



## **LATE ITEMS**

### **6.4     SUMMARY OF LATE ITEMS**

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### SUMMARY of LATE ITEMS

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#### 5.1 20/00641/FUL Land to the rear of Brinsley Recreation Ground, Church Lane, Brinsley

A late item for this application was circulated on 19.4.21 and the previous committee report was circulated this morning (20.4.21) and both items are attached as appendices to this summary. No additional late items.

#### 5.2 20/00714/FUL 259 High Road, Chilwell

No late items received

#### 5.3 20/00667/FUL 28 Park Road, Chilwell

No late items received

#### 5.4 20/00745/FUL Old Station Yard, Station Road, Beeston

**Further information/supporting documents** (two letters) received from the **agent** (14.04.21):

- Letter from **Network Rail** with background to the sale of the land to the developer – parts of the land excluded from the sale so as to safeguard for future station parking (up to 20 spaces), platform expansion and retention of land to the north east of the site for operational purposes. NR are working with EMR (East Midlands Railway) to deliver a masterplan to guide potential future improvements at the station, including canopy refurbishment, new improved access (two lifts) and installation of improved parking and turning facilities. Notes that the access to the development does not prevent the improvements to the station/turning area planned. NR have been working closely with Friends of Beeston Station to coordinate the delivery of and improvements around Beeston Station to support community efforts to enhance station facilities.
- Letter from **East Midlands Homes** (EMH) who will be the end user (Registered Provider):
  - EMH are working to provide affordable housing with Ilke Homes who are builders of modular homes, which are more energy efficient, using around 20% less energy to heat than traditionally built homes.
  - Modular construction is seen as a strategic priority by Homes England for its future development funding programme.
  - The scheme is for 100% affordable housing and EMH have ensured that the proposed mix of housing meets their identified need for housing and responds to the demand for affordable family homes in Beeston.
  - If consented by the Planning Committee, the first homes could be delivered on site by as early as January 2022 with the development completed by July 2022.
  - The modern method of construction brings about other benefits such as: accelerated speed of delivery when compared to traditional building methods; 20% more heat efficient (£1 cost/day to heat); reduced carbon footprint; very low waste associated

with the production process; environmental benefits as a result of less lorry movements, reduction of noise and disturbance and dust emissions; and as the modules are produced in a factory setting, there are significantly less snags when compared to traditional builds.

- All of the house types will benefit from the approval of and funding from Homes England (HE), and all are, or will be within the HE's 15% tolerance of the Nationally Described Space Standards.
- The homes benefit from NHBC approval and have a comparable lifespan to a traditionally built home.
- EMH want to reassure the committee that they are committed to the delivery of the scheme as 100% affordable housing via grant funding, but note that any delay to the approval of the scheme could have a detrimental knock-on effect for grant funding and on targets for the delivery of the development.
- Want to ensure that this long vacant brownfield site can come forward to provide much needed affordable housing for the area, at 100% which is over and above that required by policy, and want to work with the council and councillors to ensure that there is no unreasonable delay in ensuring this can happen.

#### **5.5 20/00855/FUL 4 The Old School House, Gilt Hill, Kimberley**

No late items received

#### **5.6 19/00605/FUL 42 Derby Road Beeston**

No late items received

#### **5.7 20/00791/FUL 39 Eastwood Road, Kimberley**

No late items received

#### **5.8 21/00041/FUL 42 Sandy Lane, Bramcote**

No late items received

#### **5.9 21/00005/FUL 42 Greenhills Road, Eastwood**

No late items received

## Planning Committee 21 April 2021

### PLANNING REFERENCE 20/00641/FUL LATE ITEM

#### 1. Section 106 Contributions

1.1 During a meeting between Planning Officers and the applicant on 15 April 2021, it was raised that the Committee Report for 21 April 2021 is misleading in terms of contributions for the off-site provision of public open space. In light of this and to clarify the matters accordingly, this Late Item acts to amend the wording of paragraphs 2.1 and 2.6 of the 21 April 2021 report.

1.2 Paragraph 2.1 of the 21 April 2021 report is now amended to read as follows:

**2.1 It was previously reported to the Committee that planning contribution requests have been sought in respect of:**

- **Primary health care contribution - £62,315.62;**
- **Off-site public open space contribution - £95,905.40;**
- **Off-site public open space maintenance contribution - £73,456.25;**
- **Sustainable transport measures (bus taster tickets 115 x £50) - £5,750;**
- **Bus stop infrastructure contribution - £25,851.50**

The total contributions therefore equate to £263,278.77. Paragraph 6.11.4 of the 17 March report incorrectly stated the total figure to be £257,528.77; however, that figure did not take into account the cost of the bus taster tickets (115 x £50), therefore resulting in the total figure of agreed contributions being £263,278.77. The applicant has agreed to pay all of these contributions. Policy 15 of the Broxtowe Part 2 Local Plan also requires the site to provide 30% affordable housing, which the applicant has also agreed to provide on-site.

In addition to the planning obligations set out above, the applicant has confirmed that the development will provide on-site public open space. In agreement with the Council's Parks and Green Spaces Manager, the applicant has agreed to appoint a Management Company to secure the ongoing maintenance of the on-site public open space, the details of which will be controlled and secured by condition. NB Condition 20 is relevant in this regard which has been framed accordingly.

1.3 Paragraph 2.6 of the 21 April 2021 report is now amended to read as follows:

**2.6 the proposed development would yield an off-site public open space contribution of £95,905.40 and an off-site public open space maintenance contribution of £73,456.25, which the applicant has agreed to pay. If necessary, the entire amount of £169,361.65 could be spent on improving**

**and maintaining facilities at the Brinsley Recreation Ground. The requested contribution is calculated using a Council agreed formula which takes into account a percentage split of land between different usage types such as sports pitches, amenity open space and play areas. The requested contribution is therefore evidence based, and relates directly to the impact of the development in that it can be used in full, if required, at the Brinsley Recreation Ground. Additional requests on top of this to improve facilities at the Brinsley Recreation Ground would not be fairly and reasonably related in scale to the development proposed and as such would not meet the statutory tests for requesting additional planning contributions.**

- 1.4 The Council received an email from the applicant on 16<sup>th</sup> April 2021 endorsing these amendments to the report. The applicant confirms their clear position regarding off-site public open space provision, which they are content to pay in two components: (i) £95,905.40 (capital sum) and (ii) £73,456.25 (maintenance payment). The two should be treated together in terms of intended location and use. The applicant confirms that they are content with the overall (combined) figure of £169,361.65 to be enshrined in a Section 106 Agreement along with the intended recipient i.e. the adjoining Brinsley Recreation Ground through the provision of additional facilities and/or enhancement of existing facilities and, in either case, associated maintenance given the inevitable depreciation of equipment and facilities in due course over a number of years.
- 1.5 The applicant also confirms in their email that the on-site provision, and maintenance of on-site open space will be provided by the applicant initially, and managed and maintained in perpetuity by a Management Company, as secured through the proposed planning condition 20.

## **2. Lighting on Private Roads**

- 2.1 During the meeting between Planning Officers and the applicant on 15 April 2021, it was also noted that the minutes of the meeting on 17 March 2021 (as proposed in paragraph 66.5 of Item 3 on the agenda for the 21 April meeting) states that concerns were raised by members of the Committee as to whether the lighting on the private roads within the development were to be maintained by the Local Authority.
- 2.2 During the meeting, and subsequent email received by the Council on 16<sup>th</sup> April 2021, the applicant confirms that low level lighting can be provided, as currently done in 'private parking courts' on their developments elsewhere. The applicant confirms that any such provision can be designed reflecting the character of the area and located sympathetically. Regarding their management and maintenance, the applicant states that, in perpetuity, this can be achieved through a Management Company, the formation of which the applicant has already agreed to.

2.3 The proposed lighting scheme, and management and maintenance of said lighting scheme, can be secured by way of planning condition. As such, proposed planning condition 29 is amended to read as follows:

**29. Occupation of the dwellings fronting a shared private drive shall not take place until details of the proposed arrangements and plan for future management and maintenance of the private road including associated drainage and lighting by a private management company have been submitted to and approved in writing by the Local Planning Authority. The private road and associated drainage and lighting shall thereafter be maintained in accordance with the approved management and maintenance details for the lifetime of the development.**

***Reason: To ensure the road infrastructure is maintained to an appropriate standard for the lifetime of the development.***

2.4 This condition will ensure the Management Company is responsible for the management and maintenance of the lighting scheme on the private road for the lifetime of the development.

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**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>20/00641/FUL</b>
<b>LOCATION:</b>	<b>Land to the rear of Brinsley Recreation Ground, Church Lane, Brinsley</b>
<b>PROPOSAL:</b>	<b>Construct 115 dwellings, associated infrastructure, attenuation pond and vehicular access from Cordy Lane.</b>

The application is brought to Committee due to it being an Allocated Housing Site within the Part 2 Local Plan.

1 Executive Summary

- 1.1 This major application seeks planning permission for the construction of 115 dwellings and associated infrastructure, a vehicular access from Cordy Lane and an attenuation pond to deal with surface water to the south-east of the site. The application site has been allocated in the Part 2 Local Plan which was adopted in October 2019 for residential development of 110 dwellings and the proposal is therefore broadly consistent with this policy.
- 1.2 A mix of dwelling sizes is proposed with detached, semi and terraced dwellings, together with one bed maisonette style units. These will largely be 2 storeys in height with a small number having a level within the roofspace. Off road parking is provided for all dwellings. A single vehicular access point is proposed from Cordy Lane and this forms the north boundary of the site with Brinsley Brook running north to south along the eastern boundary. The recreation ground forms the western boundary and a link into this open space is proposed as part of the development. An attenuation pond with perimeter path and landscaping is proposed within the south-eastern corner of the site and a footpath will also be provided alongside the brook.
- 1.3 The main considerations with the application relate to the design of the development and the impact of the development on neighbouring amenity, flooding, ecology, landscape, coal mining legacy and highways infrastructure and safety.
- 1.4 The proposed development is on an allocated site for residential development. The design of the dwellings is considered to be acceptable and includes a mixture of house types to add interest to the streetscene. The LLFA consider that the proposed development can be designed so as to not increase flood risk to other areas outside of the site and manage on site water run-off satisfactorily so as to be acceptable in flood risk terms. Ecological surveys submitted have been accepted by NWT and the ecological impacts of the development are considered to be acceptable. The Highways Authority are content with the layout of the development, the access and the wider network implications, subject to conditions. Links would be provided to connect the site to open spaces and Green Infrastructure beyond its boundary, improving connectivity and there would be no significant harm to any heritage assets. In respect of the coal mining legacy, the results of initial investigations were reviewed by the Coal Authority. They currently object to the

development as they do not consider that these investigations explore the full extent of the area required in relation to a possible former mine entry within the north of the site. If a mine is located in this area this could result in the need to revise the layout of the scheme to respect 'no build' areas around the mine entry. Further investigations have since taken place in line with the recommendations of the Coal Authority and a report detailing the findings of these works is with the Coal Authority for comment. This concludes that no mine shaft has been recorded in the area of investigation and the feature identified on the Coal Authority's historic maps is considered to be a disused and backfilled historic well, as discovered and documented in the previous investigations. Whilst comments in respect of this are still outstanding it is considered in all other matters the development would therefore be in accordance with the policies contained within the development plan. This should be given significant weight.

- 1.5 The Committee is asked to resolve that planning permission be approved subject to confirmation from the Coal Authority that the latest report submitted by the developers removes their objections and, together with any recommended mitigation measures, the site is safe to develop in accordance with the submitted layout together with the conditions outlined in the appendix and a Section 106 Agreement being completed.

## APPENDIX 1

1 Details of the Application

- 1.1 This is a major application for detailed planning permission for 115 dwellings, associated infrastructure, landscaping and flood attenuation works (including an attenuation basin). Access would be taken from Cordy Lane, towards the north of the site.
- 1.2 A mix of dwelling types is proposed with some terrace, semi-detached and detached properties. These are largely 2 storeys in height (maximum of 8.5m), however there will be a small number of 2.5 storey dwellings also (maximum of 10.6m). The property types include:
- 10x one bedroom maisonettes
  - 18x two bedroom dwellings
  - 51x three bedroom dwellings
  - 36x four bedroom dwellings
- 35 of the proposed dwellings will be affordable housing, located largely to the west and south west of the site fronting the main street through the site and the mews street which terminates with a turning head at the south-western boundary of the site. A density of 28 dph is proposed. Soft landscaping is proposed alongside the Brinsley Brook and this will lead into a landscaped area containing the flood attenuation basin which will be surrounded by a 0.9m high post and rail fence. Soft landscaping is proposed across the site with direct access into the recreation ground.
- 1.3 The following supporting documents were submitted with the application:
- Design and Access Statement
  - Site Location Plan, Layout and House Type plans.
  - Arboricultural Report and Assessment
  - Noise assessment
  - Flood risk assessment and drainage strategy
  - Transport Assessment
  - Travel plan
  - Ecological Appraisal and Surveys
  - Archaeological Desk-based Assessment
  - Heritage Assessment
  - Phase I and II Geo-Environmental surveys
  - Statement of Community Involvement
  - Sustainability Statement
  - Health Matrix
  - Planning statement.
- 1.4 During the course of the application, additional ecological reports and amended plans relating to the internal layout and the access, due to comments received from the Highways Authority, were submitted.

## 2 Site and surroundings

- 2.1 The site was identified as an allocated housing site for up to 110 dwellings in the Part 2 Local Plan (2019).
- 2.2 The site is located in Brinsley to the east of Church Lane. It has an irregular shape as it follows the course of the Brinsley Brook along its eastern boundary and area in which the attenuation pond is proposed elongates the site along this boundary. The site area extends to 4.2 hectares. It is bounded primarily by mature vegetation (trees and hedgerows) to the eastern, southern and western boundaries with the recreation ground, Brinsley Brook and agricultural fields. To its northern boundary (Cordy Lane) there is a mixture of boundary treatments, typically consisting of close boarded fencing, but with hedgerows also. The site is in Flood Zone 1.
- 2.3 The site has a Grade 4 Agricultural Land Classification which means it has severe limitations which significantly restrict the types of crops and expected yields. It currently comprises a series of fields used for grazing horses.
- 2.4 The site is located on the eastern built up edge of Brinsley, which as a settlement is split into two distinct areas; 'old Brinsley' to the south which contains the Conservation Area, St James The Great Church and the Brinsley Headstocks Heritage Site which is a reminder of the areas coal mining legacy. 'New Brinsley' lies within the north of the village and contains much of the 'more recent' development.
- 2.5 The land slopes down across the site from the west to the east towards the Brinsley Brook, which forms the eastern boundary of the site, running north to south. The high point of the site being adjacent the recreation ground and properties on Cordy Lane to the north-west (97.6 AOD), with the low point being in the south east (85.5 AOD). A level difference of 12.1 metres.
- 2.6 Immediately to the west of the site lies Brinsley Recreation Ground which includes children's play facilities, 2 full size football pitches, landscaping, a car park and a bowling pitch and pavilion. To the south of the site lies Brinsley Headstocks which is a Local Nature Reserve (LNR), informal open space and Local Wildlife Site (LWS). Along the Brinsley Brook to the east of the site is a further LWS 'Brinsley Brook grasslands' which includes notable neutral grasslands. Beyond the brook further to the east lies Saints Coppice LWS, a woodland with ancient woodland flora and to the north-east is Cordy Lane Paddock LWS a grassland with a characteristic coal measures community. There is an extensive network of Public Rights of Way (PROW) through from Eastwood and Underwood through Brinsley with Footpath 77 running to the east of the Brinsley Brook past the site.
- 2.7 There is a footway network throughout Brinsley that connects the site to the local primary school and convenience store, and these are within walking distance. The nearest bus stops are on Cordy Lane to the east and west of the site access. They link Nottingham, Ripley, Henor and Alferton (Rainbow 1 Service, running approx. every 30 minutes mon-fri until the early evening and then every hour until 11:37pm) and Derby, Ilkeston, Henor and Mansfield (Black Cat Service, running approximately every hour from 5:17am until 5:41pm mon-fri.)

3 Relevant Planning History

3.1 There is no relevant planning history for the site.

4 Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Spaces
- Policy 17: Biodiversity
- Policy 18: Infrastructure
- Policy 19: Developer Contributions

**4.2 Part 2 Local Plan 2019:**

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

- Policy 1: Flood Risk
- Policy 2: Site Allocations
- Policy 5: Brinsley Site Allocation
- Policy 5.1: East of Church Lane
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land
- Policy 22: Minerals
- Policy 23: Proposals Affecting Designated and Non-Designated Heritage Assets
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- Policy 30: Landscape
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

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

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

- Section 8 – Promoting healthy and safe communities.
- Section 11 – Making effective use of land.
- Section 12 – Achieving well-designed places.
- Section 14 - Meeting the challenge of climate change, flooding and coastal change.
- Section 15 – Conserving and enhancing the natural environment.
- Section 16 - Conserving and enhancing the historic environment

## 5 Consultations

- 5.1 **Nottingham University Hospitals NHS Trust** – request a contribution of £120,751 to provide additional healthcare services and meet the increased demand attributed to the proposal.
- 5.2 **Severn Trent Water** – No response provided.
- 5.3 **Nottingham West CCG** – request a contribution of £62,315.62 to enhance capacity and infrastructure at Church Walk surgery, Newthorpe Medical Practice and Eastwood Primary Care Centre. Further comments received 11.2.21 regarding trigger points and that the contributions sought would ultimately be led by patient choice of which surgery they register with.
- 5.4 **Nottinghamshire Wildlife Trust (NWT)** – Generally in agreement with the reports and makes recommendations regarding conditions in respect of the retention of trees, bats, lighting schemes and a Landscape and Ecological Management Plan. Requested reports in relation to Great Crested Newts supplied and no objections have been received in relation to these with conditions recommended to secure mitigation.
- 5.5 **Environment Agency** - The development site lies within flood zone 1 and therefore no fluvial flood risk concerns associated with the development and the Lead Local Flood Authority should be consulted regarding sustainable surface water disposal.
- 5.6 **The Coal Authority.** – Objects the scheme, raising a fundamental concern due to the presence of a mine entry within the north of the site. They are of the view that it has not been demonstrated that the site layout appropriately takes into account these features. Further considers that intrusive site investigations should be undertaken prior to a decision on the application. Additional comments are awaited on the most recent information submitted as detailed within the executive summary.
- 5.7 **Cadent Gas** – There are no assets which will be affected by the development
- 5.8 **Nottinghamshire Police (Designing Out Crime Officer)** – Makes a number of recommendations about the scheme including that driveways be fitted with PIR activated lighting and consideration be given to the planting scheme to ensure that streetlights are not blocked or damaged. They also make reference to New Homes 2019 replacing the document referenced in the Design and Access Statement (New Homes 2014).

- 5.9 **County Council Strategic Policy** – site is within Minerals Safeguarding and Consultation Area for surface coal so advice should be sought from Coal Authority, a waste audit should also be submitted. Requests S106 contributions towards bus stop infrastructure £25,851.50 and £4,060 towards library services.
- 5.10 **County Council as Lead Local Flood Authority (LLFA)** – no objection subject to surface water drainage scheme condition based on principles of the submitted FRA and Drainage Strategy.
- 5.11 **County Council Highways Highways (6.11.20)** – Comments that forward visibility on the approach to and for right turners at the proposed access from Cordy Lane is acceptable. However, the tactile paving on both sides of the access and the proximity of the neighbouring access will cause direct conflict between pedestrians and drivers and restrict visibility for drivers. Notes the public transport services available and the central refuge proposed. Makes a number of comments on the internal access road relating to its width and ability to accommodate two-way traffic and refuse vehicles. Comments on the design of private drives and advises that if accessed from two points should be built to adoptable standards. Advises that forward visibility splays must be provided on all bends and that visibility splays for drivers exiting a number of plots will need to be demonstrated. Notes the banks of parking but comments that it is unlikely to materialise in a highway safety problem. Advises additional forms of traffic calming required within the site. Comments that some parking spaces are removed from their plots in some locations and consideration should be given to reducing number of units to gain private parking. Public footpath 31 is obstructed by temporary sales parking area and goes through private curtilage of plot 1 restricting access. Makes comment on the increase in traffic and the proposals for the A608/B600 junction being acceptable. A number of comments are made on the submitted Travel Plan related to contact details, monitoring responsibilities, review dates, additional survey work and travel initiatives.
- Highways (13.1.21)** Comments that hedge boundaries can affect visibility and should be replaced and that trees should be outside visibility splays. Advises carriageway widening is required around the bend at plot 107. Request that private mews serving plots 65 to 71 replaced with a conventional road layout. The entry treatment to Road 5 is ramped and is effectively a shared surface without a change of materials to reinforce its function which has implications for those pedestrians who are blind or partially sighted, and who rely on the kerb edge to reach their destination. Advises that shared private drives exceeding 25m in length should have a designated area to accommodate the turning manoeuvres of a 3.5t van. Comments on the design of the access to the private drives and that a management company may be required for these. Raises concern again in relation to the alignment of Footpath 31 and more detail requested in relation to width of path, material and alignment. Travel Plan is acceptable.
- Highways (14.2.21 & 18.2.21)** The development alters the alignment of Footpath 31 which will need to be formally diverted under the Town and Country Planning Act 1990. The plans show a 2m path with a 0.7m grass verge either side. This is considered to be acceptable, therefore raise no objections subject to conditions.
- 5.12 **Council's Conservation Advisor** – No objections to the principle of development. Does not consider that the development would have a direct impact on the

character or setting of designated built heritage (Brinsley Conservation Area, and the Grade II Listed Building of St James the Great).

- 5.13 **Council's Environmental Health Officer** – No objections subject to conditions relating to contaminated land, noise and construction noise and disturbance.
- 5.14 **Council's Waste and Recycling Officer** – Makes comments on original and amended plans. Advises on the number and size of bins, provides guidance on the size of refuse vehicle and comments that all roads should be built to accommodate this. That the refuse vehicle will only go on adopted roads. Content with the location of bin collection points where these are needed.
- 5.15 **Council's Parks & Green Spaces Manager** – Makes comments on original and amended plans. No objections to the principle of the scheme. Accepts provision of POS on the site due to the proximity of the Recreation Ground and welcomes the link to this. Comments on surfacing, connectivity and design of paths. Content with soft landscaping proposals. Requests a contribution of £95,905.40 for off-site provision of open space within the Recreation Ground or the Headstocks site.
- 5.16 **Council's Tree Officer** – Notes that most trees appear to be retained. Category U trees should be removed on safety grounds and no concerns with the removal of Category C trees. A number of the trees have either significant defects, decay or pathogens present and require further testing to ascertain the extent of decay and the viability of retention and this may result in the felling of those trees. Other trees have deadwood present in the canopies. Recommends further testing of the trees and severing of the Ivy. Notes that the tree line between the site and the neighbouring recreation ground play area are mixed species which as a group they add amenity value to the site and should be retained. However, they are not quality specimens. If the trees are protected to include the RPA or the extent of the canopy as detailed within the tree report, then the development should not impact on the trees. Questions maintenance responsibility of trees in the future.
- 5.17 **Council's Housing Services & Strategy Manager** – welcomes the provision of 35 affordable units. Notes that the greatest demand for affordable units in the area is for 2 and 3 bedroom properties and 3 bedroom housing for market properties. Comments that the GL Hearn Report identifies 1 bed affordable homes (rent) as accounting for 38% of housing need.
- 5.18 **Ashfield District Council** as neighbouring authority were also consulted. No comments have been received.
- 5.19 **Brinsley Parish Council** – Makes observations on the proposals relating to S106 funding priorities which include securing a public open space protection order to prevent future development surrounding the site; that the affordable housing should be purchased by the Council and should be no more than 2 storeys; a new building, or an extension to the existing Parish Hall for the use of changing rooms and improved drainage of the football pitches; a turning point/circle on land belonging to the Brinsley Primary School to improve the safety of pupils and residents; all existing mature trees on the recreation ground to have a TPO placed on them; and traffic calming measures along Broad Lane.



Further comments received (**19.1.21**) which raise a number of points including that dwellings should be maximum of 2 storey to prevent overlooking, further investigation needed in regard to the site access, consideration of existing speeding concerns needed and light controlled pedestrian crossing at Church Lane. Pedestrian access to the Recreation Ground needs discussion with the Parish Council, should be hard-surfaced and lit and maintained by developer. Requests for turning facility at the school made again and the provision of a medical facility within Brinsley.

- 5.20 80 properties either adjoining, opposite or in close proximity of the site were consulted and 4 site notices were displayed. 8 responses were received to the original proposals. All of these responses objected to the proposed development and can be summarised as follow:

**Traffic/Access/Transport**

- Not suitable due to bend in road reducing visibility which raises safety concerns
- Single point of access inadequate
- Uncontrolled junction will result in major congestion through Brinsley and key local junctions
- Existing speed issues along the road
- Alternative access between 26 and 30 Cordy Lane would provide better visibility
- Brinsley an existing rat run for lorries and commercial vehicles to the M1, will increase congestion and associated noise and environmental issues
- Projected traffic flows in TA seem very low
- Access conflicts with existing access to residential property
- Cycling not a viable alternative due to location and topography, nor is bus travel.
- No hard surfacing to proposed centre refuge

**Privacy/Amenity**

- Significant reduction of daylight due to proximity of proposed properties
- Significant reduction in sunlight
- Loss of privacy and sense of enclosure due to short gardens of properties on Cordy Lane
- Loss of privacy/amenity due to increased traffic and associated noise, vibration and light from vehicle headlights
- Increased smells and pollution

**Ecology/flood risk**

- Mitigation no substitute for natural habitat
- Reports not comprehensive and no species specific work
- Mature woods and nature reserve not reference in documents
- No FRA, the brook does flood on occasion
- Greater risk of run-off and contaminants, what's in place to stop sewerage entering the brook
- Hedgerows should be left not trimmed
- Clarification needed on foul water sewers so it doesn't impact on wildlife site
- Increased drainage/land drainage unsuitable

- Too close to wildlife site
- Impact on wildlife, brook, nature reserve, mature woodland and heritage

**Facilities**

- Lack of heath provision
- Local amenities cannot cope, including local schools

**Design/layout**

- No single storey dwellings
- No individual design character and minimal outside space
- Dense development, no consideration for setting
- Proposed landscaping nominal and immature
- Should have green buffer to the north of the site for privacy and would provide genuine biodiversity net gain.

**Other matters**

- Consultation event bears no resemblance to plans submitted
- Existing residents ignored
- Will encroach on Green Belt
- Concern that issues of noise, vibration, smell etc will be amplified during construction
- Possible ancient archaeology in or around the site
- Site allocation needs to be reviewed
- Questions developer contributions and whether they will be spent to benefit the locality
- Concern regarding future development in Brinsley, reports refer to a larger site
- Contributions should be spent on renovating Vine Cottage for a visitor centre/tea rooms
- Continual errors in report in distance from Eastwood
- No CMRA
- PROW will need to be moved and designed sensitively
- Should not use recreation ground as a shortcut to facilities
- HIA downplays the views from the village to DH Lawrence country

5.21 Reconsultations took place on the plans to amend the access detail. An additional 4 objections were received (some from the same addresses as those who had commented previously). In addition to the objections previously raised and summarised the following additional comments were made:

- Issues previously made have not been addressed
- Plans show the Council's desire to achieve housing targets with little consideration of impact
- The Highways Authority highlight issues regarding the access and risk of collision and impact of increased traffic in their response.
- A608/B600 junction improvements should be paid for by the developer
- No comments from the Highways Authority regarding the traffic implications towards Eastwood and no mitigation is proposed.
- Sets precedent for future building in the Green Belt.

## 6 **Assessment**

- 6.1 The main issues for consideration are whether the principle of the development is acceptable, flood risk, highway safety, impact on heritage assets, impact on biodiversity, the design and layout of the site and S106 contributions.

### 6.2 **Principle**

- 6.2.1 The Aligned Core Strategy (2014) identified the need for 6,150 new homes within Broxtowe within the plan period (2011-2018). The application site was removed from the Green Belt and allocated as a housing site within the Broxtowe Part 2 Local Plan (P2LP). Policy 5.1 of the P2LP identifies the site and listed within the 'key requirements' is the provision of 110 homes, the enhancement of bus routes the enhancement of Green Infrastructure corridors in the vicinity of the site, the provision of SuDs and additional planting to the south and the Conservation of the setting of St James the Great Church.

- 6.2.2 Whilst the proposal is for 115 dwellings it is considered that this is in accordance with the requirements of this policy, with the housing numbers being met. The principle of the development is therefore considered to be acceptable subject to consideration of the matters below.

### 6.3 **Flood risk**

- 6.3.1 A Flood Risk Assessment and Drainage Strategy (FRA) has been submitted which identifies and assesses the risks from all forms of flooding to and from the development and demonstrates how these flood risks will be managed.
- 6.3.2 The site is located within the River Erewash catchment within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding) so is at the lowest risk of flooding.
- 6.3.3 The site is considered to be at low risk of flooding from ground water sources and given its location reservoir failure and canal breach.
- 6.3.4 There is a combined sewer network within the north east of the site. Severn Trent have not made comments on the scheme. However, it is understood that the network is approximately 3m deep and therefore unlikely to experience flooding from the manhole. Appropriate easements should be applied to all assets and the open drainage channel within the site to ensure that connectivity is not severed.
- 6.3.5 Whilst the Brinsley Brook runs parallel to the eastern boundary of the site the surface water risk mapping shows that this is relatively constrained to its channel due to the invert level of the watercourse being a minimum of approximately 2.5m below the adjacent western bank. As such the site is considered to be at low risk of flooding from fluvial sources. The FRA recommends that appropriate easements should be applied to the ordinary watercourses within the site, including the Brinsley Brook and it is suggested that 8m on each side would be sufficient to ensure that new properties would be protected from any flooding as a result of the brook overtopping its banks. In addition, the report recommends that finished floor levels be raised by 150mm and land should be profiled towards positive drainage points.

- 6.3.6 The site is shown to have a range from 'very low' to 'high' risk of flooding from surface water sources, with 'very low' to 'low' being predominant. The higher risk areas generally correlate with the Brinsley Brook. Unmitigated the scheme would result in 'high' risk of surface water flooding to the wider catchment area and the development due to flow routes and increase in impermeable surfacing.
- 6.3.7 To mitigate the effects of the development and ensure that there is no increased risk of flooding to existing properties and the risk to the development is acceptable the drainage of the site will have to mimic the greenfield run-off rates. The FRA assessment details how the surface water strategy will be implemented to mitigate the increased surface water run-off from the development and discharge into the Brinsley Brook at the equivalent greenfield QBAR rate. An attenuated surface water storage basin is proposed within the south-eastern part of the site with capacity for a 1 in 100 year plus climate change storm event on site. This has a volume capacity of 2,487 cubic metres.
- 6.3.8 Subject to suitable conditions, which is in accordance with comments received from the LLFA it is considered that the development would be compliant with the requirements of the NPPF and Policy 1 of the ACS and P2LP in relation to flood risk ensuring the development can proceed without being subject to significant flood risk or increasing this risk to the wider catchment area.
- 6.4 **Highways**
- 6.4.1 A Transport Assessment (TA) has been submitted with the application. This considers the likely impact on the operational performance of the adjacent highway network and transportation infrastructure and assesses the adequacy of existing transportation facilities in meeting the needs of the proposed development, including public transport, pedestrian, cycle and vehicular access.
- 6.4.2 The report identifies a number of key facilities within walking distance including a primary school, chemist and convenience store and notes the footpath network which link these to the site. The site is within accepted walking distance of both Brinsley and Underwood (2km). There is little dedicated cycle infrastructure in the area, although cyclists can cycle on-carriageway. The site has four bus stops within walking distance of the site entrance. The closest stops are 230m east of the access for southbound services and 140m east of the access for northbound services. The Black Cat and Rainbow One services both operate from these stops with half hour and hourly services from early morning until the evening. To aid access to these closest bus stops a central island is proposed on Cordy Lane to the east of the access.
- 6.4.3 Using an automated traffic counter and data from Via East Midlands relating to accidents within the vicinity of the site over a 4 year period the report establishes the existing traffic conditions, numbers, speeds and issues relating to the accidents identified. Traffic growth, modes of travel and destination are calculated within the report using industry models and census data. This demonstrates an increase of 77 additional vehicle movements in morning peak and 74 in afternoon peak with 34% of traffic generated leaving the site travelling west towards Eastwood and the remaining 66% turning east as this provides the quickest route towards non-local destinations.

- 6.4.4 To the west of the site access the increase in vehicle movements would be below a 30 vehicle threshold during peak hours and is not considered to be significant.
- 6.4.5 To the east the increase would be 51 additional vehicle movements during the peak times. To assess the implications of this the Transport Assessment using this data assesses three junctions: A608 Cordy Lane/Proposed site access; A608 Willey Lane/Cordy Lane; and A608 Alferton Road/Mansfield Road, using two scenarios (with and without development at 2024). This concludes that the site access would operate with spare capacity. The A608 Willey Lane/Cordy Lane junction exceeds capacity at 2024 without the development, operating at 105%. With the development the additional 51 movements during peak hours would add 2.9% of the overall junction inflow in the morning peak hour and 2.7% in the evening peak hour. The developers have explored a number of options with the Highways Authority to help mitigate this impact and have secured land between Cordy Lane and Wiley Lane to provide a priority-controlled ghost island arrangement (shown on plan Drawing ADC2052-DR002-P3). The new junction would operate better with the development in place than the existing junction with no development.
- 6.4.6 The A608 Alferton Road/Mansfield Road junction would be overcapacity in all scenarios. The 2024 'with development' figures add approximately 3% of traffic to the overall flow at the junction. The assessment concludes that the junction is unlikely to operate at this capacity and people will find alternative routes, travel mode or time of travel. Whilst this is an obvious consideration in the acceptability of the scheme, having regard to the situation which will occur in any event without development, the resultant percentage increase arising from the development on the junction flows, the betterment provided by the mitigation scheme at the A608 Willey Lane/Cordy Lane junction which would otherwise be unavailable, cumulatively it is considered that the proposal is acceptable in this regard.
- 6.4.7 A number of amendments have been made to the detailed design of the access and the internal road layout due to comments made from the Highways Authority. The development would be accessed from a simple T-junction on Cordy Lane, shown in Drawing ADC2052-DR-001-P6. The access road would have a 5.5m wide carriageway with 2m wide footways on both sides. The access is located on the outside of a bend and allows for visibility to both directions which accords with the requirements set out in the Nottinghamshire Highways Design Guide. This allows for appropriate stopping sight distances based on the results of a speed survey undertaken to inform the works.
- 6.4.8 A minimum of 2 parking spaces are provided per dwelling, with four bedroom dwellings having 3 spaces. Some properties also have garages. The parking arrangements are in accordance with the Highways Authority parking standards.
- 6.4.9 The internal layout has been amended during the course of the application to remove concerns raised by the Highways Authority and provide addition clarification as required. A main road runs through the development with secondary roads leading off from this. There will be two private drives serving a number of properties and bin collection points have been provided for residents. Acceptable visibility is provided throughout the development and tracking

information has been submitted to demonstrate how larger vehicles can access and move through the development.

- 6.4.10 The proposed layout would require the diversion of PROW 31, which will need to be formally diverted under the Town and Country Planning Act 1990. The applicant has been made aware of this requirement. The alignment shown on the proposed site layout plan shows a 2m path with 0.7m grass verges each side and the Countryside Access Officer has confirmed that this is acceptable.
- 6.4.11 A Travel Plan also accompanies the Transport Assessment with the overall objective of this being to minimise single occupancy car trips by promoting more sustainable alternatives. The plan includes targets as well as measures and incentives for using more sustainable modes of travel.
- 6.4.12 In conclusion on highway matters, and having regard to the comments received from the Highways Authority raising no objections it is considered that there are no severe highway issues which would warrant refusal of the application in accordance with the NPPF, subject to conditions relating to matters detailed above

## **6.5 Landscaping and Biodiversity**

- 6.5.1 Policy 28 (Green Infrastructure Assets) and Policy 31 (Biodiversity Assets) of the P2LP seek to ensure no significant harm is caused to environmental assets, including protected habitats and species. Both policies share their main evidence base as the Council's Green Infrastructure Strategy. If significant harm is identified, then the P2LP policies require the benefits of the development, such as housing delivery, to clearly outweigh the harm.
- 6.5.3 There are 3 statutory wildlife sites within 2km of the site, Brinsley Headstocks being the closest immediately adjacent to the south-eastern site boundary. There are also 11 non-statutory sites within 2km of the site and 1 Habitat of Principle Importance (HPI) within 250m of the site
- 6.5.4 A preliminary ecological appraisal report (PEAR), Great Crested Newt presence/likely absence survey, a bat activity survey and a Biodiversity Net Gain calculation report have been submitted with the application.
- 6.5.5 The PEAR was informed by a desk study to locate the presence of designated wildlife sites, priority habitats and protected species which may be affected by the development, an extended Phase 1 habitat survey, a preliminary bat roost assessment of the trees on site, a survey 30m outside the site boundary where accessible and a Habitat Suitability Index (HIS) on ponds at the site and within 500m.
- 6.5.6 The site contains a Broadleaved Woodland area, 2 hedgerows which are classed as species poor, improved grasslands in the form of pastoral fields, poor semi-improved grassland/Tall Ruderal Mosaic and a single channel of water adjacent hedgerow 2 which is shallow and heavily vegetated. 3 areas of scattered shrub and a number of scattered trees including Oak, Ash and Hawthorn are also within the site.

- 6.5.7 No records of GCN's were found as part of the desk study, whilst the presence of Common Toads had been recorded adjacent the site at Brinsley Headstocks LNR. However, whilst the 2 ponds within 500m of the site are recorded as providing good and excellent habitat suitability no evidence of GCN's or other amphibians were recorded, other than the presence of some frogspawn within one. There are no ponds within the site itself, however the biodiversity features may provide some opportunities for sheltering, foraging and commuting but the site is considered to provide low suitability for GCNs and other amphibians.
- 6.5.8 As GCNs are a protected species a separate Great Crested Newt presence/likely absence survey has been submitted to support this which concludes that there are no records of GCNs within the site and eDNA results from two ponds within 500m of the site confirm GCNs are likely to be absent from them. Whilst there is a 3<sup>rd</sup> pond which was not assessed due to it being inaccessible the report concludes that it is unlikely the development will impact on GCNs based on the available information. It identifies possible construction and post construction impacts and identifies possible mitigation measures.
- 6.5.9 Whilst there are opportunities for reptiles, and mammals within the site and there have been records on the adjacent LNR and evidence of a mammal path when the field survey was undertaken it is considered that these opportunities are limited to sheltering and foraging and would provide low suitability for such.
- 6.5.10 No evidence of roosting bats was found as part of the site survey, however 3 trees were considered to provide opportunities for this and as such a detailed bat roost assessment was undertaken. This identifies most bat activity at the site being related to the Common Pipistrelle and Soprano Pipistrelle bat, although other species were present. The highest levels of activity are concentrated along the hedgerows and the Brinsley Brook. No bat roosting activity was recorded. Possible construction and post construction effects are identified and mitigation measures such as retention and enhancement of hedgerows where possible, 'stand-off' of 5m from the Brinsley Brook and the implementation of a sensitive lighting scheme. Enhancements through a variety of bat boxes are also recommended.
- 6.5.11 Bird species listed on Schedule 1 of the Wildlife and Countryside Act, Species of Principle Importance and Red and Amber listed Birds of Conservation Concern have been recorded in habitats surrounding the site. Blackbird and House Sparrow were recorded during the survey and it is considered that the scattered trees, broadleaved woodland and hedgerow provide high suitability for nesting birds.
- 6.5.12 Due to the proximity of the development to the adjacent LNR and LWS's, particularly Brinsley Headstocks there are a number of potential impacts which could have a negative effect on these areas. The development, if unmitigated could also have a negative impact on flora and fauna within the site. The report identifies the impact and effects and makes a number of recommendations in respect of suitable mitigation including sufficient SUDS to limit water run-off, sensitive lighting schemes, and vegetation clearance outside of the bird breeding season, in addition to those recommendations within the species specific surveys, which can all be controlled by condition. The adjacent LNRs will also be impacted

by increased footfall from residents, although as they are already well used, such an impact is not considered to be significant.

- 6.5.13 Nottinghamshire Wildlife Trust have reviewed the application and submitted reports and agree with the advice contained in relation to mitigation measures including a sensitive lighting scheme and dust mitigation which they are of the view could be secured through appropriately worded conditions.
- 6.5.14 The Biodiversity Net Gain Calculation report concludes that the proposed development will result in a biodiversity net gain of 1.29% for habitat units and 67.61% for hedgerow units. In relation to biodiversity net gain, Policy 31 states this should be sought but not that development will be refused if it is not achieved, nor does it provide a threshold for improvements. The report demonstrates that there will be no loss to biodiversity and whilst the increase in habitat units is relatively low the increase in hedgerow units is an improvement in excess of 50%. NWT have reviewed the reports and have raised no objections to the scheme. Landscaping proposals for the site together with the design of the proposed SUDs features can be secured by condition to ensure that the biodiversity net gain is realised.
- 6.5.15 It is considered that the reports submitted provide evidence of the use, or otherwise, of the site by a variety of species and possible mitigation measures to address the effects of the proposals. NWT have reviewed the submitted information and subject to conditions securing mitigation measures, such as lighting, retention and trees and further survey works should trees be removed and the submission of a Landscape and Ecological Management Plan have no objections.
- 6.5.16 Landscaping plans have been submitted in support of the application which show the retention of a large number of trees along the eastern and western boundaries. A landscaping buffer is also proposed to the south and in the south-eastern corner of the site around the attenuation feature. A number of street trees are proposed around the development within front gardens and green corridors, such as the link to the recreation ground. The Council's Parks and Environment Manager is content with these and the detail can be secured by condition.
- 6.5.17 To conclude, the proposed development is considered to cause no significant harm to wildlife subject to mitigation works which will be secured with conditions.

## 6.6 **Landscape**

- 6.6.1 In relation to Landscape, Policy 30 of the P2LP states that all developments within or affecting the setting of a local landscape character area (LCA) should make a positive contribution to the quality and local distinctiveness of the landscape.
- 6.6.2 The site lies within the Selston and Eastwood Urban Fringe Farmland (NC03) character area as identified within the Greater Nottingham Landscape Character Assessment (GNLCA). This lists the characteristic features of the area as being: a strongly undulating landform; former coal measuring land uses visible in the restored landscapes; small streams and shallow valleys; many settlements, giving an urban fringe character; medium to large field sizes; hedgerows commonly



boarder fields; frequent infrastructure routes and red brick modern properties on settlement edges.

- 6.6.3 The condition of the LCA is considered to be moderate as is the strength of character. It is noted that the agricultural land has few distinctive features and the settlement pattern does not contribute to the sense of place, but the landscape history is still evident in the mining influences. The Landscape actions for the area includes: enhance the hedged field pattern; create woodland cover; conserve woodland features along streams; conserve and enhance pastoral landscapes; careful placement of built development to reduce its prominence and identify opportunities for planting to filter views at the urban edge; and conserve mining heritage particularly Brinsley Headstocks.
- 6.6.4 A Landscape and Visual Assessment has been submitted in support of the application which assesses the impact of the proposal. This evaluates the sensitivity of the landscape and visual receptors, identifies the magnitude of the impact and makes a combined judgement on the nature of the receptor and the magnitude to assess significance of impact.
- 6.6.5 The report identifies that the area has a low susceptibility to the proposed development as settlements are a common feature of the landscape and the site is located on the urban fringe of the village of Brinsley.
- 6.6.6 At a more localised level the site lies adjacent the Brinsley Headstocks LNR. The site falls gently towards the Brinsley Brook and the south and is mainly made up of poor semi-improved grasslands. There are mature hedgerows on the western and southern boundaries, although these are supplemented with wire stock fencing and there is some gapping. Brinsley Brook forms the eastern boundary and is well vegetated. The site is a series of fenced paddocks. There are no views of the Headstocks within the site due to the woodland cover, nor are there any views of St James the Great Church due to the vegetation at the church and the intervening sites. It is considered that the site has a medium susceptibility to the proposed development it being a pastoral landscape on the edge of the settlement. It is relatively well hedgerowed on its boundaries and the wooded area along the Brinsley Brook give it a local landscape value, it is therefore representative of the LCA and there are views into the site from nearby PRoWs.
- 6.6.7 A series of viewpoints representing different views and receptors within the immediate and wider surroundings were considered as part of the assessment. The key sensitive receptors identified were PRoW and recreation and residential receptors in close proximity to the site. There would be high sensitivity to the development from various viewpoints within the Headstocks LNR including PRoW 77 and the edge of the wooded area, and also from FP12. There is considered to be a medium sensitivity from the recreation ground and residential receptors along Church Lane. Residential receptors to the west and north of the site are assessed as having high sensitivity to the development due to their proximity and particular interest in the view from their respective property. PRoW users to the north and east along FP8 and BW4 are also considered to have high sensitivity due their particular interest in their surroundings

- 6.6.8 The report identifies temporary (during construction) impacts and long term impacts of development as being the appearance and movement of construction machinery, loss of pasture land and some vegetation, introduction of built form and storage of materials including the introduction of lighting which could increase sky glow and additional traffic and the associated noise of the development.
- 6.6.9 It also identifies opportunities and positives as being the retention of the open character to the south through development edge design, density and planting, the green infrastructure potential within the site and the opportunity for ecological enhancement particularly around the SUDs and boundary hedgerows, limited visibility of the site due to strong vegetated boundaries and local topography, including those views from the headstocks and the Church of St James the Great and the wider network of footpaths around the site with little change to long range views over DH Lawrence country.
- 6.6.10 In conclusion it is considered that the development complies with Policy 5.1 in respect of its impact on the surrounding landscape through conserving important views, providing additional planting and retaining key features within the site such as the wooden area alongside the Brinsley Brook and enhancing where possibly the existing hedgerow boundaries. Visibility from the LNR is heavily filtered by vegetation and increased vegetation at the south of the site will further help to filter these views. There will be some impact with the introduction of built form and the loss of openness and this impact will be greatest felt by those properties which directly adjoin the site to the north and recreational users to the west and south. However, this is considered to be balanced against the opportunity to provide more homes in a sustainable location and the improved quality, amenity and accessibility which the development could provide with the greater open space connectivity provided through the centre of the site linking the recreation ground and the informal open space along the Brinsley Brook, the opportunities around the SUDs feature and links to the wider PROW.

## 6.7 Heritage

- 6.7.1 Policy 23 of the P2LP and Policy 11 of the CS state that proposals where heritage assets and their settings are conserved or enhanced will be supported. That where assets are affected there will be a requirement to demonstrate an understanding of their significance and identify any impact and provide a clear justification for the development. Where there is any harm, this will be weighed against the public benefit of the development which will need to be significant where substantial harm is identified. Where proposals affect the heritage asset consideration will be given to a number of criteria including its design, the significance of the asset, whether its respects the assets relationship with topography, landscape, views and landmarks and whether the proposal will contribute to the long term maintenance and management of the asset.
- 6.7.2 A Heritage Impact Assessment and an Archaeological Desk-Based Assessment have been submitted in support of the application. There are no designated heritage assets within the application site itself, however to the south-west of the site lies the Church of St James the Great which has been designated a Grade II asset under national criteria and therefore has a high heritage value and the Brinsley Conservation Area. A number of non-designated heritage assets are also located around the site including Brinsley Headstocks to the south, former smithy,

coal shaft and the Yew Tree Inn to the north-east and a further former smithy to the north-west.

- 6.7.3 Due to the literary connections to DH Lawrence and his depictions of the countryside and the influence of mining on such the landscape itself is also considered to be a wider heritage asset. The Heritage Impact Assessment identifies the impact of the proposal on this landscape having regard to depictions within Lawrence's works and descriptions of valued walks contained within letters. The assessment identifies viewpoints from these references, including that from the DH Lawrence Museum in Eastwood and concludes that due to the topography of the site and surroundings and the intervening vegetation the site is not visible from many of the key long views and whilst close to the mineral line walk, the existing vegetation provides a substantial visual screen.
- 6.7.4 The church lies 220m to the south-west of the application site, with fields and residential properties on Church Lane between the two. The intervening dwellings and vegetation result in there being no visual link between the two. It is Grade II Listed and its immediate setting within the church grounds with the surrounding mature vegetation provide its immediate setting. Due to the distance between the site and this designated asset, the intervening vegetation and scale of the development, particularly with softer boundary towards the south it is not considered that there would be any significant impact.
- 6.7.5 Brinsley Conservation Area lies over 500m away to the south-west of the site. Due to this distance, the buildings along the north of Hall Lane, the surrounding topography and the heavily vegetated boundaries there is not considered to be any visual link or impact from the development on this designated area.
- 6.7.6 Whilst there are a number of locally important non-designated heritage assets surrounding the site none of these lie within the site itself. The Heritage Impact Assessment notes the impact of the development on each of these, particularly the Brinsley Headstocks LNR and the former Minerals Railway Line (PROW 77) which are closest to the development and notes that whilst filtered views are visible from the LNR and PROW 77, the trees, undergrowth, hedges and the brook form a substantial visual barrier.
- 6.7.7 The archaeological report identifies several potential features of industrial heritage within the site, however only one of these is listed on the HER with a number being linked to more modern opencast mining practises. It is not considered that any further investigation is required which may impact on the development. Recording of any features within the site found during construction can be appropriately controlled by condition.
- 6.7.8 In conclusion in regard to heritage it is considered that the proposal will not result in any substantial harm to the Church of St James the Great or the Brinsley Conservation Area. There may be some impact on non-designated assets in close proximity to the site, although it is considered that this would be no or less than substantial and views are heavily filtered by substantial vegetation. Whilst there may be some archaeological remains within the site these are considered to be of low heritage value and where discovered can be suitably recorded.

**6.8 Pollution and land stability**

- 6.8.1 Policy 19 of the P2LP states that permission will not be granted for development which results in unacceptable exposure to pollution and that measures should be carried out to prevent infiltration or contamination of ground water and where land is potentially affected by contamination an appropriate site investigations should be undertaken with details of effective remedial measures to ensure there would be no risk to public health or structural integrity of building within or adjacent the site. Policy 21 states that development in 'Development High Risk Areas' should only be granted where it can be demonstrated that the site can be made safe and stable.
- 6.8.2 A Flood Risk Assessment and Drainage strategy, and Phase I Geotechnical Desk Study and Phase II Assessment have all been submitted to support the application. The Lead Local Flood Authority have reviewed the FRA in respect of potential flooding and infiltration of ground water and this has been reviewed previously in this report.
- 6.8.3 The Phase I Geotechnical Desk Study and Phase II Assessment identifies potential risks relating to mining within and adjacent the site. The site is in a surface area that could be affected by in underground mining with 7 seams of coal at 90 – 350m deep. In addition, the Coal Authority has identified the site as having coal close to the surface which may have been worked in the past and needs to be considered prior to any works as ground movement could be a risk. The Coal Authority's historical records also shows 2 mine entries within 20 metres of the site and 1 mineshaft within the northern part of the site and another off-site but close to the south-western corner of the site.
- 6.8.4 These features have been investigated with 9 No. deep probe holes across the site and within targeted areas to confirm the presence of coal seams and whether these have been worked. The investigations confirm that the coal seams present appear to be 'undisturbed' and did not encounter any evidence of underground shallow mining. The Coal Authority records confirm that an opencast area extended into the south-eastern area of the site. Deep made ground was encountered in these areas (more than 5m below ground level). The report recommends that where structures or ponds are proposed in this location that they will need to be designed accordingly (e.g. piled foundations). The report also suggests that through further trial pitting/trenching of these areas to understand the extent and thickness of the made ground the area requiring piling may be reduced or removed.
- 6.8.5 The Coal Authority initially objected to the development as they considered that the submitted report did not demonstrate that the mine entry to the north of the site and the associated high walls had been considered appropriately in the layout of the proposed development. They also considered that the further investigations required should be undertaken prior to determination of the application in case amendments to the layout were necessary. The applicants submitted a further 'Coal Mining Risk Summary' which identified the exploratory work to date and was accompanied by pictorial evidence which demonstrated that rather than a mine entry, the feature on the historical mapping was a well. The Coal Authority, whilst noting that wells could in instances be plotted as mine entries historically, again raised objections in relation to the investigations as it was not considered that the investigations went far enough and the presence of the well did not on its own mean that there was not a mine entry in this area.

- 6.8.6 It is understood that due to the historical nature of such features, how they have been plotted and then later digitalised the Coal Authority require investigations to be undertaken in an area 8 metres around the feature and the initial investigations did not investigate the whole of this area. The developers have since undertaken investigations in an area 12 metres from the mine entry and submitted a report. This details their findings of the further investigations and is supplemented with pictorial evidence. The further investigations undertaken involved a number of 'trial trenches' in a 12m radius around the previously identified mine entry. The previously identified suspected well was identified at the coordinates supplied by the Coal Authority for the mine entry. The report concludes that no shaft has been identified in the area of further investigations, which is greater than that required by the Coal Authority. They consider that the recorded feature in the north of the site is most likely a disused, backfilled well as identified, not a mineshaft and that this is supported by the absence of any ground anomalies or features in the ground investigated. The report has been submitted to the Coal Authority and comments are awaited.
- 6.8.7 The Council's Environmental Health Officer has also reviewed the information submitted and raises no objections to the proposals subject to further work and conditions relating to contaminated land and noise.
- 6.8.8 Policy 20 states that all reasonable steps should be taken to provide effective alternatives to utilise modes of transport other than the car, that permission will not be granted which would result in a significant deterioration of air quality and that Electric Vehicle Charging Points (EVC) should be provided for developments of 10 dwellings or more.
- 6.8.9 The site layout plan shows the majority of the units have access to a 16 amp socket within their garage, or an external weatherproof socket within their property. Where this is not possible, there are a number of free-standing charging points within parking areas. The development is located in a sustainable location, served by bus routes and infrastructure improvements to the bus stop on Cordy Lane can be secured by a S106 Agreement. Connecting footpaths and cycleways through the development will also help to improve future occupant's choice of travel modes.
- 6.8.10 In conclusion it is considered that, subject to confirmation from the Coal Authority in relation to the most recent investigations, the information submitted has demonstrated that the site could be developed in a safe way, without any significant increase in pollution of varying sources and land stability, subject to conditions.

## **6.9 Design, Scale and Layout**

- 6.9.1 The development proposes 115 dwellings with a single access point from Cordy Lane, a vegetated woodland buffer alongside the Brinsley Brook to the east, an attenuation pond and associated landscaping within the south eastern corner of the site and additional planting along its southern boundary and the retention of the existing hedgerow and a significant number of trees along its western boundary with the recreation ground. A footpath along the brook and links to PROW 77 will be provided, together with a landscaped pedestrian connection to the recreation ground improving connectivity to Brinsley and the PROW beyond the site whilst maintaining, improving and creating a softer, rural landscaped character,

particularly to the site boundary edges. The density of the development is 28dph and it is considered that this is acceptable.

- 6.9.2 A main road will run through the site with several smaller roads leading off from this. Attempts have been made to reduce the dominance of the road and soften its appearance, although amended plans have made a number of these more 'standard' in design due to comments received from the highways authority. Two private streets will remain serving a small number of dwellings. The properties to the east of the site have been positioned with their front facing elevation towards the wooded brook area and those to the west are largely sited with their rear elevations overlooking the recreation ground. Properties along the northern boundary with existing properties on Cordy Lane have been positioned so they are side facing to reduce any loss of privacy for existing residents.
- 6.9.3 The majority of the dwellings are 2 storeys in height, with a small number utilising the roof space to create additional accommodation. It is considered that this is reflective of the type of accommodation in the area and ensures that the proposal remains relatively low lying so as to minimise its impact within the landscape. A mix of dwelling types are proposed with one bed maisonette type properties, two, three and 4 bed dwellings and a mix of detached, semi, and terraced. It is considered that this will not only add interest and variety to the streetscene but will allow for a mixed development to suit the local housing need.
- 6.9.4 The dwellings are of a relatively simple, traditional design, which is considered to be reflective of the wider area, with a mixture of hipped and pitched roofs and bay window and porch detailing to some of the house types. There are a number of feature properties as you enter the site and on prominent corners within the development which have additional detailing to address both road frontages and add legibility to the scheme. The dwellings would be built using traditional materials (bricks and tiles) and a plan has been submitted showing how 4 different brick combinations (body and detailing) will be used through the site to create some variation. Three different tiles will be used to compliment these and a small number of the dwellings have an element of weatherboarding at first floor.
- 6.9.5 The majority of dwellings have parking within their plots, with a mixed arrangement to both the front and sides. 8 dwellings have parking provision in shared courts with allocated spaces and are located directly adjacent the properties. A number of the properties also have detached garages. Whilst towards the south-western corner of the site there are blocks of frontage parking proposed it is considered that this is sufficiently broken up with landscaping strips so as not to present a hard, uninterrupted feature.
- 6.9.6 The majority of the dwellings have private outdoor amenity space to the rear of their dwellings, the sizes of which are considered to be acceptable for the corresponding property. A small number of the 1 bed-maisonette type dwellings do not have private amenity space to the rear, but do have a more limited amount to the front and/or side. Whilst this is unfortunate, given the type and size of accommodation, the fact it has some outdoor space associated with it and that they are within easy walking distance of the recreation ground or, slightly further, the LNR and associated PROW's, on balance it is considered that this is acceptable.

- 6.9.7 A variety of boundary treatments are proposed across the site with brick walls proposed to provide attractive street scenes where gardens are adjacent to the road, with close boarded and hit and miss fencing typically forming boundaries to rear gardens and more open post and rail fencing to the southern boundary.
- 6.9.8 In terms of sustainable design and environmental measures, the Sustainability Statement confirms that a 'fabric first' approach will be used whereby the CO2 reduction emissions are achieved through the building fabric before low and zero carbon technologies. Electric Vehicle Charging (EVC) points will be provided on all plots. The front access of all dwellings will comply with Part M of the building regulations.
- 6.9.9 Overall, the scheme is considered to make efficient use of the site with acceptable use of sustainable design measures and provides a mix of house types, with an appropriate design.
- 6.10 **Amenity**
- 6.10.1 Attempts have been made through its design to minimise the impact of the proposals on the existing residential properties which adjoin the site to the north on Cordy Lane. There are three proposed new dwellings along this boundary and these have all been positioned to be side facing to minimise any overlooking to the existing properties. Any openings serve landings or bathrooms and can be conditioned to be obscurely glazed and top opening only, which given their intended use is considered to be acceptable. They have also been sited off the boundary with garden or landscaped buffers between the properties and the boundaries and are positioned to cross existing residential boundaries ensuring that none of the existing properties have a property across their entire rear boundary.
- 6.10.2 There is a clear mix of properties within the development and intended occupants, notwithstanding this the proposed dwellings are all considered to be of an acceptable size with a good outlook from windows and access to natural light within the principle rooms. All properties will have their own 'front door' and have access to outside amenity space associated with them. Whilst this provision is not as generous for some properties particularly to the south-west of the site, these have either an outlook over the recreation ground, open fields or in very close proximity to each. In addition, and for the remainder of the development, the site is in close proximity to Brinsley recreation ground and the Headstocks LNR. Due to the natural topography of the site there will be some level difference between the plots, these differences generally follow the eastern boundary of the site with those properties facing the brook being at a lower level. Where the change in levels affect properties which are back to back facing the differences appear to be a maximum of approximately 1.1m. These differences are a little more where the relationship in back of property to side, with the largest difference being approximately 1.9m. Retaining structures will be required, but it is not considered that this is unusual and details of these can be conditioned. To address these differences, the properties have been positioned where possible to maximise the rear gardens in depth or width so as to not create any overbearing impact, or the dwellings have been positioned at angles. It is considered that the relationship between the affected properties is acceptable.

- 6.10.3 Gas prevention measures will be conditioned to ensure the proposed dwellings are safe. The requirement to submit a noise assessment to identify the need for any mitigation measures (such as specific glazing) and for these measures to be installed, due to the proximity of the Multi-Use Games Area (MUGA) and sports pitches will also be conditioned.
- 6.10.4 All dwellings would have an area associated with their property to store bins. Properties on the private mews street and the private drive in the north-west of the site would need to present their bins at the identified bin collection points close to the adopted parts of the site. This is not an uncommon arrangement and is not considered to be overly arduous on the residents given the distances involved and the size of a standard domestic bin.
- 6.10.5 Although the development will generate additional traffic, this will not create so much additional air and noise pollution as to warrant refusal of the application and the Environmental Health Officer has raised no objection to the application.
- 6.10.6 It is acknowledged that some disturbance during construction is likely (e.g. noise, dust) as for any major development, accordingly it would be appropriate to impose construction hours and piling conditions to restrict potential adverse impact on residential amenity.
- 6.10.7 The impact on amenity for existing and proposed residents is considered to be acceptable.
- 6.11 **Developer Contributions**
- 6.11.1 Policy 19 of the ASC and Policy 32 of the P2LP state that financial contributions should be sought towards the maintenance of facilities and the provision of necessary infrastructure to support provision. The NPPF advises that only those contributions which are necessary, reasonable and directly related to the scale of the proposals should be sought.
- 6.11.2 There have been contribution requests in respect of Primary Health Care (£62,315.62), the off-site provision of public open space (£95,905.40) and maintenance (£73,456.25), sustainable transport measures (bus taster tickets 115 x £50) and integrated transport measures (bus stop infrastructure at Cordy Lane £25,851.50). Rather than the payment of the maintenance contribution in respect of open space on site the developers have confirmed that they will pay a Management Company to undertake this work. Details of this can be controlled by condition and the council's Parks and Green Spaces Manager has confirmed that this approach is acceptable. An additional sum of £120,751 is also sought for NHS NUH Trust. However, as the site is allocated in the adopted local plan and therefore was subject to consultation with relevant healthcare providers at the time of production this request cannot be justified. Similarly requests have been made from Nottinghamshire County Council for library provision at Eastwood Library (£4,060). The provision is sought due to an existing deficiency at the library. As there is an existing deficiency the request is not considered to be reasonably related to the development and therefore the request is not justified.



- 6.11.3 Brinsley Parish Council have also made a number of requests for S106 contributions including, the provision of a turning point on land belonging to Brinsley Primary School, new changing facilities, a community space and improved drainage at the existing football pitches, traffic calming measures on Broad Lane and that the affordable housing be bought or owned by the Council. None of the requests were considered justifiable under the relevant paragraphs of the NPPF as being directly and fairly related to the scale and nature of the proposal, being either removed from the development, involving land not within the applicant's ownership or related to existing problems which are not a result of the development and therefore not necessary to make the development acceptable. However, it is considered that the POS contribution could be used to improve the playing pitch facilities at the recreation ground for the enjoyment of the existing and future residents of the development.
- 6.11.4 The site would therefore yield £257,528.77 in Section 106 payments. Policy 15 of the Part 2 Local Plan requires 30% affordable housing on the newly allocated sites in Brinsley, which equates to 35 dwellings. The Council's housing department have confirmed that they are content with the proposed split of tenure (26 for discounted market sale and 9 for discounted rent). It is understood that the housing department have made contact with the developer about the rented properties.
- 6.11.5 In conclusion on S106 matters, the proposed obligations are considered to meet the tests set out in the NPPF in terms of being necessary, directly related and fairly and reasonably related in scale and kind to the development. The contributions requested by the NHS Trust and by the County Council for libraries are not considered to meet these tests, nor are the requests from Brinsley Parish Council.
- 6.12 Other Matters**
- 6.12.1 A health Impact Assessment has been submitted in accordance with Policy 24 of the P2LP. The assessment concludes that the development would have a largely positive impact on the health and wellbeing of the future occupiers of the development, by virtue of its sustainable location, close to public transport links, close to community facilities and to open space. A Building for Life assessment has been submitted, as required by Policy 17 of the P2LP. The assessment scores 12 greens in response to the criteria.
- 6.12.2 A Statement of Community Involvement has been submitted. This details the public consultation event that the applicants held prior to the submission of the application. This was advertised by way of a local leaflet drop and public notices showing details of the event which was a public exhibition. The statement documents the nature of the representations received during the consultation event.
- 6.12.3 The site is not Green Belt land as it was taken out of the Green Belt when the P2LP was adopted in 2019.
- 6.12.4 All other matters raised in representations have been considered and it is concluded that these matters do not lead to a change to the recommendation.

7 Planning Balance

7.1 The benefits of the proposal are the provision of 115 dwellings including 35 affordable dwellings, the short term jobs created during the construction of the development and the financial contributions towards public open space provision, improvements to sustainable transport infrastructure and Primary Health Care services. It has good access to local facilities and provides opportunities for connections into the recreation ground and adjacent PROW network. There would be some impact on ecology, traffic generation and surface water run off but it is considered that these could be mitigated against through SuDs features, enhanced habitat creation and off-site highways works to improve traffic capacity.

7.2 On balance, the positives of the scheme are considered to outweigh the negatives.

8 Conclusion

8.1 The proposed development accords with Policies A, 1, 2, 8, 10, 11, 14, 16, 17, 18 and 19 of the Aligned Core Strategy (2014); Policies 1, 2, 5, 5.1, 15, 17, 19, 20, 21, 22, 23, 24, 26, 30, 31 and 32 of the Part 2 Local Plan (2019) and the NPPF so it is recommended conditional planning permission be granted.

**Recommendation**

**The Committee is asked to RESOLVE that the Interim Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:**

- (i) the comments of the Coal Authority being addressed;**
- (i) the prior completion of an agreement under section 106 of the Town & Country Planning Act 1990 to secure the provision of affordable housing on the site and to cover contributions towards: provision and maintenance of open space, integrated transport measures and Primary Health Care and**
- (ii) the following conditions:**

1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings numbered:</p> <p>H8060-02 Rev B H8060/P101e Rev F ADC2052-DR-002 Revision P3 ADC2052-DR-001 Rev P6</p>

<p> <b>H8060/700/ENG/01</b>  <b>H8060/700/ENG/02</b>  <b>ENG-101-VT</b>  <b>Soft Landscape Proposals (1 of 3) GL1359 01E</b>  <b>Soft Landscape Proposals (2 of 3) GL1359 02E</b>  <b>Soft Landscape Proposals (3 of 3) GL1359 03E</b>  <b>2010/DET/226</b>  <b>NM-SD13-013</b>  <b>DB-SD13-004 Rev C</b> </p> <p> <b>H8060_05_01 Rev B</b>  <b>H8060/06 Rev B</b>  <b>H8060_05_02 Rev A</b>  <b>LDG2H8</b>  <b>LSG1H8</b>  <b>SDG1H8</b>  <b>SDG2H8</b>  <b>SSG1H8</b>  <b>Holden Weatherboard: house type code H4693WH7: Drawing No.16</b>  <b>Wilford: house type code P204-EG7: Drawing No.02 Rev A</b>  <b>Wilford: house type code P204-EH7: Drawing No.02 Rev E</b>  <b>Wilford: house type code P204-I-7: Drawing No.02 Rev B</b>  <b>Hadley: house type code P341-D7: Drawing No.13 Rev B</b>  <b>Hadley: house type code P341-D7: Drawing No.13 Rev B</b>  <b>Henley: house type code H588--7: Drawing No.13 Rev B</b>  <b>Holden: house type code H469--H7: Drawing No.13 Rev D</b>  <b>Meriden: house type code H429--H7: Drawing No.13 Rev C</b>  <b>Winstone: house type code H421--H7: Drawing No.13 Rev D</b>  <b>Ingleby: house type code H403-F7: Drawing No.02 Rev A</b>  <b>Abbeydale: house type code H349-H7: Drawing No.13 Rev C</b>  <b>Avondale: house type code H456-X7 3W09: Drawing No.13</b>  <b>Archford: house type code P382-EH7: Drawing No.13 Rev C</b>  <b>Archford: house type code P382-I-7: Drawing No.13 Rev D</b>  <b>Archford: house type code P382-EG7: Drawing No.13 Rev A</b>  <b>Greenwood: house type code T322-E-7: Drawing No. 15 Rev A</b>  <b>NGF – SH74: house type code SH74-E-7: Drawing No.01</b>  <b>NGF – SF58 &amp; SF59: house type code SF58-E-7/SF59-EH7: Drawing No. 01</b>  <b>SH50: house type code SH50-EH7: Drawing No. 11</b>  <b>SH50: house type code SH50-I-7: Drawing No. 11 Rev C</b>  <b>SH52: house type code SH52-EH7: Drawing No. 11</b>  <b>NGF-SH67: house type code SH67-EH7: Drawing No. 01</b>  <b>NGF-SH67: house type code SH67-I-7: Drawing No. 01</b>  <b>NGF-SH69: house type code SH69-EH7: Drawing No. 01</b>  <b>NGF-SH67: house type code SH67-I-7: Drawing No. 01</b> </p> <p> <b>Reason: To ensure that the development hereby approved is carried out in accordance with the approved plans and details.</b> </p>
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3.	<p>No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <ul style="list-style-type: none"><li>• Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.</li><li>• Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.</li><li>• Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA</li><li>• Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.</li><li>• Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term resilience.</li></ul> <p><i>Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and Policy 1 of the Broxtowe Part 2 Local Plan (2019). It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.</i></p>
4.	<p>No development, including site clearance, shall commence until measures to protect the retained hedgerows and trees on site during construction have been submitted to and agreed in writing by the Local Planning Authority. No development shall commence until the agreed protection measures are in place and these shall</p>

	<p>be retained in place until all construction in the area around the protected vegetation has been completed.</p> <p><i>Reason: No such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of biodiversity and in accordance with the aims of the NPPF, Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
5.	<p>No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan should include the following:</p> <ul style="list-style-type: none"> <li>a) pipes over 200mm in diameter capped off at night to prevent animals entering</li> <li>b) netting and cutting tools not to be left in the works area where they might entangle or injure animals</li> <li>c) No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal</li> <li>d) construction lighting proposals</li> <li>e) materials, plant and machinery storage locations</li> <li>f) dust management plan</li> <li>g) proposed working practices to minimise harm to wildlife and trees</li> </ul> <p>The development shall be constructed in accordance with the agreed CEMP.</p> <p><i>Reason: To ensure the impact on ecology is minimised during construction and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
6.	<p>No development, including site clearance, shall commence until details of appropriate gas prevention measures have been submitted to and approved in writing by the Local Planning Authority. No building to be erected pursuant to this permission shall be occupied or brought into use until:</p> <ul style="list-style-type: none"> <li>(i) all necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</li> <li>(ii) it has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</li> </ul>

	<b><i>Reason: No such details were provided with the application and it is considered that the development cannot proceed safely without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></b>
7.	<p>No development shall commence until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning Authority including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be constructed in accordance with the approved details.</p> <p><b><i>Reason: No such details were provided with the application and it is considered that the development cannot proceed safely without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></b></p>
8.	<p>No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p><b>Reason: In the interest of highway safety.</b></p>
9.	No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturdays and at no time on Sundays or Bank Holidays.

	Reason: To protect nearby occupants from excessive construction noise and vibration <i>and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
10.	<p>Occupation of the proposed dwellings shall not take place until the site access as shown for indicative purposes only on drawing number ADC2052-DR-001 Revision P6, including the proposed pedestrian refuge island across Cordy Lane has been provided.</p> <p>Reason: In the interest of highway safety.</p>
11.	<p>Occupation of the proposed dwellings shall not take place until the off-site highway works at the A608 Cordy Lane / B600 Willey Lane junction as shown for indicative purposes only on drawing number ADC2052-DR-002 Revision P3 have been provided.</p> <p>Reason: To mitigate the impact of development traffic on the network, in the interest of highway safety.</p>
12.	<p>Prior to works commencing above foundation level a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan should detail how protected or otherwise notable species and habitats on site will be protected throughout the construction and operation phases of the proposed development and include measures such as those to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130mm x 130mm and/or railings and/or hedgerows. Such approved measures shall be implemented in full and maintained thereafter in accordance with details which shall first be submitted to and approved in writing by the local planning Authority.</p> <p><i>Reason: To ensure that the development contributes positively to the Borough's ecological network and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
13.	<p>Trees referenced T1, T2 and T3 in the Crestwood Environmental: Bat Activity Survey Report (CE-CL-1493-RP03A - final) shall not be removed unless and until an endoscope survey has been undertaken immediately prior to any proposed works in the presence of a suitably qualified ecologist. A report detailing the findings of this survey, including any proposed mitigation measures, shall be submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures shall be carried out in accordance with the agreed details.</p> <p><i>Reason: In the interests of safeguarding habitat for bats, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>

14.	<p>No development shall commence above ground floor level until a noise assessment has been undertaken detailing a scheme for protecting the proposed dwellings from noise from the multi use games area and sports pitches adjacent to the proposed development has been submitted and approved by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To protect future occupiers from any significant adverse impact as a result of excessive recreational noise in accordance with paragraph 180 of the NPPF.</i></p>
15.	<p>Nothing shall be stored or placed in any area fenced in accordance with condition 4 and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.</p> <p><i>Reason: To ensure the retained trees are not adversely affected and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
16.	<p>No external lighting shall be erected until a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The lighting shall be installed and thereafter maintained in accordance with the agreed details.</p> <p><i>Reason: No such details were submitted and in the interests of safeguarding habitat for bats, in accordance with the aims of Policies 20 and 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
17.	<p>An updated Great Crested Newts survey shall be undertaken and the results submitted to the Local Planning Authority should the development not commence within 18 months of the date of the permission. All mitigation measures identified within the report shall be undertaken in full prior to the occupation of any of the dwellings hereby approved.</p> <p><i>Reason: To ensure the impact on ecology is minimised and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
18.	<p>A timetable for the implementation of the soft landscaping proposals hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written</p>



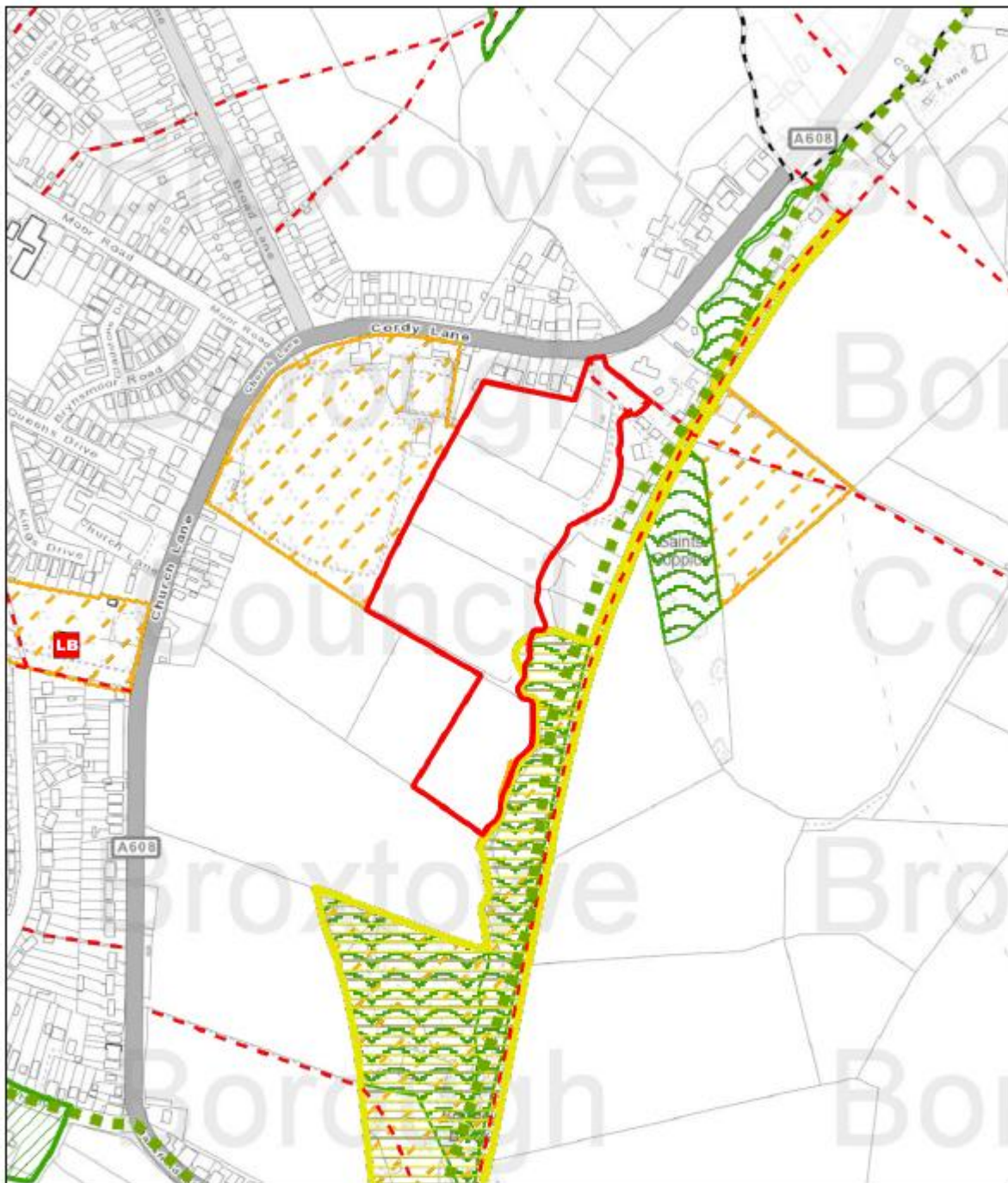
	<p>consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality, to ensure the landscaping takes place in a timely fashion and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
19.	<p>No above ground floor level works shall commence until details of the location of all meter boxes have been submitted to and approved by the Local Planning Authority.</p> <p><i>Reason: In the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
20.	<p>Prior to the occupation of the dwellings hereby approved, details of a private management company for managing the onsite open space and a detailed landscape management plan, which includes long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority and maintained and retained for the lifetime of the development.</p> <p><i>Reason: To ensure the site is suitably landscaped and this is maintained for the life of the development.</i></p>
21.	<p>No dwelling shall be occupied until its own boundary treatment has been erected in accordance with the approved details.</p> <p><i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
22.	<p>No retaining wall on any plot shall be installed until details, including section drawings where necessary, have first been submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be first occupied until the boundary treatment for the respective plot has been installed in accordance with the approved Boundary Treatment plan and any agreed retaining wall details.</p> <p><i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>

23.	<p>Occupation of the proposed dwellings shall not take place until their respective driveway/shared driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveways to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p>Reason: In the interest of highway safety.</p>
24.	<p>Occupation of the proposed dwellings shall not take place until Brinsley Footpath 31 has been diverted in accordance with the details shown on drawing H8060/P101e Rev F.</p> <p>Reason: To prevent the obstruction of the public highway.</p>
25.	<p>Electric vehicle charging points shall be installed on the dwellings as indicated on the approved plans prior to their first occupation and thereafter retained and maintained for the lifetime of the development.</p> <p><i>Reason: To ensure environmental measures are incorporated within the scheme, in accordance with the aims of Policy 1 of the Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Part 2 Local Plan (2019).</i></p>
26.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting this order, no extensions or enlargements shall be carried out to the dwellings at plots 14, 15 and 17 hereby approved which come within Class A or B of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.</p> <p><i>In the interests of the amenity of adjoining neighbours and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
27.	<p>The first floor windows in the north facing side elevation of plots 14 and 15 shall be obscurely glazed and fixed shut below 1.7m from floor level within the room it is located.</p> <p><i>Reason: In the interests of residential amenity and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	NOTES TO APPLICANT:

1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3.	Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
4.	Reference in any condition contained in this permission/ to any Statute, Statutory Instrument, Order, Regulation, Design Guide or other document shall be taken to include any amendment, replacement consolidation or variation that shall from time to time be in force and any reference to any body or organisation (public or private) shall be taken to include any successor-body or organisation exercising relevant functions in place of or alongside the body named.
5.	<p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks for which there is a fee.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: <a href="mailto:hdc.south@nottsc.gov.uk">hdc.south@nottsc.gov.uk</a></p>
6.	In order to carry out the off-site works required you will be

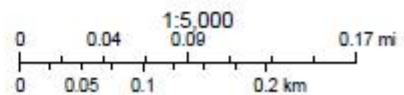
	<p>undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act for which there is a fee. Please contact: <a href="mailto:hdc.south@nottsc.gov.uk">hdc.south@nottsc.gov.uk</a></p>
7.	<p>The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land. [Where the development site may be accessed by a significant number of vehicles or may be particularly susceptible to material 'tracking' off site onto the highway, details of wheel-washing facilities must be provided to and approved by the Highway Authority.</p>
8.	<p>The proposed development requires the diversion of a public right of way which is administered by the Department for Transport. The grant of planning permission for this development does not authorise the obstruction or diversion of this public right of way and an unlawful obstruction to the right of way is a criminal offence and may result in the obstructing development being required to be removed.</p>

# Brinsley



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-  Conservation Area
-  Ancient Woodland
-  Local Nature Reserves
-  Local Wildlife Site



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Photographs



From the site access looking to the east along Cordy Lane and towards the access from Cordy Lane



Within the site showing the existing access and towards Cordy Lane





A

series of photos of a view towards the rear of properties on Cordy Lane,  
View towards rear of property's on Cordy Lane







View from footpath 31 into site, the north-eastern boundary and towards the site access



North to south across the site



Within the site looking south





Towards the eastern boundary with the Brinsley Brook





Views of western boundary with the recreation ground







south-western corner towards the north ground



south boundary towards recreation



Towards the site from the recreation ground

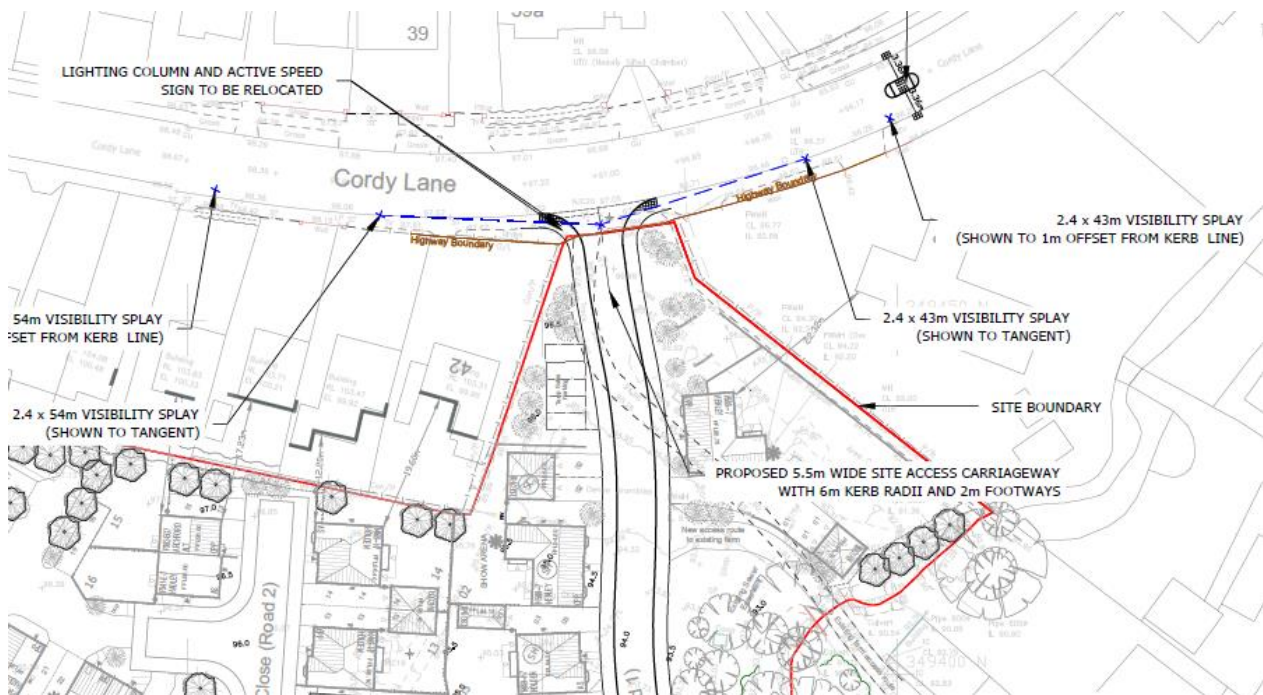




**Plans (not to scale)**



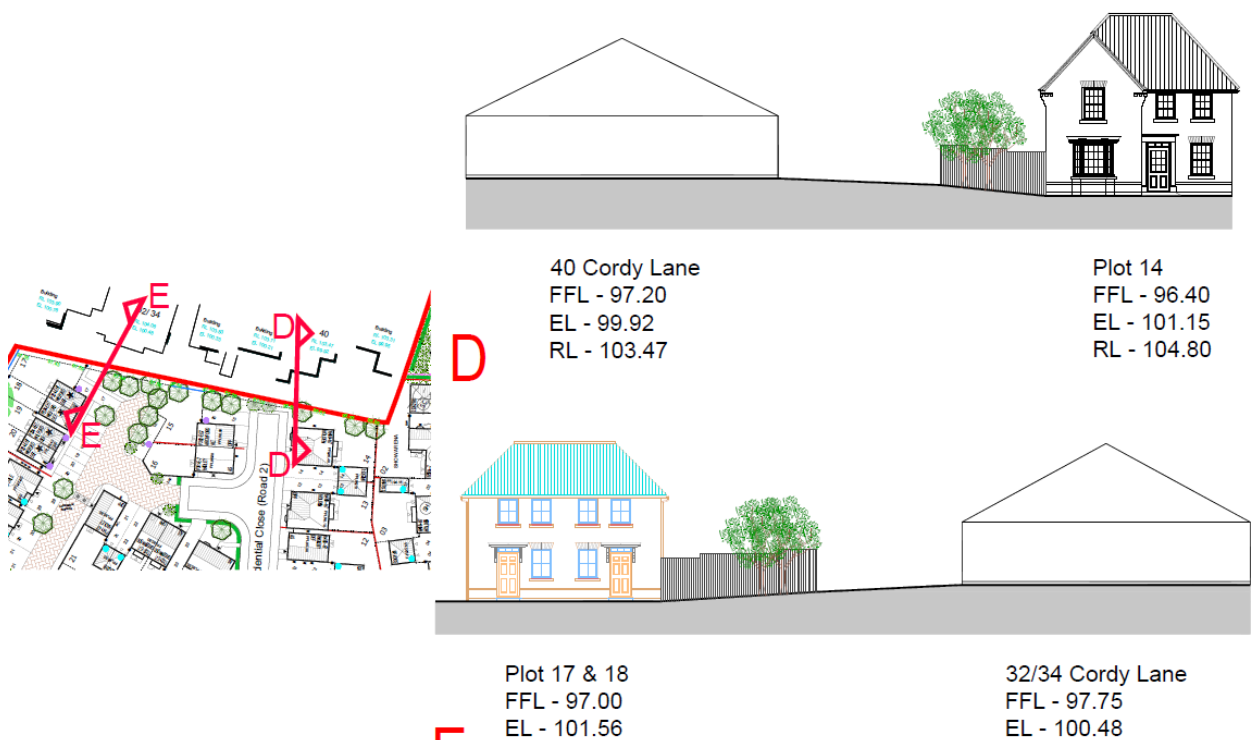
Site layout plan



Proposed access



Proposed streetscenes



Proposed cross sections



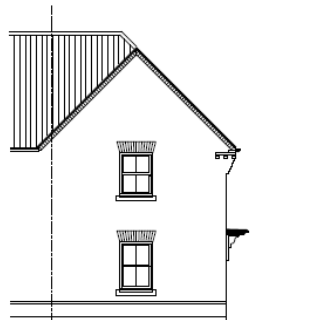
Avondale house type



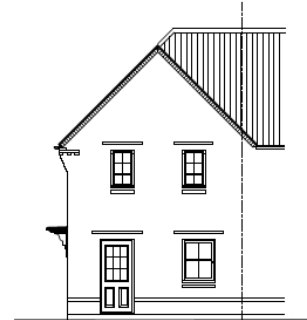
Archford (hipped end terrace)



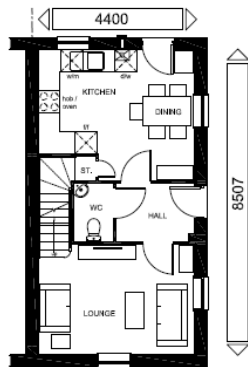
**FRONT ELEVATION 1**



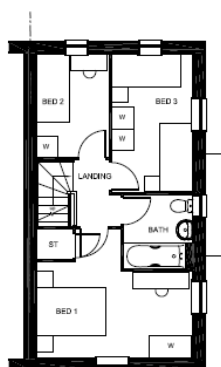
**FRONT ELEVATION 2**



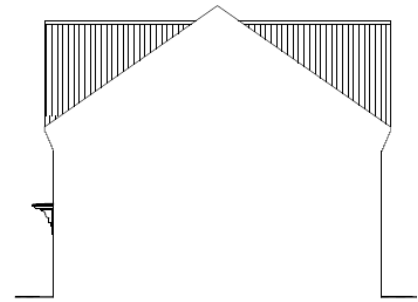
**REAR ELEVATION**



**GROUND FLOOR PLAN**



**FIRST FLOOR PLAN**



**SECTION**

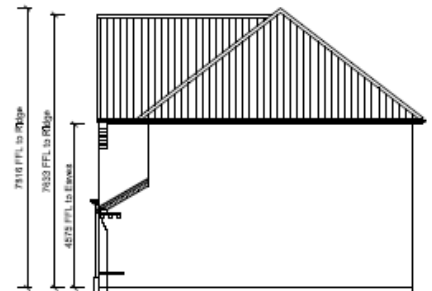
House type: SH74-E-7



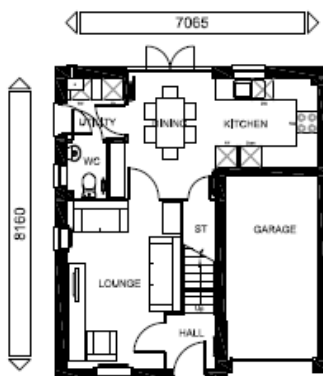
**FRONT ELEVATION**



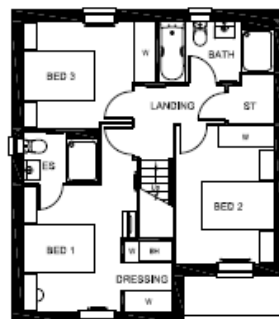
**REAR ELEVATION**



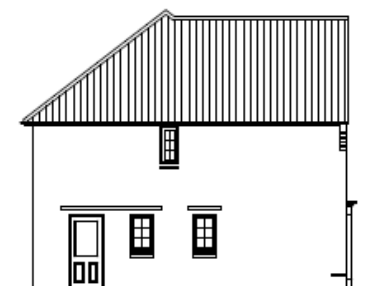
**SIDE ELEVATION**



**GROUND FLOOR PLAN**

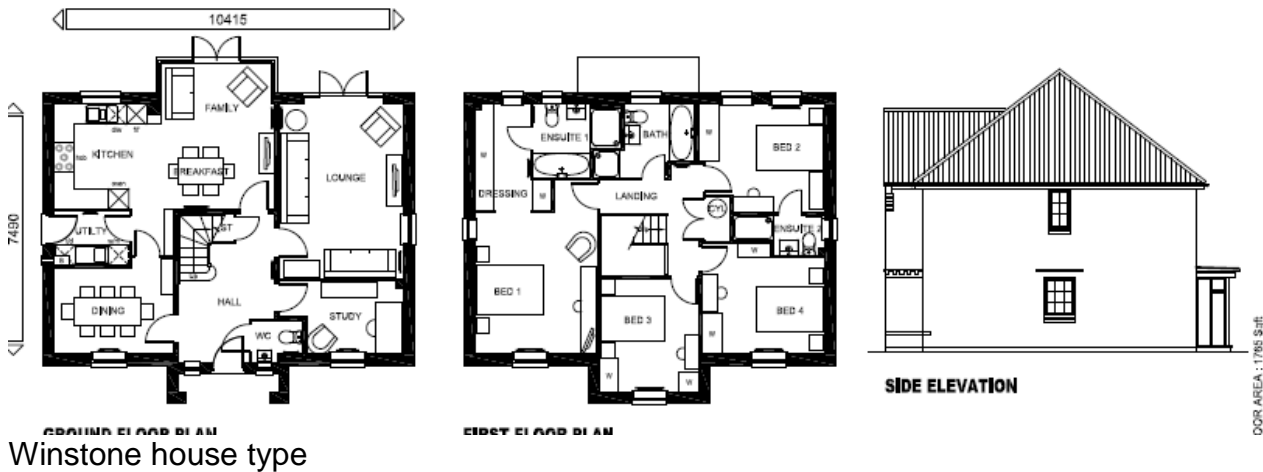


**FIRST FLOOR PLAN**

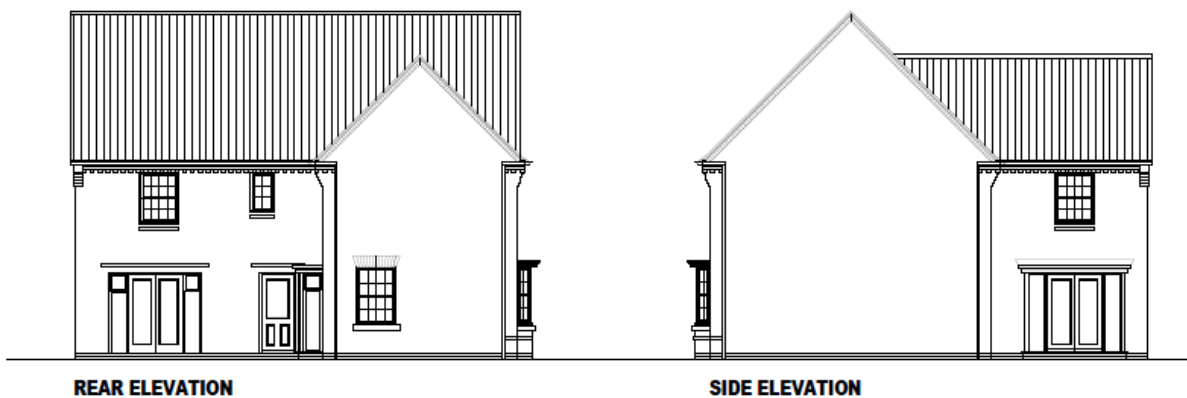


**SIDE ELEVATION**

Abbeydale house type

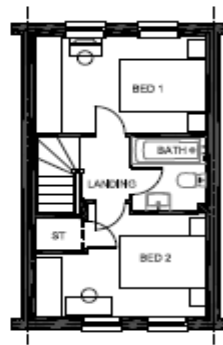
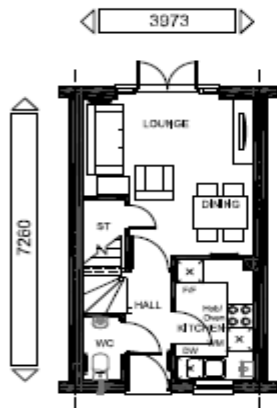
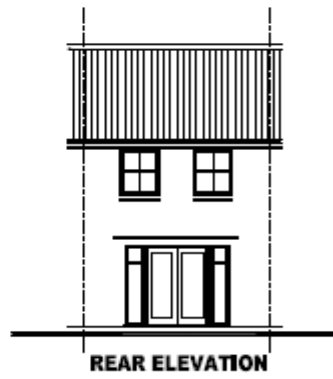


Winstone house type



Henley house type





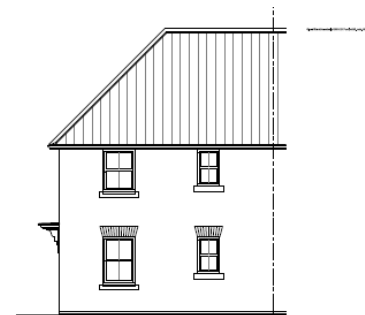
Wilford (mid terrace) house type



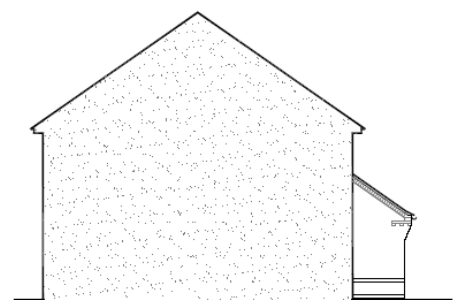
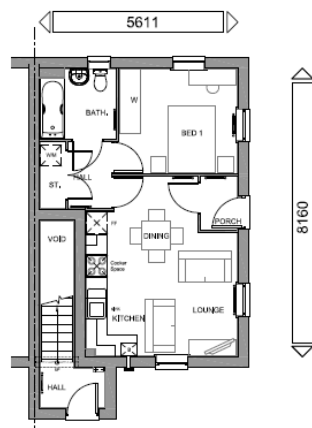
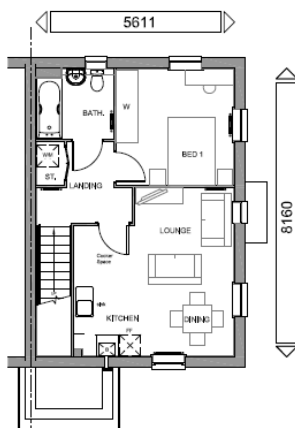
**FRONT ELEVATION**  
SF59



**FRONT ELEVATION**  
SF58

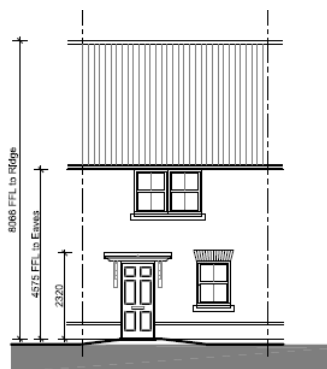


**REAR ELEVATION**

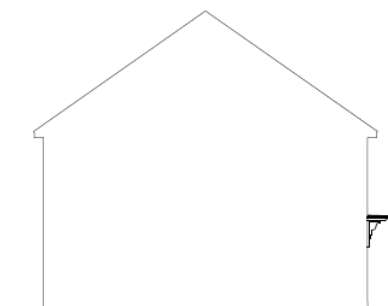


**SECTION / SIDE ELEVATION**

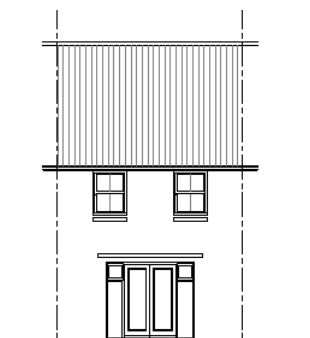
SF58-E-7/SF59-EH7 house types



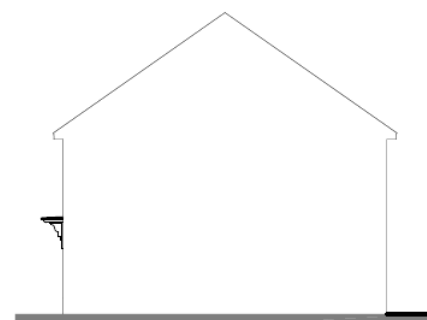
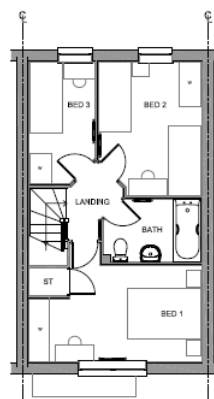
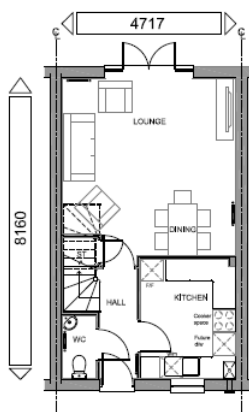
**FRONT ELEVATION**



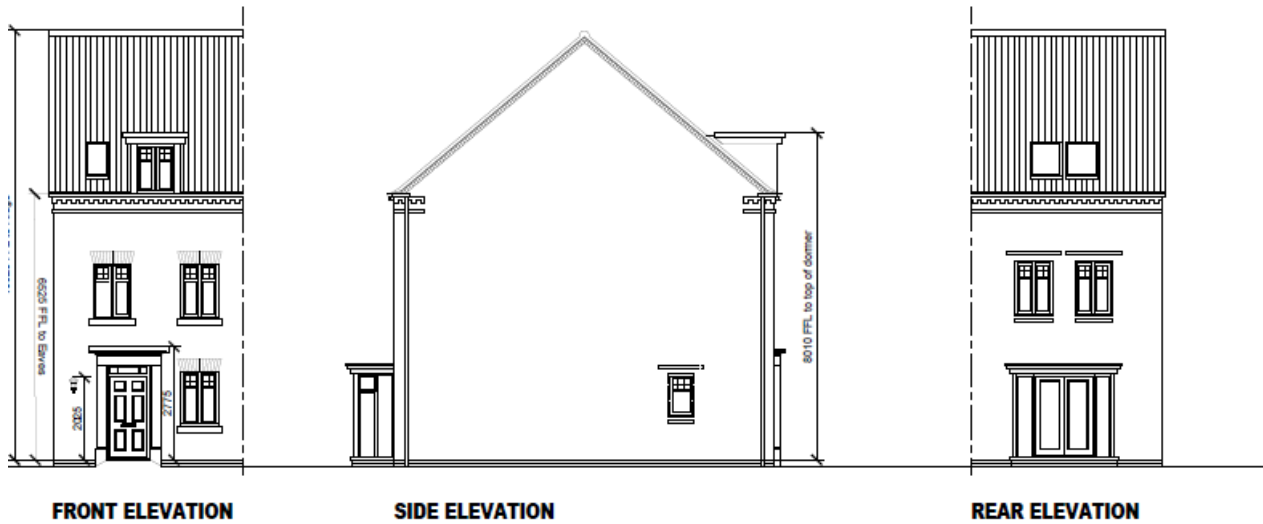
**SIDE ELEVATION**



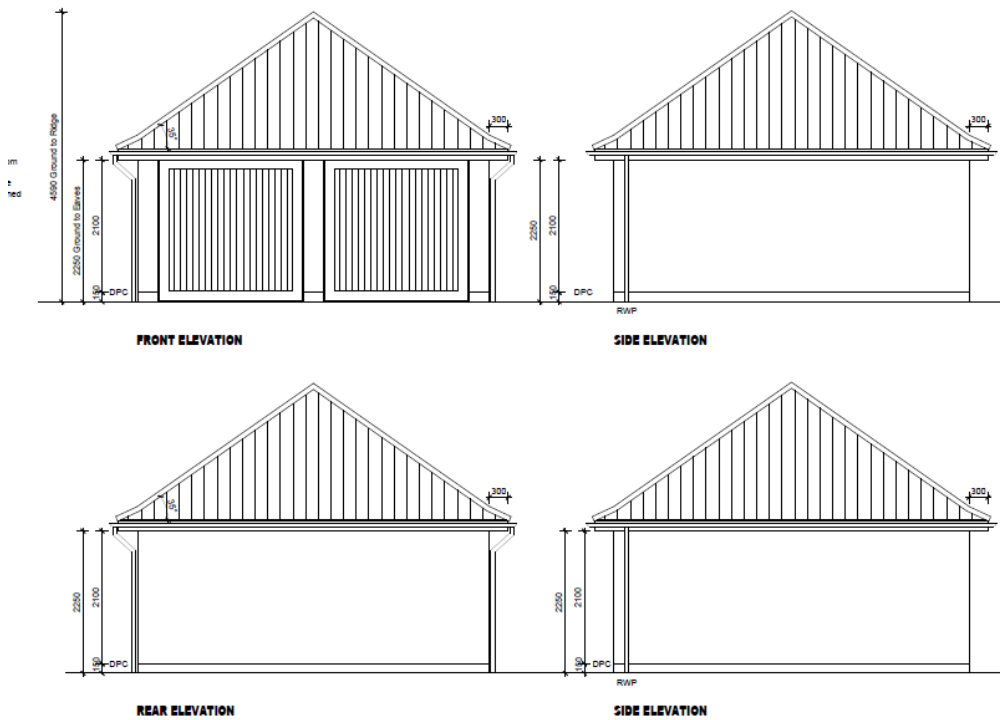
**REAR ELEVATION**



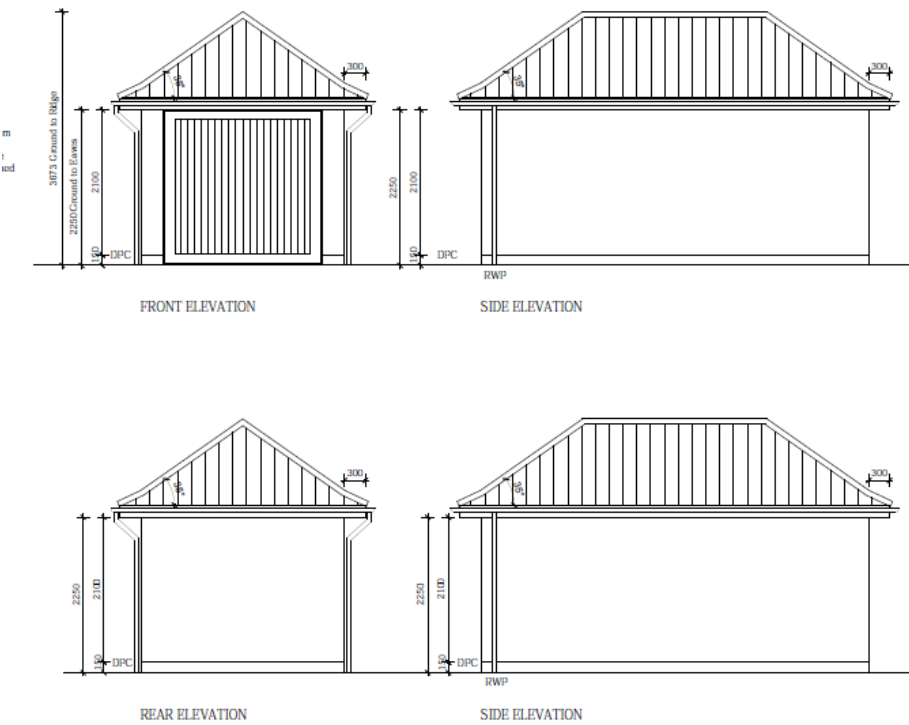
SH69-I-7 house type



Greenwood house type



Standard 2 x single garage types



Standard single garage