that there were no comprehensive records of where public footpaths existed. Surveys were carried out by Parish Councils in the 1950s and the Map went through Draft and Provisional stages before the Definitive Map was published.

The Definitive Map is a legal document and if a path is shown on the map, that is legal proof that the public have the right to use it. However, not every public right of way is known to the County Council so the Definitive Map cannot be used to prove that a public right of way does not exist simply because it is not shown on the Definitive Map.

### Keeping the Definitive Map up to date

A need to add paths to the Definitive Map which are not already on it arises in two ways:

- 1) Although the process to produce the Definitive Map was rigorous, some old paths

were missed and needed to be added at a later date.

- 2) It is also possible for a new path to be created by unchallenged use by the public. This is known as 'presumed dedication'.

The County Council is under a statutory duty to keep the Definitive Map up to date by recording changes made to the path network, and by adding existing but unrecorded public rights of way to it when we become aware of them.

Members of the public, landowners and organisations like the Ramblers' Association and Parish Councils can apply to the County Council asking that what they think are public rights of way but which are not recorded on the Definitive Map are added. This is called 'claiming' a public right of way.

### Updating the Definitive Map

There is a set statutory process which the County Council has to follow before the Definitive Map can be altered. The chart below shows the steps to take if a path has been claimed.

These steps involve both the **making** of a Definitive Map Modification Order (DMMO) and then the **confirmation** of that Order. A DMMO only takes effect when it is confirmed. When it is made, it shows that it is intended to add a path to the Definitive Map and invites objections and representations in relation to the existence or non-existence of that path.

#### Abbreviations used in the chart

<b>DMMO</b>	-	Definitive Map Modification Order
<b>NCC</b>	-	Nottinghamshire County Council
<b>PINS</b>	-	Planning Inspectorate
<b>SoS</b>	-	Secretary of State

Stage	Who	Action	Time
<b>Application Stage</b>			
1	Public	The Applicant writes or phones to say they believe that a path is a right of way and should be added to the Definitive Map.	
2	NCC	The Applicant is sent an application pack.	1 week
3	Public	The Applicant sends the evidence to NCC and a notice to landowner saying that the route has been claimed and then certifies to NCC that the notices have been served on the landowner/s.	
4	NCC	Considers application and investigates further evidence concerning the existence (or not) of the path.	12 months allowed
4a	NCC	Contacts landowner for any evidence to support or rebut the claim.	
4b	NCC	Carries out informal consultation with other local councils and user groups and utility companies.	
4c	NCC	Interviews claimants.	
<b>Committee Stage</b>			
5	NCC	Officers write committee report assessing evidence and a recommendation to make or not make a DMMO to add the path to the Definitive Map. <b>In order to make the DMMO, NCC must only be convinced that there is a reasonable case for the existence of the path. The evidence does not have to be sufficient to prove the path exists at this stage.</b>	
6	NCC	Committee report is published 5 days before the meeting.	
7	NCC & Public & Landowner	ROW Committee considers report and decides to make or not make a DMMO ( <b>bearing in mind there only needs to be a reasonable case for the existence of the path</b> ). Some public speaking is allowed at the Committee, but only by prior arrangement. If making DMMO, go to 11. If not making DMMO, to 8.	Committee cycle is every 6 weeks
8	NCC	Advises Applicant of decision not to make DMMO.	
9a	Public	Applicant accepts decision. End of process.	
9b	Public	Applicant doesn't accept decision & appeals to the Secretary of State	
10	Secretary of State	An Inspector considers the evidence and decides whether the evidence reasonably alleges that the path exists. If yes, NCC is instructed to make the DMMO (go to 11). If not, the applicant is informed and the process ends.	
<b>Order Stage</b>			
11	NCC	Officers write DMMO, and send DMMO for sealing.	1-4 months
11a	NCC	The DMMO is put on deposit, advertised in a local paper, sent to interested parties & served on landowner/s, and site notices put up. We must allow 6 weeks minimum for responses.	6 weeks minimum
12	NCC	Resolution of objections, site meetings discussions and exchange of letters. If no objections or objections are withdrawn go to 13. If objections remain go to 14	1 year
<b>Determination (of Order) Stage</b>			
13	NCC	No objections – NCC Confirm DMMO. Go to 18.	1 month
14	NCC	Objections remain – Statement of Case prepared and copies of evidences collated – Full legal 'bundle' submitted to PINS.	1 year
15	PINS	Decide whether to hold a full Public Inquiry, a Hearing or to conduct the matter by Written Representations.	3 months
15a	PINS	Await a Public Inquiry or Hearing date from PINS.	9 months
16	NCC	Hold a Public Inquiry, Hearing or send written representations. <b>It is at this point that the evidence for and against the existence of the path is thoroughly tested.</b>	1 to 5 days duration



17	PINS	Wait for the Inspector's decision. If the Inspector is satisfied that the path is a public right of way, s/he confirms DMMO. Go to 18. If Inspector is not satisfied, the DMMO is not confirmed. In this case notify consultees and interested parties that the path has not been found to be a PROW. End of process.	3 months
18	NCC	Confirmation advertised; place notices in local paper and on site. Paperwork sent to landowners, occupiers and applicant.	2 months
<b>Implementation Stage</b>			
19	NCC	Resolve practical issues before completing works to bring the path into use.	
20	NCC	Complete works and open path. End of process.	

### Claiming a path (stages 1-3)

There are two main reasons why people may think that a path should be on the map. They may have been walking a route for some years in the belief that they are using a public path, or they may have found an old map or document which shows the path on it.

### Assessing a claim (stages 4-7)

The Council has first to decide if there is a reasonable case that the PROW does exist, by looking at the evidence supporting the claim.

If the evidence is based on use (presumed dedication), then a number of people will need to assert that they have been using the path, and the evidence will need to add up to a continuous period of at least 20 years. The landowner can 'rebut' this assertion if they can show that they took steps to prevent the path from becoming a PROW. Traditionally this was done by putting up a notice declaring a route was not a public right of way, or by closing the path for one day each year. It can also be achieved by telling users that the path is not public, or by lodging a Section 31 declaration. Section 31 of the Highways Act allows landowners to deposit a map and statement with the County Council, showing all the paths they accept to be public rights of way. This must be renewed no later than every ten years.

If the evidence is documentary, then all relevant documents have to be shown to the County Council. Not all old maps and documents carry equal weight as evidence, so the County Council has to consider their relative value in each case. The County Council will also have to search for any evidence within its own records which may

show that the path has been legally closed or diverted.

The County Council has a Rights of Way Committee which considers the officer's report and decides if the evidence demonstrates a reasonable case for the existence of the path. If the committee decides the evidence is sufficient they will instruct officers to make a Modification Order which may ultimately add the path to the Definitive Map. If the committee decides the evidence is insufficient they will instruct officers not to make a Definitive Map Modification Order.

### Making an Order (stages 11-12)

When a Modification Order is made it has to go through a public consultation so it will be advertised on site and in the local paper. Any affected landowners will be sent a letter.

If there are no objections to the Order and the evidence shows that the path exists, the County Council can confirm the Order and the path is added to the Definitive Map. It is now recognised as a public right of way by the world at large and the County Council will have a duty to make sure it is open (and stays open) for use by the public. Usually, some works will be needed to make the path usable; though it can be as simple as putting up a signpost.

If there are objections made to the Order and not withdrawn, the County Council will have to send it to the Planning Inspectorate (representing the Secretary of State) who may hold a Public Inquiry, a Hearing or will ask for written representations regarding the evidence.

### Frequently Asked Questions

- **This path hasn't been used for many years - hasn't it ceased to exist?**  
Once a path has come into existence, it remains forever whether it is used or not. A path can only cease to exist when it is officially closed by a legal process such as a stopping-up or extinguishment order, or if it is moved by a diversion order.
- **Is there any help available for me to fight the claim?**  
There are a number of experts in the field (solicitors etc), who you can engage on your behalf (at your own cost) and who can be found on the internet or (if you are a member of the following organisations) by asking the CLA, IPROW, NFU and other representative organisations
- **This path hasn't been used for many years and isn't needed;**
- **There is already a path in this direction;**
- **The path doesn't go anywhere;**
- **What about my security or privacy?**  
The County Council has a statutory duty to process claims made for the existence of a path. By law, we can only consider whether the path is a public right of way or not. We are not allowed to take into consideration other factors like how desirable the path might be. The Definitive Map Officer will be able to advise you on this. However, if the path is found to exist it may be possible to then divert the route to one more suitable for the current situation, although there is a cost to applicants and a successful diversion application cannot be guaranteed. The Area Rights of Way Officer will be able to advise you on this.
- **Can I get rid of the path?**  
Although there is a statutory process by which a path can be extinguished or stopped-up, these can only succeed in limited circumstances, and are subject to public consultation and possible objection. Extinguishment of a path is not likely to be possible where a path has been claimed. However, it may be possible to divert the route to one more suitable for the current situation, although there is a cost to applicants. Again, your Area Rights of Way

Officer will be able to advise you on this. Please note that obstruction of a public right of way is an offence for which the offender can be prosecuted.

- **Who sent this letter/notice?**  
The initial notice is served by the applicant for the DMMO. Later correspondence will come from one of the Definitive Map Officers at the County Council.
- **Can I see the evidence?**  
A summary of the evidence will be included as part of the Committee Report, which is published five days before the Rights of Way Committee meeting at which the DMMO application will be considered. The Council may be able to provide an outline of the evidence at an earlier date, subject to the Data Protection Act.

### Contact information:

Tel: 08449 80 80 80 (Monday to Friday: 8am to 8pm, Saturday: 8am to 12 noon).  
Email: [enquiries@nottscc.gov.uk](mailto:enquiries@nottscc.gov.uk)  
Website: [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)  
Minicom: 01623 434993  
Calls cost 3p/min from BT landlines. Mobile costs may vary.  
Please contact us if you need the information in a different language or format.

### Further information is available at:

More information about Rights of Way in Nottinghamshire can be found at:  
<http://www3.nottinghamshire.gov.uk/enjoying/countryside/countryside-access/rights-of-way/>

Department for Environment, Food and Rural Affairs – General information on procedures relating to public rights of way:  
<http://www.planningportal.gov.uk/planning/countryside/rightsofway/rightsofway>

Countryside Agency- A guide to definitive maps and changes to public rights of way:  
<http://www.figheldean.org/attach.pl/2/9/CA142.pdf>

Ramblers' Association Website:  
[http://www.ramblers.org.uk/rights\\_of\\_way/take\\_action/claim\\_an\\_unrecorded\\_right\\_of\\_way](http://www.ramblers.org.uk/rights_of_way/take_action/claim_an_unrecorded_right_of_way)

## APPENDIX 2

SUBJECTS COPY

## APPENDIX 3

### Moss Drive Footpath Use Summary

Evidence forms completed 100+

Number of years of use by amount of people; see graphics  
(longest use in years is 76)

#### **Reasons for use;**

Pleasure, to and through woods	82
of which dog walkers	35
of which bird watchers	2
Through route to other destinations	2
Running/cycling	6

#### **Frequency of Use;**

Daily	16
4/ 6 days per week	12
2/3 days per week	13
1 day per week	21
1 or 2 days per month	20
Occasionally	6

#### **Destinations;**

Bluebell Woods	61
Common Lane	25
Other Footpaths	21

#### **Knowledge of route existence;**

Local knowledge/ word of mouth	45
Walking/exploring	40

#### **Noteworthy;**

Supporting the social aspect of the route and its popularity.  
In answer to the question 'do you see anyone else on this route?'  
**81** stated that they **ALWAYS** saw other users.

In answer to 'do you consider this a Public Right of Way?'  
**All answered YES**

In answer to 'What status do you consider this route to have?'  
**All answered FOOTPATH**



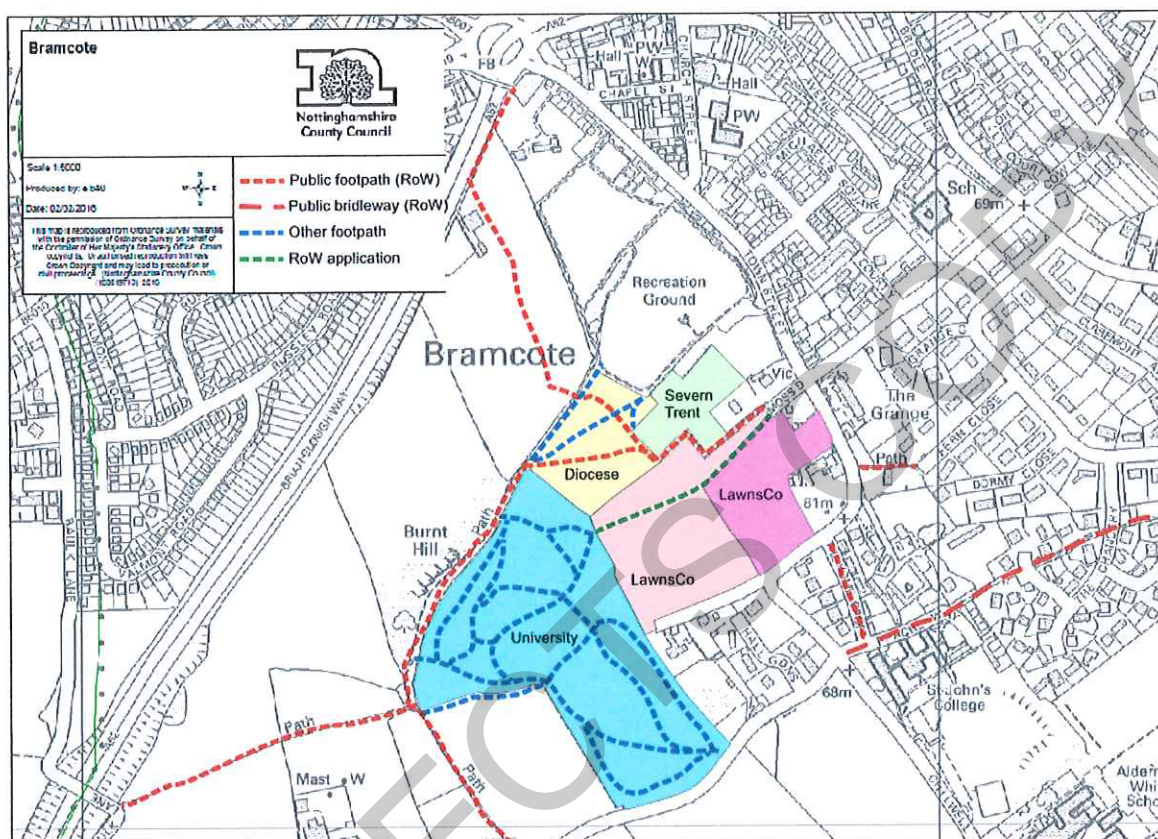
## APPENDIX 4

## Moss Drive to Bramcote Woods Timeline

1825	Evidence of a house on the site of Bramcote Hall belonging to the Wright Family, bankers. They move to Stapleford Hall around 1860
1860	Advert in the Nottingham Guardian, July 1860, Wright's residence for sale: "neat, little villa with stables etc. and 45 acres of grass land". Bought by Wilmot of Derbyshire who employed "a celebrated London architect to erect a mansion on the site and re-model the grounds". Purchased by FC Smith, banker. It remained the home of the Smith family for many years.
1905	FC Smith dies. He had left the Hall to his wife for her life-time and then to his youngest son, Evelyn Kyrle Smith.
1914	FC Smith's widow dies in August. The Hall passes to her son, Evelyn, but by 1914 he was established at Oxton Hall and presumably had no desire to relocate. FC Smith's three spinster daughters depart in December 1914.
1919	Huge sale of contents of the Hall.
1922	Prep school arrives at the Hall after a fire at Trent College.
1923	The move is such a success that Trent College buys the freehold for the Hall.
1964	The University negotiated to buy the Hall, and 38 acres of surrounding land, for £80,000. This was completed in December 1964 with the university using its own resources as 'an investment of University capital' (Council Minutes, 14 Dec 1964).
1905	FC Smith dies. He had left the Hall to his wife for her lifetime and then to his youngest son, Evelyn Kyrle Smith.
1914	FC Smith's widow dies in August. The Hall passes to her son, Evelyn, but by 1914 he was established at Oxton Hall and presumably had no desire to relocate. FC Smith's three spinster daughters depart in December 1914.
c 1935	School extended with new east block.
1965	Bramcote Hall School closed.
1969	Bramcote Hall demolished (except 1930s extension).
c 1971	University builds Atlantic House and John-Player House as accommodation for postgraduate students. One way road with no gates, open to all traffic, from Moss Drive, past the two houses and then down Atlantic drive to join the short, section of Town Street that is used to access Southfield House. 1930s school extension used occasionally by the Scouts.
c 1980	(Now derelict) 1930s extension demolished.
03/04/2000	Catesby Estates buy the eastern part of the land from the University.
06/11/2003	This land transferred to T J K Developments Limited and Drayton Estates Limited
2004	Atlantic House and John-Player House demolished and The Lawns built on the land
2007	Lawnsco formed by five residents of The Lawns
21/06/2013	Lawnsco buy the land between The Lawns and the University land for £22,050
18/01/2016	Pedestrian access through Lawnsco land blocked

## APPENDIX 5

### Land ownerships in the area and footpath network:

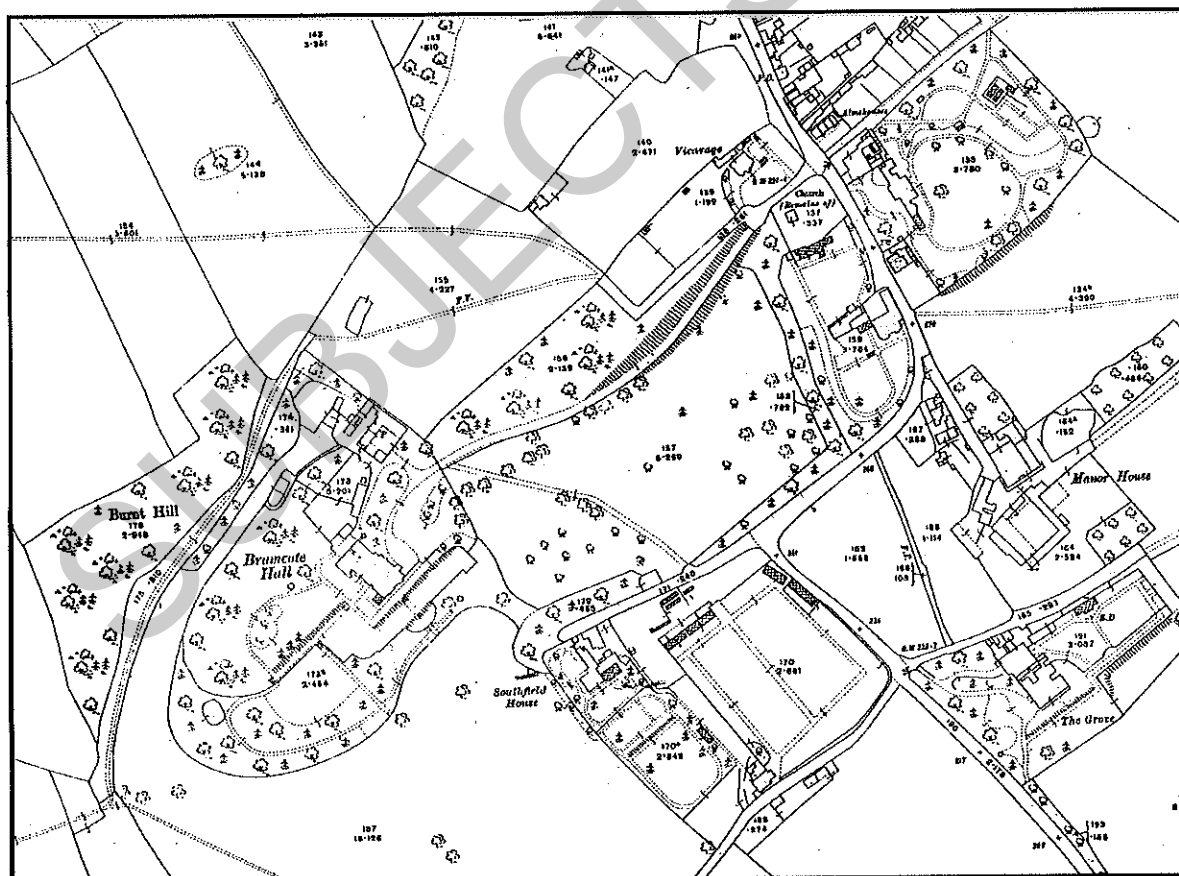


## APPENDIX 6

### Bramcote Hall and the Local Area:



Photo: 1934: Looking East. Moss Drive leads from the Hall through the trees top right.



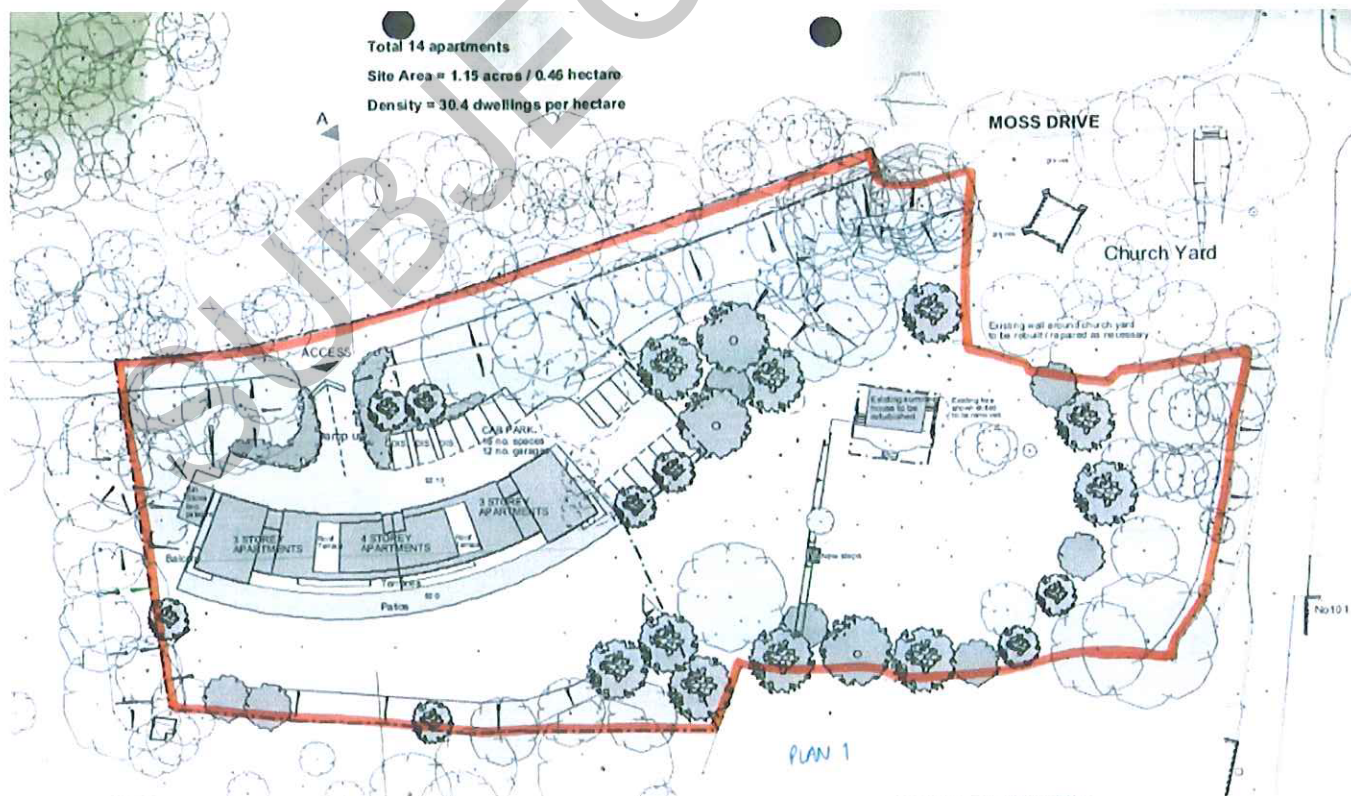
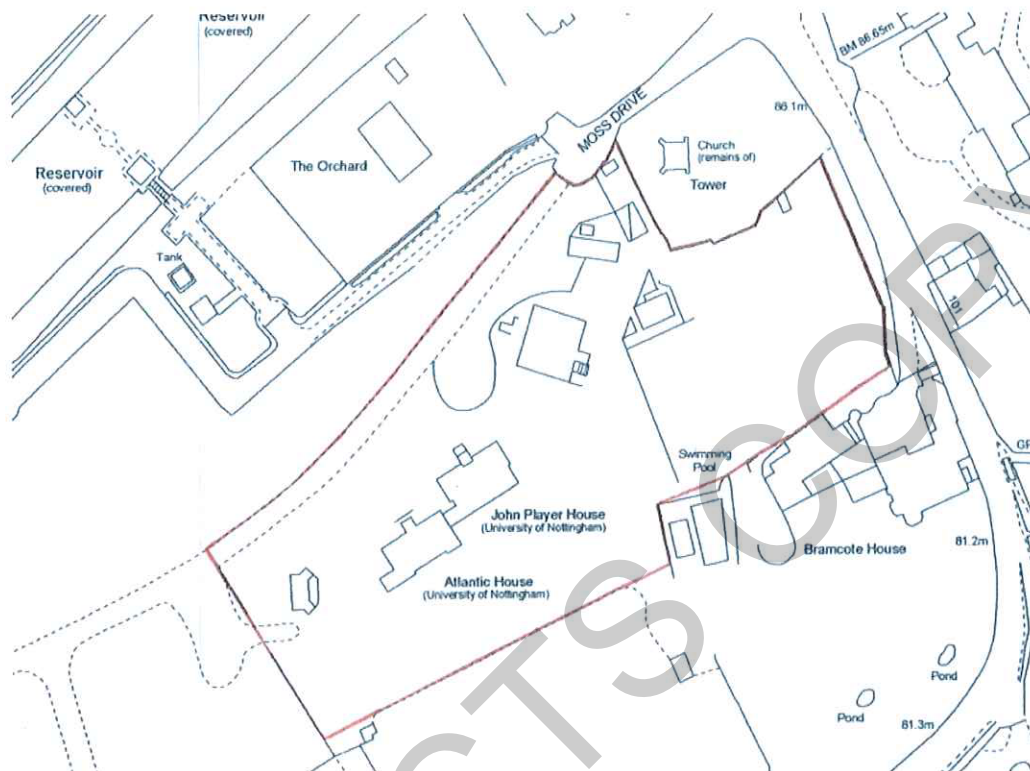
Historic OS map extract: 1914



## APPENDIX 7

## Plans of former Student Flats &amp; the replacement "Lawns"

(Document source – Broxtowe planning website)





## APPENDIX 8

## Refusal Notice + inset location plan

(Document source: Broxtowe planning website)

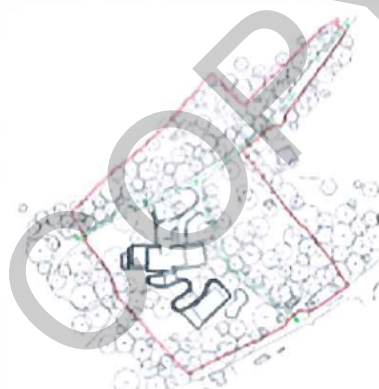
## BROXTOWE BOROUGH COUNCIL

## NOTICE OF REFUSAL

## TOWN AND COUNTRY PLANNING ACT 1990

Application submitted by:

#2



BROXTOWE BOROUGH COUNCIL having considered an application by or c

Applicant:

#2

File Reference:

15/00197/FUL

Proposal:

Construct 5 apartments over a semi-basement parking level.

Site Address:

Land North West Of Hall Gardens Moss Drive Bramcote Nottinghamshire

as shown on the plans submitted with the application, which application and plans and any relevant correspondence are hereinafter referred to as "the application", HEREBY in pursuance of their powers under the above mentioned Act

## REFUSE PERMISSION

for the development described in the application for the reasons set out below.

## Reasons:

1. The site lies within the Nottinghamshire Green Belt, within which there is a strong presumption against inappropriate development except in very special circumstances, none of which, on the basis of the information provided, apply here. The proposed development would have an unacceptable impact on the open character of the Green Belt, contrary to Saved Policy E8 of the Broxtowe Local Plan (2004) as well as the aims and objectives of the National Planning Policy Framework.
2. The proposed development would have an adverse impact on the open and undeveloped nature of the site which would conflict with the aims of the National Planning Policy Framework, Policy 16 of the Broxtowe Aligned Core Strategy and its status as a Prominent Area for Special Protection referred to in saved Policy E13 of the Broxtowe Local Plan (2004).
3. The proposed development is considered to be harmful to the significance and the woodland character and appearance of the designated Mature Landscape Area which is key to the historic character and appearance of Bramcote conservation area. Accordingly, the proposal is contrary to saved policy E14 of the Broxtowe Local Plan (2004), Policy 11 of the Aligned Core Strategy as well as the aims and objectives of the National Planning Policy Framework.

15/00197/FUL

Continued



**APPENDIX 9**#2  
**INFORMATION CIRCULAR REGARDING THE FUTURE OF THE WOODLAND,  
BEYOND MOSS DRIVE AND ADJACENT TO THE LAWNS**

As you may be aware, Lawnsco has experienced many problems with this site, originating from the demolition of Bramcote Hall. This left no presence on the site, which in turn has led to many abuses. The problems experienced are as follows.

- Litter and fly tipping.
- Fires, on several occasions involving the Fire Brigade.
- Vandalism to boundary fences.
- Damage to trees and theft of wood.
- Drug residue, syringes left in the open.
- Danger from falling boughs, branches and trees.

In addition, early in December 2015 a woman suffered a broken leg having encountered a rather boisterous dog which was not on a lead. The ambulance had great difficulty in reaching her.

We suggested to the Council that if our application for five apartments – a tiny development on a site of this size – were approved, the problems could not only be solved, but permanent Rights of Way and Woodland Walks could be made available to the public. Proper husbandry of the landscape could also be established at the same time.

In its wisdom Broxtowe Borough Council rejected our application, simply not recognising the common sense of our proposal. Indeed some Councillors were strongly in favour, but not enough. We did state in our application that in this eventuality we would have no option but to close the site because of danger to the public, and public liability issues.

That then is the current position. We are not giving up on this and have employed planning consultants to assist us with establishing a way forward.

Our hope therefore is that the site will be open to the public as soon as the various issues can be resolved. The current situation benefits no-one.

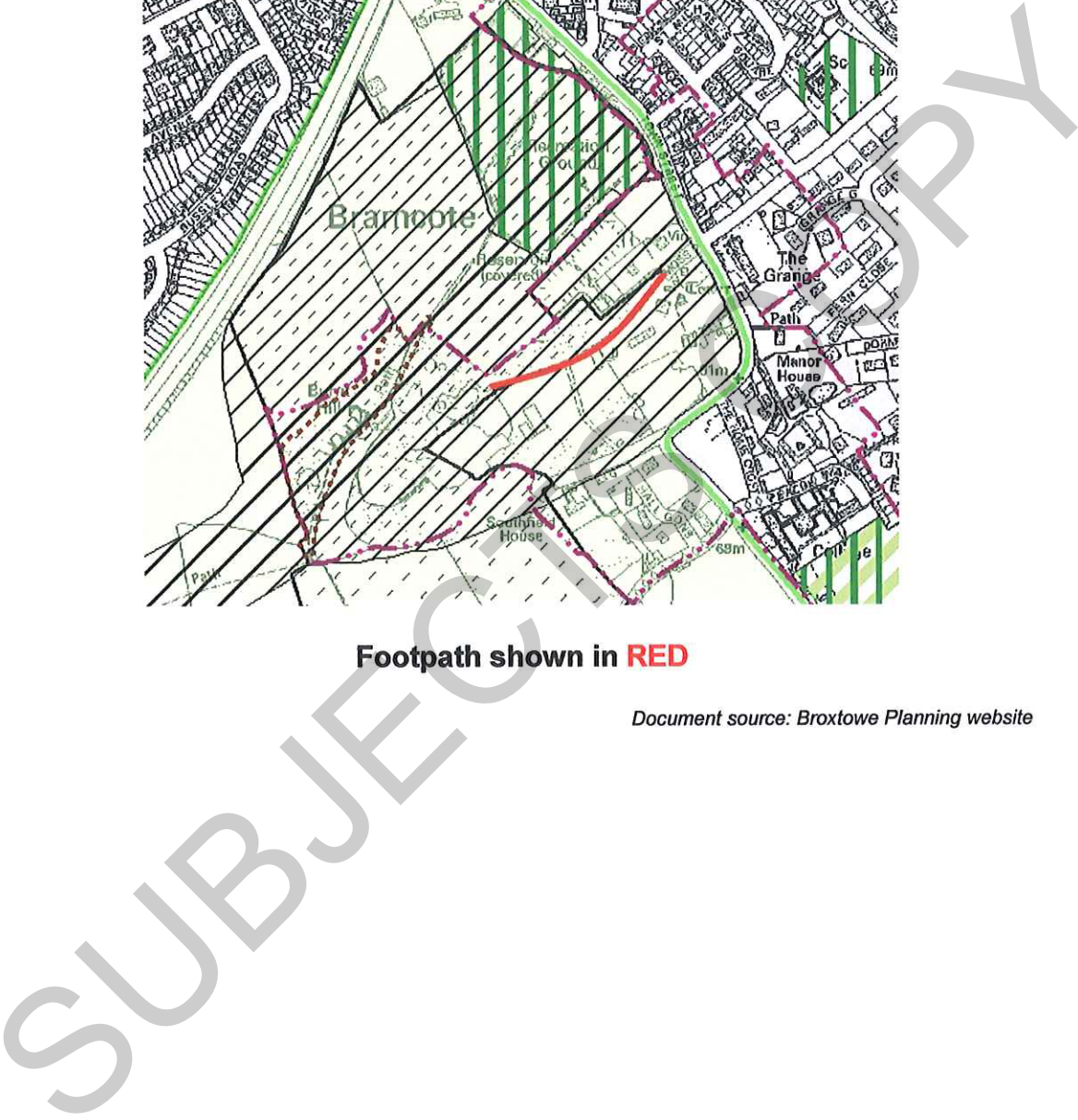
If you feel able to give us a letter of support, that would be extremely useful.

**Footpath shown in RED**

*Document source: Broxtowe Planning website*

**Footpath shown in RED**

*Document source: Broxtowe Planning website*



**Footpath shown in RED**

*Document source: Broxtowe Planning website*

**Footpath shown in RED**

*Document source: Broxtowe Planning website*



## APPENDIX 11

## Correspondence regarding the southern branch to Town Street (2 letters)

From: #2  
Sent: Monday, August 15, 2016 9:33 AM  
To: [Bramcote Conservation Society](#)  
Subject: Re: Southfield House footpath question

Dear Sir,

#2 I used the footpath from the age of 5 (1957) to walk to & from school, the old school on Town Street. In those days it was a footpath through the old school grounds down the side of the old vegetable gardens. After I left school in Bramcote I used it regularly to access Bluebell Hill in the summer & the sledging field in winter.

At the end of the 60s / start of the 70s when the university built the 2 student residences in the back of Colonel Pearson's house (now a granny farm) the footpath down the hill was upgraded to a road (the gateway was always there). Along with this a one way system was introduced up Moss Drive down the hill & out of the Hall Gardens / Southfield House drive. As part of this agreement Hall Gardens & Southfield House were granted a vehicle right of way over the university drive. There used to be a sign at the university gates saying access to Southfield House & Hall Gardens. The gate at the bottom was a much later addition after the student flats were demolished. #2

#2 I would think there were at least 20 years of free pedestrian & vehicle access. When the gate was closed & locked I tried to persuade Minta to take it up but she was too tied up in her other problems to bother & returned to driving across the blind corner.

At the time she sold Southfield House we could not find the original agreement but it may still be in some of my father's papers that I have not got around to sorting yet.

Yours Sincerely

#2



To whom it may concern

#2

We lived at #2 Hall Gdns from 1983 - 2009. During that time we walked our dogs via our back gate twice daily, by a designated footpath up to Moss Drive & into Bluebell hill via the Old Bramcote Hall site.

You will see this footpath marked on the older maps. Many folk used this path regularly as an alternative to braving the 'devils' elbow. My tenants at #2 Hall Gdns say people still try to use it. We simply left our back gate open & bolted it at night to comply with the law.

The present restrictions are entirely unlawful & cause great inconvenience to local residents who have always used the Moss Drive route.

We would ask you to request that the present residents of 'The Lawns' to remove the barrier which is unlawfull & causes great inconvenience to local residents who have always used the Moss Drive route to the woods.

Please  
Bramcote

#2

## APPENDIX 12

## Letter of support from Anna Soubry MP



HOUSE OF COMMONS  
LONDON SW1A 0AA

Cllr John Wilkinson  
Chair, Planning and Licensing Committee  
Nottinghamshire County Council  
County Hall  
West Bridgeford  
Nottingham  
NG2 7QP

Our ref: 03-07/TH

22 July 2016

Dear John,

**Right of Way Application for Moss Drive, Bramcote**

I am writing in support of the above application for a public right of way to be established through Moss Drive, Bramcote. The route would begin on Moss Drive and create a Right of Way which would link with the University Land, woods and the Hemlock Scout Camp beyond.

I understand you have been working with the Bramcote Conservation Society and that you are aware of the situation regarding the closure of the three gates. I ask that you consider the attached applications for a Right of Way along this route.

I am aware that Nottinghamshire County Council's Rights of Way Improvement Plan (2007) has six primary objectives and recognises that access to open space is crucial for local communities to flourish. The attached applications illustrate the importance of this route and provide evidence that previously, this route has been used by the local community for decades.

I am also aware of the significant backlog that exists with Rights of Way applications and would ask that, given the considerable number of applications attached here, this application receives urgent attention.

I am grateful for your assistance in this matter.

With all

**Rt Hon Anna Soubry MP**

Cc. Rob Greer, Chair of Bramcote Conservation Society  
Cllr Stan Heptinstall, County Councillor for Bramcote and Stapleford  
Cllrs Jan Gould, Martin Placket and John Doddy, Bramcote Borough Councillors

*Rt Hon Anna Soubry, Member of Parliament for Broxtowe*  
Constituency Office: 61 High Road, Chilwell, Nottingham, NG9 4AJ  
Tel: 0115 943 6507 E-mail: [anna.soubry.mp@parliament.uk](mailto:anna.soubry.mp@parliament.uk) Website: [www.annasoubry.org.uk](http://www.annasoubry.org.uk)

Neil Lewis

---

**From:** #2  
**Sent:** 28 July 2017 16:31  
**To:** Neil Lewis  
**Cc:** #2  
**Subject:** sample evidence of woodland closure  
**Attachments:** DSC06838.JPG; Scan 5.jpeg

Neil Hi

Firstly thank you for last week's meeting when you updated us on your investigations re the woodland.

As promised I attach a sample of one of the press ads and a few of the photos - I picked ones that showed some of the signs that had been installed by The University of Nottingham which you also referred to. These are available for all years since 2010. If you want to see more it's probably easier to examine them here as they are either held on disc or on PC

**Kindest Regards**

#2







**Public Notices**

**BROXTONE BOROUGH COUNCIL BUILDINGS AND CONSERVATION AREAS ACT 1990 TOWN AND COUNTRY PLANNING ACT 1990**

Application has been made on behalf of **MRS G. SHARPE** for planning permission to **CONSTRUCT DETACHED GARAGE AT 7A NOTTINGHAM ROAD, NOTTINGHAM, NUTHALL, NOTTINGHAMSHIRE**. In the opinion of the Borough Council the development could affect the setting of 7A Nottingham Road, a Grade II listed Building.

**Application No: 10/00162/ FUL**

Application has been made on behalf of **MRS & MRS D. BEAUMONT** for planning permission to **CONSTRUCT TWO STOREY REAR BALCONY WITH JULIETTE DECK** at **15 BEESTON NOTTINGHAMSHIRE**.

**Application No: 10/00139/ FUL**

As these applications are household applications in the event of an appeal against a refusal of planning permission, which is to be dealt with on the basis of representations in writing, any representations made about these applications will be sent to the Secretary of State, and there will be no further opportunity to comment at appeal stage.

Members of the public may inspect copies of the applications, the plans and any other documents submitted with them, at the Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB during all reasonable hours until 14th April 2010.

Anyone who wishes to make representations about these applications should write to the Council at the above address by the above date.

S. Dance  
Head of Planning  
and Building Control  
On behalf of  
Broxtone Borough Council  
Date: 24th March 2010

**BERYL TARNOWSKI**  
deceased

Exempted to Section 27, Trustee Act 1925

**NOTICE of Offer Property**

Bulwell, Nottingham, NG8 899. We advise that an offer has been made for the above property in the sum of £57,000. Any persons wishing to increase on this offer should notify the agents of their best offer, prior to exchange of contracts. Agents Address: Your Move Estate Agents, 12 Commercial Road, Bulwell, Nottingham, Nottinghamshire, NG6 8PL. Agents telephone Number: 0115 9752220

**Public Notice**



301 Cleveland Road, Carlton. We are acting for the mortgagee in possession and have received an offer of £74,000 on the above property. Any interested parties must submit any higher offers in writing to the selling agent before an exchange of contracts takes place.

Thomas James  
40a Upper Parliament Street  
Nottingham NG1 2AG  
(0115) 9 50 66 88

**PUBLIC NOTICE** By order of the mortgagee in possession we would advise that an offer of £72,000 has been received for the property, 21 Carbridge, Cotgrave NG12 9PE. Any persons wishing to make an increased offer should notify the agents, The Nottingham 30 Corral Avenue, West Bridgford NG2 5SR. Tel 0115 9145000 of their best and final offer within 7 days of publication of this notice.

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- 1) Employees (and their families) of the Nottingham Post Group Limited, associated companies, agents and eligible to enter competition, not eligible to enter competition.
- 2) Competition prizes draw prizes stated and in no other form. No cash alternative will be offered unless stated. Prize is non transferable.
- 3) The Editor's decision is final and no correspondence will be entered into.
- 4) Competition entries of reader of the complete Nottingham Post, or reader of other address and title, will be disqualified.
- 5) Prizes must be claimed within 14 days of notification unless otherwise stated.
- 6) Competition winners will usually be notified in writing within 5 working days of the closing date.
- 7) Competition and reader offers are open to readers of any age unless age restrictions are stated.
- 8) Competition entries and reader offers must be received after the closing date time will be rendered invalid.
- 9) No purchase/payment is required unless stated.
- 10) No cash prize/entry is required unless stated.
- 11) Competition winners will be required to take part in publicity photographs and/or be prepared to appear on television and in the closing date.
- 12) The Nottingham Evening Post Group Limited, for any damages or injury caused by competition prizes or reader offers. Any prizes should be returned to the manufacturer or retailer.

Additional rules and restrictions may apply for different competitions or reader offers. Please see the competition and reader offers published in the Evening Post.

**NOTTINGHAM CITY COUNCIL (LACE STREET, NOTTINGHAM) (RESIDENTS' PARKING PLACES) TRAFFIC REGULATION ORDER 2010 (TMR 67/2)**

**NOTICE IS HEREBY GIVEN** That the Nottingham City Council has made an order under sections 1, 2, 3, 4, 5, 32, 33, 35A of the Road Traffic Regulation Act 1984, and by the virtue of section 24 of the Traffic Management Act 2004 (the 2004 Act) and all other enabling powers, as amended, that the City of Nottingham Area Council, in respect of roads in the City of Nottingham.

The effects of the Order will be:-  
(1) To provide Residents' Parking Places, operating Monday - Friday, 9am to 6pm inclusive, in the following length of road:  
Lace Street (south-west) from a point 15 metres north-west of its junction with Beeston Road in north-westerly direction, for a distance of 32.2 metres.

(2) To remove certain existing prohibitions/restrictions

The usual exemptions will be provided. Relevant documents may be inspected at Lawence House, Nottingham, at the Local Studies Library, Central Library, Nottingham, Any person wishing to question the validity of the Order, may apply to the High Court for an order of certiorari on 22nd March 2010 or any of the provisions contained in it on the grounds that they are not within the powers conferred by the appropriate legislation, or requirement of such legislation, or that the Order is ultra vires, or that the Order is invalid, or that the Order is in breach of the provisions of the High Court for this purpose.

The amendments to the regulations are necessary following changes to the layout and kerbline at this location.

**DATED THIS 24th DAY OF MARCH 2010.**  
**THE ORDER WILL COME INTO FORCE ON THE 17th DAY OF MAY 2010**

Corporate Director  
of Development

NEP-E01-S2

**Woodland (the no. M35070) Moss Drive, Beeston, NG9 3NF. NOTICE IS HEREBY GIVEN** by LAWNSCO LTD, that the two stone pillars between the two stone pillars and the woodland will be removed and the public for 24 hours from 6.00am to 6.00pm on Monday, 22nd March 2010. The removal of the pillars will be carried out by the visitors/deliveries during that period. By order of: LAWNSCO LTD, 15 The Lawns, Moss Drive, Beeston, Nottingham NG9 3NF. Tel: 07521196382

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Charity No. 702763  
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0115 940 5421

**THE MARY MAGDALEN CHARITY SHOP**  
81a Arnold Road, Beeston.  
0115 9789733  
We need household goods, furniture, bric-a-brac, clothing etc, house clearances arranged.  
Net proceeds to The Mary Magdalen Foundation

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**JEANNE'S PLACE** 24 hours 0115 952 97 82  
**SOPHIE** just off 126 Bopple No weekends 07897 003819  
**MICHELLE** (Mappertrey) 7 days 07947 995126  
**CASSIE** 07337128898

**JING STAR** \*\*\*\*\*  
\*\*\*\*\* West Bridgford \*\*\*\*\*  
\*\*\*\*\* 07856 356456 \*\*\*\*\*  
**LAURA'S** \*\*\*\*\*  
Mappertrey Park, 7 days a week Tel 07330 498109  
**LACEY** \*\*\*\*\*  
Luxury Apartment West Bridgford Tel 07930 713396  
**LUCY** \*\*\*\*\*  
076 771 7452

**CRYSTAL S** \*\*\*\*\*  
Luxury apartment Lutterworth 07856 428453  
**MAISE** \*\*\*\*\* NOTTINGHAM \*\*\*\*\*  
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09097

**Neil Lewis**

---

**From:** Bob Knowles  
**Sent:** 25 January 2018 10:53  
**To:** 'pabc@broxtowe.gov.uk'  
**Subject:** Planning App 17/00867/FUL  
**Attachments:** Beeston22.pdf

Dear Sirs

This application may impact on Beeston Parish Public Footpath No 22, which runs alongside the northern boundary of the site as shown on the attached working copy of the definitive map.

Whilst not an objection this Office would require that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

Any required path closure or diversion application should be made via consultation with this office.

No other definitive paths are affected by this development but it is always possible that public rights of way exist which have not yet been registered. There is a claim pending to register the path shown on the development plan as a permissive right of way linking Moss Drive to a wooded area of public interest, which I believe the applicant is aware of. I welcome the provision of all the permissive paths through the site shown in the application.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council through Via's continuing role of providing operational services on behalf of the County Council.

**Bob Knowles**  
**Rights of Way Officer**  
VIA East Midlands Ltd  
in partnership with Nottinghamshire County Council  
Tel: 0115 9774559 | Int #2 | [www.viaem.co.uk](http://www.viaem.co.uk)

**TBH VIA Rights of Way**  
**County Hall**  
**West Bridgford**  
**Nottingham**  
**NG2 7QP**

**Area Rights of Way Officer :- Ashfield, Broxtowe, & Gedling.**



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Neil Lewis

**From:** #2  
**Sent:** 15 August 201  
**To:** Neil Lewis  
**Subject:** Land at Moss Drive, Bramcote, Nottingham, NG9 3NF

k>

Dear Neil

Thank you for your time on the telephone just now. As we discussed, the purpose of my call was firstly to establish a legal mechanism whereby we might agree to dedicate a footpath as a planning obligation contingent on the grant of permission for the dwellings that would overlook the route.

Secondly, it was to explore the possible route or routes that my clients might dedicate within their land ownership in order to make the maximum contribution to permeability and the enjoyment of the countryside whilst ensuring maintainability, community safety and residential amenity.

I had hoped that there might be a precedent for a planning agreement to create a right of way and it may still be that there are, but further afield than Nottinghamshire. I am grateful for your offer to contact your lawyers and will advise my clients to instruct their own possibly to liaise on a draft.

I have made a note of the relevant statutory provisions that you mentioned, being section 31 of the Highway Act 1980 and section 53 of the Wildlife and Countryside Act 1981. With regard to possible routes, I will prepare some suggestions without prejudice to the current claim or any offer.

I am grateful to you also for your offer to meet at Trent Bridge House to discuss the merits and demerits of any possible route or routes that we might suggest. I will first revert to my client to discuss these and be in touch in the next week or so with plans and contact details for our lawyer.

Regards

#2

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**Neil Lewis**

**From:** #2  
**Sent:** 23 July 2018 19:34  
**To:** Neil Lewis  
**Cc:** Thompson, Mark  
**Subject:** Modification Order Application 1172  
**Attachments:** UU 02.11.17.pdf; 7542-70-002-0 Proposed Site and Block Plan 1-500 A1.pdf

Dear Neil

Thank you for your time on the phone earlier. I note that you consider that the test as to whether use as of right is "reasonably alleged" is probably met in this case and that you have undertaken a number of interviews and taken a number of proforma responses from interested parties in relation to the application, including the University.

As we discussed, I request access to all information on the above-numbered Modification Order application, including the results of these interviews and responses, under the Freedom of Information Act and look forward to receiving same at your earliest convenience. I confirm that we both accept and prefer electronic copies.

I understand that in the next few weeks you intend to send an informal letter to interested parties and that this will provide for a period of six weeks in which any remaining views might be obtained before a Report is made to probably October or November Committee recommending whether to apply to modify the Definitive Map.

You advised that, were my client to oppose the Order, then this would probably result in a Public Inquiry and that would probably take a year to obtain a decision. We also discussed Gating Orders or Public Place Protection Orders, which are dealt with by district authorities, to deal with ASB should the right of way be confirmed.

You also advised that you had not been consulted by Broxtowe Borough Council on my clients' planning application, which includes a Unilateral Undertaking to create a Permissive Path on the same route as applied for, plus a further route from that to Town Street, which currently has no footway access to the village centre.

Consequently, I attach a copy of the Unilateral Undertaking (as you will see, it is not signed but would require us to enter into a Permission Path agreement relating to the route shown on drawing 7542-70-002-0 also attached). I have also copied in the Case Officer Mark Thompson and draw your attention to the following link:

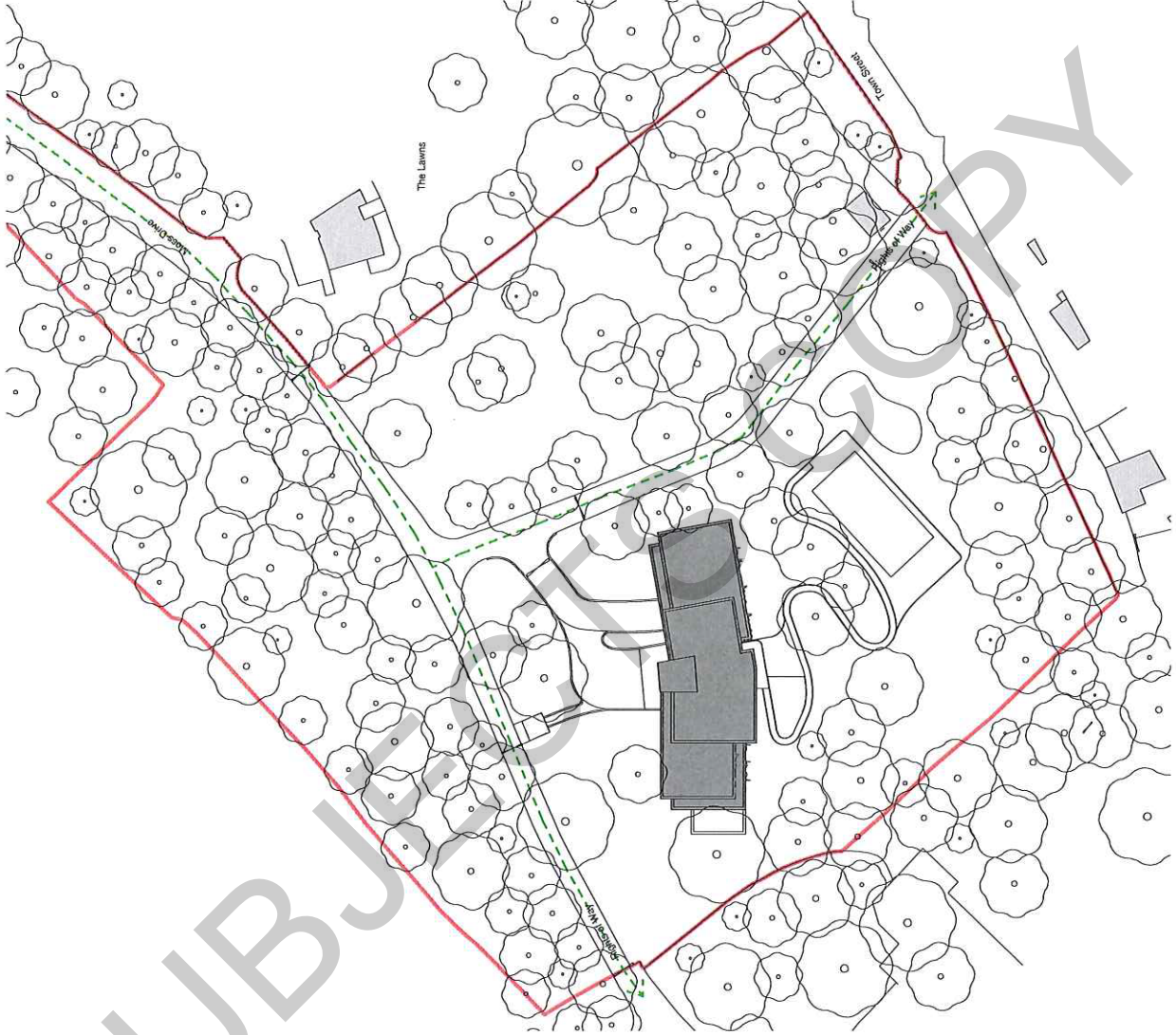
<http://planning.broxtowe.gov.uk/ApplicationDetail?RefVal=17/00867/FUL>

I look forward to your views on the Unilateral Undertaking at your earliest convenience via the Case Officer. Finally, I confirm that I have advised my clients to consider instructing a solicitor or barrister practising in rights of way law and note that your authority has itself used Jonathan Mitchell of Counsel at Ropewalk Chambers.

Regards

#2





1 70-P-Proposed Site Plan  
1:1250

Note: Routes annotated as  
"Rights of Way" are  
proposed permissive paths

REV	DATE	DESCRIPTION	BY
01	01/01/2011	ISSUED FOR PERMIT	CPMG

**cpmg**  
CPMG ARCHITECTS LTD. 25 WILSON COURT, RICHMOND, ONT. L4B 1Y1  
TEL: (905) 882-1000 FAX: (905) 882-1001  
WWW.CPMGARCHITECTS.COM

Woodland Lodge  
Moss Drive, Bramcote

Proposed Site & Block Plan

PLANNING SUBMISSION

REV	DATE	DESCRIPTION	BY
01	01/01/2011	ISSUED FOR PERMIT	CPMG

7542 70-002 A1

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2 70-P-Proposed Block Plan  
1:500